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THOMAS HOPKINS
EXECUTIVE DIRECTOR

Board Meeting Minutes – August 13, 2018 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3

Present Board Members:

- Jane Hardin (JH)
- Andrew Bedar (AB)
- Evan Bjorklund (EB)
- Ray Glazier (RG)
- Dawn Guarriello (DG)
- David Johnson (DJ)
- Harold Rhodes (HR)

Also in Attendance:

- John High, Assistant Legal Counsel (JH)
- William Joyce, Compliance Officer (WJ)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

Board Members not in Attendance:

- Walter White (WW)
- Patricia Mendez, (PM)

JH, HR, AB, EB, DG, D Johnson

The Chair opened the meeting.

Legal Counsel - Report to the Board – John High

Discussion of Delegated Authority

- Review of Delegated Authority Policy
- Authorization for Decision Issuance Deadlines

Mr. High, Assistant Legal Counsel to the Board, discussed updating the Board's delegations of authority to staff. The intent of the delegated authority policy, is to give staff the ability to approve certain sections of the code such as sink depths, electrical outlet measurements, etc. Delegating the approval of affidavits to the staff was also discussed

Two sections of the code with the most variances are main entrances and lifts. There are still other sections that receive many variances and this will be revisited.

The draft policy will be revisited at the August 27, 2018 meeting due to light member attendance at the August 13, 2018 meeting.

HR motioned to address the draft policy at the August 27, 2018 meeting.

EB seconded, passed unanimously.

Mr. High went to discuss that in 521 CMR 4.3.3, there is a clause requiring hearing decisions to be issued within 21 days of the hearing unless the Board in its discretion extends such time. A request has been made to extend the time to 30 days.

HR motioned to extend to the issuance of hearing decisions from 21 days to 30 days.

D Johnson seconded, passed unanimously.

Incoming Case Review:

1) 11 Story Mixed-use, 18 Tremont Street, Boston, V18-242

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of a mixed use building. Changes in level.

Lifts to provide access to two tenants. Court street side, middle and lower floors. Common elevator does not go to basement. Proposing vertical wheelchair lift to travel 1 floor.

1st request

HR motioned to grant on the vertical wheelchair lift from the basement to court street level.

D. Johnson seconded, passed unanimously.

2nd request

Cubic Transportation – Enter through Tremont to Court, go around building and take the lift up. It is a long route. Difficult to locate lift someplace else. Doing \$100,000 renovations.

HR motioned for the petitioner to discuss with staff the route, signage and detailed information and linear distance and information for accessibility.

EB seconded, RG abstained. Motion passed.

RG arrived

2) Which Wich Superior Sandwiches, 324 Newbury Street, Boston, V18-256

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Ground floor two feet above grade in front. 6 in back. Seeking relief for no access. Propose menu board and buzzer. Lift in front would have to cut into building, will be in the elements uncovered.

Lift at back would require travel through kitchen.

Can you order on line and pick up? They don't mention anything.

DG motioned to grant on the condition of a menu board and policy and procedure written up for employees, and outdoor signage, with policy given to the Board for review, and the information is on the petitioner's website.

EB seconded, D. Johnson abstained. Motion passed.

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

3) Walpole Police Headquarters, 50 South Street, Walpole, V18-243

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

New headquarters, seeking relief for parking and slope. The application is not clear on the slope issue location.

HR motioned to request the staff to contact the petitioner for additional information and details.

AB seconded, passed unanimously.

4) Artis Senior Living, 430 Concord Avenue, Lexington, V18-244

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking two variances. Assisted living facility.

In a 2B shower, they want to put the controls on the short wall. The controls will only be operated by staff.

The petitioner is also seeking to maintain 36 inch counters in pantry. Supported by Lexington Commission.

DG motioned to grant on both variances as proposed. AB seconded, passed unanimously.

5) Longview Corp., 985-986 Memorial Drive, Cambridge, V18-245

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Entrance - seeking relief for fire door. Door will be held open. Magnetic door opening.

Concerns with the height of the door.

HR motioned to grant on the variance for the door and request staff to talk to the petitioner regarding the door height. EB seconded, passed unanimously.

