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The Commonwealth of Massachusetts

Department of Public Safety Architectural Access Board

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Executive Director

Board Meeting Minutes – July 25, 2016 **21st Floor – Conference Room 3**

Present Board Members:

- Walter White, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Andrew Bedar, Member (AB)
- Dawn Guarriello, Member (DG)
- Jane Hardin, Member (JH)

and

- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- George Delegas, Member (GD)

- Meeting began at approximately 9:00 a.m.

1) **Discussion:** Board Member Roll Call

DM - all but GD and RG present

2) Incoming Discussion: White Heron Theater, 5 North Water Street, Nantucket (V16-172)

- KS - EXHIBIT – July 1, 2016 submittal from Andrew Hart of Workshop/APD Architecture, including Plan A101 (first floor plan) and a memo from the project architect, Thomas Zoli
- June 6, 2016 review of the original variance application, voted to grant the variances requested for the lack of vertical access within the building (28.1), the use of temporary accessible toilet room at the first floor in lieu of the lack of access within the building (30.1), and the location of the temporary accessible toilet room (30.2), on the condition that a stamped plan showing the temporary toilet room's location on the first floor, as well as the access that will be provided into the building, is submitted to the Board by June 17, 2016.
 - Plan shows entrance through one of the main entrance doors, and the routes to the toilet room and the seating locations

DM - accept the submittal as complying with the order of the board

JH - second – carries unanimously

3) Incoming Discussion: New 8-Unit Building, 48 Market Street, Ipswich (V16-180)

- KS - EXHIBIT – July 5, 2016 and July 8, 2016 e-mail from Richard Griffin, architect
- previous decision of the Board denied the variance for the lack of an accessible route to the storage lockers at the lower level of the building, and the lack of access to the garage parking.
 - vote of the Board was to have the petitioner submit plans showing the installation of a vertical wheelchair lift and the impact it would have on the building's layout by July 6, 2016
 - the e-mail from Griffin states that the installation of a vertical wheelchair lift would result in the loss of a parking space and reducing the width of two other parking spaces
 - they argue that the project is maxed out on the allotted space and they are required to provide a certain amount of parking

George Delegas (GD), Member – Now Present

DM - more information regarding the dimensions of the parking spaces, inside the garage and outside the garage, and specifically the ones that are under the detached garage, submitted by August 3, 2016

AB - second – carries with GD abstaining

4) Incoming Discussion: West Falmouth Library, 575 West Falmouth Highway, West Falmouth (V16-155)

- KS - EXHIBIT – July 7, 2016 e-mail from Maria Raber, Brown Lindquist Fenuccio & Raber Architects, Inc., including an amendment to the original variance request
- previously presented at the May 23, 2016 meeting and voted to continue to have Board staff discuss additional variances required
 - project is a renovation and addition, addition will house an elevator, lift that is currently provided is being removed
 - spending over 30%
 - seeking variance for historic front entrance (25.1)
 - new building addition will provide an accessible entrance, elevator, bathrooms, and new reading room spaces for the library
 - the existing wheelchair lift will not be available during the retaining wall and addition project (early August 2016-early January 2017), the entire library will be closed to the public for approximately 3 months (early January 2017-early April 2017); the library will accommodate patrons during the 5 month period that access will not be available due to the removal of the lift

DM - grant as proposed
JD - second – carries unanimously

- Handrails at the existing historic main entrance stair are not compliant, as their cross section is not oval or round (27.4.5), and do not have compliant extensions (27.4.3)

AB - deny
JD - second – carries unanimously

- stair between the parking lot and the historic walkway, although the stairs will be replaced, Petitioners propose to install similar historic handrails that will not comply with shape (27.4.5) or extensions (27.4.3)

AB - deny
JD - second – carries unanimously

5) Discussion: The Evergreens, 214 Main Street, Amherst (V15-291)

- KS* - EXHIBIT- June 26, 2016 submittal from Brooke Steinhauser, Program Director for the Emily Dickinson Museum
- at the May 9, 2016 hearing, the Board voted to grant the variance for the lack of vertical access on the condition that a video tour of the second floor is submitted to the Board by February 1, 2017
 - the Board also voted to require directional signage, with verification submitted on or before July 1, 2016
 - the Board also voted to require an amendment or verification that all other rooms with noncompliant doorway widths are cordoned off, by July 1, 2016
 - the June 26, 2016 submittal shows directional signage posted at all of the inaccessible entrances, and all of the rooms with noncompliant clear widths being cordoned off

DM - accept the submittal
GD - second- carries unanimously

6) Advisory Opinion: Tufts University, Women's Field Hockey Field (Field E) – 521 CMR 14.4

- KS* - EXHIBIT- July 1, 2016 submittal from Gretchen Von Grossman, Associate Director of Capital Programs for Tufts University Operations
- seeking an opinion on the proposed press box with a rooftop filming/photo stand, accessed by a ship's ladder and only allowing personnel from Tufts Athletic Department up to said platform
 - press box is accessible via a walkway directly to the main portion of the press box

Raymond Glazier, Executive Office of Elder Affairs Designee (RG) – Now Present

JD - would comply as long as a notarized affidavit is submitted supporting it is an employee only space, prior to completion of the project
JH - second – carries with RG and DM abstaining

7) Incoming: Youth Social Educational Training Academy, 57 School Street, Springfield (V16-183)

- KS - EXHIBIT – variance application and supplemental information; letter of support from the Mayor’s Office for Citizens with Disabilities, dated July 7, 2016
- building is a former elementary school, built in 1895
 - current project is conversion of the 4th floor of the building from storage to additional space for the YSET Academy, located at all other floors currently
 - YSET is a nonprofit that provides after-school programs for children (13-18), and provides job training
 - YSET was founded in 2003 at a local church and moved to the current building when they outgrew the church space, and due to conflicts with rival gang members
 - jurisdiction is work performed (3.3.1a), work performed back in the early 90’s included the installation of the ramp and the accessible toilet room at the first floor and one accessible toilet room at the basement level (not on the letter stated that the work at the time was under 25% of the value of the building, an analysis also done (pink tab))
 - the building is assessed at \$104,000, spending \$10,000 on current project of the installation of stairs to the 4th floor
 - estimates for elevators range from \$100-200,000; estimates for a LULA (which can only travel 25ft) range from \$62-68,000, but would also require the installation of 2 LULA’s to get from the first floor up to the proposed 4th floor space
 - variance for the lack of access to the 4th floor, which will be used as overflow

