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DIANE M. SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Board Meeting Minutes – July 1, 2019 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3, Boston

Board Members Present:

- Jane Hardin (JH)
- Jeffrey Dougan (JD)
- Ray Glazier (RG)
- Dawn Guarriello (DG)
- David Johnson (DJ)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

- William Joyce, Compliance Officer, (WJ)
- John High, Assistant Legal Counsel and Director of External Affairs, DPL (JH)
- Karen Brann, Program Coordinator (KB)

Board Members not in Attendance:

- Walter White (WW)
- Andy Bedar (AB)

The Chair opened the meeting.

JH, AB, PM, JD, HR, DG,

Incoming Case Review:

1. Stephen Sampson, Chief of Inspections, Elevator Board

Westford Common Bandstand, Lincoln Street and Main Street, Westford, V08-066

Chief Sampson – Westford common bandstand

In 2008 the case was in front of the elevator board for a portable wheelchair lift which was denied. Advised them to go to AAB. Granted a variance for portable wheelchair lift with conditions. Smaller version lift 36 x48, has been there since 2009. Received complaints it was not being inspected. At times they were using it to move band equipment. Set out a supervisor to look and it and was bolted. Made a decision since it was bolted classified as a wheelchair lift. Shut it down and wanted elevator inspector to inspect it. Mobility One. Inspector said it is in good order and ran fine. Wheelchair lift classification. Found elevator - classified as found unit. Use the code it was installed under 1996 code. 12ft x 36inches, shorty lift. Intent was to look at it to make sure it is safe. Told town not to move musical equipment strictly for accessibility.

Katherine Phaneuf, Westford Commission on Disability, wrote to the Commissioner. It is a safe unit. Mr. Sampson asked the Board if they had an objection of the size 36x48. Some people want it taken out. If they were to modify it they would have to bring it up to current code. WJ – Ms. Phaneuf says they only activate the lift when town is using band stand. Board granted on the size to use a portable lift.

JD - In 2008, a policy was accepted. Ms. Phaneuf is concerned about limited use – not used for general public, different from what the Board granted the variance on. Elevator board section is done now back to the board.

HR motioned to take under advisement PM seconded. JD abstained. Motion passed.

2. Temporary Gallery, 95-127 West Rodney French Blvd, New Bedford, V18-149, V18-376
Stephen Sampson, Chief of Inspections, Elevator Board

Sent an inspector. We were told a new passenger elevator was going to be installed. They have contracted with Associated Elevator. They have a fire detail during events. Two way communication. Will keep us updated. Looking for start date of passenger elevator.

JD motioned for Staff to reach out to get a timeline, request time. PM seconded, motion passed.

3. 808 – 812 Memorial Drive, 808-812 Memorial Drive, Cambridge, V19-038

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Handrail, proposing compliant wall side.

DG motioned to continue for cost analysis. HR seconded, passed unanimously.

4. Herc Equipment Rental, 2567 Boston Road, Billerica, V19-106

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The Board previously continued for information on space marked as lounge. It is a walk through space, no seating.

JD motioned to grant on condition of approval of accommodation policy.

DG seconded, passed unanimously.

5. Taylor School, 8 Hill Road, Boxborough, V19-122

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Seeking a permit at risk.

JD motioned to support a permit at risk on the condition of the receipt of a variance application in 60 days. DG seconded. Passed unanimously.

6. Ramps, Grafton Street, Worcester, V19-136

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief for seventeen curb cuts.

JD - can they put in slope down curb cuts. The ones that exceed 2% where are they? Want to know what the proposed slopes will be.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

JD motioned to continue to see if any of the 17 curb cuts could accommodate a slope down to a level curb cut, where not doable and where the curb cuts exceed 2%, information on what the slope is. HR seconded, motion passed.

7. Nobska Lighthouse, Keeper's House, 233 Nobska Road, Woods Hole, V19-140

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking sixteen variances.

JD – pg. 6, historic preservation. Over 30%. Is the second floor truly not public? Friends of Nobska light are they employees?

JD 1 – 2 entrance and pull side clearances

~~#1 JD motioned to grant as egress only with appropriate signage.~~

JD withdrew his previous motion.