6) Corpus Christi, St. Bernard Parish, Parish House and Gym, W. Newton, V18-246

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking 8 variances

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DG motioned to packet for the next meeting. HR seconded, passed unanimously.

7) Binnall House, 125 Connors Street, Gardner, V18-247

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Below parking count. Redesign of lot.

RG motioned to grant. AB seconded, HR opposed. Motion passed.

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8) Sidewalk, 333 Longwood Avenue, Boston, V18-248
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Reconstruction. 1 area at 2.1%.

DG Motioned to grant. AB seconded, D. Johnson abstained. Motion passed.

9) ReachArts, 89 Burrill Street, Swampscott, V18-249
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Art space. Only using basement level. 3 year time variance to use upper floor and to do finance campaign to raise money for lift.

HR motioned to grant a 3 year time variance with progress reports given to the Board every six month beginning Jan. 1, 2019. AB seconded, passed unanimously.

10) Six Story Mixed-use, 79-89 West Broadway, Boston, V18-255
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Car stacker, proposed off street parking. Staff needs to receive appropriate training.

*HR motioned to grant with the condition that upon request of the tenant, accommodations will be made for vehicles driven by people with disabilities and staff is trained appropriately..
AB seconded, passed unanimously.*

11) Sheffield Town Hall, 21 Depot Square, Sheffield, V18-250
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Renovation of existing building. The petitioner is seeking relief on two items - doorway and signage. The jurisdiction is not clear.

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

12) Residential Apt. Bld. 56 St. Botolph Street, Boston, V18-251
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is replacing a vertical wheelchair lift and propose to install an auto gate.

DG motioned to grant. HR seconded, passed unanimously.

13) Boston Spanish SDA Church at Uphams Corner, 50 Stoughton St., Dorchester, V18-252
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Need to repair roof. Petitioner states they will have to abandon the building if they need to make it accessible. Money issue. Seeking permanent relief for no access.

HR motioned to continue for staff to discuss a time variance with the petitioner and get information on the structure of the building. AB seconded, passed unanimously.

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

14) Rice Recreation Complex Bathrooms, 54 Emerald Street, Wrentham, V18-253

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of bathrooms in three locations in a park complex.

HR motioned to grant. AB seconded, passed unanimously.

15) Robert F. Brown Training Academy, Cottage D, 38 Institute Road, N. Grafton, V18-254

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Operated by department of youth services. Lift, seeking three variances.

Lift 34 x 50 dimension and only used by staff.

HR motioned to grant as proposed on the lift. DG seconded, passed unanimously.

#2 partition on lower level 4 inches under

HR Motioned to grant. DG seconded, passed unanimously.

3# upper level partition

HR motioned to grant. David Johnson seconded, passed unanimously.

16) Three Story Mixed-use, 1620 Beacon Street, Boston, V18-258

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Entrance is above grade. No access to common lobby. Proposed to accommodate people off site. They have a room reserved to use at an offsite meeting location, monthly membership rental. Proposing for second floor tech companies.

Is there a rental agreement?

HR motioned to grant with the condition that the petitioner has a membership with the rental space and the Board is provided an approved offsite agreement of membership within 60 days.

DG seconded, passed unanimously.

17) New Multi-family Residence, 3 Ardee Street, East Boston, V18-257

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

New construction of 3 units. Relief for vertical wheelchair lift. Lift goes straight into unit.

AB motioned to grant. HR seconded, passed unanimously.

18) Mixed-use, 323-325 Watertown Street, Newton, V18-267

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Seeking to waive two week waiting period.

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

DG motioned to waive the two week waiting period. HR seconded, passed unanimously.

Two steps at entrance. Ramp would go into sidewalk or take up most of the retail space. Tenant is remaining after sale and will provide a buzzer.

*DG motioned to grant as proposed with menu board and buzzer.
HR seconded passed unanimously.*

Administrative Discussion:

19) Water's Edge, 364-394 Ocean Avenue, Revere, C18-002, C18-005

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

On Aug. 1 we received info from tenant's problems with the elevators. Out of service for a day or more, they had to have fire dept. come in. They did not tell us on their regular report to us.

