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Board Meeting Minutes – May 23, 2016

21st Floor – Conference Room 3

Present Board Members:

- Walter White, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- David D'Arcangelo, Massachusetts Office on Disability Director (DD)
- Andrew Bedar, Member (AB)
- Dawn Guarriello, Member (DG)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Jane Hardin, Member (JH)
- Carol Steinberg, Member (CS)
- George Delegas, Member (GD)

- Meeting began at approximately 9:10 a.m.

- 1) Discussion: Board Member Roll Call
DM - all but JH, CS, GD and RG present

- 2) Discussion: Waverly Commuter Rail, 525 Trapelo Road, Belmont (C12-033 and V16-073)

- TH - EXHIBIT – May 6, 2016 letter from Laura Brelsford of the MBTA
- seeking a time variance from the Board
 - all appeals periods have expired
 - standing order from the Board is close the station or bring it into compliance
 - they have spent over 30% on the station and triggered full compliance
 - cost of elevators to the station will be \$15-30 million in 2015 costs
 - argument is the ridership, daily inbound ridership is 117 passengers
 - the MBTA has a priority list of stations that have heavier ridership than Waverly
 - seeking 10 years to make the station accessible
 - the MBTA is investing \$200million in access upgrades, there are approximately 15 priorities, including low platform buses, access at Wollaston Station, and access at Green Line stations

Jane Hardin, Member (JH) – now present

- DG - seems like it's only a third of their overall costs
- DD - they are already not in compliance with an order of the Board
- why not provide a yearly status report?
- TH - they are offering the submittal of an annual report
- DD - would like to have them appear before the Board every year
- and the people that appear should be the people that can sign-off on spending
- TH - there was a letter from Dr. Beverly Scott the former General Manager of the MBTA, and she committed to bringing the station into compliance with the board's order

George Delegas, Member (GD) – now present

- TH - complaint came from Chris Hart, who is a member of the US Access Board, and is now a consultant for the MBTA, but he never submitted a formal complaint, it was a Board Staff complaint; however, others did add documentation to the complaint later on
- they now have a Control Board for the MBTA
- DD - have someone from the Control Board come before this Board
- have the MBTA meet with the Local Commission on Disability and the Independent Living Center for the Region, to determine who would use the station *if* it was accessible
- TH - no one on the Control Board has a disability
- DD - *grant a time variance for the work to be completed within 10 years, June 1, 2026; with yearly status reports to be submitted (June 1, 2017 for the first), and have a standing hearing before this Board, with members of the MBTA and/or Control Board (someone high enough up to make a financial decision); and engage the greater Belmont community and disability advocates in the area to determine how they are addressing access to the transit system*
- DM - *second – carries unanimously*

3) Incoming: Whitman Mixed-Use Building, 585-599 Washington Street, Whitman (V16-142)

- TH - EXHIBIT – variance application and supplemental information

- existing 2-story above grade with non-occupiable space
- spending over 30%
- creating 12 units above the building
- seeking variances for four entrances, and will provide accessible rear entrances
- will also provide elevator and parking at the rear of the building

JH - grant as proposed

DM - second – carries unanimously

4) Incoming: Clarke Middle School, 17 Stedman Rd., Lexington (V16-141)

- TH - EXHIBIT- variance application and supplemental information
- proposed two-story addition and reconstruction, part of the work will address roadway, sidewalk and entrance plaza
 - spending over 30%
 - first variance for accessible route (20.1), color-coded plan shows line-up zone for buses at the end of the day
 - there are portions that are fully compliant, seeking a variance for the remaining section of sidewalk
 - children board accessible buses at the accessible sidewalk locations

GD - grant as proposed

DM - second – carries unanimously

- TH - seeking to maintain existing wheelchair lift to the stage at its current location
- want to maintain the location, which is not on a compliant route, since it is outside the venue

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

DD - grant as proposed

JH - second – carries with RG abstaining

5) Incoming: Mass. Maritime Academy, Kurz Hall, 101 Academy Dr., Buzzards Bay (V16-143)

- TH - EXHIBIT- variance application and supplemental information
- change in use and spending over 30%
 - seeking 3 variances for an existing toilet area
 - 30.9.2, sink mounting height, required to be 34", sinks are 34 ¾" and one at 35"

RG - grant

DM - second – carries unanimously

- TH - Mirror height, 40" to the reflecting surface
- old style angled mirrors, per the requirements of previous editions of 521

RG - grant

DM - second- carries unanimously

- TH - kneespace at the drinking fountain, 26.6 inches provided; required to provide 27"

DM - grant
JH - second – carries unanimously

6) Incoming: Hildreth House, Council on Aging, 15 Elm St., Harvard (V16-151)

TH - EXHIBIT – variance application and supplemental information
- new shaft for existing exterior vertical wheelchair lift
- proposing new porch
- spending over 30%
- seeking variance for the main stairs, proposing wall-mounted handrails

