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AFFAIRS AND BUSINESS
REGULATION

DIANE M. SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Board Meeting Minutes – August 12, 2019 9:00 a.m. – 5:00 p.m.
One Ashburton Place, 21st Floor, Conference Room 3, Boston

Board Members Present:

- Walter White (WW)
- Jane Hardin (JH)
- Jeffrey Dougan (JD)
- Dawn Guarriello (DG)
- Jane Hardin (JH)
- 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:

- Andy Bedar (AB)
- David Johnson (DJ)

The Chair opened the meeting.

WW-JH, PM, HR, DG, JD

Incoming Case Review:

1. Sidewalk in Front of 9 and 11 Belmont Street, Charlestown, V19-205

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is reconstructing a sidewalk, seeking relief on the cross slope and path of travel.

JH motioned to grant. JD seconded, passed unanimously.

2. St. Andrews Episcopal Church, 3 Maple Street, Framingham, V19-206
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
New accessible entrance, prefab ramp.

JH motioned to grant. PM seconded, passed unanimously.

3. Kaven Hall WPI, 100 Institute Road, Worcester, V19-207
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Renovation of classroom and lab building. The petitioner is seeking 3 variances.
20.1 – Lab 006 has no access to certain machines.
HR - Is there a different level of interaction?

HR motioned to continue for more information. JD seconded, passed unanimously.

The petitioner is seeking relief from 25.1 for 3 of the 5 entrances. There are two fully accessible entrances. Majority of traffic currently arrives at the accessible entrance.

*HR motioned to grant, with signage and information on the website.
DG seconded, passed unanimously.*

27.4.3 – handrail extensions.

JD motioned that no variance is required DG seconded, passed unanimously.

4. Sidewalk, 146 Pleasant Street, Marblehead, V19-208
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner seeks a 1 year time variance until 9/20/20 for 4 curb cuts.

JD motioned to grant the time variance to 9/20/20 on the condition the Board receives design specifications on the curb cuts and status reports every 6 months starting January 2020 and June 2020. JH seconded, RG abstained. Motion passed.

5. Church Renovations, 250 Tyngsboro Road, Dracut, V19-209
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Church being renovated into an education facility, seeking relief from 28.1. All classrooms are on the accessible level and two tutoring rooms are on the accessible level, 12 tutoring rooms on inaccessible level.

RG motioned to grant on the condition that the board reviews an accommodation policy and for this use only. JH seconded, passed unanimously.

6. Patient & Family Parking Garage, 283 Longwood Avenue, Boston, V19-210
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
New proposed parking garage and an advisory opinion.

Advisory – ~~JD since patient only not marked for specific reasons, all classifications are served by~~

~~the garage—motion that 2.2.1 is the standard to follow.~~

Because not triggering 20% or 10%, 2.2.1 is a reasonable formula to use.

JD withdrew previous motion.

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

7. Various Curb Ramps, Multiple Streets, Multiple Municipalities - Chester, Dalton, Hindsdale, Lee, Lenox, Pittsfield, Stockbridge, V19-211

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

DG motioned to packet. HR seconded, passed unanimously.

Administrative Discussion

8. Saxonville Mills, 2 Central Street, Saxonville, V17-173

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Received letter from commission in support.

JD - page 6

Item B – 27.0 A B F

JD motioned to grant as proposed. JH seconded. DG abstained, motion passed

D, E, G

JD motioned to accept. JH seconded, DG abstained, motion passed.

C – table 17

JD motioned to grant on the condition the wicker bench and mat shown in the picture are moved (on AAB 17). This mat is too abrupt. RG seconded, DG abstained.

8. Jefferson Hills, 1610 Worcester Road, Framingham, V17-337

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Closeout letter

JD AAB 3 Item 2, second bullet, pool with handrails are they compliant?

HR - there will be no accessibility to intermediate levels. Need to provide coinciding route, or no accessibility or variance request.

Item 2

HR motioned for the petitioner to apply for a variance within 30 days or have a plan for compliance within 30 days. PM seconded, passed unanimously.

RG Latch on pool gate looks high.

JD motioned to continue for more inform on AAB 2 pool gate level system, height, gripability, and further details of handrails on landing 2 – 5 meeting obligations. RG seconded, passed unanimously.

RG Ramps don't have any railings.
WJ It is a walkway we don't require edge protection.

Item 5

JD – switched entrance to employee only.
Do they need an affidavit?
It is an entrance?

9. Café Sushi, 1105 Massachusetts Avenue, Cambridge, C18-033, V18-092

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The case was previously packeted to review concerns raised by BCIL. Proposed takeout portion of restaurant.