HR motioned to schedule a fine hearing. D. Johnson, seconded, passed unanimously.

20) Berkshire Pulse, 420 Park Street, 3rd Floor, Housatonic, V13-100

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Had a time variance, expired in 2016. Contacted the Board a week ago asking for relief to use freight elevator. We originally approved use of a LULA. Looking for 6 months to complete the work to put in a full commercial elevator.

Sent in an amendment.

HR motioned to grant time for 6 months on the condition that if not completed by 12/31/2018, the Board will consider a cease and desist on the space. EB seconded, passed unanimously.

21) Brookline Dental Specialists, 21 Longwood Avenue, Brookline, V16-333

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

At last hearing commission wanted auto door openers. The board approved auto door opener. Received a call.

TH did not approve the plan.

HR motioned to go forward with the decision with the correction that TH did not approve the plans. D Johnson seconded, Passed unanimously.

22) Advisory Opinion

- Door Hardware on door to squash court, Steven Winter Associates, Inc.

Door hardware A18-006 in a squash court

Does it meet standard of 26.10

If it is never locked, but not sure. It complies along not have to interact with rings.

DG motioned that it is acceptable as long as a person does not have to interact with ring to be operable. HR seconded, passed unanimously.

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Hearing

11:00 a.m. - Somerville District Court, 175 Fellsway, Somerville (V18-189) - Variance Hearing
Exhibit #1 – Hearing package AA B 1 – 28
Exhibit #2 – Floor Plan
Maurice Flynn, (MF) Somerville Courthouse
Ann Schivo, (AS) Mass Trial Court
Colin Killili, (CK) Disability Policy Consortium

The parties were sworn in by the Chair.

AS – My question is have the board members read the narrative? Ms. Schivo read narrative. The court is requesting to move the public entrance back to the front of the building which is not accessible. Will use video phones to be let in. The court will maintain the rear entrance as a locked accessible entrance with signage and a video phone.

Location for main entrance is a security and safety concern.

The Somerville court is a possible site for a regional justice center. Which will be a three phase plan scheduled for 2020. Won't know until 2022 if the new center will be built on the sight. This is the reason not to reconfigure.

MF – For a number of years I have been concerned about security issue from the entrance location. There are times where there are many people waiting to go through metal detector. We have been using the court room as a jury session and additional work. Up until then the only courtrooms were on other side of building. We now have 3 judges had to open court room. Created problems of judges going through the crowd. In addition when people in custody brought in, come up from cell block opens on to public hallway, escorted in cuffs through crowd of people. Also the open door is there as well could barge through the door. Security for trial court agree it is a disaster waiting to happen. There are concerns of the wait time for people with disabilities pushing button and the comfort level due to weather. I can assure you based on layout, that person waiting outside will be met within 60 seconds, there is a monitor at main entrance and courthouse lockup. For a disabled person to use the ramp now, it takes a couple of minutes to maneuver ramp. AS has arraigned for an awning company to come in. If we are forced to make front entrance accessible, a person in wheelchair will take more time getting to front entrance than proposed hc entrance.

Exhibit #2 – was entered

We are still going over the design.

Colin Killick, Deputy Director, Disability Policy Consortium, and acting also as person of Somerville, was sworn in by the Chair.

CK - We didn't have a quorum to review this application at our last meeting.

CK - There is no objection to the primary entrance not being accessible, concern is the door being locked and people need to wait to be let in. The awning does help, concerned about wait time. Not clear what the procedure will be. Would it be feasible to assign it as someone's job to be there to admit people at this entrance.

MF - It would not be practicable to assign someone full time to that door. Not many instances it is used. Screen, monitors focused on that area and a phone. There will never be an accessible wait.

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

AS - The job of officers they have multiple responsibilities. It is also the security department committed to making it work. If there is a complaint down the road shame on us.

JH – Is there something on the website that defines procedure?

AS - What we say at every building if you have questions to contact ADA coordinator Our intent is to put a lot of signage.