JH - grant as proposed for main stair
DM - second – carries unanimously

TH - rear service stair with winders and proposing compliant wall mounted, but need variances for all other areas

DM - grant as proposed
DD - second – carries unanimously

DM left the room

7) Incoming Discussion: Ben Cotto Ristorante, 361 Hanover St., Boston (V16-062)

TH - EXHIBIT – Plans submitted by Dominic Valente (SP-A1 and SP-A2, dated April 28, 2016); pictures of portable ramp
- proposing a portable ramp as an alternative to the 6 foot ramp
- portable ramp has a 22% slope
- proposing automatic door opener

RG - grant on condition of buzzer, auto-opener, signage, and staff training
JH - second – carries unanimously

8) Incoming: Swimming Pool, Bayberry Hill Estate Apartments, 50 Dinsmore Avenue, Framingham (V16-147)

TH - EXHIBIT – variance application and supplemental information
- pool at the top of the parking complex, they have to rebuild the stairs, and seeking a variance to not provide an accessible route at each stair to the pool area
- EXHIBIT – May 23, 2016 e-mail from Framingham Commission on Disability, in support of the variance application, on the condition that directional signage posted at each inaccessible stair and that two accessible parking spaces be located near the accessible entrance

DM - grant as proposed and with conditions of the Framingham Commission
RG - second – carries unanimously

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, RG, DD, JH, GD, AB and DG unanimous vote in favor*

Deirdre Hosler, Deputy General Counsel - 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

11) Incoming: Casa Esperanza, Men's Residential Facility, 291 Eustis Street, Roxbury (V16-144)

TH - EXHIBIT – variance application and supplemental information
- existing vertical wheelchair lift, seeking a variance to remove the lift and construct a ramp
- there will be a period, when the ramp is being reconstructed, that the building will not be accessible

JH - grant them until September 1, 2016 to complete the ramp work, on the condition that accommodations are in place to accommodate residents that will be effected by the removal of access during the construction period
DM - second – carries unanimously

WW left the room – DM acting as chair

12) Incoming: Brindle Hall, Endicott College, 410 Hale St., Beverly (V16-154)

TH - EXHIBIT – variance application and supplemental information
- previously allowed to issue permits
- would like to put it in the packets for next meeting

DD - put it in the Board packet for June 6th
RG - second – carries unanimously

13) Incoming Discussion: Residential Building , 1-3 Langdon Street, Cambridge (V08-040 & V15-185)

TH - EXHIBIT – letter from Chris Rogers of Chestnut Hill, owners' representative, received May 18, 2016
- under 30%, but required to triggered 3.3.1b
- 5 new units in the basement (V15-185), management office project (V08-040)
- seeking to amend 2015 variance to include one more three-bedroom unit
- Larry Braman of Cambridge ISD found the issue, holding up the permits for the project based on this

DG - grant as proposed
JH - second – carries unanimously

WW now present and acting as Chair

14) Discussion: West Chelmsford United Methodist Church, 242 Main St., North Chelmsford – Request for Letter of Support to Mass. Automatic Sprinkler Appeals Board

- TH - EXHIBIT – letter from Thomas LaFlame, Chairman of Board of Trustees, received May 17, 2016
- large accessibility project is triggering sprinklers for the building
 - adding two vertical wheelchair lifts to the building
 - proposed project will not increase occupancy or capacity of the building, only increase access within the building

DM - take no action

DD - second – carries unanimously

15) Incoming: The Point (Pierce Boston), 188-200 Brookline Ave., Boston (V16-152)

- TH - EXHIBIT – variance application and supplement information
- new 240 units for rent, 109 units for sale
 - seeking variance for outlets at curtain walls, 521 CMR 9.5.6

DM - grant as proposed

JH - second – carries unanimously

- TH - variance for electric outlets in kitchens and bathrooms (9.5.6)

RG - grant as proposed

DM - second – carries unanimously

- TH - 43.3.2, compliant sinks for Group 1 units
- proposing to keep shallow sink in stock, available upon request at no cost

RG - grant with usual conditions

DM - second – carries unanimously

RG - require a parking plan be submitted to verify compliance with 521 CMR 10.3

DM - second – carries unanimously

16) Incoming: Monica's Mercato, 130 Salem St., Boston (C14-156 & V16-140)

- TH - EXHIBIT – variance application and supplemental information
- new entrance was created to new public space in the basement
 - held a hearing regarding the complaint
 - the Board asked the staff to visit ISD to investigate the building permits for the work
 - made storage basement door into entrance to the basement space
 - door swings into the stairs and no stair landing
 - cited by Boston ISD regarding the doors and the stairs
 - the basement space was posted as closed, but then upon request from the attorney, the Board allowed the use of the basement space, on the condition that variance application submitted
 - staff generate complaint, however a lot of the photo documentation submitted has come from a neighbor
 - arguing technological infeasibility, variance for entrance, door clearance and the lack of landing at the stairs

