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**Architectural Access Board**

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CONSUMER AFFAIRS AND  
BUSINESS REGULATION

**CHARLES BORSTEL**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**THOMAS HOPKINS**  
EXECUTIVE DIRECTOR

**Board Meeting Minutes – September 24, 2018 9:00 a.m.**  
**One Ashburton Place, 21st Floor, Conference Room 3**

**Present Board Members:**

- Walter White (WW)
- Andrew Bedar (AB)
- Ray Glazier (RG)
- Jane Hardin (JH)
- Evan Bjorklund (EB)
- Dawn Guarriello (DG)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

**Also in Attendance:**

- Thomas Hopkins, Executive Director (TH)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

**Board Members not in Attendance:**

- David Johnson (DJ)

JH, PM, HR, AB, EB

JH opened the meeting.

WW Arrived

Minutes vote

August 27, 2018 and September 10, 2018

*HR motioned to approve the minutes from the August 27, 2018 and September 10, 2018 meetings, with the condition of the discussed correction on the August 27, 2018 minutes. AB seconded, EB abstained, motion passed.*

DG arrived

Incoming Case Review:

1) Walkway in front of 855 Northern Side of Boylston, Boston, V18-282

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Staff previously met with petitioner regarding cross slope. There is a section they are doing over in front of 855 Boylston. Leaves parts at 5%, 6%. Furniture zone is 7%. Appears city asking for private property area to be left where it is.

*HR motioned to continue for staff to have a meeting and ask a representative of the City of Boston to attend. JH seconded, passed unanimously.*

2) Curb Cut, Ramp, 343 Congress Street, Boston, V18-284

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Would like to put curb cut in front of new building to cross Congress Street. Request is regarding the curb cut. In reading the app the sidewalk is new and cross slope is 7%, not asking for relief from cross slope.

*JH Motioned to continue for staff to meet with the petitioner regarding the plans for cross slope, and curb cut. PM seconded, passed unanimously.*

3) 4 Story Mixed Use, 417-423 West Broadway, Boston, V18-285

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Build out of basement space to create restaurant. Space needs to comply. 3.3.2 and 3.3.4.

Petitioner is seeking relief from 25.1 and proposing route to restaurant from different entrance and elevator to the basement, with security after business hours. Michael Muehe BCIL opposes the variance request.

Entrance to a freight elevator is going to turn into the main entrance. No test drawing for a lift.

*JH motioned to deny. DG seconded, passed unanimously.*

4) Santander Bank, 209 Berkeley Street, Boston, V18-291

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Renovation of tenant space on ground floor. Over 30%, full compliance for tenant, and common areas. 26.6.1 slope of exterior landing. Will be 8.3% proposing an auto door opener. BCIL supports if points in email are provided. Gensler said they will replace door, motor auto door, relocate door frame deeper into the space, re level entry.

*PM motioned to grant with the four conditions in BCIL's letter and interior and exterior buttons on the automatic door opener. EB seconded, Passed unanimously.*

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

5) 29 Unit Residential Building, 160 Cambridge Street, Burlington, V18-295  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
New construction, jurisdiction 3.2, mixed use complex. 23.4.7a vertical clearance of 8’2”  
needed providing 8’.

*AB motioned to grant with signage letting people know the garage height.  
JH seconded, passed unanimously.*

6) Pedestrian Crossing, Main, Center, Estrella Streets, Boston, V18-296  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
Proposing apex curb cut. Seeking relief from 21.2.1.1.

*EB motioned to grant as proposed. PM seconded, passed unanimously.*

7) New England Avenue at Talbot Street, Boston, V18-297  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
Reconstruction of New England avenue, driveway, sidewalk, curb cuts, seeking relief for 1 apex  
curb cut.

*DG motioned that a variance is not needed, they meet exception in 21.2.1a.  
PM seconded, passed unanimously.*

8) Residential Commercial, 139 Pleasant Street, Marblehead, V18-298  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
3 floor home built 1759, first commercial, 2 and 3 residential, reconstruction renovation, over  
30%. Seeking relief 11.2, 20.1, 24, 28.12.1. No demonstration of impracticability.  
Phase of design is completed.

*AB motioned to deny. EB seconded, passed unanimously.*

9) Haskell Hall, Tufts University, 43 Latin Way, Somerville, V18-299  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
Reconstruction project. Over 30% full compliance. Seeking 7 variance requests.

*DG motioned to packet for 10/15/18 meeting. JH seconded, passed unanimously.*

10) Old City Hall, 15 Summer Street, Taunton, V18-300

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Restoration of 1896 granite building and construction of compliant addition at rear and side of existing building. When completed will be used as city hall. Seeking 3 variances.