DM - *grant as proposed for this use only, and on the condition that the decision of the Board is registered with the Local Registry of Deeds*

JD - *second – carries unanimously*

JH - *make note that the ramp is in need of repair, and should be repaired/maintained as soon as possible*

AB - *second – carries unanimously*

AB left the room

8) Incoming: Lowney Chocolate Factory Housing, 150 Oakland St., Mansfield (V16-189)

- KS - EXHIBIT- variance application and supplemental information
- sent in your packets
 - \$37 million phased renovation of 5 existing buildings valued at \$1,288,100 (521 CMR 3.3.2)
 - current phase of project is renovation of historic factory buildings, Building A (10,000 square feet) and Building B (164,600 square feet)
 - requesting variances for distribution of Group 2A units (10 units in Building A and 120 units in Building B); entrances; treads and risers; nosings; and stair handrails
 - Variance Request #1, 9.4.2 – Distribution of Group 2A units at Building C
 - seeking variance for no access to loft level, based on spatial constraints and cost
 - loft space is approximately 800 square feet
 - existing beam at 5’ 9.5” above the loft floor obstructs views
 - cost for lift installation is approximately \$56,638
 - in the alternative, proposing to increase the number of Group 2A units from the required 7, to 9

- JD - does the square footage match what is proposed for the loft units?
- the count states not providing a studio accessible unit

RG - *grant as proposed*

DM - *second – carries unanimously*

- KS - Variance Request #2, 25.1 – Building C Entrance
- existing entrance into the building is not accessible
 - granite stairs to the main entrance are historic, and owner proposes to restore them
 - double door leaves (26.4) at entrance are not each 32” wide, but will be modified to 36” and 24” leafs
 - new accessible entrance proposed at grade level, adjacent to the existing entrance; directional signage also proposed
 - cost to comply would be \$45,843

JH - grant as proposed

DM - second – carries unanimously

- KS - Variance Request #3, Building C - Stairway 1, wood stairs from basement to first floor and pour-in-place concrete from the first floor up to the fifth floor
- variance request 3.1
 - uniformity of treads and risers (27.2); ½” variation from riser to riser and from tread to tread
 - owner proposes to retain stairs, and is providing two new passenger elevators that will stop at each level of the building
 - cost estimate for compliance - \$178,250

JH - grant as proposed

JD - second – carries unanimously

- KS - variance request 3.2 – nosings at Building C Stairway I, Basement to First Floor (27.3)
- nosings have abrupt undersides
 - full compliant would require demolition of the existing treads and reconstruction of new treads
 - estimated cost of compliance - \$20,650

DM - grant as proposed

JH - second – carries with RG opposed

- KS - variance request 3.3 – Building C, stairway 1 handrails
- variance for location (27.4.1), height (27.4.2), extensions (27.4.3) and clearances (27.4.7)
 - except where interrupted by windows, the handrails run continuously along the flights of stairs and stop at each landing
 - there are no handrails at the inside from the basement to the first floor
 - height of handrails varies from 33-39”, with a majority in the compliant range of 34-38”
 - the outside handrails run between landings with no extensions
 - handrails are typically 2” diameter steel pipe, mounted 2” off of the wall
 - owner proposes to keep the handrails as they exist, with the exception of new wire mesh installed at the interior handrail
 - cost of full compliance would be \$28,910

DM - grant on the condition that the letter from MHC noted is submitted to the Board by August 3, 2016

RG - second – carries with DG and RG opposed

- KS - Variance Request #4 – Stairway 2
- variance 4.1 – Building C – Stairway 2, Treads and Risers (27.2)
 - risers vary between ¼” to ½”, treads can vary up to ½”
 - full compliance would require demolishing and rebuilding the stairs in question, at a cost of \$143,016

JH - grant as proposed
JD - second – carries unanimously

KS - variance 4.2, Building C-Stairway 2, nosings (27.3)
- nosings are 1” with abrupt undersides
- cost to comply is \$32,568

RG - deny
GD - second – carries with *JD* opposed

KS - variance 4.3, Building C – Stairway 2, handrails (27.4.1 and 27.4.7)
- the inside handrails are not continuous at each landing
- the handrails are 2” diameter steel pipe, mounted 2” off of the wall
- cost to comply \$21,240

JD - grant on the condition that letter from MHC as noted is submitted by August 3, 2016
DM - second – carries with *DG* and *GD* opposed

DM - reconsider 3.2, nosings for Stairway 1
JD - second – carries unanimously

JD - grant as proposed
DM - second – carries unanimously

AB – now present

9) Executive Session: M.G.L. 30A Section 21 (a) (7) to comply with M.G.L.C. 4 Section 7 (26) (a) and (n); MGL c. 66 Section 10; MGL Chapter 233 Sections 20L and 20M – City of Boston property

WW - Roll Call vote to go into Executive Session – *DM, AB, JD, GD, RG, DG and JH* unanimous vote in favor

Deirdre Hosler, Deputy General Counsel for Department of Public Safety - present

10) Executive Session: M.G.L. 30A Section 21 (a) (7) to comply with M.G.L.C. 4 Section 7 (26) (a) and (n); MGL c. 66 Section 10; MGL Chapter 233 Sections 20L and 20M – City of Boston property

DM - close executive session and return to regular session
RG - second – carries unanimously

Deirdre Hosler and WW left the room and DM acting as chair

11) Incoming: Sidewalk Cross Slope, 132 Brookline Avenue, Boston (V16-201)

KS - EXHIBIT – variance application and supplemental information

- renovation of the adjacent building, and ordered by Michael Somers of Boston DPW that the sidewalks along the frontage of the project building had to be reconstructed
- existing building has two entrance points along Brookline Avenue, one is a staircase and elevator lobby entrance, the other is for a new restaurant (now open)
- area of sidewalk is approximately 35 feet along the building frontage
- cross slopes vary from 3.26-6.2%
- proposed cost of full compliance is \$137,900