- proposing to swing the door out, install compliant handrails at both sides of the stairs, also proposing that any tenant will be required to post notice of the accommodations available on their website, also a call system
- would also like them to provide menu at the door

DM - grant on the condition that modified as proposed, and provide lighted menu and call system at the door, for this building owner and current tenant only
CS - second – carries unanimously

17) Incoming: Bill's Yogurt, 120 East Street, Ludlow (V16-149)

- TH - EXHIBIT – variance application and supplemental information
- variance for side reach at self-service counter, 50% of the condiments are accessible, and staff can assist for other condiments
 - first two rows are accessible, third is not

DM - grant as proposed, as long as duplicates of the first row are at the third row
RG - second – carries unanimously

DM left the room

18) Incoming: West Falmouth Library, 575 West Falmouth Hwy, West Falmouth (V16-155)

- TH - EXHIBIT – variance application and supplemental information
- renovation and addition, addition will house an elevator, lift that is currently provided is being removed
 - spending over 30%
 - application seems incomplete, in that there appears to be a need for additional variances
 - seeking to decrease the access temporarily during construction
 - did not ask for the existing historic structures

RG - continue to have the Petitioners meet with the Board Staff to discuss additional variance required
GD - second – carries unanimously

DD left the room

19) Incoming: Beauty Salon, 128 Mayor J. McGrath Hwy, Quincy (V16-156)

- TH - EXHIBIT – variance application and supplemental information
- change in use and spending \$10,000
 - seeking a variance for the lack of access to the second floor of the private home being converted to a beauty salon
 - same services at second floor will be provided at the first floor

JH - hearing
RG - second

- WW - building is open and operational as a nail salon, and was a real estate business and an insurance company
- TH - they are proposing a ramp, variance says that project is in the plan phase

DM and DD now present

- KS - call the vote
- *motion carries with DD and DM abstaining*

20) Incoming Discussion: New Residential Building, 584 East 3rd St., South Boston (V15-318)

- TH - wanted to install a lift from garage to first floor Group 1 units
- plans for garage did not show compliant parking
 - structural steel is also too low
 - the variance application says that the project was at construction docs
 - EXHIBIT – e-mail with plans submitted by Timothy Johnson, dated May 10, 2016, showing that all of the work will comply with the installation of the lift as previously proposed

DM - grant on the condition project is built as shown in the plans received on May 10, 2016

DG - second – carries unanimously

21) Advisory Opinion: May 11, 2016 submittal from Paul Moriarty and Associates, number of electrical charges spaces that shall be accessible

- TH - EXHIBIT – letter from May 11, 2016
- seeking to determine the number of spaces which shall be required to be accessible parking spaces
 - also received an e-mail from Deborah Ryan regarding the US Access Board's opinion on this matter
 - US Access Board says 5%

RG - continue to put in the packet for June 6, 2016

JH - second – carries unanimously

22) Hearing: Sidewalks at Washington Street, Norwell (C15-102)

- WW - scheduled for 11:00 a.m., call to order at 11:25 a.m.

William Joyce, Compliance Officer for the Board (WJ)

- WW - WJ sworn in
- EXHIBIT 1 – AAB1-39

- WJ - First Notice sent on June 16, 2015
- July 10, 2015 received letter from Ms. Perry of Massachusetts Department of Transportation (MassDOT), stating that the matter would be resolved during a future renovation, with no date provided
 - sidewalk project by MassDOT, but path of travel of less than 36" of clear provided around existing light poles

- Norwell Commission on Disability stated that they had made MassDOT aware of the issue with the existing light poles and the lack of clear route around the existing poles, and were told by MassDOT would provide compliant accessible sidewalks
- AAB4 shows completed return receipt for the notice of hearing
- other issue is that the two curb cuts, water pools (521 CMR 22.6)

DM - find in favor of the complainant
DG - second – carries unanimously

WW - pictures are the ones that the complainant sent in

WJ - complaint filed by Steve Higgins and most likely pictures taken by Bill Shine
 - could have come for a variance

DM - schedule a fine hearing
AB - second – carries unanimously

Break for Lunch

DM as chair, DD and WW not present, all others present

23) Discussion: Sarah Gibbons School, 20 Fisher Street, Westborough (V16-013)

TH - March 21, 2016 hearing, required plans showing that the accessible seating complies with the requirements of 521 CMR 14
 - EXHIBIT – submittal from Scott Bancroft, received on May 18, 2016
 - submittal of plans regarding lift to the stage and plans of accessible seating locations

AB - accept the plans
GD - second – carries unanimously

24) Incoming: Oaknoll Cottage, 7 Cutler Road, Gill (V16-159)