Have a letter from Independent Associates in support also letter from Mass Historic Commission. Three variances at front entry - 20.11.2, 26.6, 6.3.

*DG motioned to grant on all three variances with appropriate signage complying with 25.6.  
JH seconded, passed unanimously.*

*DG motioned for petitioner to put the floorplan on the website indicating accessible route with accessibility symbol. JH seconded, passed unanimously.*

11) PostMark Square, 136 Haven Street, Reading, V18-301

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Mixed use, and addition to make 50 new condo units. 3.3.2, seeking relief for front entry stairs in post office, seeking 6 variances related to stairs. Intend to take out ramp and rebuild it to make compliant. Rebuilding stairs.

10.2

*JH motioned to grant as proposed with the condition of rebuilding of the ramp with new upgrades. EB seconded, passed unanimously.*

27.2, 27.2, 27.4.1, 27.4.3, 27.4.1

27.2 treads and risers

*DG motioned to grant. PM seconded, passed unanimously.*

27.3 nosings

*JH motioned to grant. PM seconded, passed unanimously.*

27.4.1

Stair handrail location

*PM motioned to grant, DG seconded, passed unanimously.*

27.4.3 Handrail extensions

*DG motioned to deny. PM seconded, passed unanimously.*

27.4.1 Stair handrail sides

*HR motioned to continue for more information on the cross section of the handrail.  
PM seconded, passed unanimously.*

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

12) 4 Story Building, 28 High Street, Wakefield, V18-302

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Three retail spaces on the first. Condos on 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors. Variance is for tenant on the first floor. Proposing to expand the yoga studio. Full compliance. Variance for installation on LULA. 28.12.3.

LULA first floor to basement.

*PM Motion to grant on condition it complies with 28.12.3. JH seconded, passed unanimously.*

RG arrived.

13) Pierce Elementary School, 50 School Street, Brookline, V18-303

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Have a letter from commission supporting. Replace plumbing fixtures, partitions.

3.3.1b. entry and toilet work. 20.6 and 30.14 through 30.20.

For students in grade 7 and 8. Proposed renovations will bring entries at toilet rooms, sinks, into compliance. Automatic door openers.

*JH motioned to grant. DG seconded, passed unanimously.*

EB left the room.

14) Squirrelwood Apartments, Multiple Streets, Cambridge, V18-305

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Over 30% 3.3.2, 7 variance requests.

*RG motioned to packet for 10/15/18*

*AB seconded, passed unanimously.*

EB returned

PM left the room

15) 150 Restaurant, 283-285 Hanover Street, Boston, V18-306

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Mixed use, restaurant on first, residential units above. 3.3.1b.

700 sq ft for restaurant including the kitchen. Proposing portable ramp and buzzer. Michael Mehue BCIL opposed the variance. Received an email from the petitioner

*HR motioned to grant on the conditions that the Board sees the final product and slope.*

*JH seconded, passed unanimously.*

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

PM came back to the room

16) Pleasant Street over PanAm Railways, 560 & 566 Pleasant Street, Gardner, V18-307

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Slope leading from transition to curb cut. Running slope on existing sidewalk. Road slopes are at 13.5%.

*PM motioned to grant. HR seconded, passed unanimously.*

17) 3 Story Building, 1170 Walnut Street, Newton, V18-308

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Renovation and reconstruction existing building into hotel use. 3.3.2 over 30% triggers full compliance. Seeking relief 8.5.2,(28.1) vertical access to 2 and 3 floors.

Vertical access to 2nd and 3<sup>rd</sup> floor 28.1

*RG motioned to grant on the condition of reserve policy for the accessible guest suite on first floor. EB seconded, passed unanimously*

26.2.1 level landing at entry door.

*PM motioned to grant with the condition of automatic door openers in the interior and exterior.*

*RG seconded, passed unanimously.*

WW left the room

18) Commercial Retail and Office, 30 Brattle Street, Cambridge, V18-309

Existing building. Renovation of 4<sup>th</sup> floor adding 5<sup>th</sup> floor to building. Over 30%

28.7 have an existing elevator and shaft 42 x 62 want to extend to new 5<sup>th</sup> floor and use same cab size. Should be 48x48. Asking for relief for the cab size.