DG - grant as proposed

GD - second – carries with RG opposed

12) Incoming: Northwest Park Residential, Phase II, 20 Second Avenue, Burlington (V16-202)

- KS - EXHIBIT- variance application and supplemental information
- new 4-story residential building, above parking garage with associated amenities
 - 117 apartments, 6 Group 2A units and 111 Group 1 units
 - proposing 8 inch deep stainless steel under-mount sinks
 - will stock 6 compliant sinks, which will be kept on site, to be installed, paid for and installed by building ownership
 - installation will occur upon request and will be noted with specific language within the lease agreements
 - variance for 521 CMR 43.3.2 and 45.4.5 for the Group 1 and Group 2A kitchen sinks

JD - grant as proposed

RG - second – carries unanimously

13) Incoming: Bright Horizons, 185 Dartmouth Street, Boston (V16-203)

- KS - EXHIBIT- variance application and supplemental information
- new tenant fit-out to childcare facility serving infants, toddler, preschool and school age children
 - spending \$1,800,000; building valued at \$21,637,300; tenant space is valued at \$763,810.28 (3.5% of overall building value, per 521 CMR 3.7); spending over 30% of the value of the tenant space
 - variance for the lack of a level landing at one entrance to the tenant space
 - 1 1/4" change in level at the sidewalk, proposing to bevel, install power door operator, and have a sloped entry of 1:50 (2 %)

JD - grant as proposed

RG - second – carries unanimously

- variance for the height of the children's sinks (waiting for actual height provided, spoke with applicant on July 20th and asked to submit more information)

JD - more information regarding for sinks, submitted by August 3, 2016

RG - second – carries unanimously

14) Incoming: Educational Residence (SMOC), 46 Gordon Street, Framingham (V16-204)

- KS - EXHIBIT – variance application and supplemental information; July 24, 2016, Karen Dempsey, Disability Commission
- in your packets
 - spending of \$90,000 is more than 30% of the value of the building

- variance for the lack of access at two of the three entrances; ramp is at the Arlington Street side of the building (25.1); ramp will be brought into compliance with current requirements of 521 CMR 24

JD - grant as proposed

RG - second – carries unanimously

- KS - variance for the lack of vertical access to the second and third floors (28.1)
- first floor will be modified to include the required accessible bedroom, accessible entrance, bathroom, kitchen and accessible route throughout
- common space on the second floor replicates the first floor
- cost of an elevator estimated at \$150,000
- first floor improvements will cost \$50,000

JD - grant on the condition that there is an accommodation for laundry, or that laundry provided at first floor

JH - second – carries unanimously

- KS - variance for the lack of access to the public and common use spaces at the second and third floors (8.2, 44.1 (Group 2 bathrooms) and 45.1 (Group 2 kitchens))

RG - grant on the condition that there is an accommodation for laundry, or that laundry provided at first floor

JD - second – carries unanimously

- KS - variance for the lack of an accessible oven at the first floor kitchen (8.4.3 and 45.6)
- proposing to maintain existing oven
- variance sought based on the constraints of the existing layout of the building, argue that they will have to reconstruct the kitchen to install the accessible oven

- DG - why not add it where they are putting the sink and the cooktop
- could try to reconfigure the current space

DG - deny

JD - second – carries unanimously

- KS - proposing areas of refuge in the front foyer (20.11)
- not sure that they are required because of exceptions in 20.12 (existing building with automatic sprinklers); however, the proposal is a solution to the lack of a secondary means of accessible egress

JD - grant as proposed

JH - second – carries unanimously

- KS - variance for the lack of compliance for existing stairs (27.2) and stair handrails (27.4)
- no costs given for compliance

DG - deny

JH - second – carries unanimously

WW now present – Acting as chair

DM left the room

15) Incoming: Brookview (a.k.a Talia) Apartments, 155 Ames Street, Marlborough (V16-205)

- KS - EXHIBIT – variance application and supplemental information
- new construction of 225 unit, 4-story residential apartments, \$24,516,180 (3.2)
- variance for the lack of compliant depth sinks (43.3.2 and 45.4.5)
- owner will have compliant sinks on hand which will be replaced upon the resident's request

RG - grant as proposed on the condition that there is no charge to the tenant

JD - second – carries unanimously

- KS - due to conflicts between 521 CMR, FHA and the Electrical Code, variance from 521 CMR 9.5.6 (39.4) sought for the location of outlets over counters, closer than 18" from an interior corner
- FHA requires one outlet 36" from an interior corner in an L-shaped kitchen, but allows other outlets to be closer
- Electrical Code requires outlets to be 12" away from an appliance and must be 48" away from each other

DG - grant as proposed

JD - second – carries unanimously

DG and JH left the room

16) Incoming: Villatoro Family Restaurant, 353 Lincoln Street, Marlborough (V16-206)

- KS - EXHIBIT – variance application and supplemental information; July 20, 2016 e-mail from Mark Borenstein with additional spending documentation
- renovation of existing 893 square foot (277 sf dining space, 616 sf kitchen space) diner, spending \$43,850, which is over 30% of the value of the building (\$59,200) (3.3.2)
- variance sought for the lack of an accessible entrance (25.1), lack of compliant stairs (27.1), lack of compliant doors (26.1), lack of an accessible route through the dining area (20.1), the lack of accessible seating and tables (17.1), and the lack of accessible toilet rooms
- two entrances into the building currently accessed by cement stairs, directly abutting the property of a third party (25.1 and 27.1)
- the front entrance of the dining area abuts a municipal parking lot, with a setback of less than 4'
- the rear entrance to the dining area is located within a foot of the neighbor's property
- a third entrance into the building is not viable since it would require traveling through the kitchen to access the dining room
- the doorway to each of the entrances is only 30" clear (26.5)

DG and JH now present

- KS - distance between the diner counter and the south wall is 85 inches, which includes a 45 inch booth and a 40 inch aisle, which will include stools for counter seating (20.1)
- the seating, tables and counters are noncompliant
- dining area includes 3 booths, each with 4 seats, and 6 individual stools along the counter, for a total seating capacity of 18

- the booths are 28.5", but cannot accommodate a person in a wheelchair as the location at the end of the booth would block the aisle (17.1)
- installation of a compliant toilet room would take up 45 sf of the 277 sf available for the dining area, there is an existing bathroom adjacent to the kitchen area which is 18 sf
- expansion of the existing bathroom would reduce the kitchen space available

JD - grant as proposed for this use only

JH - second – carries unanimously

DM now present, JD and GD left the room

17) Hearing: PrimaCare, 277 Pleasant Street, Fall River (C15-002)

WW - called to order at 11 a.m.