The ADA coordinator has access to the Kessler McGuinness report. Reluctant to put it on the website.

D Johnson – Can someone schedule a time to enter your building?

AS - No one needs to schedule when they arrive.

EB- When someone received a summons there is a blurb on the summons to contact ADA coordinator

Yes

DG - Is the button on bottom or top

AS - Top. Phone so you can communicate verbally.

DG - Are there public bus stops?

MF – we get numerous people from the ride.

DG - How to enter is important.

AS- we would also put signage. Better to do it on the site than adding to the website.

HR – We have spent time at the Dedham courthouse. Wasn't as organized as it should have been. In the case a person is not immediately responded to have a telephone number for a person to call someone on site.

AS- There is an ADA Coordinator in each building.

EB- I believe in the trial court, security moves around regularly,

MF - No, on times were there are vacations people are brought in. My chief court officers has been with me many years and assigned to Somerville court. His crew is 6 officers who have ben there for years.

EB- Who is ADA coordinator

Donna Landry??

EB - Has there been an ADA.....

AS - I used to work for DCAMM, I facilitated Kessler McGuinness audits. We continue on focusing on accessibility. Always looking to the Kessler McGuinness reports. Progress has been made. If you want to look at transition plan you can request it. Transition plan draft is old not sure why we haven't completed, funding.

EB - Puzzled why trial court won't make accessibility document public. People are supposed to have equal access. As to reconsider to the stand point of access and make public on website.

AS - I can follow up with legal on that.

HR motioned to grant as proposed on the condition of training for staff assisting people with disabilities entering the building and when have the work on the signage, awing, phone and video, pictures are sent to staff to include in the file. EB seconded, passed unanimously.

CK - Only having signage on sight is not helpful for blind people.

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

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23) Movement Therapy Building, 112 Dukes County Avenue, Oak Bluffs, V17-158

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

On 7/10 denied request for variance. They state their request was misinterpreted. Wooden ramp will provide access to patio level. Requesting to use a portable ramp and also the wooden ramp.

AB motioned to grant on the condition of providing a temporary ramp.

DG seconded, passed unanimously.

24) Old Reading Schoolhouse, 52 Sanborn Street, Reading, V18-084

Exhibit – Variance Application and associated documents, ramp, vertical wheelchair lift and parking plans.

Mr. Joyce presented the Variance Application and associated documents.

Previously asked for plans of ramp and vertical wheelchair lift and parking language.

Proposing a ramp to a lift or a lift to a lift.

HR motioned to accept the parking plan. DG seconded, passed unanimously.

25) Lincoln Street Elementary School, 549 Lincoln Street, Worcester, V18-126

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Previously packeted, they corrected their citations to the current code.

#1 - stair risers

They should be able to put a filer in.

RG motioned to deny. DG seconded, passed unanimously.

Chair suggest Lincoln Street Elementary School is tabled until after lunch.

Board broke for lunch.

AB left the meeting

RG Left The meeting

1:00 p.m. - Three Family, 153 Bowen Street, South Boston (V18-150) - Variance Hearing

Exhibit #1 AAB 1-21

Michael Muehe, BCIL (MM)

Lawrence O'Brien, Owner (LO)

All parties were sworn in by the Chair.

LO – I am the owner and designer of the lot, three family. The lot is very small proposed three family will take up the lot. AAB 21. AAB 20 and 19, all apartments are laid out the same way. Apartments are small. It would cost \$30,000 for lift just for equipment not for digging or electrical. Very small limited area. I am not a developer, I am building it for my family. 930 sq ft apartments, 2 bedrooms.

MM – I oppose the variance. In May 22 letter AAB 5. We advocate for more accessible housing in Boston. Concerned in cases of new construction. They could sell their unit and then there is a newly constructed housing not accessible. We do not feel the amount is unduly possible, impracticability case has not been made. I also point out they may have friends that

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need access that visit. There may be additional costs over the \$30,000, costs above could be included in the building cost. I ask on behalf on BCIL that the board deny the variance and require a lift be installed.

D Johnson – How did you come up with the estimate of new construction?

LO – It is just an estimate by square foot.