*PM motioned to grant. DG seconded, passed unanimously.*

19) Lexington Visitors Center, 1875 Massachusetts Avenue, Lexington, V18-310

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction of visitor center and offices. 3.2 new construction, full compliance. Seeking

WW came back to the room

Seeking 2 variances,

Door clearance

*DG motioned to grant. AB seconded, passed unanimously.*

Elevator seeking 28.12.1 to use a LULA in compliance with 28.12.3

*RG motioned to grant HR seconded, passed unanimously.*

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

20) Quinsigamond Community College, Campus Walkway, 670 West Boylston Street, Worcester, V Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.18-311  
Repaving, regarding of existing walkway. Two level resting spots. Railing will be provided on both signs, signage will direct people to two nearby buildings. They offer alternative accessible routes that connect campus by elevator. Running slope exceed 20%, cross slopes exceed 5%.

*RG motioned to continue for more information on the 24 hour access and how the buildings are open to users PM seconded, passed unanimously.*

21) Charles Street Meeting House, 121 Mount Vernon Street, Boston, V18-312  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
Constructed in 1807, small renovation project. 3.3.1b, converts existing single family into an extension to office space. Request to allow incline lift 28.12.5.a.

*RG Motioned to grant the use of the Incline life with the condition the lift Complies with 28.12.5a. DG seconded, passed unanimously.*

11:00 - Water's Edge, 364-394 Ocean Avenue, Revere, C18-002 and C18-005  
Exhibit #1 AAB 1- 78  
Blair Rinne, Brown Rudnick, Atty. For Water's Edge (BR)  
Jed Nosal, Brown Rudnick, Atty. For Water's Edge (JN)  
Fred Levitan, Waters Edge, (FL) senior management  
William Joyce, AAB Compliance Officer (WJ)

The parties were sworn in by the Chair.

AB recused himself and left the room  
HR recused himself and left the room  
EB recused himself and left the room

WW, JH, EB, DG, RG,

WJ- Previously entered into an order with Water's Edge. They agreed to a modernization project. We received info from tenants saying the elevators have been out. This was not included in their report.

JN- It was our intent to report everything we were required to. First in connection to the process, I haven't seen the board package. Notice alleged we violated something. We were able to ascertain the issues by making a public record request. Notice didn't say what this hearing allegations are.

March 12 order, required owner to provide with regular monthly updates and related issues. When we were before you, our concentration on reporting was around modernization project. We didn't interpret the order we would be reporting on maintenance and outages. We have

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

reported on a regular basis. In connection with outages, we can provide information. We had communication with the board. Done agree with details of July outage. We had a conversation with counsel of the board. If there were concerns and the board wanted to raise concerns we were happy to provide.

Housing court was suit brought by the city. Process on how to deal with long term outages. Our concentration on outages was through housing court not AAB. Intent was in no way to under report. In connection with the order, we looked at overall situation. When entered the elevators were not operating at the time. We reported when they were back in service, didn't report subsequent outages. The board was interested in modernization process. Updated on conditions reported to the board. Minutes focused on three phases. Outage work and make arrangements for tenants, net to hire Otis and get back in service, long term was modernization.

Outages were brought to Mr. Joyce's attention. July 6 and completed by 9:00 p.m. second..... July 17<sup>th</sup> completed by 5:0pm .....final outage 7/29 not completed to august 3.

Can provide an update on modernization

FL – On Friday we receive info from Otis. They have parked first 4 elevators, removed equipment, and moving forward as quickly as they can.

WW- you are on schedule?

FL – No delay from original schedule.

JN – opinions may differ on the order, no way Water's Edge didn't not want to comply, if we were made aware we would have fixed it. I would say we are going to add outages we will figure out something .....

Material outages housing court. If we are going to add we would add an end date tied to modernization schedule.

WW- What is schedule of total completion?

FL - Next September.

WJ - I think language of order is clear. Status updated on elevators. Multiple outages is important to condition. People get trapped in their units. Elderly residents. Need to have an accurate idea if elevators are working. Monthly summary should give reasonable information on outages.

DG - I agree with Will. I would say condition would detail outages. It is important information to know. What concerns me more is she claims requested.....she has been trapped in her apartment AAB 4..... she claims it is going to cost her money. We spoke at length about relieving the expense for the tenants.

JN - Seeing this for the first time I will tell you if this was brought to this individual.....she no longer is a resident and paid a substantial amount of money regarding to these claims. Took full availability to living off site. She has been made whole regarding these complaints.

PM - Do you have a service contract with Otis and does it establish a response time.

JN - We have two types of contracts with Otis.....

FL – Two modernization mechanics on property every day

FL - the longer outage was an issue of parts and a mechanic on site, had to call a higher level mechanic.

DG – are you letting the residence know it is a part issue and it will be a few days?

Communication

JN - There is a process in place. There was an example in your report. Let them know they can make arrangements.....AAB 20.