- introduce the Board

William Joyce, Compliance Officer for the Board (WJ)

Suzanne St. Amour, Complainant (SA)

GD now present

WW - both sworn in
- EXHIBIT 1 – AAB1-69

SA - 5 years ago father underwent cardiac surgery
- 2 rehab centers in the building, cardio respiratory
- have to have major incident, Monday, Wednesday Friday is cardiac rehab; Tuesday and Thursday for respiratory
- father was 86 at the time of the surgery
- parking lot at the time was different than what it is now
- rehab parking spaces were relatively close to the door
- spaces are not dedicated for rehab
- father has handicapped placard for many years, but do not use unless we need it
- when arrived there were 5 handicapped spaces close to the door
- after weeks of initial rehab, there is a paid physical therapy rehab gym that her father continued to use
- middle space picture

WW - part of the packet
WJ – yes, combo of AAB6 and 7 pictures

SA - woman that owns that café was using the accessible parking space for the entire day, so the space was not available to others
- a year and a half ago, that parking space was taken away
- there are two accessible parking spaces beyond the café space
- when the space is empty, the café owner puts a cone in the space, submit pictures

WW - EXHIBIT 2: 3 photos of parking spaces

- SA - have seen many people try to get parking and have to go somewhere else
 - lucky that can drop my father off at the door and park elsewhere
 - changed the parking lot orientation in the winter of 2015-2016
 - when they did, they made 2 “quasi-handicapped” parking spaces
- WW - pictures submitted are AAB9-12
 - sign was in the middle of 4 regular parking spaces; sign has been moved to be in between two parking spaces
 - no access aisles provided
 - parking is often blocked because they are not legally striped
 - but have seen a police officer from Fall River giving a ticket to someone without a placard
 - there is transportation van that PrimaCare provides, that is often parked in front of those spaces
 - spots for rehab are not adjacent to the door, there are 4 spaces that are closer to the door
 - lots of medical facilities within the building that serve persons with disabilities
 - registry has since moved out of the building, since the original complaint was filed
 - 99 restaurant has 3 accessible parking spaces, there are also 2 in front of the former registry building
- WJ - complaint was initially dismissed in January of 2015
 - feel that the complaint was wrongly dismissed
 - dismissed was based on the fact that the parking is for commercial and medical use, but not required to provide the 10% required for medical care facilities
 - did file an appeal within 4 days of the case dismissal, but the hearing request was placed in the file
 - should reinstate the complaint and issue a first notice
- WW - clarify the procedure, did the Board ever vote on the dismissal
- WJ - no, it never went to first notice, it was dismissed upon receipt
 - notice was only sent to the Complainant
 - no notice was ever sent to the building owner
- WJ - would suggest that the Board overturn the staff decision made by Mark Dempsey, previous compliance officer for the Board
 - also the request for hearing was submitted by the Complainant in a timely fashion but not brought to the Board or the other Board Staff
- RG - overturn the dismissal of the complaint, since the dismissal was made in error*
DM - second – carries unanimously
- KS - decision of the board will be written, and can bypass the need for a first notice by issuing a written order of the Board to act as the notice to the owners, since they were made aware of the hearing
- WJ - were given notice of the hearing and did speak to the representative of PrimaCare
 - did advise them to appear
 - did not receive a specific notice of violation
- WW - would like more information submitted regarding the parking proposed
- SA - there is also reduced access in front of Building 4 due to new planters and seating
- WW - have to focus on the original complaint, hoping that the parking plan will address those spaces at that Building as well
 - jurisdiction is clear since the parking was restriped

- SA - understand that 20% of inpatient rehab is required to be access
- outpatient is only requiring 10%

Thomas Hopkins, Executive Director (TH) – present

- TH - was addressed by the subcommittee, but not part of the current regulations

GD - require PrimaCare to provide plans

- SA - letter from student regarding the lack of available accessible parking spaces by the PrimaCare entrance

- WW - accept as EXHIBIT 3

JH - require PrimaCare and/or Owner of the Building(s) to provide a parking plan to show the as built parking, to be submitted by September 1, 2016, notify them of violation 521 CMR 23.2.4a and 521 CMR 3.3.4, reduction of access features base on the removal of an accessible parking space

*DG - second on the condition that the plot plan is certified
- carries unanimously*

DM - expedite

JH - second – carries unanimously

18) Discussion: Appointment of new member

- TH - got a voicemail from Peter McLaughlin saying he does not want to serve on the Board
- he replaced Carol, after she was notified that her services was no longer needed
- did have e-mail exchanges and did speak to McLaughlin about the duties of the Board membership
- explained the duties of the Board and he expressed that he would not be interested in serving due to the requirements of the position
- unsure of why he was appointed if he was not interested and he expressed that he didn't want to serve

TH left for the day

19) Incoming: Maynard Theatre Place, 17-21 Summer Street, Maynard (V16-207)

- KS - EXHIBIT – variance application and supplemental information; July 14, 2016 e-mail from Richard Asmann, Maynard Building Commissioner
- existing 1940's theater complex, renovating and spending more than 30% of the value of the building
- building consists of 3 theaters and adjoins an unoccupied café and kitchen
- renovations in 2014 included roof replacement, plumbing upgrades, upgrades to the electrical service, new fire alarm system, renovated theater lobby, renovations to the theater spaces (refinished seat frames, repainted floors, and refinished stage, fire retardant ceiling finishes, and audio/visual assistive systems), as well as new projection equipment and speakers
- proposed work in Theater III will include the installation of removable seating, and new kitchen and interior finishes for the café
- proposing to maintain the existing bathrooms (theater and café) due to the limited space (30.1)