RG arrived

*#1 JD motioned that if it is egress only, no variance is needed.
DG seconded, RG abstained, motion passed.*

#2 – pg. 23 JD motioned to grant as proposed. DG seconded, passed unanimously.

3,-16 stair, handrails

JD motioned to continue for information to make sure the public is not allowed, and for the petitioner to submit an affidavit. HR seconded, passed unanimously.

8. Attleboro High School, 100 Rathbun Willard Drive, Attleboro, V19-145

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Relief in the auditorium.

1 – 5 JD motioned to grant as proposed. RG seconded, passed unanimously.

#6 collaboration stair can seat distribution be at bottom stair as well?

*JD motioned to grant on the condition at least 2 wheelchair spaces be in the lower section.
DG, PM opposed. Motion passed.*

PM would like to see a more inclusive design.

9. Sidewalks and Ramps, Multiple Streets, Revere, V19-148

Exhibit – Variance Application and associated documents

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Mr. Joyce presented the Variance Application and associated documents.

Item 2 21.3 *JD motioned to grant on the three. AB seconded, passed unanimously.*

#3 ramp 30, 21.3 *JD motioned to grant as proposed. HR seconded, motion passed.*

#1 pushbutton control will it control both curb cuts?

JD motion to continue for more information on if push the button controls both curb cuts and if they comply with 521 CMR and the reason why they can't be relocated.

PM seconded, passed unanimously.

Incoming Case Review:

10. Dig Inn, 83 Mount Auburn Street, Cambridge, V19-177

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner requested to waive the two week waiting period.

PM motioned to grant the two week waiting period.

RG second AB recused himself, motion passed.

David Johnson arrived

Renovations of existing building 12 inch step at front proposing ramp at the side.

20.11.1 no second egress, two toilet rooms.

25.1, 20.11.1 JD motioned to grant with signage.

DG seconded. AB and DJ abstained, motion passed.

30.7.1 JD motioned to grant on the condition doors have a closure.

DG seconded, AB recused, motion passed.

11. St. Gabriel's, 159-201 Washington Street, Boston, V19-158

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

JD motioned to grant. RG seconded, passed unanimously.

12. Six Family Structure, 28 Porter Street, East Boston, V19-159

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

JD motioned to packet PM second, passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

13. New Mixed Use, 476-480 West Broadway, Boston, V19-160
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner proposes to use a lift.

*PM motioned to continue for a study on a LULA or elevator and detailed drawing of the area.
DJ seconded, passed unanimously.*

14. Five Story Mixed Use, 457-463 West Broadway, South Boston, V19-161
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Car stacking system, 66 spaces normally requires 3. Will provide 2 accessible spaces.

JD motioned to grant, HR seconded, passed unanimously.

15. Handle Bar Indoor Cycling Studio, 101 Canal Street, Boston, V19-162
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Renovation of retail space. Sound proofing. Studio B is 7 inches up.
No access to studio B, studio A is the same.

*JD motioned to grant for this use only, and approved of an accommodation policy.
DJ seconded, passed unanimously.*

16. Existing Interior Space, 38-54 Exchange Street, Lynn, V19-164
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking relief for 8 stairs.

JD motioned to packet. DG second, passed unanimously.

17. BMC Durfee High School. 360 Elsbree Street, Fall River, V19-165
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking 4 variances, handrails

#1 JD motioned to grant as proposed. RG seconded, passed unanimously.

#2 14.6

Interior route to stage.

JD motioned to grant with appropriate signage. DG seconded, passed unanimously.

#3 handrails at

JD motioned to grant DG seconded, passed unanimously.

#4

*DG motioned to continue for a study of room and how to get to the lower level, and doors.
PM seconded, passed unanimously.*

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

18. Mabell Burrell Elementary School, 60 South Street, Foxborough, V19-166
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking relief on two items.

*JD motioned to grant on both variances on the condition of an accommodation policy.
PM seconded, passed unanimously.*

19. South Shore Hellenic Church, 811-819 Jerusalem Road, Cohasset, V19-167
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Seeking to use a lift instead of elevator. Independence Associates is opposed to variance.

*HR motioned to continue for a discussion on second means of egress and a study for a LULA,
and orientation of the lift. PM seconded, passed unanimously.*

20. Former Worcester Boy's Club, 16 Salisbury Street, Worcester, V19-168
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking 7 variances.