D Johnson – How would the person get back to building?

LO – Go through the garage and go out back. This is only for 1 apartment and putting this around the back is asking a lot. You are getting only one apartment. It is a big expense to correct. The benefit cost for 1 apartment ratio

MM – We would love to see them all accessible. The scale would suggest the bottom unit be accessible.

DG - The units are 930 sq. ft. \$500,000 estimate, lift at 31 I bumped up to 50 50 divided by 900, it is 20% of the overall cost only serving 900 sq. ft.

EB - Is this the first you have developed?

Yes

EB - Each unit is 930.

Exhibit #2 entered

MM- It is a cost without benefit to people with disabilities. I reject the analysis of the board member. If access was incorporated in the design, I reject the analysis.

There is a benefit here.

DG – I am not claiming there is a rule but in my head I am trying to be realistic. It is a lot of money for less than 1000 feet.

EB – We are now talking about an elevator and other things that were not included.....

HR– I was going to deny but now I want to say something. A mortgage over 30 years.....the cost of the mortgage is going to be \$300.00 or \$400.00 more a month to have this. This amount of money

We start with the presumption that it should comply, I urge the board members to think about this.

WJ – Procedural clarity. The board continued and it was appealed.

EB motioned to take the case under advisement. HR seconded, passed unanimously.

LO –It jumps the mortgage up. But this is money we saved and put aside.

Continuation of Lincoln Street Elementary School, 549 Lincoln Street, Worcester, V18-126

Exhibit – Variance Application and associated documents

Continue

Handrails – The petitioner is seeking to maintain handrails on rear exterior rail.

HR motioned to grant. DG seconded, passed unanimously.

#3 - Doors

HR motioned to continue and request staff to seek additional information regarding variance #3, doors. EB seconded, passed unanimously.

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#4 – Turning space AAB 13

DG motioned to grant. HR seconded, passed unanimously.

#5 - Accessible route, AAB 45 and AB 14

Petitioner is seeking relief for no access for this area.

~~HR motioned to deny~~

HR withdrew previous motion.

DG motioned to continue for studies and cost on ramp and route.

EB seconded, passed unanimously.

#6 Counter height

HR motioned to grant. D. Johnson second, passed unanimously.

#7

HR continue for inform on the walkway. DG seconded, passed unanimously.

#8 Toilet room width AAB 17

Asking to not do accessible stalls.

Ask for studies

HR motioned to deny. DG seconded, passed unanimously.

#9

HR motioned to grant. EB seconded, passed unanimously.

26) Wellesley College, 106 Central Street, Wellesley, V18-175

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The Board previously denied three requests. Previously granted relief on one of the walkways.

Lack of route near staircase. Petitioner has provided plans for walkway.

Existing science building. They are building a new addition. The Board granted them time relief. It is a phasing plan project. The Board granted 8 variances and denied 3.

Will do ramp or walkway whatever the board wants.

#1

DG motioned to uphold previous denial. David Johnson seconded

#2

DG motioned to grant. David Johnson seconded

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2:00 p.m. - Church of Jesus Christ of Latter-day Saints, 747 Federal Furnace Road, Plymouth
(V18-184) - Variance Hearing

Exhibit # AAB 1-27

Antonnia Kenny, Keenan and Kenny Architect (AK)

John Bezzant, LDS Church (JB)

Michael Meuhe, BCIL (MM)

William Joyce, AAB (WJ)

All parties were sworn in by the Chair.

AK – We are the architects, granted occupancy permit, noted area at font not accessible. We noted all of the areas that are accessible AAB 26. The entrances are accessible, chapel is accessible, there is a ramp hallways, bathrooms are all accessible. No mention of anything else. The variances we came for were denied. They proposed to add additional counters area with stove..... you accepted the additions.

Then baptismal font has a 32 inch recess. Class room is the viewing area. AAB 9.

The procedure for using the font, it is down one step then another step to the font, the class room has class panel.

JB – The process is immersion and that is the font. There are two people in the font, the person performing the baptism and the person being baptized. For the 20 plus buildings in mass we don't have any other means of going to the font. The water is 32 inch deep, the ramp would also be in the water.