TH - EXHIBIT – variance application and supplemental information
 - large private residential home on the campus of the Northfield Mount Herman School
 - first two floors are occupied by two family and their children that work at the school; third floor will be renovated into dorm rooms
 - seeking variance for the lack of access to the third floor
 - proposing two beds in each of the rooms; three proposed
 - EXHIBIT – letter from Stavros in support of the variance, received on May 10, 2016

JH - grant as proposed
AB - second – carries unanimously

DD now present

25) Incoming: Lenox Library, 18 Main Street, Lenox (V16-153)

TH - EXHIBIT – variance application and supplemental information

- two-story historic library built in 1874
- project is removal and replacement of marble stairs and walkway
- there is an adjacent accessible entrance that will remain in place
- seeking a variance to maintain the noncompliant stairs

DD - grant as proposed

GD - second – carries unanimously

26) Incoming: Cumberland Farms Store, 139 South Street, Plainville (V16-150)

- TH - EXHIBIT – variance application and supplemental information
- over 30%
 - variance for 30.7.1, providing 69.5” by 84”, required to be 72” by 90”

AB - grant as proposed

JH - second – carries unanimously

27) Incoming: New Housing (five condominium Units), 17-19 Vinton St., South Boston (V16-146)

- TH - EXHIBIT – variance application and supplemental information
- seeking to install a vertical wheelchair lift between parking and first level of units
 - also appears that they will need a variance for the entrance and roof deck at the top of the building
 - suggest continuing this case and meet with me

DD - continue and require a meeting with TH

RG - second – carries unanimously

28) Incoming: New Housing (four condominium Units), 388-390 West 4th St., South Boston (V16-145)

- TH - EXHIBIT – variance application and supplemental information
- seeking to install a vertical wheelchair lift between parking and first level of units
 - also appears that they will need a variance for the entrance and roof deck at the top of the building
 - suggest continuing this case and meet with me

RG - continue and require a meeting with TH

DD - second – carries unanimously

29) Discussion: One Pond Park Road, Hingham (V03-047)

- TH - previously approved an entry ramp with a cross slope of 6.5%
- EXHIBIT – Stephen Larocque plans of the new ramp proposal with a slope of 1:9 and a compliant cross slope, dated May 9, 2016

AB - grant as proposed

JH - second – carries unanimously

WW now present, acting as chair

30) Hearing: Causeway Restaurant and Bar, 65 Causeway Street, Boston (V16-071)

WW - called to order at 1:05 p.m.
- introduce the Board

Derek Brady, West End Dining (Owner) (DB)
Chris Howe, CDHA Consulting (CH)

WW - both sworn in
- EXHIBIT 1 – AAB1-28

TH - submittal of additional information from CH, received by the Board on May 19, 2016
WW - accept as EXHIBIT 2

CH - seeking a variance for the lack of a full elevator access to the roof deck
- will provide excess seating, beyond the existing seating, which is accessible at the first and second floor

DB - intention was to add a small section of seating at the roof of the business, to appeal to people in the summer months
- will only be used during the three summer months, when the Boston Garden does not have events
- the installation of access to the roof deck, would reduce capacity of the interior, which is mainly used during the sporting seasons at the Garden, the busiest time of year for the restaurant
- economically, it is not feasible to lose spaces at the second or first floor
- each floor currently has approximately 100 seats
- need to have every seat at the interior available to run the business during the busier winter months
- first floor has windows that open completely
- better views at the first floor than from the roof deck

CH - accessibility improvements over the past 36 months
- currently have automatic door openers that were installed
- vertical wheelchair lift to the second floor
- accessible toilet rooms constructed at the first and second floors
- accessible seating along the window line and along the window line at the second floor level, and then distributed around both levels
- cost of the work done in the past 36 months was approximately \$2,000,000
- proposed roof deck project is intended to be minimal, due to the levels of the roof deck and the mechanical space
- propose to extend stairs up to the roof and create a bar area, proposed project is \$200,000
- extending the existing lift to the roof is not feasible, since it is an enclosed wheelchair lift, and going another story is beyond the limitations of the equipment
- another option would be to install a LULA or full elevator
- installing a separate lift would require weatherproofing the enclosure, at a cost of an additional \$50,000
- 25% increase in cost of construction
- loss of one booth of seating (not filled to capacity daily), results in an estimated loss of revenue from \$24-30,000 per year
- seating on the second floor is used year round, while the roof deck is only used for approximately three months
- additional revenue of \$65,000 per year for the roof deck, minus the lost revenue of the loss of space at the second floor; 36-46% loss of revenue for the business
CH - biggest events at the Garden are fall and winter sports
- there are large sliding operating windows at the first floor
- second floor views look across to the Federal Building across the street

- roof deck has views of adjacent building brick walls and Federal Building, little to no view of street/sidewalk
- existing seating at the first and second floors is superior to the views of the roof deck
- argument is that the cost is excessive, without substantial benefit to persons with disabilities

DG - second floor at the rear; what is it used for?