HR - the commission has good points.

Variance is for no access to the takeout level. No space for lift, would lose 10 seats, 20%. Have cost estimates. They looked at three options. Two options are not practicable and the other have no benefit to people with disabilities. Policy would have helped. \$60,000 for the takeout. Menu, something posted stating products.

JD motioned to continue for the Board to review the customer policy, how customers are served and made aware of products they are selling and also how customers are made aware of the products in the refrigerator units. Also a study of an incline lift, dimensions of the pull clearance on door to takeout. HR seconded, passed unanimously.

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

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

JD motioned to continue for case to be packeted. PM seconded, passed unanimously.

11. Alumni Hall Dining Facility, 1 Lamplighter Way, Mount Herman, V19-192

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

AAB 8

JD – four entrances

V1 – not making north entrance accessible. How do people arrive? South entrance is a good distance to the North entrance.

RG – didn't think the cost was substantial.

V1

RG motioned to deny. JD seconded, passed unanimously.

V2 – is this truly an exit only?

AAB 12 they are arguing the entrance is not accessible.

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

12. Multi-Family Residential, 28 Austin Street, Newtonville, V19-132

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The case was previously continued. Granted on sink depths and refrigerators.

Group 1 shower. Will have blocking in the walls.

Willing to relocate controls and relocate blocking based on tenant request.

HR motioned to grant. JD seconded, passed unanimously.

Advisory opinion

13. Public Pool, Town of Wellesley

- Is the pool considered two pools because of the adjustable bulk head splitting the pool?

JD motioned to continue for more information regarding if it is permanent, and if not, when they putting it in, why they are putting it in, how stored when not in use.

RG seconded, passed unanimously.

14. Blackington Building, 572 Main Street, Sturbridge, V14-007

Exhibit – Variance Application, amended application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Received additional 2 year time variance on top of their current 5 year. Provided regular status reports. New plan replaces offices on second floor with 4 residential spaces. Not enough to trigger common space or elevator. Looking for additional 24 months but didn't provide what will be completed in those years.

JH motioned to schedule a variance hearing. DG seconded, passed unanimously.

15. Woods Hole Ferry Terminal, Foot of Railroad Avenue, Woods Hole, V16-170

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Reconstructing the terminal. Previously granted on a temporary platform between slips 1 and 2.

RG motioned to grant. JD seconded, passed unanimously.

16. French Cultural Center, 53 Marlborough Street, Boston, V17-217

Exhibit – Variance Application amendment and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Received an amendment, 25.1, 25.6.4. Proposing to have door locked and have a manned intercom on the desk during hours at accessible side entrance.

HR motioned to deny

HR withdrew the previous motion.

HR motion to continue for a plan for weather protection. JD seconded, passed unanimously.

17. Jared Coffin House, 29 Broad Street, Nantucket, V18-289

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Received an amendment for relief from 17.5 proposed lowered dining area. Structural beams sit lower in this area. Variance is supported by the Nantucket Commission.

JD motioned to grant. DG seconded, HR opposed. Motion passed.

18. Chatham Health and Swim Club, 251 Cromwell Road, Chatham, C19-020

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Received an email on a complaint sent to MOD. No accessible entrance, no route, handrails.

DG motioned to allow staff to file a staff complaint in the event the complainant withdraws.

RG seconded, JD abstained. Motion passed.

Board Broke for lunch.

DG left for the afternoon.

Board came back from lunch.

19. Reconstruction of Sidewalk, 18 Willard Street, Cambridge, V18-347

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Walkway widths at tree boxes.

JD motioned to grant. JH seconded, passed unanimously.

20. Adams House Complex, Harvard University, Multiple Streets, Cambridge, V19-001

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Continued 27.3. And 27.4 for handrail information and abrupt nosings.

Entrance A1 –

JD motioned to grant. HR seconded, passed unanimously.

27.3 staircases

Randolph Hall –

JD motioned to grant on the condition there is brail signage at the stairway alerting people to the abrupt nosing, and adding abrasive strips for visibility and friction as in the amended decision.

RG seconded, passed unanimously,

Russell and Library Common Stairs, West Morley Stairs B and Pool Stairs 1 and 2.

Some of the stairs filler would impact the stability of the stairs.

JD motioned to grant on the condition, there is directional signage to the nearest accessible route, warning signage with brail regarding the nosings and adding abrasive strips for visibility and friction. JH seconded, passed unanimously.