AK - It would take up the entire class room. Well over 80,000.

We are here to ask that the church baptize people the way they have been.

JW – Previously the Board asked staff to figure out the permitting process. The building dept. was involved not sure why they didn't catch this. Ms. Kenny submitted a letter to building dept. arguing not open to the public.

AK – This is recent.

JW - The architect did have duty to enforce code, it is a misunderstanding that spiraled out of control.

DG - Is it the same building inspector that reviewed the plans?

WJ - No, the cities file is nonexistent.

DG How many members?

JB 110 -140

DG – What is the average viewing?

Friends and family

AK - We have been working for the church for many years. AK - we have a CO pending

DG - Too bad it couldn't be integrated.

DG - Lift that you bring people into the swimming pool.

HR - How would you handle a person unable to get to the font?

JB - It depends on the abilities. There are able bodied people to help.

DG - How would it work for a wheel chair and ramp, it would be under water.

WJ – There are pool ramps and wheel chairs used for pools. Maybe enter before the water is in.

MM – I testify I am comfortable entering pool, etc., in a manual chair. Most are built with titanium I have also used pool lifts.

A pool lift would be a reasonable approach.

HR - They would be picked up and then baptized, has it been successful.

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

JB - Yes

HR -Is this an issue?

JB - I can't speak for every issue in Massachusetts. It is all done with dignity, we work with the applicants.

EB- Leaning towards along the line of a study of a lift

JH - I understand the building is complete. I would like you to think about the fact you could make a good example with first accessible font.

WJ – This is not a new requirement. There should be some form of accessibility. Egress needs to be addressed.

HR – We have to take the building inspector who didn't do anything in to consideration.

JB - That would be a grant jester to make it the first accessible font. We have 1 building that has a lift. We have built 8 buildings from 2003 until now.

JH - I want you to think about someone who has a lot of physical problems. They may feel uncomfortable with someone carrying them down.

EB – Motioned for a feasibility study to be conducted regarding a pool lift.

DG seconded, motion passed

HR –I think if they had a way to do it they would have done it.

JH motion has been moved.

D Johnson, DG, EB all in favor of doing a study on a pool lift. HR opposed.

27) Thorndyke Road Elementary School, 30 Thorndyke Road, Worcester, V18-127

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

9 variances

#1 AAB 22 – stair risers 27.3

AAB 6, 46

~~HR motioned to grant.~~

HR withdrew

HR motioned to grant on the non-uniformity, and deny on the abrupt nosings. EB second, passed unanimously.

#2 Handrails

DG motioned to grant HR seconded, passed unanimously.

#3

*HR motioned to continue for more information on #2, dimensions, which doors are which,
D Johnson seconded, passed unanimously.*

#4 Turn space

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

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

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#5 Accessible Route
AAB 50

DG motioned to continue for a study of a vertical lift. D Johnson seconded, passed unanimously.

#6 Counter Height

HR motioned to grant. EB seconded, passed unanimously.

#7 Walkway

DG motioned to continue for clarity of information. EB seconded, passed unanimously.

#8

HR motioned to deny. DG seconded, passed unanimously.

#9 Electrical

HR motioned to grant. DG seconded, passed unanimously.

Revisit 3 family Bowen Street, South Boston, V18-150

Land will be worth money. But we are considering building only.

HR motioned to grant the variance on condition that they install a lift if the property is ever sold or rented, and registered at the registry of deeds. EB seconded, David j abstained,

HR motioned to require that the decision is registered as a deed restriction.

EB seconded, David Johnson abstained. Motion passed.

Minutes from the July 30, 2018 meeting

Tabled the minutes until the next meeting.

3:00 p.m. - Nativity Prep School, 66 Spring Street, New Bedford, V18-224

Exhibit #1 AAB 1-35

John Martin, Nativity Headmaster (JM)

Charlie VanHoorhis, DVV Architects (CV)

All parties were sworn in.

CV- I am asking for the board opinion. The building dept. and I don't see eye to eye. I am asking for guidance.

In my application I said the cost of work is less than 30%. Should the cost of demolition be included.