CH - it is more seating

DB - it's actually booth seating
- also storage area for wait staff

DB - use every bit of space within the building, which is why seeking more seating
- same size as half of the second floor, proposed at the second floor

GD - building permits are a total of \$1,750,000

- was that a renovation?

DB - yes

CH - renovation of existing space, triggered full compliance with 521 CMR

DG - restrooms at the second floor?

TH - they have variances, based on a previous variance granted

- the Board already adjudicated the variances for the toilet rooms and the lift, but at that time there was no proposal for the roof deck

- they also lowered one of the first floor booths

DB - contractor that they used at the beginning of the project did not perform due diligence in regards to the requirements of access

DD - size of the roof deck in square footage?

DB - just under 1,000 square feet

- any other amenities at the roof deck, other than just the fresh air and higher level?

DB - no

- access to the roof?

CH - fully code compliant stairway at the roof?

- flooring at the roof?

DB - composite decking probably

- BRA approval will be after that

DD - 49 people for 3-4 months out of a year?

DB - yes

DM - not an additional view

DB - view would be of adjacent walls and the Federal Building across

DM - grant as proposed

GD - second – carries unanimously

DD left for the day

- TH - EXHIBIT – variance application and supplemental information
- variance for sidewalk widths and cross slopes
- street parking, existing sidewalk varies in width from 3’10” to 4’6”, including the curbstone

DM - grant as proposed for the sidewalk width, nothing is added on the sidewalk to reduce it to less than 36”

DG - second – carries unanimously

- TH - cross slope varies from 1.5-3.7%

DM - grant as proposed

GD - second – carries unanimously

32) Incoming: Sam Tak Lee Building (Building #9), 105 Mass. Ave., Cambridge (V16-148)

- TH - EXHIBIT – variance application and supplemental information
- classroom space and offices for MIT
- spending over 30%
- seeking 4 variances
- seeking a variance for the installation of a LULA to provide access between floors 5 and 6

DM - grant as proposed

AB - second – carries unanimously

- TH - variance to 521 CMR 20.1
- out of 10 entrances to the building, nine are accessible, seeking a variance for the lack of access at one set of stairs at a change in level

DM - grant as proposed

AB - second – carries unanimously

- TH - first floor existing nonconforming ramp to the entrance plaza
- width is only 36” clear between the handrails

AB - grant as proposed

DM - second – carries unanimously

- TH - variance for two existing ramps at the 4th and 5th floors that do not have compliant landings at the door entrances, but there are auto-openers

Evan Bjorklund now present as Mass. Office on Disability Designee (EB)

- RG - why not just a sensor
TH - not sure

AB - grant as proposed

GD - second – carries unanimously

33) Discussion: DeLuca's Market, 7-17 Charles St., Boston (V11-232)

TH - when the lift was installed, they received a certificate of inspection from the Elevator Inspector, but then boarded up the lift and made it not available
- conducted a site visit on January 20, 2016
- was able to use the lift to get to the basement and the unfinished wine cellar with a portable ramp
- pending request to amend variance request
- EXHIBIT – amending variance request, submitted by Virgil Aiello and received by the Board on March 29, 2016
- site visit report was written up and sent out January 21, 2016, noting several different violations of 521 CMR

DG - amendment seeking variances to 521 CMR 24.4, 29.00 and 39.00

TH - site visit report cited the violations, and the amendment is seeking variances to all of the violations cited
- they are also saying that they no longer use one of the two doors into the building, so seeking to not fix the automatic door opener at that door
- seeking an occupancy for the basement wine cellar
- plans for the rest of the basement space; wine and cheese tasting area, toilet room, and rest of the market space at the basement

DM - can address only the variances being requested
- need to note that other outstanding issues cited in the site report are not addressed

DM - grant variance for the lack of a level landing at the lift
GD - second – carries unanimously

DM - deny the variance for the lack of push side clearance at the door, to be moved by June 15, 2016, with documentation submitted by said date verifying compliance with the order of the Board

AB - second – carries unanimously

DM - continue the matter of the automatic door opener (E) until the Board can verify that it is complete

AB - second – carries unanimously

TH - standing order is that both doors need to have automatic door opener
- they are stating that one of the two doors will not be used

DM - grant the variance for the lack of an automatic opener at the second entrance door, based on the testimony submitted that only one door is used

AB - second – carries unanimously

DM - continue to have the Petitioners address other issues cited in the site visit report via plan for compliance or additional variance requests to be submitted by July 30, 2016

GD - second – carries unanimously

DM - deny the variance for the lack of compliance at the stair handrails

GD - second – carries unanimously

- DM - no occupancy permit for the wine cellar shall be issued until all violations of 521 CMR are addressed and adjudicated
GD - second – carries unanimously
- DM - expedite
RG - second – carries unanimously

34) Hearing: Mixed-Use Building (Residential/Commercial), 605 Tremont Street, Boston (V16-046)

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

Paul Curtis, Architect (PC)