JD motioned packet. PM second, motion passed.

21 Concord Academy, Haines Hobson Building, 186 Main Street, Concord, V19-169
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is claiming the elevator exception but it is not clear it applies. Relief for inner
handrail proposes wall side rail.

*Stairs - JD motioned to grant as proposed with pictures when completed.
HR seconded, DG abstained, motion passed*

*JD motioned to have staff reach out to concord academy regarding vertical access elevator
exception. HR seconded, DG abstained, motion passed.*

22. Quinsigamond Community College, Walkway Ahlfors and Harrington, Worcester, V19-170
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Walkway project.

JD motioned to grant. PM seconded, passed unanimously.

23. Josiah Smith Tavern. 358 Boston Post Road, Weston, V19-171
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking 12 variances.

DG motioned to packet. PM seconded, passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

24. First Congregational Church of Chatham, 650 Main Street, Chatham, V19-172
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking 7 variances.

JD motioned to packet. PM seconded, passed unanimously.

25. Three Story Residential, 69 Preble Street, South Boston, V19-173
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking relief from 25.1
No access a front.

JD motioned to grant on the condition when installed picture of route is sent to the board and with appropriate lighting along the route. RG seconded, passed unanimously.

26. Three Unit Residential, 269 gold Street, South Boston, V19-174
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
New 4 story 3 unit, lift from grade to group 1 unit.
Cut sheet of the lift.

JD continue for speck sheets. RG seconded, passed unanimously.

27. Cambridge Crossing, Parcel I Residential, 125 North First Street, Cambridge, V19-175
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Seeking 4 variances.
#1 sink

JD motioned to grant with the usual conditions and timeframe. DG seconded, motion passed.

#2 outlets

HR motioned to grant. Pm seconded, passed unanimously.

#3 wall oven height

DG motioned to grant. JD seconded, RG abstained. Motion passed.

#4 bottom freezer, will be replaced within 14 day of request if needed.

JD motioned to grant with the usual conditions, upon tenant request and included in lease, 14 day turnaround to be compliant completed, DG seconded, motion passed.

28. Frost Terrace, 1789 and 1791 Massachusetts Avenue, Cambridge, V19-176
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
No access to building A and duplex in building B.

JD motioned to schedule a hearing. PM seconded, passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Administrative Discussion:

29. Orinco, 56 JFK Street, Cambridge, V11-144

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Continued for Cambridge Commission site visit. Opposes request to remove lift.

HR motioned to schedule a hearing. JD seconded, passed unanimously.

30. 7 Story Commercial Building, 46-48 Court Street, Boston, V17-108

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Previously continued on the entrance. Proposing a fitness business. Proposing appointments only, if need accessibility they have secured another gym within 1 mile.

JD motioned to grant for this tenant only, with accommodation policy.

DG seconded, motion passed.

27 - Previously denied on egress stairs.

Winders – fixing handrails, and open risers, can't fix the winders.

Asked the board reopen and reconsider.

JD motioned to open and reconsider. PM seconded, passed unanimously.

JD motioned to grant relief to the winder stairs. RG seconded, passed unanimously.

1:00 p.m. - The Spice Lofts, 141 West Second Street, Boston, V19-025

Exhibit #1 Hearing Package AAB 1 – 31

Exhibit #2 Color plans

Christopher Anifantis, Spice Lofts ((CA)

Deborah Ryan, Deborah Ryan Associates (DR)

Michael Meuhe, BCIL (MM)

The Chair swore the parties in.

JH, PM, JD, AB, HR, DJ

DR - Donald Lang was helping but couldn't come today. Existing building 1920's. In 2009 there were renovations to the condos. At the time there were no requirements for group 1 or 2. Has an accessible entrance and elevator. Top has 6 condos and roof rights. They want to put private roof decks for their condos.

The roof, areas in pink on the colored plans are private for the unit below the roof. Areas are private roof decks for that unit. \$40,000 for each deck. Condo association decided to put little area you will see it in blue, to allow the other 11 units to have access to. They have looked at getting access up there. Could they put an incline lift? A letter from Garaventa, because of egress cannot put on stairwell. Vertical wheelchair lift, the only common space is the hallway.