- seeking variance for the lack of access to the Theater I stage (14.6); lack of compliant ramp slope outside of theater (24.2.1)
- e-mail from Building Commissioner states that café has not been operational since 2004; notes issue with plumbing code requirements for opening of theater III, should require an additional toilet; numerous renovations to the structure including unpermitted creation of theater III in the 80's.
- based on e-mail from Building Department, should probably hold a hearing regarding this matter

DM - schedule a hearing

DG - second – carries unanimously

20) Incoming: Wellfleet Police Station, 36 Gross Hill Road, Wellfleet (V16-208)

- KS - EXHIBIT – variance application and supplemental information
- existing two story facility, with each floor accessible from the exterior via an at-grade entrance
 - lower level includes mechanical space, two bathrooms, unused office space, and four bays with overhead doors
 - the upper level includes the public entrance, dispatch, offices, police operations, sally port, and detention area
 - proposed renovation of \$5,300,000 is over 30% and includes a full renovation of the existing police station, with the addition of an entrance vestibule and storage space
 - lower level will be renovated to include mechanical space, office space, storage, locker rooms, sally port and detention area
 - upper level will be renovated to include a public entrance, dispatch, offices, police operation, sally port and a detention area
 - seeking variance for the lack of vertical access within the building; there is an existing internal stair, which is located within the secure, non-public, area of the station, and would only be used by employees

DM - grant on the condition that it is for this use only, and that a notarized affidavit is submitted to the Board for approval, stating that the stairs are only used by employee-only and there is no public access between floors, submitted by August 3, 2016 and then upon approval to be registered with the registry of deeds

JH - second – carries unanimously

Break for Lunch

21) Hearing: Newton Fire Station #3 and Fire Department Headquarters, 1164 Centre Street/31 Willow Street, Newton (V16-127)

- WW - called to order at 1 p.m.
- introduce the Board

Nelson Liu, Schwartz Silver Architects (NL)

Gino Lucchetti, Assistant Fire Chief (GL)

Alejandro Valcarce, Deputy Commissioner of Public Buildings (AV)

Mark Zuffante, Nault Architects, Inc.

- WW - NL, GL and AV sworn in
- EXHIBIT 1 – AAB1-34

AV - Deputy Commissioner of public buildings

- variances requesting are for the Fire Headquarters, as shown on AAB8, facing Center Street
- that is an administrative building with offices
- also creating an emergency operations building as a link to the new fire station #3
- fire station upper floors are not public spaces, they are only for the use of fire fighter personnel
- filed the affidavit regarding that

- NL
- main building was built in 1928
 - existing brick and concrete building with one existing interior stair
 - project design includes the addition of two new buildings, connecting to the existing building
 - AAB9 shows the first floor plan of the building
 - existing headquarters building, where chief and his employees are located
 - technological rooms are being shifted to the new building, with a new radio antenna installed at the south side of the building
 - the first floor is open to the public and have a fire review project room
 - in the immediate lobby in AAB9, the accessible route is shown to the public area, everything to the right is fire prevention offices
 - plan review room is provided and transaction window with a clerk
 - met with Director Hopkins to do a preliminary review of the project to discuss the lack of compliance with the HQ building
 - everything in the connector and the new station will comply in full with the applicable sections of 521 CMR
 - North Parking lot has two van accessible parking spaces for visiting the station or HQ
 - one is for access to HQ and the other is for access to the fire station
 - AAB14 Center Street view of existing HQ building
 - accessible route from public sidewalk to the building, but two steps up to the building, a granite step up to the door and then a step at the door
 - proposing to remove the steps and reset them, so that on the east side of the entrance, going to build an accessible sloped walk, leading up to those doors
 - seeking a variance for the door width, only 25" clear, proposing to maintain the doors and put an operator on both leaves (at the interior and exterior)
 - also seek a variance for the existing hardware with the thumb press holds, but propose to disengage the thumb press to operate the doors as push/pull doors during business hours of 8-5
 - existing stair in the public lobby stairs have noncompliant risers and treads; proposing to maintain the existing stairs
 - had invited Jini Fairly to meet with the petitioners and review the building
 - she had no issue with the navigating the stairs
 - existing stairs do not have the required extensions and there are also decorative post ends at the stairs
 - hazard at the top of the stair, which would make the introduction of an extension at the top as a hazard
 - Ms. Fairly has also reviewed the handrail extensions and agreed that extensions would be a hazard

- DG
- depth of the landing will be what?
- NL
- is short now, but will add to it to make it compliant

- AB
- how are you dogging the hardware
- NL
- have discussed it with a door hardware consultant
 - will just disengage the thumb latch and will rely on the deadbolt to lock the building when offices are closed

- AB
- can access the elevator?
- NL
- new elevator proposed which will navigate the two floors of the HQ
 - from HQ entrance, will be escorted up to meet with the chief

- the EOC door is locked and secure because of the nature of the equipment and the use of the building; there will be an intercom with a video, that will be manned at two locations within the building

DM - grant as proposed for the width of the doors

AB - second – carries unanimously

DM - grant the door hardware as proposed

DG - second – carries unanimously

GD - more information regarding the nosings on the stairs?

NL - nosings are compliant since there is a decorative metal trim

- the issue is the wear path creating a noncompliant tread and riser uniformity

- depth is in compliance

- riser and tread generally comply, the issue is the wear pattern

- 1/2" to 1/4" difference

GD - how often are the stairs used?

AV - currently they are the main stair access to the second floor

- but would use the elevator to access the floor once this project is completed

NL - mostly staff use

AV - currently plan review is at the second floor, but this project is moving the plan review to the first floor

AB - what about leveling out the wear with an overlay

NL - historic to the building, these are the only historic aesthetic features of the building

AV - while renovating the office spaces, the center lobby is the historic portion of the building and trying to preserve that as much as possible

DM - if you come into the building, how far from the elevator?