West Morley Stairs

B stairs pool 2 and 1

JD motioned to grant on the condition, there is directional signage to the nearest accessible route, warning signage with brail regarding the nosings and adding abrasive strips for visibility and friction. HR seconded, passed unanimously.

21. 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.
Continued for cost estimates.
Multiple stairs in both buildings.
50 million project, 2% cost of the project.

HR motioned to deny. RG seconded, passed unanimously.

22. Old North Church, 193 South Street, Boston, V19-045
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
PM abstained
Previously asked for an accessible route where niches can be provided.

JD motioned to grant. HR seconded, PM abstained, motion passed.

23. Andover Hall, 45 Francis Avenue, Cambridge, V19-056
Exhibit – Variance Application, accommodation policy and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Previously requested an accommodation policy.

JD motioned to accept the accommodation policy. HR seconded, passed unanimously.

24. Herc Equipment Rentals, 257 Boston Road, Billerica, V19-106
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Previously requested an accommodation policy.

JD motioned to accept the accommodation policy with the condition of employee training on services remaining identical. JH seconded, passed unanimously.

2:00 p.m. - Block P, 400 Summer Street, Boston (V19-150) - Variance Hearing
Exhibit #1 – Hearing Package AAB 1- 43
Exhibit #2 Letter from Boston Commission
Jeremy Mason, Howe Engineers, (JM)
Zach Pursley, Architect, Stantec (ZP)
Yanni Tsiais, WS Development, Owner (YT)

The parties were sworn in by the Chair

PM recused herself.

#1

HR motioned to grant as proposed on variance request #1, 27.4.1. RG seconded, PM recused, motion passed.

#2

JD motioned to grant on variance request #2, 14.1. JH seconded, PM recused, HR opposed, motion passed.

#3

HR motioned to grant on variance request #3, 20.1, on the conditions that there are no unique amenities on midlevel of stair case that don't occur on the top or bottom, and the grant is for this construction only and any material changes must be reported to the board. RG seconded, PM recused, motion passed.

#4

JD motioned to continue on variance request #4 for a study on the code sections documented. HR seconded, PM abstained, motion passed.

The Board maintains an audio recording of the Hearing. The Board decision dated August 21, 2019, memorializes the Hearing.

3:00 p.m. - Texas Roadhouse, 210 Russel Street, Hadley - Variance Hearing

Exhibit #1 Hearing Package AAB 1-55

Exhibit #2 - Photos

Nathaniel Gormain, Texas Roadhouse Managing Partner (NG)

Thomas Fuller, Texas Roadhouse Facilities Manager (TF)

Peter Plourde, Texas Roadhouse, Marketing Partner (PP)

William Joyce, AAB Compliance Officer (WJ)

Andrew Bristol, STAVROS, via telephone (AB)

The parties were sworn in by the Chair.

*RG motion to find in favor of the complainant that there were violations.
JD seconded, passed unanimously.*

*HR motioned to grant the variance for the raised platform seating.
JH seconded, RG abstained, motion passed.*

The Board maintains an audio recording of the Hearing. The Board decision dated August 21, 2019, memorializes the Hearing.

Affidavits

25. Freetown Police Station, 15 Memorial Drive, East Freetown, V19-154

Exhibit – Affidavit, colored floor plan

Ms. Brann presented the affidavit and colored floor plan

JH motioned to accept the affidavit and colored floor plan and require the petitioner to register it with the registry of deeds for a book and page number. A copy of the registered affidavit is to be submitted to AAB and local Building Inspector. JD seconded, passed unanimously.

26. Town of Andover, Ballardvale Fire Station, 161-163 Andover Street, Andover

Exhibit – Affidavit, colored floor plan

Ms. Brann presented the affidavit and colored floor plan

JD motioned to accept the affidavit and colored floor plan and require the petitioner to register it with the registry of deeds for a book and page number. A copy of the registered affidavit is to be submitted to AAB and local Building Inspector. HR seconded, passed unanimously.

27. The Taylor School, 8 Hill Road, Boxborough, V19-122
Exhibit – Variance Application, accommodation policy and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner submitted the requested accommodation policy.

HR motioned to accept the accommodation policy. RG seconded, passed unanimously.

28. The Corner Mall, 413-425 Washington Street, Boston, V19-149
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

JD motioned to packet. JH seconded, passed unanimously.

29. 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.
27.4.1. Received clarification.
Classroom routes.

PM motioned to table the case to the next meeting. JD seconded, passed unanimously.