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No space for a vertical lift. Could they extend the elevator to roof. Got cost estimate \$115,000 plus \$51,000 for construction. They are requesting variance to not spend 50% of construction cost. Excessive cost without benefit.

WW arrived

Went over first case that brought substantial benefit.

Is there a substantial benefit. I would argue there is not. Only 17 owners of building. It is 300 sq. ft.

CA – we understand the reasons behind it.

DR - most of the cost would be passed on to the 6 owners. There is a letter from Donald Lang and Garaventa.

MM - as stated in letter there will be a substantial benefit. There are multiple units in this building. Residence can bring guests into their dwellings. The benefit of views and sun, fresh air should be for all. I ask the board to consider this.

DJ – what is the height of the guardrail for the decks?

CA - I am not sure of the exact height, was design within the regulations.

DR - it was whatever the building code required

DJ –Roof edge

CA - the decks on the side of building areft in. to the rear

Knee street to front

David – did you get just the one bid?

CA - we got 1 bid from the co that services the elevator.

David – going from the top to the roof

CA - yes

HR – suppose one of the upper unit has access to roof deck becomes for sale and a person with a disability wanted to purchase what would you say to them?

DR – the unit owner would be responsible.

HR - they would say I can't sell to you.

DR – they could tell them they could put interior access or talk to the association.

CA – it could happen and if it would happen to me I would realize.

As a seller of the unit it is marketed as having outdoor space. If someone wanted to buy they might want to try to getup to the unit.

MM - 5 years from now a perspective buyer, response would be the previous owner did not have the foresight to extend the elevator.

DR - had it been under construction, it could be accomplished. In 2009 there was not the intention of roof deck.

HR - if you were to put in an elevator who would pay?

DR - the six owners.

It is more than the current budget to build the six decks.

AB – obviously if we ask you to do it you will have to.

PM - what about the other owners are they interested in pitching in.

CA – they are involved in the project because of the small area of common space it was difficult to get this passed. There is a cost with living in the city. If they will be willing to chip in additional funds would have to go back for a vote.

JD - I am assuming the condo association has a reserve account. Are there other places to draw from? No group 1 or 2. There would be a benefit but at 50% of the cost. Any avenue through the association.

CA- I don't know the exact dollar amount, it is moderate we have had projects, \$20,000 roof

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

repairs will be coming from that budget. Ventilation problems. Have substantial maintenance issues.

MM - Read Donald Lang's email. Mistake on the owner's behalf. It is common place for a condo building to occur costs and distribute fairly. If they are worried of cost open roof deck to all units and spread the cost.

DR - 6 units on 3rd floor have exclusive rights.

HR – if there wasn't a better case study than this...I am torn, we use the term substantial benefit based on previous decisions we have made. I am going to deny the variance.

JD - in Donald Lang's letter 2nd page,guests of the 6 units.

DR - the areas in pink.

JH - regards to other units are there any balconies?

CA - there are six units on the rear part of the building. Small balconies.

CA - floor space probably 4 x 7 roughly.

HR motioned to deny the variance. RG seconded,

In favor deny HR yes, DJ, RG deny

DG abstained

Motion failed

Grant time extension to August 1. DG

Against JD PM AB

Motion failed.

JD motioned to take under advisement. PM seconded, DG abstained, motion passed.

31. Union and West, 95 West Street, V18-336

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Previously granted for 9 outlets. .

Within 18 inches. Thought they wouldn't need in original submission.

JD motioned to grant, PM second, motion passed.

32. Three Story Building, 182 West Main Street, Marlborough, V18-385

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Previously continued to reduce landings.

Top ramp is deeper because of door landing.

DG motioned to grant on condition the outer lower extension wraps back on itself.

JD seconded, motion passed.

33. Wood Frame Structure, 548 Dalton Avenue, Pittsfield, V19-119

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking an extension to the existing TCO until 8/1/2019.

JD motioned to support the extension of the existing Temporary Certificate of Occupancy until 8/1/2019. DG seconded, passed unanimously.