NL - 30-40 feet

GD - grant as proposed

AB - second – carries unanimously

GD - what is the height and dimension of the handrails?

NL - both the height and the dimensions of the existing handrails are compliant

DG - grant the variances for the lack of extensions

DM - second – carries unanimously

NL - packet regarding the formal letter submitted by the City (Public Buildings Dept) and a letter from the Chief of the Fire Department regarding the use of the second floor of the fire station

- second floor of the fire station is not served by the elevator

- elevator will serve the second floor of EOC and the HQ, but will not create access to the second floor of the station

JD - any volunteer fire members

NL - no

DM - accept the affidavit
RG - second – carries unanimously

22) Incoming: Shawsheen Valley Technical High School – Press Box, 100 Cook Street, Billerica (V16-209)

- KS - EXHIBIT – variance application and supplemental information
- new construction of high school, spending \$5.2 million and \$450,000 on the press box and grandstands
- proposing the installation of a vertical platform Wheelchair lift in lieu of an elevator

DM – grant as proposed
RG - second – carries unanimously

23) Incoming: Tantasqua Regional High School – Press Box, 319 Brookfield Road, Fiskdale (V16-210 & V01-198)

- KS - EXHIBIT – variance application and supplemental information and V01-198 case file
- proposed new construction of a turf field project will include the installation of a ramp and vertical wheelchair lift to access the existing press box
- the 2001 case went to a fine hearing in 2007 for the lack of access to the press box, at which point the Board stayed the fines on the condition that the press box was closed to the public and only used by employees of the school with bi-annual status reports required
- all status reports have been diligently submitted over the past 9 years

DM - grant the variance for the installation of the lift, on the condition that the press box was not opened for use until the lift is installed and inspected
JH - second – carries unanimously

24) Incoming: Southwest Corner of H Street and East First Street, South Boston (V16-197)

- KS - EXHIBIT – variance application and supplemental information
- area in question is sidewalk in front of the “Distillery Project” a residential building at 455 East First Street
- approval from the Boston Public Improvement Commission for the sidewalk reconstruction on H Street at a October 17, 2013 public hearing, but the approved plans generate a noncompliant condition in the field
- existing noncompliant running slope due to the street topography, but proposing a 4’ wide path with complaint cross slope, from the East First street ramp to the existing sidewalk at the southeast corner of the building
- seeking variance for the running slope of sidewalk, but meet the exception, and the 12.5% slope up to the loading dock entrance, creating 3.8’ of 12.5% cross slope and 19.58’ of 12.5% cross slope up to garage entrance

DM - grant as proposed
GD - second – carries unanimously

25) Incoming: Delta Kappa Epsilon Fraternity, 403 Memorial Drive, Cambridge (V16-212)

- KS - EXHIBIT – variance application and supplemental information; July 14, 2016 e-mail from Larry Braman of Cambridge ISD, with comments regarding Memorial Drive entrance
- 1925 building, \$3,000,000 renovation project (over 30%, 3.3.2)

- multiple variance requested, either in packets for next meeting or schedule a hearing (hearing would probably be most efficient way to deal with this)

DM - hearing

DG - second – carries unanimously

26) Incoming: University of Massachusetts Boston Residence Halls, 100 Morrissey Blvd., Boston (V16-213)

KS - EXHIBIT – variance application and supplemental information

- new construction of student housing, including ground floor residential dining space
- facility will consist of two structures on the same lot (East and West), which will be considered a single building
- West structure is 9 stories with 127 residential units and first floor amenity spaces
- East structure is stepped with a low section that is 7 stories and a 12 story section. Levels 2 and up of this structure will consist of 358 residential units
- overall project includes 485 residential units, including 4 residential director units or 1,085 beds
- seeking variance for the deaf and hard of hearing rooms (8.4.5), proposing to provide a total of 22 rooms with communication features, including 1 fully accessible room
- 8.4.5 requires that 45 rooms be provided with communication features
- since 2013, UMass Boston has had 9 students enrolled that identified as deaf and 20 students enrolled that identified as hard of hearing
- the creation of 45 rooms with communication features will be an additional cost of \$18,000
- petitioners propose to provide 23 additional communication rooms meeting the requirements of 521 CMR 8.6

DG - deny

DM - second – carries unanimously

KS - variance for the roll-in shower grab bar requirement for Group 2B units (44.6.2b)

- ADA does not allow for grab bars to be installed anywhere above the seat (i.e. on the side wall or the back wall)
- 44.6.2b requires that a 48” grab bar is installed on the long wall, and 44.6.2c requires a hinged padded seat to be installed with a minimum depth of 16”
- the installation of the grab bar required by 521 CMR will overlap the seat by at least 9”
- seeking a variance to not install the grab bar on the long wall, but provide reinforcement in the walls and located to permit the installation of compliant grab bars per 2010 ADA Standards for Accessible Design (608.3.2)

DM - grant as proposed

DG - second – carries unanimously

KS - variance for the roll in shower controls in Group 2B units (44.6.2e)

- again cite conflict with ADA; ADA requires controls be located 27” maximum from the seat wall, and 521 CMR 44.6.2e requires that the controls be centered on the long wall (located at 30” from the seat wall), resulting in a 3” difference between the two locations
- proposing to meet the requirements of the ADA and locate the controls on the long wall, a maximum of 27” from the seat wall

JH - grant as proposed

AB - second – carries unanimously

- KS - variance for tub lower grab bar location for Group 2B units (44.6.1c)
- required to be mounted at 21" AFF, with the tub rim required to be between 16-18" AFF, which conflicts with the requirements of ADA 2010 607.4.2.1, which requires the lower grab bar to be installed 8-10" above the tub rim, resulting in the lower grab bar being mounted between 24-28" AFF
- proposing to meet the requirements of ADA 2010 607.4.2.1, and provide the lower grab bar at 8-10" above the tub rim

DM - grant as proposed

JD - second – carries unanimously

27) Discussion/Incoming: North Easton Village Shoppes, 285 Washington Street, North Easton (C15-152 & V16-214)

- KS - seeking to waive the 2-week waiting period
- EXHIBIT – July 20, 2016 e-mail from Donald Brabants, Trustee