Nancy Lo, Owner (NL)

- WW - both sworn in
- EXHIBIT 1 – AAB1-38

- NL - family has owned the building for over 50 years
- changing the occupancy from 5 apartments, to 6 residential units and a commercial property at the first floor
- no room for a lift or a ramp to the front entrance
- no other entrance to the first floor unit from the outside
- submittal of additional pictures showing the entrance in question

- WW - accept submittal of pictures as EXHIBIT 2

- NL - to get out from the rear, have to use another winder staircase to the basement level, with an additional three steps out to the back with an additional set of stairs down to Dartmouth Street
- plan to open a retail food shop
- will have a buzzer and will take orders over the phone and will provide home deliveries
- other businesses in the area have steps down to their storefronts
- building was built in the 1860's
- located in a historic district, South End Landmark District

- AB - was Kristen McCosh given all the materials she requested?

NL - yes

- TH - any plans for the building project of the conversion?

- NL - thought that I submitted them

- PC - the permit plans just show a blank open space at the first floor, since she does not have a proposed layout space at the first floor for the store yet
- basement space will just be used as storage

- JH - information requested by Kristen McCosh was answered?

NL - yes, no additional entrances to the building

- Wine Emporium has an accessible entrance

NL - yes, they are flush with the street

DM - *grant on the condition that website notification, buzzer, home delivery provided, and signage posted at the entrance; also on the condition that the plans of the proposed construction*
- *withdrawn*

DM - *continue until receive full set of plans of the proposed project*
DG - *second – carries unanimously*

JH - *hold the decision of the Board until receipt of plans, will expedite the decision at that time*
DM - *second – carries unanimously*

DM left for the day

35) Discussion: Yola Esther Development Sidewalks, Kara Drive, Giovina Drive, Karen Drive, Pittsfield (C15-125 and V16-073)

TH - EXHIBIT – May 13, 2016 submittal from James Scalise, seeking a one-month extension to submitting plans and amended variance requests
- required to be submitted by May 15, 2016, proposing to submit plans and amended variances by June 6, 2016
- EXHIBIT – May 17, 2016 e-mail from June Hailer, opposed to the extension of time

DG - *grant the one month extension to June 6, 2016, with the understanding that this is the only extension that will be granted, on the condition that plans and amended variances submitted by said time, with the understanding that the proposed work shall be begin during the 2016 construction season.*

JH - *second – carries unanimously*

JH - *expedite the decision*

RG - *second – carries unanimously*

36) Discussion: Minutes from May 9, 2016

WW - any motion on the minutes?

JH - *accept the minutes from May 9, 2016*

DG - *second – carries unanimously*

37) Hearing: First United Methodist Church of Westborough, 120 West Main Street, Westborough (V16-070)

WW - called to order at 3 p.m.
- introduce the Board

Chris Howe, CDHA Consulting (Owner Representative) (CH)

WW - CH sworn in
- EXHIBIT 1 – AAB1-34

CH - First United Methodist Church (“Church”) are very dedicated to accessibility
- most recently added an accessible restroom, and have an assisted listening system and provide more accessible parking than required by 521 CMR

- the proposed project is mainly for access and life-safety upgrades
- existing exterior wheelchair lift (AAB26) is proposed to be removed, with access to be brought to the interior of the building
- congregation of approximately 1,000 members, regular Sunday service of approximately 300 members
- also offer use to the building to Boy Scouts, Girl Scouts and AA
- read into the record a statement from the church

WW - accept statement from the Church as EXHIBIT 2; to be submitted digitally

CH - existing building (AAB22), proposing to install a LULA to provide access from the basement to the second floor

- LULA will be directly adjacent to the accessible entrance
- heaviest usage would be on Sundays, during regular services, for the four-foot change in level
- activity space at the basement level would also be well used
- much less common for someone to go from the basement level to the second floor

DG - changing the front entrance, how does that relate to the existing accessible parking

CH - parking lot actually wraps around the building, but will add additional parking near the newly proposed accessible entrance

- 7 spaces around the side?

CH - would have to relocate some of the parking to the new accessible entrance, so that the required number of accessible parking spaces are located near the accessible entrance

JH - would like to know how many parishioners would utilize the new accessible modifications

EB - what is the sidewalk near that proposed entrance?

CH - will be compliant

GD - grant the variance for the use on the compliant LULA, on the condition that the accessible parking spaces are distributed between the two accessible entrances to the building

JH - second – carries unanimously

CH - AAB29, existing stair handrails

- center handrails with a newel post, proposing compliant wall-mounted handrails in 5 years

- seeking 5 years due to the proposed project to create a fully compliant egress stair within the next five years

DG - two stairs?

CH - yes, two stairways

- what is the cost for the installation of just a compliant wall-mounted handrail at the existing stairways?

CH - not cost out

AB - what is the timeline to replace the stairs?