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2:00 p.m. - Kiwanis Beach, 99 Kiwanis Beach Road, Upton (C16-114, C16-049, & V18-087)
Fine Hearing
Exhibit #1 AAB 1-25
Derek Brindisi, Town Manager, Town of Upton (DB)
Lyn Haggerty, Resident (LH)
Jerry Haggerty, Resident (JH)
William Joyce, Compliance Office, AAB (WJ)

The parties were sworn in by the Chair.

WW, PM, RG, JH, HR, DG, DJ

JD recused himself and left the room

WJ – the complaint was originally filed by Ms. Haggerty on a walkway and issues at the Ramsey building. Received second complaint from Scott Ricker on the dock and fire pit. Board gave the town time to complete some issues.

We received two submissions recently from the Town.

DB – we submitted documents proving we are in full compliance. I admit upper ramp took longer than anticipated. We were told it would only take 2 – 3 weeks to become compliant. Contractor didn't start until late April. Today I can tell you the building commission has signed off on the walkway. We have asked Mike Kennedy to assist us. We feel confident it is compliant. CDM has taken pictures. Other request to provide master plan. Had meetings, completed early spring, still has not gone live. Still working to find best course of action. The boat dock is still not compliant. It is aged and not worth saving. Updated website. We still have the issue of the Ramsey building. We waited to complete the master plan to do Ramsey issues. Have a company under contract. It has to go to town meeting this fall for \$35,000. I don't like spending tax payer's money for something that is going to be ripped up. Plans talk about removing Ramsey building. 1.5 million.

WJ – I am concerned with the master plan, doesn't include dates. We granted a year for review.

WW - does master plan have other issues addressed.

DB - we have a transition plan.

WJ - master plan covers 4 parks. Need an estimate of correction of violations.

DB – The fire pit is in engineering as we speak. Anticipate town meeting in the fall. No money currently in the 20 budget. In the fall we go for the 20 budget. We will go out to bid in winter and expect spring construction.

LH – it sounds good, I have been watching the progress. They have been keeping up with projects as best as they can. Recreation commission does not report to town manager. I am not here to oppose fines upon the town. I am here to ask for timelines instead of fines. Like to see accommodation plan, It should have more substance.

WJ – these submissions were almost a year late. A reasonable one time fine to ensure an incentive to keep us in the loop.

DB - we asked for the site visit. We both failed on our obligations.

DG - when is the language for the town due?

DB – August 1. It will be on the Nov 5 article on the special town meeting. If it fails I will have to convince the board of selectmen to go to the trust fund.

DG - did you have to go to town meeting to get funding for the work?

DB – CBD 50%

LH – some trust funds, CBC

DB - our challenge is the rec commission acts very independently.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

HR – the only noncompliant is fire pit?

WJ – yes and upper level of Ramsey building is not to be used at all chained off

DB –that is not to be used. There was an occasion this past spring and found out about it and it ceases.

The fire pit is not accessible.

HR – when will project be funded?

DB - would like to believe.....hopefully by the end of the fiscal year for the walkway for the fire pit.

DB on page 23 of document from last week there is a layout.

PM - why didn't you let the board know?

DB - there is no excuse

PM - schedule of fire pit

DB 12 months from now.

DJ when was it supposed to be done by.

JW - we didn't set a time, they wanted to do a plan. May 1 for all the issues in the park.

DG – those are done. There wasn't a date for the fire pit is was part of the overall plan.

HR motioned to fine 1,000 to be held in abeyance provided walkway and fire pit are in compliance by 6/30/ 2020 and monthly reporting beginning 8/1/19 with the final report due 6/1 /2020. AB seconded, DJ abstained, JD recused himself. Motion passed.

34. Fay School Camp Building, 48 Main Street, Southborough, V19-067

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Received an amendment.

Seeking relief to use LULA and two years for construction.

PM motioned to grant the use of a LULA and time extension for 1 year 10/31/2020.

JH second, JD abstained, motion passed.

35. Tannery Apartments, 15, 16, 18 Crowninshield, 50 Warren, Peabody, V19-107

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

JD motioned to have staff talk to petitioner about options of installing an elevator or amending the application. PM seconded. Passed unanimously.

36. Sociedad Latina, 1530 Tremont Street, Roxbury, V19-112

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Nosing diagrams. Asking for relief to maintain the nosings.