DM - waive 2- weeks

JH - second – carries unanimously

- KS - held the hearing at the last meeting and found in favor of the complainant
- voted to accept the plan for compliance, on the condition that a variance for space #7 is submitted within 14 days receipt of the decision, with the work to be completed by September 1, 2016, with pictures sent to the Board upon completion
- EXHIBIT – variance application and supplemental information received on July 13, 2016
- seeking a variance to the slope within the access aisle (23.4.6d), raise curb cut protrudes 7' into the access aisle of the proposed accessible parking space and will have a slope of 1:12 with 1:10 flared down sides
- proposing \$42,000 for external site work and line striping to comply with the previous order of the Board
- providing 7 accessible spaces (as required) with 2 being van accessible (based on request from building tenants)

DM - grant as proposed

- withdrawn

DG left the room

- JD - concern with lowering a ramp onto the access aisle is built up

JD - deny

DM - second – carries with RG abstaining

28) Hearing: Wareham Housing Authority, 57 Sandwich Road, Wareham (C16-001)

- WW - called to order at 2 p.m.
- introduce the Board

William Joyce, Compliance Officer for the Board (WJ)

Jacqueline Hickey, Administrator Executive Director of the Wareham Housing Authority (JH)

Bob Powilatis, Chair of the Wareham Housing Authority (BP)

Henry Fernandez, Complainant (HF)

WW - all sworn in
- EXHIBIT 1 – AAB1-53

HF - issue with the lack of handrails at the stairs
- pictures showing the issue at hand

WW - accept as EXHIBIT 2

WJ - was a complaint received in January of this year
- complaint was regarding stoops that were constructed with ramps and stairs without handrails
- building inspector clarified that the ramp is actually a walkway with a slope of 5% so handrails not required
- issued a stipulated order that all stoops that were constructed were required to have stair handrails
- all of the stoops were constructed without compliant handrails
- Nault had proposed a plan to comply with the installation of compliant handrails

WW - when were the stoops constructed?

WJ - AAB12, Nault designed the stoop over the last several years
- unsure of the appeal, not aware of stoops being constructed prior to the Boards jurisdiction

WW - also a requirement of the State Building Code since the 6th edition

BP - take the responsibility seriously and goal is to provide safe and reasonable housing for accepted applicants
- have limited rent income
- tenants provide 85% of income for the Housing Authority
- 15% comes from State subsidy, but not allows definitive
- operating reserves have depleted due to need to renovate the complex, spent all the reserves for building maintenance

DM - find in favor of the complainant for the lack of stair handrails

DG - second – carries unanimously

JD - complaint regarding 20.11 and 24.5, based on the testimony and evidence provided by the building department, dismiss those complaints

DM - second – carries unanimously

WW - handrails are required by the Building Department and the Health Department

LP - does that apply to single entrance home

WW - this is a housing authority housing complex

JH - Building Units 3 and 4
- that work was completed for the accessible units for the complex
- individual units with stoops to units not required to be accessible
- would provide accommodations
- no other complaints filed for the properties in question

- LP - when DHCD came in with inspectors, as part of the siding and the roofing repairs, started replacing some of those stoops
- WJ - multiple unit dwelling under 521 CMR 9, and based on the requirements of 521 CMR 27
 - all stairs shall comply
 - 521 CMR 3.3.1a, jurisdiction based on work performed
- JH - cost 1.2 million dollars for 2 35,000 square feet homes
- LP - 103 units of housing, full time administrator, one full time maintenance man, one part time maintenance, and one part time clerk
 - depleted reserves to fix ongoing maintenance issues
 - not enough funding
- DG - architect did not do the job, and did not meet the 6th edition of the building code, they have insurance for that
 - as an architect understand that the work had to comply with the state building codes
- HF - building inspector has called and stated that the work was satisfied
 - have received complaints from other tenants which is why the complain was brought before the Board
- DM - railings shall be installed and compliant at all noncompliant stoops by November 30, 2016*
GD - second – carries unanimously
- WJ - another issue raised previously regarding the ramp to the office for the Housing Authority
 - raised during a site visit by Director Hopkins
 - metal ramp with inadequate handrails and width
 - AAB 53
- HF - office ramp that is not compliant, the office is proposed to be moved
- LP - a few years ago applied to Community Preservation Act to convert the office into a unit, was a unit previously
 - in the process of gathering the remaining funds to convert the community building into office space
 - when the conversion is completed, then the current office will be moved
- DM - if maintaining the existing noncompliant ramp, must apply for a variance by September 30, 2016*
JD - second – carries unanimously

DM left for the day

29) Incoming Discussion: The Storage Bunker, 20 Sycamore Avenue, Medford (V16-192)

- KS - EXHIBIT – July 21, 2016 submittal from Douglas Annino, Annino Inc., set of plans dated July 21, 2016 (A1.0, A1.1 & A2.1)
 - previous decision from July 11, 2016 was to continue for more information regarding the details of the proposed ramp
 - removal of a lift with a step and installation of ramp to side ramp

JD - grant as proposed with the ramp as shown in the submitted plans
GD - second – carries unanimously

30) Discussion: Minutes from July 11, 2016

KS – any changes?

JH - accept the minutes from July 11, 2016

JD - second – RG and DG abstaining

31) Hearing: Beauty Salon, 128 Mayor J. McGrath Highway, Quincy (V16-156)

WW - called to order at 3 p.m.

- introduce the Board

Ed Porzio, Phung Porzio Architects (EP)

Kim Vo, Owner (KV)

WW - both sworn in

- EXHIBIT 1 – AAB1-22

- EXHIBIT 2 – e-mail from Ed Porzio with revised plans, dated July 21, 2016

EP - KV has had a business in Quincy for 20 years

- had to close down and bought this property, which was previously a private residence

- all accessible features will be at the first floor, accessed by a ramp at the right side of the building

- same functions at the second floor as the first floor

- change in the plans is that the facial room will replace the wall with a curtain based on the distance from the bathroom to the wall was not sufficient, so be putting in a curtain, more than 4 feet to allow access into the facial room

- submittal of additional photographs

WW - accept photos as EXHIBIT 3

EP - previous salon for 20 years in Quincy Center

- bought the building in December and some work already done to the building in question

WW - no use of second floor currently?