It is a two story masonry building. Five steps up to the first floor. Not accessible no elevator, no accessible entrance. Demolishing a pool, to create an accessible play space. There are certain

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things in the building code around demolitions around safety. My interpretation was that those things required a demolition permit not a building permit. This project is about 475,000 of work that requires a building permit.

WJ – three year look back, anything a permit is pulled for counts. Demolition can fall under out code. The board has included all costs.

CV - The language of 3.3 talks about a building permit. I think the work is below that value and I am trying to understand. Do architectural fees go towards work?

JW - We haven't counted soft fees.

CV- Overhead and profit?

CV - I have a demolition and building permit.....i don't know what the building permit is. The figure includes work not necessary for project at this time. Is there a difference between demolition and building permit?

JW - we cover everything you get from the building dept.

JM - I have been the headmaster there for 3 years. The play space was the roof of the pool. Not the safest. There are 55-57 kids tuition free, tough situations from New Bedford. Very sparse operation. \$950,000 budget. When we looked at project thought a great opportunity to knock the pool down for play space. That is what we decided to do. We were able to raise \$1,500,000. If we have to put in extensive accessibility we would not be able to handle the cost. It was an opportunity to provide a safe space to play.

JH - Are you familiar with Mother Caroline?

JM - Yes very similar they have a much bigger budget.

JH - We are not talking about class room changes only focusing on the play space.

Would I be correct in assuming you will have plans down the road to make more accessible?

JM - Planning on making an accessible bathroom room on first floor and we would have to do all the doors.

CV - Stairs had to be replaced from roof deck to grade, those are the only three architectural projects.

CV - Retaining walls.....retaining walls put us over 30%.

HR - You have 9 variance request.

AAB 9

HR - The individual costs If required to do.....in order for us to make decisions it is helpful to get the costs.

CV - I was lead to believe it would not be a problem. So I don't have those costs. None of the doors comply, stairs, no elevator, entrance does not comply.

HR – are there items in addition to these 9

CV - I don't think so.

WJ - These are all meaningful changes.

HR - For those 9 would it be excessive cost without benefit? It is hard to make determination without cost.

CV - The door hardware has been changed out.

David Johnson – mentioned making bathroom and entry accessible.

CV - Entrance into ground floor.

DG - What does it take you to?

CV - Classrooms, kitchen, accessible entrance and bathroom on the ground floor

DG – What is the admissions process?

JM – We invite families in, they apply, send grades and teacher recommendations. They have to qualify. Once that is done we ask them to come in for an interview. Kids in 5 and 6 grades. We don't take the smartest kids, take the one who fits our mission. Struggling academically, lives in

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projects. The parents make lunch three times a year and clean building three times a year. Very lean operation. My faculty are dedicated.

DG - Do you have students with disabilities?

No and not have any apply in the three years I have been there.

Someone in a wheelchair, if we could bring them up the stairs we would do that. There are class rooms on the first floor. We can alter the space. It would be hard to get to the second floor class rooms.

Doors are all 32 inches.

D. Johnson – Have you considered another fund raising campaign?

We just had one to do the pool. The campaign we had covered those costs. That was a huge step for our school. I don't think I could raise another mill.

EB – Did you say something about an accessible bathroom?

CV- We plan to put in an accessible bathroom on the ground floor.

JH - If we took a vote on the play space, it would be part 1. Would you have a time table to move on more accessibility?

JM – I would have to raise the money. We are not opposed to it.

JH - If there is an opportunity to go to a different building with more accessibility. Would it be something you would consider?

JM – We like our building being right down town. We have talked about moving. We have 30,000 sq ft. Maybe if we have benefactors. I am not saying no, it is tough.

DG – My thoughts, inclined to give a variance with caveat of a time variance with a full study and financials, and future fund raising efforts.

We are sensitive to financial issues and old buildings.

EB – There maybe issues for others that are not in wheelchairs.

CV – In that framework we still, depending on accessibility of the entrance, mezzanine level. Are we binding ourselves to do these.

DG – Only a report.

HR - Can you do the work in 3 years?