DG motioned to grant. JH seconded, RG abstained, motion passed.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

3:00 p.m. - Three Family Building, 71-73 Ellington Street, Dorchester (V19-111) Variance Hearing
Exhibit #1 Hearing Package AAB 1 – 31
Exhibit #2 Photos of buildings
Exhibit #3 Plan done by land surveyor
Hezekiah Pratt, Architect (HP)
Amid ElKhouy, Owner (AE)
Michael Meuhe, BCIL (MM)

The parties were sworn in.

WW, DJ, DG, HR, JH, PM, JD, RG

HP - the building is two three family buildings on 1 site. Requires access through the first level. Not possible to provide access via ramp, it won't fit. AAB 21 site plan. Front is on property line. We are building two family buildings consistent with other buildings on that block. We went in front of the zoning board. At that time the board issued approval to proceed. We also cited from building coded violation. Approved a lift.

Denied ramp to the first floor.

WW - zoning board grants on zoning.

HP –our plan examiner cited us.

DJ – you went for access or setbacks.

WW - Did you need relief to have two buildings on one lot?

Yes

AE – originally wanted to do 6 family. Three family buildings are on that street.

HP - installing lifts in both buildings. The first floor unit is a duplex unit. At the moment wethe ground floor unitwill install to masonry stalls, closet. A shaft. Type 1 bedrooms, bathrooms and kitchens.

MM - lack of accessible housing in the Boston area. If I am hearing correctly, they put in concrete walls and require future tenants to put in the lift. Make all three floors accessible in each building. If the board does not agree at least make second floors accessible now not in the future.

HP – if you look at other three families most don't meet the requirement.

WW – you are talking of making the first floor accessible.

HP – yes. First floor is a flat. Unit has its own floor. Ground level has bedroom bathroom kitchen. This one unit has two levels.

WJ - doesn't meet IBC townhouse.

Excessive cost argument – cost would be a part of original construction lift \$7,000 per building.

WJ- should be \$20,000 – \$30,000 each. They need a variance to use a lift.

Need a variance to use anything except an elevator.

WW – there is no documentation of the cost. You have to prove the cost is excessive and unreasonable without benefit to people with disabilities.

DG – will the lifts at the front porch be installed?

Yes. First floor to the ground floor.

DJ - group 1, does all bedrooms need to be accessible?

WJ – two bedrooms if there are other bedrooms.

HR - we don't have a cost estimate on the inner lift.

WJ – AAB 27 second entrance needs relief to 25.1.

PM – who prevented you from doing the 6 units.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

AE - the community. Two three family would look better because it is what is on the street.

JD - the proposal is if someone makes request you will install the lift and inspections?

Yes and costs for both buildings.

RG – it will never be marked as an accessible unit.

WW - we will need to continue for more information and technical data of what lift it is and spec sheets. Cut sheet.

JD – need a realistic number of how much it is going to be to put both lifts in. How much is the front lift?

HP - waiting for cost.

MM - the petitioner has stated it is \$800,000 for both buildings. \$400,000 per unit, he may have misspoke.

HR motioned to continue for additional information, including cost estimate and discussion with staff by 9/1/19. DJ seconded, motion passed.

Quasi-Judicial Session, Pursuant to G.L. c. 30A, § 18

Spice Lofts, 141 West Second Street, Boston, V19-025

JD motioned to go into quasi-judicial. DG seconded, motion passed.

JD motioned to grant based on cost vs benefit. JH seconded passed, HR Opposed, passed

JD motioned to leave quasi-judicial. JH seconded, motion passed.

DG left for the day

37. Greenfield Cinema, 361 Main Street, Greenfield, V12-089

Exhibit – Variance Application and associated documents

Ms. Brann presented the Variance Application and associated documents.

The Board received a request for an extension to 1/15/2020 to complete the installation of the lift.

HR motioned to extend the time request to 1/15 2020 and keep fines in abeyance with monthly reporting and signed contract before 7/5/2019. JH seconded, passed unanimously.

37. Wayside Youth and Family Support, 3 Lockland Avenue, Framingham (V18-340)

Exhibit – Variance Application and associated documents

Ms. Brann presented the Variance Application and associated documents.

The petitioner submitted an amended application. They are proposing to install a full elevator.

The Commission has some concerns regarding the locking of the elevator.