JW- The timing seems to be average. Not getting notified about the elevators. We should be getting the information.

Letting board know what people living in the buildings are facing. Having an accurate impression of how often and how long the outages are. Having this information isn't intended to

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put in a bad light, for an accurate impression on what is going on in the building. They are doing excellent on modernization.

JN- if that is what Mr. Joyce is interested in reporting some reasonable parameters, it wasn't out intent. Our intent was to comply. Had conversations with board staff, within reasonable parameters, going forward happy to add to monthly reporting. Figure out a time it terminates.

PM - Important for residents to know.

FL - It is not always possible to ascertain from Otis when an adjustor will be out. There answer is as quickly as possible. Most of the parts we have been able to have some parts on site. Some are not readily available. It has mostly been the delay in proper mechanic.

JN - This was one of the major issues in litigation with the city. Making sure residents were informed as well as them being able to move offsite at Water's edge expense.

JH – Do you feel modernization will elevate nature of repetitive breakdown?

FL yes. A year Fromm now full completion of two elevators.

Ww- how many in total

FL- 8 2 in each building all 8 by next September.

RG - I think your interpret is disingenuous. Spending money on lawyers.

WW - You didn't understand this was your duty under our conditions. Interesting to find out now she isn't a tenant anymore.

WJ – Original tenant has relocated to another place. Steve Sampson also complained.

~~JH motioned to take under advisement~~

JH withdrew motion

JW- A summary in each building of number of outages and how long they lasted. A summary by the end of the month saying length of outages. Over 4 hours.

JN - I will say four hours is there any room for discussion? The housing court 36. Is there a number in between?

DG - What is average outage?

FL- don't think I have that information.....read Otis response time.

WJ – if Otis has to get called out. Understand how many outages in a given month.

JM- we can reconstruct based on Otis schedule.

JW - I am saying going forward. Have an accurate picture going forward.

DG - I believe an addition is that if fire dept. had to come and rescue someone. If something substantial happens.

*JH motioned that keeping in mind that we are willing to forgo the fine going forward, the management corp. will keep the Board informed with an accurate assessment of ongoing operations of maintenance failure over a certain amount of time and if the fire department is called at any time for service, and records of tenant complaints are given to the Board.*

*RG seconded, passed unanimously.,*

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

Administrative Discussion:

22) Gibbs East Junior High School, 41 Foster Street, Arlington, V17-156

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

They previously ordered a 30 day CO. We granted. Have a follow up email. Shaft compliance.

They emailed saying they need more time. The contractor avoided issues that were required.

Vertical wheel chair lift that serves mezzanine. Asking for a 4 week extension. They are going to make it rated, tie it to the fire alarm. The school has only allowed them to work on weekends. We can ask them not to use the mezzanine.

*DG motioned to grant four weeks' time on the condition if the work is not done in four weeks they cannot use the mezzanine and send the inspector Michael Byrne for ensuring safety.*

*RG seconded, passed unanimously.*

23) Residential Rehab, 46-48 Kent Street, Pittsfield, V18-288

Continued and wanted to see study for a lift and LULA. They say it is not a public building.

*DG motioned to packet. PM seconded, passed unanimously.*

24) Existing Granite Slabs, Blackstone Street, Boston, V18-085

Vault. On this project they are afraid to touch the slabs can't touch the vaults.

EB motioned to packet, JH seconded, PM recused herself. Motion passed.

Hearing

1:00 - Retail Space 531 Main Street, Melrose, V18-241

Exhibit #1 AAB 1-19

Exhibit #3 floor plan

Exhibit #2 Package from Richard Curl, Architect, showing floor plan

Steven Truli, Owner, Highland Mgt., Inc. (ST)

The Chair swore the party in.

RG, EB, JH, WW, AB, HR, DG

NO PM

ST - Expense, it is hard to get someone to come to give you an estimate.

\$25,000 - \$30,000, historic commission doesn't want us to do this. Barry Greenwood told me that the Wakefield savings bank had the same problem. They sandblasted and ground it down. He came to my building, got the plot plan. We discovered we own part of the sidewalk. Think we could go out an extra 18 inches. Take piece of granite out do a sidewalk cut wider than the entrance and out as far as we can go. Looking for relief based on expense and trying to help the