30. Garden Cinemas, 361 Main Street, Greenfield, V12-089
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

The Board voted to accept the progress report dated July 30, 2019.

31. Former First District Court of Bristol County, 15 Court Street, V18-195
Exhibit – Variance Application, pictures and associated documents
Ms. Brann presented the Variance Application and associated documents.
Elevator has been installed and they have been given an occupancy permit.

Minutes – AAB July 15, 2019

*JH motioned to accept the Minutes from the July 15, 2019 meeting.
JD second, passed unanimously.*

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

Exhibits

Alumni Hall Dining Facility, 1 Lamplighter Way, Mount Herman, V19-192

Exhibit – Variance Application and associated documents

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Exhibit – Variance Application and associated documents

Kaven Hall WPI, 100 Institute Road, Worcester, V19-207

Exhibit – Variance Application and associated documents

Sidewalk, 146 Pleasant Street, Marblehead, V19-208

Exhibit – Variance Application and associated documents

Church Renovations, 250 Tyngsboro Road, Dracut, V19-209

Exhibit – Variance Application and associated documents

Patient & Family Parking Garage, 283 Longwood Avenue, Boston, V19-210

Exhibit – Variance Application and associated documents

Various Curb Ramps, Multiple Streets, Multiple Municipalities - Chester, Dalton, Hindsdale, Lee, Lenox, Pittsfield, Stockbridge, V19-211

Exhibit – Variance Application and associated documents

Town of Andover, Ballardvale Fire Station, 161-163 Andover Street, Andover

Exhibit - Affidavit

Public Pool, Town of Wellesley - Is the pool considered two pools because of the adjustable bulk head splitting the pool?

Exhibit - Advisory opinion

Café Sushi, 1105 Massachusetts Avenue, Cambridge, C18-033, V18-092

Exhibit – Variance Application and associated documents

Chatham Health and Swim Club, 251 Cromwell Road, Chatham, C19-020

Exhibit – Variance Application and associated documents

Garden Cinemas, 361 Main Street, Greenfield, V12-089

Exhibit – Variance Application and associated documents

Blackington Building, 572 Main Street, Sturbridge, V14-007

Exhibit – Variance Application and associated documents

Woods Hole Ferry Terminal, Foot of Railroad Avenue, Woods Hole, V16-170

Exhibit – Variance Application and associated documents

Saxonville Mills, 2 Central Street, Saxonville, V17-173

Exhibit – Variance Application and associated documents

French Cultural Center, 53 Marlborough Street, Boston, V17-217

Exhibit – Variance Application and associated documents

Jefferson Hills, 1610 Worcester Road, Framingham, V17-337
Exhibit – Variance Application and associated documents

Former First District Court of Bristol County, 15 Court Street, V18-195
Exhibit – Variance Application and associated documents

Jared Coffin House, 29 Broad Street, Nantucket, V18-289
Exhibit – Variance Application and associated documents

Reconstruction of Sidewalk, 18 Willard Street, Cambridge, V18-347
Exhibit – Variance Application and associated documents

Adams House Complex, Harvard University, Multiple Streets, Cambridge, V19-001
Exhibit – Variance Application and associated documents

808-812 Memorial Drive, 808-812 Memorial Drive, Cambridge, V19-038
Exhibit – Variance Application and associated documents

Old North Church, 193 South Street, Boston, V19-045
Exhibit – Variance Application and associated documents

Andover Hall, 45 Francis Avenue, Cambridge, V19-056
Exhibit – Variance Application, accommodation policy and associated documents

Herc Equipment Rentals, 257 Boston Road, Billerica, V19-106
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The Taylor School, 8 Hill Road, Boxborough, V19-122
Exhibit – Variance Application and associated documents

Multi-Family Residential, 28 Austin Street, Newtonville, V19-132
Exhibit – Variance Application and associated documents

Ramps, Grafton Street, Worcester, V19-136
Exhibit – Variance Application and associated documents

The Corner Mall, 413-425 Washington Street, Boston, V19-149
Exhibit – Variance Application and associated documents

Freetown Police Station, 15 Memorial Drive, East Freetown, V19-154
Exhibit – Affidavit

BMC Durfee High School, 360 Elsbree Street, Fall River, V19-165
Exhibit – Variance Application and associated documents

The Meeting House, 29 Center Street, Nantucket, V19-180
Exhibit – Variance Application and associated documents

Block P, 400 Summer Street, Boston (V19-150) - Variance Hearing
Exhibit #1 Hearing package AAB 1 – 43

Texas Roadhouse, 210 Russel Street, Hadley - Variance Hearing
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