~~Grant on accommodation policy an procedure policy and for this program use only as long as there is not material changes change in the population served in the in the program,~~
JD withdrew his motion.

PM motioned to continue until correspondence regarding the Commissions concerns are received. JD second, passed unanimously.

July 1, 2019

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

38. Savage Field, 36 Vale Street, Clinton, V17-295

Exhibit – Variance Application and associated documents

Ms. Brann presented the Variance Application, amended request and associated documents.

The Board received a time extension until 10/9/2019 for the installation of the vertical lift.

JD motioned to grant the time extension to 11/1/19 for the installation of the vertical lift which should be operational by close of business that dat. The petitioner shall submit photographs of the completed work no later than 11/4/19. JH seconded, passed unanimously.

39. Notre Dame Church, 446 Main Street, Southbridge, V19-123

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

JH motioned to grant with signage stating Narrow bathroom, don't put the symbol JD

40. Main and Academy Street, Fitchburg, V19-139

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

JD motioned to grant. PM seconded, passed unanimously.

41. Towne House Apartments, 141 Sea Street, Quincy, V19-141

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Received cut sheet and photo but no plans.

JD motion to continue for location and pictures of the lift and the lifts entire run, clarification on what "appropriate measures" will be, including cost of actual relocation of a tenant based request. RG seconded, passed unanimously.

Advisory

- Bruce Ringwald, Goldsmith, Prest & Ringwall, Inc. 39 Main Street, Suite 301, Ayer
Slide access at Discovery Center Museum

Does this constitute a piece of play equipment?

It is a bunch of them? Are there any unique elements? Will need to apply for a variance.

JD motioned that these are individual elements, accessible routes are required to each element variance required. JD seconded, motion passed.

Advisory Opinion

- Kelly Knopp, C3, 313 Congress Street, Boston
Group 2A bathtub clear floor space
Is it allowed to run under?

*RG motioned that the required 12 inches cannot run under the structure.
JD seconded, motion passed.*

July 1, 2019

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Minutes – June 3, 2019

JD motioned to accept the minutes from the June 3, 2019 meeting. JH seconded, passed unanimously.

Matters not reasonably anticipated 48 hours in advance of meeting.

Exhibits

Westford Common Bandstand, Lincoln Street and Main Street, Westford, V08-066

Exhibit – Variance Application and associated documents

Temporary Gallery, 95-127 West Rodney French Blvd, New Bedford, V18-149, V18-376

Exhibit – Variance Application and associated documents

Concord Academy, Haines Hobson Building, 186 Main Street, Concord, V19-169

Exhibit – Variance Application and associated documents

Quinsigamond Community College, Walkway Ahlfors and Harrington, Worcester, V19-170

Exhibit – Variance Application and associated documents

Josiah Smith Tavern. 358 Boston Post Road, Weston, V19-171

Exhibit – Variance Application and associated documents

First Congregational Church of Chatham, 650 Main Street, Chatham, V19-172

Exhibit – Variance Application and associated documents

Three Story Residential, 69 Preble Street, South Boston, V19-173

Exhibit – Variance Application and associated documents

Three Unit Residential, 269 gold Street, South Boston, V19-174

Exhibit – Variance Application and associated documents

Cambridge Crossing, Parcel I Residential, 125 North First Street, Cambridge, V19-175