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historical commission. And good faith access. We are going to make it wider than the doorway. They snowplow the sidewalks. Will put structures on each side.  
WW- the State building code needs a platform.  
Th- could apply for a variance from the BBRS.  
ST - we are going to put in new windows and a thermal door.  
WW- as long as the button is far enough a way  
WW- You are dividing a retail space into two retail spaces?  
ST - Yes now we are three store fronts. Raised minimum wage. Contractor's rates go up when minimum wage goes up. We own a barbershop.  
The minimum wage, should be for companies 20 or more employees. I was told to raise the prices. I am up against multimillion dollar hardware companies. I am trying to go back to the original look. We are going out of business in March.  
In all my due diligence trying to find a different way. We know it is at least 12 inches.  
DG- the 12 inches you own is that from the face of the building?  
ST - There are little bump outs. We think we own 18 inches from the bump outs.  
DG - You are willing to do the new sketch?  
ST - Yes  
DG - What is the call bell for?  
ST actuator button will be for the door to open up. The call bell is existing. It has been there since bought the store.  
DG - If you were to do the plan you wouldn't need the call button.  
TH - 26.2.1 landing , 26.6 they are putting in an automatic door opener.  
HR - Do you have an idea of what the slope would be if able to go out 12 or 18 inches.  
TH – I don't know what the slope would be. We haven't determine if this is what we own have to go to the city.  
AB- .....you can make a more educated decision that way.  
ST - We just found out in the last two days we might own it.

*HR motioned continue for the petitioner to provide an architectural set of drawings that show what is agreed to by the city and the building inspector agrees to and it is given to the Board prior to 10/15/18. DG seconded, passed unanimously.*

25) Somerville High School, 81 Highland Avenue, Somerville, V17-334

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Received an amendment. Plan submitted alters the decision that was originally issued.

*RG motioned to reopen. HR seconded, passed unanimously.*

*HR motioned to accept the new plan provided by Somerville High School.*

*EB seconded, passed unanimously.*

26) Mass Bay Community College, 50 Oakland Street, Wellesley, V18-104

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

This is the third presentation on this case. It was presented first on 4/23 and granted on the condition the door swings out and reviewed again in May and was denied and said find a new location for toilet room. Held a hearing on July 30. Granted on condition of accessible toilet

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room in the vicinity. Sent us a floor plan. Accessible rest room is at one end of the building, it is a large building. The door still swings in. 61 x 84.

*HR motioned to continue for staff to have a meeting to clarify the swing of the bathroom door and let them know they are not in compliance with the requirements of the code. JH seconded, passed unanimously.*

27) Multi-Unit Residential Building, 26 Broad Street, Lynn, V18-191  
Exhibit – Variance Application and associated documents, amendment  
Mr. Hopkins presented the Variance Application and associated documents.  
Entry room plan previously approved. Now construction is started they want to change the plan. More of the path of travel is in the building.

*EB motioned to grant on the new plan as proposed. RG seconded, passed unanimously.*

*EB motioned that the door swing is in compliance with 780 CMR.  
RG seconded passed unanimously.*

#### Hearing

2:00 - Boston Spanish SDA Church, 50 Stoughton Street, Dorchester, V18-252

Exhibit #1 Hearing Package AAB 1-44

Thomas Peterman, Architect, Peterman Architect (TP)

David Dennis, President of Southern New England Conference of Seventh Day Adventist (DD)

Aurelio Gende, Communications Director, Boston Spanish SDA (AG)

The parties were sworn in by the Chair.

TP - I know this is a big ask, it is an unusual set of circumstances. Historic church built in 1870's. Very limited financial needs. Building is in tough shape. We were asked about a year ago to investigate movement in the roof in the main sanctuary. Walls pushing apart cracks developing. Alarming, asked church to not occupy. Timber trusses are coming off the walls. The roof should have collapsed a long time ago, roof rafters are holding it up. Looked at options for repairing. The best thing is to demolish a portion of the roof and rebuild. Have an estimated cost of \$900,000 – \$760,000. This is a hardship for the congregation. We estimate another \$380,000 more in improvements. Congregation agreed to put in a ramp.

PM came back to the meeting.

WW - You are going to do the ramp?

TP - Yes.

DG – You have about \$380,000 of additional improvements. Is there a list? Are you considering a time variance?

TP – we had that discussion. The congregation can barely keep the lights on. \$100,000 for a full size passenger elevator, \$100,000 - \$150,000 kitchen renovation, bathrooms,

DG - Could you make some of them accessible or built 1 single unisex bathroom?

Are there other ways to take small steps?.

TH - Vertical wheel chair lift instead of an elevator.

TP - The church is three stories.

TH – A LULA can make three stops. ½ the cost of an elevator.

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TP - They own the building. If we are not granting this relief, we are also seeking relief from BBRS, we are going to have to abandon the structure.