EP - no

EP - if to install a lift, it would be right below a bathroom, and would require complete reconfiguration of the space

KV - has only had a few clients with a disability and have treated them in their chairs

GD - some work already began, had construction begun

KV - work already done at the first floor

GD - bathroom at the first floor is already constructed?

KV - yes

- GD - what is the width between the sink and the door within the accessible toilet room, no dimensions?
- how does a person access the other areas of the first floor
- EP - standard dimensions for the accessible toilet room
- GD - and use of second floor?
KV - employee break room
- DG - permit for the ramp?
EP - no just for the interior work, not the ramp yet, need approval from the Board
- DG - steps off of the deck?
EP - no just a ramp
- WW - estimated cost of \$44,500 (AAB19), is that the spending for the project
EP - believe that that is only the spending for the ramp, not the whole project
- JH - AAB15, says that the function will be a beauty salon on both floors
- focus on the first floor, and currently plans indicate that the second floor is employee only space
- EP - will be a salon on both floors, only access at first floor
- JH - so any service provided at the second floor, is available at the second floor
- WW - second floor plans do not show salon use, just labeled as office and conference rooms
- asking for a variance to use the second floor as salon space
- EP - revised plans A.1, showing the proposed second floor space
- WW - EXHIBIT 4, showing that the second floor is waxing rooms, facials and manicure
- DG - where is the manicure station?
EP - styling station
- DG - but that is for hairstyling
- where is the manicure table and the drying station
- DG - services are not the same at the first floor
- the services are not the same
- work is going to trigger 30%, since not completely outlined
- WW - not labeled correctly on the plans
- DG - *motion to deny the variance for the lack of vertical access*
- *need clarification on spending*
- *withdrawing denial*
- *continue for more information, revised plans showing a phased construction (showing the work at the first floor), along with cost estimates for the work done and work proposed*
- WW - *open now?*
KV - *yes*

- work has all been done?

KV - yes

- work that hasn't been done is the ramp

DG - need a permitted value of the construction of the completed work to date, estimate for the ramp, and proposal showing the services are able to be duplicated at the first floor, and estimates for costs of compliance (waxing and manicure shown at the second floor, but not at the second floor), submitted to the Board by September 1, 2016

JD - second - carries unanimously

DG - expedite the decision

JH - second – carries unanimously

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting:

- The Storage Bunker, 20 Sycamore Avenue, Medford (V16-192) - July 21, 2016 submittal from Douglas Annino, Annino Inc., set of plans dated July 21, 2016 (A1.0, A1.1 & A2.1)

Exhibits:

- White Heron Theater, 5 North Water Street, Nantucket (V16-172) - July 1, 2016 submittal from Andrew Hart of Workshop/APD Architecture, including Plan A101 (first floor plan) and a memo from the project architect, Thomas Zoli
- New 8-Unit Building, 48 Market Street, Ipswich (V16-180) - July 5, 2016 and July 8, 2016 e-mail from Richard Griffin, architect
- West Falmouth Library, 575 West Falmouth Highway, West Falmouth (V16-155) - July 7, 2016 e-mail from Maria Raber, Brown Lindquist Fenuccio & Raber Architects, Inc., including an amendment to the original variance request
- The Evergreens, 214 Main Street, Amherst (V15-291) - June 26, 2016 submittal from Brooke Steinhauser, Program Director for the Emily Dickinson Museum
- Tufts University, Women's Field Hockey Field (Field E) – 521 CMR 14.4 - July 1, 2016 submittal from Gretchen Von Grossman, Associate Director of Capital Programs for Tufts University Operations
- Youth Social Educational Training Academy, 57 School Street, Springfield (V16-183) - variance application and supplemental information; letter of support from the Mayor's Office for Citizens with Disabilities, dated July 7, 2016
- Lowney Chocolate Factory Housing, 150 Oakland St., Mansfield (V16-189) - variance application and supplemental information
- Sidewalk Cross Slope, 132 Brookline Avenue, Boston (V16-201) - variance application and supplemental information
- Northwest Park Residential, Phase II, 20 Second Avenue, Burlington (V16-202) - application and supplemental information
- Bright Horizons, 185 Dartmouth Street, Boston (V16-203) - variance application and supplemental information
- Educational Residence (SMOC), 46 Gordon Street, Framingham (V16-204) - variance application and supplemental information; July 24, 2016, Karen Dempsey, Disability Commission

- Brookview (a.k.a Talia) Apartments, 155 Ames Street, Marlborough (V16-205) - variance application and supplemental information
- Villatoro Family Restaurant, 353 Lincoln Street, Marlborough (V16-206) - variance application and supplemental information; July 20, 2016 e-mail from Mark Borenstein with additional spending documentation
- Maynard Theatre Place, 17-21 Summer Street, Maynard (V16-207) - variance application and supplemental information; July 14, 2016 e-mail from Richard
- Wellfleet Police Station, 36 Gross Hill Road, Wellfleet (V16-208) - variance application and supplemental information
- Shawsheen Valley Technical High School – Press Box, 100 Cook Street, Billerica (V16-209) - variance application and supplemental information
- Tantasqua Regional High School – Press Box, 319 Brookfield Road, Fiskdale (V16-210 & V01-198) - variance application and supplemental information and V01-198 case file
- Southwest Corner of H Street and East First Street, South Boston (V16-197) - variance application and supplemental information
- Delta Kappa Epsilon Fraternity, 403 Memorial Drive, Cambridge (V16-212) - variance application and supplemental information; July 14, 2016 e-mail from Larry Braman of Cambridge ISD, with comments regarding Memorial Drive entrance
- University of Massachusetts Boston Residence Halls, 100 Morrissey Blvd., Boston (V16-213) -variance application and supplemental information
- North Easton Village Shoppes, 285 Washington Street, North Easton (C15-152 & V16-214) - July 20, 2016 e-mail from Donald Brabants, Trustee; variance application and supplemental information received on July 13, 2016