Exhibit – Variance Application and associated documents

Frost Terrace, 1789 and 1791 Massachusetts Avenue, Cambridge, V19-176

Exhibit – Variance Application and associated documents

St. Gabriel's, 159-201 Washington Street, Boston, V19-158

Exhibit – Variance Application and associated documents

Six Family Structure, 28 Porter Street, East Boston, V19-159

Exhibit – Variance Application and associated documents

New Mixed Use, 476-480 West Broadway, Boston, V19-160

Exhibit – Variance Application and associated documents

Handle Bar Indoor Cycling Studio, 101 Canal Street, Boston, V19-162

Exhibit – Variance Application and associated documents

July 1, 2019

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

226 Harvard Avenue, 226 Harvard Avenue, Allston, V19-163

Exhibit – Variance Application and associated documents

Existing Interior Space, 38-54 Exchange Street, Lynn, V19-164

Exhibit – Variance Application and associated documents

BMC Durfee High School, 360 Elsbree Street, Fall River, V19-165

Exhibit – Variance Application and associated documents

Mabell Burrell Elementary School, 60 South Street, Foxborough, V19-166

Exhibit – Variance Application and associated documents

South Shore Hellenic Church, 811-819 Jerusalem Road, Cohasset, V19-167

Exhibit – Variance Application and associated documents

Former Worcester Boy's Club, 16 Salisbury Street, Worcester, V19-168

Exhibit – Variance Application and associated documents

Dig Inn, 83 Mount Auburn Street, Cambridge, V19-177

Exhibit – Variance Application and associated documents

808 – 812 Memorial Drive, 808-812 Memorial Drive, Cambridge, V19-038

Exhibit – Variance Application and associated documents

Herc Equipment Rental, 2567 Boston Road, Billerica, V19-106

Exhibit – Variance Application and associated documents

Wood Frame Structure, 548 Dalton Avenue, Pittsfield, V19-119

Exhibit – Variance Application and associated documents

Taylor School, 8 Hill Road, Boxborough, V19-122

Exhibit – Variance Application and associated documents

Ramps, Grafton Street, Worcester, V19-136

Exhibit – Variance Application and associated documents

Nobska Lighthouse, Keeper's House, 233 Nobska Road, Woods Hole, V19-140

Exhibit – Variance Application and associated documents

Attleboro High School, 100 Rathbun Willard Drive, Attleboro, V19-145

Exhibit – Variance Application and associated documents

Sidewalks and Ramps, Multiple Streets, Revere, V19-148

Exhibit – Variance Application and associated documents

Orinco, 56 JFK Street, Cambridge, V11-144

Exhibit – Variance Application and associated documents

Greenfield Cinema, 361 Main Street, Greenfield, V12-089

Exhibit – Variance Application, amended request and associated documents

July 1, 2019

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Story Commercial Building, 46-48 Court Street, Boston, V17-108
Exhibit – Variance Application and associated documents

Savage Field, 36 Vale Street, Clinton, V17-295
Exhibit – Variance Application, amended request and associated documents

Union and Wes Exhibit – Variance Application and associated documents
t, 95 West Street, V18-336

Wayside Youth and Family Support, 3 Lockland Avenue, Framingham (V18-340)
Exhibit – Variance Application, amended request and associated documents

Temporary Gallery, 95-127 West Rodney French Blvd., New Bedford, V18-149 and V18-376
Exhibit – Variance Application and associated documents

Three Story Building, 182 West Main Street, Marlborough, V18-385
Exhibit – Variance Application and associated documents

Fay School Camp Building, 48 Main Street, Southborough, V19-067
Exhibit – Variance Application and associated documents

Tannery Apartments, 15, 16, 18 Crowninshield, 50 Warren, Peabody, V19-107
Exhibit – Variance Application and associated documents

Sociedad Latina, 1530 Tremont Street, Roxbury, V19-112
Exhibit – Variance Application and associated documents

Notre Dame Church, 446 Main Street, Southbridge, V19-123
Exhibit – Variance Application and associated documents

Main and Academy Street, Fitchburg, V19-139
Exhibit – Variance Application and associated documents

Towne House Apartments, 141 Sea Street, Quincy, V19-141
Exhibit – Variance Application and associated documents

Kelly Knopp, C3, 313 Congress Street, Boston
Group 2A bathtub clear floor space – advisory opinion

Bruce Ringwald, Goldsmith, Prest & Ringwall, Inc. 39 Main Street, Suite 301, Ayer
Slide access at Discovery Center Museum – advisory opinion

The Spice Lofts, 141 West Second Street, Boston, V19-025
Exhibit #1 Hearing Package AAB 1 – 31
Exhibit #2 Color plans

Kiwanis Beach, 99 Kiwanis Beach Road, Upton (C16-114, C16-049, & V18-087) - Fine Hearing
Exhibit #1 Hearing Package AAB 1-25
Three Family Building, 71-73 Ellington Street, Dorchester (V19-111) – Variance Hearing
Exhibit #1 Hearing Package AAB 1 – 31
Exhibit #2 Photos of buildings
Exhibit #3 Plan done by land surveyor

July 1, 2019