DD – We spoke with the congregation to work through issues. To get the money we have now took major acts of faith. Very willing to go forward with the ramp. It would be helpful to the congregation. When we noticed all the damage we were doing an assessment because they wanted to make it more user friendly. Congregation is not opposed to making accessibility as part of work but financially they are not able. It is a burden upon them. It is the only Spanish speaking congregation.

AB - A ramp is a good first step. So much if you need time, additional funding. We can do leniency but money isn't the only thing. ....

JH - Clarification on discussions with fire dept.

TP - When we applied for the permit we had a discussions with them. They didn't want to give us an opinion. They felt we had to be in full compliance. Sprinklers. We think we will succeed on that appeal.

JH – You are looking to not put in the sprinklers.

TP - No sprinkler in the building at all. We are not expanding the building.

EB - Estimated \$790,000 is the amount for structural costs?

TP - Doesn't include the ramp. The ramp will be about \$30,000.

EB - What was the original budget?

DD- It had not been talked about. Going to borrow some money. It was the initial assessment of what to and how to do it.

EB - What are the original funds?

DD- Borrowing is going to be close to \$600,000, 20 year note.

EB- I understand difficulties, I think the fact the ramp is proposed for a 5 year period, doesn't seem enough for me. Vertical access can be expensive, but unisex accessible bathroom, where are the people supposed to use the facilities. I understand limited scope.

RG - I am sympathetic to your cause. ....church that burned down. Fining another location might be money better spent. Or take building down and build new.

TP - Church is in terrible condition. Even as expensive to repair the cost to replace will be \$4mill. This is the least expensive. It is really all they can afford to do. They will have to abandon the building if they don't get the approval.

AB - How many people in the congregation?

DD - 212

WW - How certain are you the rest of the building is stable?

TP - There is always a risk they will find more problems.

WW - As it always been a church.

DD- under congregation for about 50 years. It is net a cemetery.

AG - The original burned down and they built this.

*JH motioned to take under advisement. AB seconded, passed unanimously.*

28) Fort Hill Bar and Grill, 2801-2808 Washington Street, Roxbury, V18-240

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case was previously presented on 7/30. The Board granted step change in level and required the petitioner to put in a lift or LULA or incline lift and asked for plan for single user bathroom. Submitted plan.

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*RG motioned to accept the plan on the condition the petitioner builds a single user toilet room that complies with section 30. JH seconded, passed unanimously.*

29) Capital Carpet, FJ Roberts Sports Flooring, 64 Industrial Way, Wilmington, V18-156

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Originally presented on 9/10. We moved the case to the 24<sup>th</sup>. They provided policy signed by owner but no photos of accessible entrance.

*JH motioned to accept the policy on the condition the Board receives up to date photos of the accessible entrance. PM seconded, passed unanimously.*

Statement of service animals.

30) Three Family, 153 Bowen Street, South Boston, V18-150

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

PM recused herself.

Previously granted no access voted to install lift if sold or rented to anyone but the petitioner's family. Owner made motion for reconsideration.

*RG motioned to reopen case. JH seconded, passed unanimously.*

*RG motioned to deny and require installation of a lift and the ground unit is required to be a group 1 unit. EB seconded, PM abstained, motion passed.*

*HR motioned to issue a stop work order. RG seconded, PM abstained, passed unanimously.*

3:00 - Halstead Danvers, 1000 & 2000 Kirkbride Drive, Danvers, C15-139

AAB 1-67

Jeffrey Turket, Attorney (JT)

Adam McGinn, Property Manager, Bradlee Danvers AM

William Joyce, AAB, Compliance Officer

The parties were sworn in by the Chair.

WJ – This is a large apartment complex in Danvers. We received complaint regarding door pressure. The board ordered the doors to be corrected and a compliance review to be done. Previous owners took AAB to court saying didn't have the right to do a compliance review. Judge ruled in favor of the board. During or after litigation the building was sold. In February I asked for an estimate of work. Received info from C3 but wasn't what was needed. Asked for estimate on when the report would be received, multiple extensions were requested. Here today for the status of the 2016 report, do they have group 1 and 2 units, we have received no

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additional documentation. Lack of accessible route to pool area was resolved but there are other inaccessible routes. Full compliance report is the main outstanding issue.

JT – My client purchased the property in 10/17. They had no idea of the law suit. Bought without any knowledge of this. No disclosure about this. We have never been given due process or cited, since we found out we have been trying to deal with Avalon Bay. They are trying to find inspection reports.

JW - Violations were obvious.

WW- an architect must have had to sign off to say it was in compliance.

JT – We tried to get these records.

WW- We consider it an outstanding violation.

JT- We are willing to get an architect to come in and give a site analysis. 60 days

HR – I would ask offering to do this in 30 days and if can't do it come back and ask for another 30 days.