CH - 5 years

DG - when is the addition proposed to be done

CH - as soon as possible, based on fundraising

CH - also have to deal with the cost of life-safety improvements

GD - when does the 5 years begin?

CH - when work begins

- DG - *grant the five year time variance for the center handrail, on the condition that wall-mounted handrails are installed during the proposed construction project*
- AB - *second – carries unanimously*
- CH - nosing of stairs are a square edge that project abruptly a half of an inch
- proposing to look at locations where people have to egress up the stairs, and will install molding at those stairs (up from the basement)
- GD - vinyl trim addition proposed?
- CH - propose to install the vinyl trim only to the stairs from the basement to the first floor
- WW - need to see a profile of the proposed solution
- JH - *continue variance #4, to have the Petitioners submit a detailed drawing of the nosings and the proposed vinyl piece, to be submitted to the Board by June 1, 2016*
- EB - *second – carries unanimously*
- CH - kitchenette at the back of the main worship hall
- proposing to leave kitchenette as is, based on use policy
- kitchenette is used by volunteers to serve coffee and snacks after the events, accommodation policy to help with setup outside of the kitchenette
- to make the kitchenette would require \$12-15,000 worth of work to increase the size of the kitchenette and lower the counters and cabinets
- JH - where do people congregate?
- CH - in the adjacent parlor space
- JH - *grant on the condition accommodation policy in place as proposed*
- AB - *second – carries with RG opposed*
- CH - Item #8, access to the Chancel space
- chancel is raise 19 inches above the floor of the church
- have additional photographs of the Chancel, just cleaner than those submitted originally
- looked at options of the installation of a 20 foot long ramp
- not feasible for a lift at the front of the church either, with additional cost of \$20,000
- AB - who is up on the Chancel?
- CH - members of the public do access that space, but proposing to provide a removable ramp, to allow someone to get up onto the chancel space
- DG - what is the rise?
- CH - portable ramp is twice the slope of a compliant ramp and would go right up the center aisle up to the chancel
- DG - where are the accessible seating locations proposed, is there a plan?
- just wondering if the ramp, being 10 feet long, will block off the front couple of rows
- it would require someone to go out and around the seating to get to the ramp
- CH - yes, issue is cost, and the logistics of putting a lift up to the chancel

- DG - hard to imagine the layout of getting someone up onto the chancel during a service, if they cannot get to the ramp
- CH - seating will be equally distributed throughout the church, could be at the back
- could also have someone get up to the chancel prior to the service and get down after the service that they are participating in
- DG - *continue the variance for the lack of access to the stage, to have the Petitioners submit plans showing the options (i.e. how the portable ramp would be attached to the chancel floor) and costs for access to the chancel*
- RG - *second – carries unanimously*
- CH - Item #14, existing commercial kitchen at the basement level
- volunteers use the kitchen to help prepare food
- proposing to provide a portable work surface; all existing commercial kitchen equipment set up at a 36” height; portable work surface of 34” high would be provided with compliant knee space
- JH - *grant on the condition that compliant work surface provided within the kitchen area*
- AB - *second*
- RG - *add sink and stovetop as accessible*
- JH - *withdrawn*
- JH - *grant the variance, on the condition that a compliant hand sink and cook top are provided during the current construction project*
- GD - *second – carries unanimously*
- CH - Item #2, proposing to replace the door hardware in the church portion of the building, and compliant new hardware in the new addition; and propose change in hardware throughout the school within the next 5 years
- RG - very low budget item for a large project, and door hardware is very important
- DG - *deny and require all hardware be brought into compliance during current project*
- GD - *second – carries unanimously*
- CH - Item #5, existing drinking fountains are not accessible, cost to replace all is estimated to be \$6,000
- request to wait 5 years to bring the drinking fountains into compliance
- three in the school wing and one on the second floor and one at the basement level
- GD - *grant a five year time variance to bring them into compliance by June 1, 2021*
- EB - *second – carries with RG and DG opposed*
- CH - Item #7 will be addressed as part of the renovations
- Item #10 and 11, lack of access to the choir loft and choir room
- the doors are only 32”, and do not provide a compliant clear width
- could potentially widen the door to the choir room and then creating a door into the choir loft
- seeking five years to complete the work to create access to the choir room
- JH - *grant the variance for the lack of access to the choir loft and choir room, on the condition compliance provided and verified as such by June 1, 2021*
- GD - *second – carries with RG and DG opposed*

- TH - accommodation policy in place in the interim?
CH – not sure
- CH - Item #12 and 13, currently no accessible restrooms at the basement and second floor
- currently the only accessible toilet room is at the first floor
- seeking 5 years to provide accessible toilet rooms at the basement and second floor
- DG - students in the classrooms without accessible toilet rooms
- CH - religious educations during Sunday services, and childcare services provided during typical business hours
- older children can take the lift to the first floor, but younger children would have to be escorted
- RG - there is only one toilet room at the first floor, and it is the only accessible one, so everyone will be using it
- AB - *grant a time variance until June 1, 2019 to provide an accessible toilet room at the basement and second floor*
RG - *second – carries unanimously*
- CH - lack of access to the school playground
- there is currently a playground that is accessed via an existing ramp and is covered in wood chips
- proposing to provide an accessible route to the playground as part of the current project, and will provide route at the actual playground within 5 years
- JH - *grant a four year time variance to provide access within the playground by June 1, 2020*
DG - *second – carries with RG opposed*