HR motioned to grant variances 1-9 on the condition of a time variance for three years until 9/1/2021 and the petitioner comes back with a study on how to remedy these variances with financials. D. Johnson seconded, passed unanimously.

Motioned to adjourn

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 4:00

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Exhibits

11 Story Mixed-use, 18 Tremont Street, Boston, V18-242
Exhibit – Variance Application and associated documents

Walpole Police Headquarters, 50 South Street, Walpole, V18-243
Exhibit – Variance Application and associated documents

Artis Senior Living, 430 Concord Avenue, Lexington, V18-244
Exhibit – Variance Application and associated documents

Longview Corp., 985-986 Memorial Drive, Cambridge, V18-245
Exhibit – Variance Application and associated documents

Corpus Christi, St. Bernard Parish, Parish House and Gym, W. Newton, V18-246
Exhibit – Variance Application and associated documents

Binnall House, 125 Connors Street, Gardner, V18-247
Exhibit – Variance Application and associated documents

Sidewalk, 333 Longwood Avenue, Boston, V18-248
Exhibit – Variance Application and associated documents

ReachArts, 89 Burrill Street, Swampscott, V18-249
Exhibit – Variance Application and associated documents

Sheffield Town Hall, 21 Depot Square, Sheffield, V18-250
Exhibit – Variance Application and associated documents

Boston Spanish SDA Church at Uphams Corner, 50 Stoughton St., Dorchester, V18-252
Exhibit – Variance Application and associated documents

Residential Apt. Bld. 56 St. Botolph Street, Boston, V18-215
Exhibit – Variance Application and associated documents

Rice Recreation Complex Bathrooms, 54 Emerald Street, Wrentham, V18-253
Exhibit – Variance Application and associated documents

Robert F. Brown Training Academy, Cottage D, 38 Institute Road, N. Grafton, V18-254
Exhibit – Variance Application and associated documents

Six Story Mixed-use, 79-89 West Broadway, Boston, V18-255
Exhibit – Variance Application and associated documents

Which Wich Superior Sandwiches, 324 Newbury Street, Boston, V18-256
Exhibit – Variance Application and associated documents

New Multi-family Residence, 3 Ardee Street, East Boston, V18-257

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Exhibit – Variance Application and associated documents

Three Story Mixed-use, 1620 Beacon Street, Boston, V18-258
Exhibit – Variance Application and associated documents

Mixed-use, 323-325 Watertown Street, Newton, V18-267
Exhibit – Variance Application and associated documents

Water’s Edge, 364-394 Ocean Avenue, Revere, C18-002, C18-005
Exhibit – Variance Application and associated documents, reports

Berkshire Pulse, 420 Park Street, 3rd Floor, Housatonic, V13-100
Exhibit – Variance Application and associated documents, amendment

Brookline Dental Specialists, 21 Longwood Avenue, Brookline, V16-333
Exhibit – Variance Application and associated documents, amendment

Movement Therapy Building, 112 Dukes County Avenue, Oak Bluffs, V17-158
Exhibit – Variance Application and associated documents

Old Reading Schoolhouse, 52 Sanborn Street, Reading, V18-084
Exhibit – Variance Application and associated documents, amendment

Lincoln Street Elementary School, 549 Lincoln Street, Worcester, V18-126
Exhibit – Variance Application and associated documents

Thorndyke Road Elementary School, 30 Thorndyke Road, Worcester, V18-127
Exhibit – Variance Application and associated documents

Wellesley College, 106 Central Street, Wellesley, V18-175
Exhibit – Variance Application and associated documents, amendment

Somerville District Court, 175 Fellsway, Somerville V18-189
Exhibit #1 – Hearing package AA B 1 – 28
Exhibit #2 – Floor Plan

Three Family, 153 Bowen Street, South Boston V18-150
Exhibit #1 AAB 1-21

Church of Jesus Christ of Latter-day Saints, 747 Federal Furnace Road, Plymouth
V18-184
Exhibit # AAB 1-27

Nativity Prep School, 66 Spring Street, New Bedford, V18-224
Exhibit #1 AAB 1-35

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