WJ– A longer time with a firm dead line would be better.

*JH motioned to continue the fine hearing to receive no later than November 28, 2018, an updated report in regards to the compliance review for compliance with 521 CMR. PM seconded, passed unanimously.*

*RG motioned to reopen the 3:00 hearing. PM.*

*JH motioned to continue the fine hearing. RG seconded. Passed unanimously.*

31) Kingdom Hall of Jehovah's Witnesses, 1672 Washington Street, Newton, V18-219

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

This case was first presented in July. The Board granted on the main entrance with area of rescue, continued 28.1 for more information. Petitioner provided a lift cost 98,336. Petitioner submitted another letter on 9/5 with a lift for \$62,000.

*PM motion to schedule a hearing. JH seconded, passed unanimously.*

32) Sidewalk, 150-152 State Street, Boston, V18-264

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Existing sidewalk. Continued for more information, on 8/30 a study was sent in. Original argument was they can't comply with adjacent sidewalks. The construction company wrote to the board. We have no variances for this. They are fixing sections of the street.

*JH motioned to deny. RG seconded, passed unanimously.*

33) Four Stories, 133 Marlborough Street, Boston, V18-265

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Previously voted to continue, 25.1 entrances triggered by the spending. 132,800 spending. The issue is steps at the entrance can't fix to where the elevator is.

*JH motioned to grant as proposed. EB seconded, RG abstained, motion passed.*

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WW left the room.

34) Mass State Lottery Commission, 150 Mt. Vernon Street, Suites 150 & 300, Boston, V18-272

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case was previously before the board where the board continued for a study of how the door could swinging out and where the other accessible toilet rooms are in area. Automatic openers on stall doors. Now proposes to swing doors out.

Asking not to have to put in automatic door openers. Plan submitted shows how the petitioner will change stall doors to swing out.

*RG motioned to accept the revised plan. DG seconded, passed unanimously.*

35) Walando Homes, 25, 31 Orlando Street, 91, 93, 95, 97, 99, 101 Waldeck Street, Boston, V18-277

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Voted to packet for today.

*RG motioned to table and packet to the next meeting on 10/15/18. PM seconded.*

35) Curb Cuts & Sidewalks, Multiple Areas, Lawrence, Lowell, Revere, Swampscott, V18-281

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

*PM motioned to packet for the 10/15/18 meeting. AB seconded, passed unanimously.*

WW came back to the room.

36) 48 Room Hotel, 915 State Road, North Adams, V18-286

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction of a hotel. 3.2 full compliance. Seeking 24.3. Petitioner sent in a drawings with proposed fix.

*PM motioned to accept the proposed plan with the condition of easing the low edge.*

*DG seconded, passed unanimously.*

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



37) Foster Bio-Medical Research Center, 415 South Street, Waltham, V18-290

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Existing 2 story structure. Over 30% seeking 2 year time variance. Voted for packet for today.

Entrances, bathrooms, handrails, elevators.

*HR motioned to deny. JH seconded, passed unanimously.*

*DG motioned to advise the Building Inspector to not issue permit until notice of decision on variance request. JH seconded, passed unanimously*

38) Apollonia Enterprises dba Fuel America, 100 Front Street, Worcester, V18-294

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Follow up material submitted. Requested a plan showing stairs and a vestibule. Still seeking relief for that variance. Sent in two plans. Will require signage.

*DG motioned to grant with the condition of signage and maintaining a clear path in all weather conditions. JH seconded, passed unanimously.*

39) Memorandum of Understanding between the Architectural Access Board and Tufts University – Annual Accommodation Plan

*AB motioned to accept the accommodation plan. JH seconded, passed unanimously.*

REVISIT - Boston Spanish SDA Church, 50 Stoughton Street, Dorchester, V18-252

*JH motioned to reopen the discussion. RG seconded, passed unanimously.*

*JH motioned to continue the case until the Board hears back from the petitioners meeting with the Boston Fire Department. RG seconded, passed unanimously.*