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- May 11, 2016 submittal from Paul Moriarty and Associates, number of electrical charges spaces that shall be accessible - letter from May 11, 2016
- Sarah Gibbons School, 20 Fisher Street, Westborough (V16-013) - submittal from Scott Bancroft, received on May 18, 2016

EXHIBITS:

- Waverly Commuter Rail, 525 Trapelo Road, Belmont (C12-033 and V16-073) - May 6, 2016 letter from Laura Brelsford of the MBTA
- Ben Cotto Ristorante, 361 Hanover St., Boston (V16-062) - Plans submitted by Dominic Valente (SP-A1 and SP-A2, dated April 28, 2016); pictures of portable ramp
- Residential Building , 1-3 Langdon Street, Cambridge (V08-040 & V15-185) - letter from Chris Rogers of Chestnut Hill, owners' representative, received May 18, 2016
- West Chelmsford United Methodist Church, 242 Main St., North Chelmsford – Request for Letter of Support to Mass. Automatic Sprinkler Appeals Board - letter from Thomas LaFlame, Chairman of Board of Trustees, received May 17, 2016

- New Residential Building, 584 East 3rd St., South Boston (V15-318) - e-mail with plans submitted by Timothy Johnson, dated May 10, 2016, showing that all of the work will comply with the installation of the lift as previously proposed
- One Pond Park Road, Hingham (V03-047) - Stephen Larocque plans of the new ramp proposal with a slope of 1:9 and a compliant cross slope, dated May 9, 2016
- DeLuca's Market, 7-17 Charles St., Boston (V11-232) - amending variance request, submitted by Virgil Aiello and received by the Board on March 29, 2016
- Yola Esther Development Sidewalks, Kara Drive, Giovina Drive, Karen Drive, Pittsfield (C15-125 and V16-073) - May 13, 2016 submittal from James Scalise, seeking a one-month extension to submitting plans and amended variance requests; May 17, 2016 e-mail from June Hailer, opposed to the extension of time
- Whitman Mixed-Use Building, 585-599 Washington Street, Whitman (V16-142) - variance application and supplemental information
- Clarke Middle School, 17 Stedman Rd., Lexington (V16-141) - variance application and supplemental information
- Mass. Maritime Academy, Kurz Hall, 101 Academy Dr., Buzzards Bay (V16-143) - variance application and supplemental information
- Hildreth House, Council on Aging, 15 Elm St., Harvard (V16-151) - variance application and supplemental information
- Swimming Pool, Bayberry Hill Estate Apartments, 50 Dinsmore Avenue, Framingham (V16-147) - variance application and supplemental information; May 23, 2016 e-mail from Framingham Commission on Disability, in support of the variance application, on the condition that directional signage posted at each inaccessible stair and that two accessible parking spaces be located near the accessible entrance
- Casa Esperanza, Men's Residential Facility, 291 Eustis Street, Roxbury (V16-144) - variance application and supplemental information
- Brindle Hall, Endicott College, 410 Hale St., Beverly (V16-154) - variance application and supplemental information
- The Point (Pierce Boston), 188-200 Brookline Ave., Boston (V16-152) - variance application and supplemental information
- Monica's Mercato, 130 Salem St., Boston (C14-156 & V16-140) - variance application and supplemental information
- Bill's Yogurt, 120 East Street, Ludlow (V16-149) - variance application and supplemental information
- West Falmouth Library, 575 West Falmouth Hwy, West Falmouth (V16-155) - variance application and supplemental information
- Beauty Salon, 128 Mayor J. McGrath Hwy, Quincy (V16-156) - variance application and supplemental information
- Oaknoll Cottage, 7 Cutler Road, Gill (V16-159) - variance application and supplemental information; letter from Stavros in support of the variance, received on May 10, 2016
- Lenox Library, 18 Main Street, Lenox (V16-153) - variance application and supplemental information
- Cumberland Farms Store, 139 South Street, Plainville (V16-150) - variance application and supplemental information
- New Housing (five condominium Units), 17-19 Vinton St., South Boston (V16-146) - variance application and supplemental information

- New Housing (four condominium Units), 388-390 West 4th St., South Boston (V16-145) -variance application and supplemental information
- Sidewalks at Woodrow Avenue, Malden (V16-157) - variance application and supplemental information
- Sam Tak Lee Building (Building #9), 105 Mass. Ave., Cambridge (V16-148) - variance application and supplemental information