*EB motioned to expedite the decision. JH seconded, passed unanimously.*

*JH motion to adjourn. EB seconded, passed unanimously.*

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

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

## EXHIBITS

Walkway in front of 855 Northern Side of Boylston, Boston, V18-282

Exhibit – Variance Application and associated documents

Curb Cut, Ramp, 343 Congress Street, Boston, V18-284

Exhibit – Variance Application and associated documents

4 Story Mixed Use, 417-423 West Broadway, Boston, V18-285

Exhibit – Variance Application and associated documents

Santander Bank, 209 Berkeley Street, Boston, V18-291

Exhibit – Variance Application and associated documents

29 Unit Residential Building, 160 Cambridge Street, Burlington, V18-295

Exhibit – Variance Application and associated documents

Pedestrian Crossing, Main, Center, Estrella Streets, Boston, V18-296

Exhibit – Variance Application and associated documents

New England Avenue at Talbot Street, Boston, V18-297

Exhibit – Variance Application and associated documents

Exhibit – Variance Application and associated documents

Residential Commercial, 139 Pleasant Street, Marblehead, V18-298

Haskell Hall, Tufts University, 43 Latin Way, Somerville, V18-299

Exhibit – Variance Application and associated documents

Old City Hall, 15 Summer Street, Taunton, V18-300

Exhibit – Variance Application and associated documents

PostMark Square, 136 Haven Street, Reading, V18-301

Exhibit – Variance Application and associated documents

4 Story Building, 28 High Street, Wakefield, V18-302

Exhibit – Variance Application and associated documents

Pierce Elementary School, 50 School Street, Brookline, V18-303

Exhibit – Variance Application and associated documents

Squirrelwood Apartments, Multiple Streets, Cambridge, V18-305

Exhibit – Variance Application and associated documents

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Restaurant, 283-285 Hanover Street, Boston, V18-306  
Exhibit – Variance Application and associated documents

Pleasant Street over PanAm Railways, 560 & 566 Pleasant Street, Gardner, V18-307  
Exhibit – Variance Application and associated documents

3 Story Building, 1170 Walnut Street, Newton, V18-308  
Commercial Retail and Office, 30 Brattle Street, Cambridge, V18-309  
Lexington Visitors Center, 1875 Massachusetts Avenue, Lexington, V18-310  
Quinsigamond Community College, Campus Walkway, 670 West Boylston Street, Worcester, V18-311  
Charles Street Meeting House, 121 Mount Vernon Street, Boston, V18-312  
Exhibit – Variance Application and associated documents

Gibbs East Junior High School, 41 Foster Street, Arlington, V17-156  
Exhibit – Variance Application and associated documents

Somerville High School, 81 Highland Avenue, Somerville, V17-334  
Exhibit – Variance Application and associated documents

Mass Bay Community college, 50 Oakland Street, Wellesley, V18-104  
Exhibit – Variance Application and associated documents

Three Family, 153 Bowen Street, South Boston, V18-150  
Exhibit – Variance Application and associated documents

Capital Carpet, FJ Roberts Sports Flooring, 64 Industrial Way, Wilmington, V18-156  
Exhibit – Variance Application and associated documents

Multi-Unit Residential Building, 26 Broad Street, Lynn, V18-191  
Exhibit – Variance Application and associated documents

Kingdom Hall of Jehovah's Witnesses, 1672 Washington Street, Newton, V18-219  
Exhibit – Variance Application and associated documents

Fort Hill Bar and Grill, 2801-2808 Washington Street, Roxbury, V18-240  
Exhibit – Variance Application and associated documents

Sidewalk, 150-152 State Street, Boston, V18-264  
Exhibit – Variance Application and associated documents

Four Stories, 133 Marlborough Street, Boston, V18-265  
Exhibit – Variance Application and associated documents

Mass State Lottery Commission, 150 Mt. Vernon Street, Suites 150 & 300, Boston, V18-272  
Exhibit – Variance Application and associated documents, revised plans

September 24, 2018

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

Curb Cuts & Sidewalks, Multiple Areas, Lawrence, Lowell, Revere, Swampscott, V18-281  
Exhibit – Variance Application and associated documents

48 Room Hotel, 915 State Road, North Adams, V18-286  
Exhibit – Variance Application and associated documents

Foster Bio-Medical Research Center, 415 South Street, Waltham, V18-290  
Exhibit – Variance Application and associated documents

Apollonia Enterprises dba Fuel America, 100 Front Street, Worcester, V18-294  
Exhibit – Variance Application and associated documents

Memorandum of Understanding Between the Architectural Access Board and Tufts University –  
Annual Accommodation Plan

Water's Edge, 364-394 Ocean Avenue, Revere, C18-002 and C18-005  
Exhibit #1 Hearing Package AAB 1-78

Retail Space 531 Main Street, Melrose, V18-241  
Exhibit #1 Hearing Package AAB 1-19

Boston Spanish SDA Church, 50 Stoughton Street, Dorchester, V18-252  
Exhibit #1 Hearing Package AAB 1-44

Halstead Danvers, 1000 & 2000 Kirkbride Drive, Danvers, C15-139  
Exhibit #1 Hearing Package AAB 1-67