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Department of Public Safety Architectural Access Board

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Daniel Bennett
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Executive Director

Board Meeting Minutes – November 14, 2016 21st Floor – Conference Room 3

Present Board Members:

- Walter White, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Evan Bjorklund, Massachusetts Office on Disability Designee (EB)
- Andrew Bedar, Member (AB)
- Jane Hardin, Member (JH)

and

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

Members Not Present:

- George Delegas, Member (GD)
- Raymond Glazier, Massachusetts Office on Elder Affairs Designee (RG)
- Dawn Guarriello, Member (DG)

- Meeting began at approximately 9:15 a.m.

1) Discussion: Board Member Roll Call

WW - all but RG, DG and GD present

2) Incoming: Holyoke Farms Apartments, 87 Varnum Dr., Holyoke (V16-318)

TH - EXHIBIT – variance application and supplemental information

- spending \$17,579,842; value of building \$16,588,943
- jurisdiction is 3.3.2, spending over 30%
- tearing down Building M, and will replace with new building that will contain 12 Group 2A units and an accessible management office
- seeking a variance for the distribution of the Group 2A units throughout the existing townhouse style buildings

DM - grant as proposed

EB - second – carries unanimously

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

3) Incoming Discussion: Cochituate Home Corp., 12-A Interfaith Terrace, Framingham (V13-178)

- TH - EXHIBIT – received significant amendment received on October 28, 2016 from Neil Mongold of Narrowgate Architects
- would like to put it in the packets

DM - put the case in the packet for the 11/28/16 meeting

EB - second – carries unanimously

4) Incoming: Mixed-Use Building, 419-429 Main St., Melrose (V16-319)

- TH - EXHIBIT- variance application and supplemental information
- plans are vague, no details
 - spending over 30%, jurisdictional trigger of 3.3.2
 - would like to continue for full building and site plans

RG -continue to have the Petitioners submit detailed floor plans and a site plan

DM - second – carries unanimously

5) Incoming: Unit 2A, Lower Level, 12 Mariner's Way, Edgartown (V16-316)

- TH - EXHIBIT- variance application and supplemental information
- seeking to open lower level tenant space, 900 square feet
 - applicant runs a health collaborative and has 4 of the 7 tenant spaces on the first floor
 - seeking a variance to install a Stannah Stair lift to access the basement, with no platform

DM - deny

AB - second – carries unanimously

6) Incoming: Soldiers Field Park, 610-640 Soldiers Field Road, Boston (V16-314)

- TH - EXHIBIT – variance application and supplemental information
- phased renovation of four apartment buildings
 - buildings will be worked on one at a time
 - first phase exceeds 30% of the value of the first building
 - met with the Petitioners on 11/3/16
 - have been waiting the submittal of additional material
 - just received the material now

- would like to put it in the packet for the next meeting

DM - motion to put in Board packets for November 28, 2016

JH - second – carries unanimously

7) Incoming Discussion: Curb Cut at Southwest Corner of Hudson Street and Harvard Street, Boston (V12-287)

TH - notice of action on 12/5/12, granting the variances as proposed
- EXHIBIT – 11/11/16 received an email Deborah Danick, the project engineer, with a letter and photographs of the completed work
- letter stated that Boston DPW accepted the curb cut on the southern side of the intersection, but did not accept the northern side of the intersection, which was supposed to be new design
- seeking to amend the variance request to include the northern side of the intersection at Hudson and Harvard Street

DM - grant as proposed for northern side

JH - second – carries unanimously

8) Incoming: Trevi Restaurant, 25 Market Street, Building 12A, Mashpee (V16-308)

TH - EXHIBIT – variance application and supplemental information
- seeking to use existing lift with 34 ½ inches by 54 inches to access the second floor

DM - grant as proposed

AB - second – carries unanimously

9) Incoming: Hanger #7, Fitchburg Airport, 577 Crawford St., Fitchburg (V16-307)

TH - EXHIBIT – variance application and supplemental information
- roof leak caused major damage, spending over 30% in repairs (3.3.2)
- hanger is open to the public, upper level is only open to employees
- seeking variance for 521 CMR 30.7.2, they provide 16” instead of 18” between the wall and the centerline of the toilet

DM - grant as proposed

RG - second – carries unanimously

10) Incoming: Escape Games, 357 Worcester Road, Framingham (V16-309)

TH - EXHIBIT – variance application and supplemental information;
- former single-family residence, current use is offices for an extermination company
- value of the building is \$167,155; proposed tenant will be spending \$50,146
- EXHIBIT – e-mail from Mark Dempsey of Framingham Building Department on 11/10/16, noting only permit was for change of use that was denied, since the building was not open to the public in the prior use; permit was only for an exterior ramp; some interior work is proposed, but no permit applied for yet
- EXHIBIT – e-mail from Karen Dempsey, Commission on Disability, received on 11/14/16

DM - continue for more information

JH - second – carries unanimously

11) Incoming Discussion: Teamworks Indoor Sports Facility, 30 Great Road, Acton (V15-193)

- TH - 11/12/15 Notice of Action denied variance request to maintain existing noncompliant ramp and ordered full review of 521 CMR
- EXHIBIT – 11/3/16 e-mail from Frank Ramsbottom of Acton Building Department
 - owner then contacted the Board and has now agreed to do the review, but wants until January 15, 2016
 - received a phone call from Danny Factor of the Acton Commission on Disability, in favor of the extension

DM - grant extension to 1/15/17 for submittal of required review

JH - second – carries unanimously

12) Incoming: Garage Entry, 14-40 Beach Street, Boston (V16-313)

- TH - EXHIBIT – variance application and supplemental information
- renovation of sidewalk and vault space in front of garage entrance
 - seeking variance for cross slopes
 - current cross slopes are 9.6, 13.3, 13.6 and 11%
 - proposed cross slopes will measure: 3.5, 7.8, 11, and 5.8%
 - fixed dimensions of the street and the garage entrance

AB - grant as proposed

JH - second – carries with RG opposed

13) Incoming: Washington Park Condos, 30A Washington Park Dr., Unit 3, Andover (V16-311)

- TH - EXHIBIT – variance application and supplemental information
- seeking installation of a chair lift for a singular tenant use, approved by the condo association
 - tenant lives on the second floor and is 91 years old
 - EXHIBIT – letter of support from Jim Lyons of the Northeast Independent Living Center, dated 9/29/16 in support of the variance request

DM - grant on the condition taken out when no longer needed

JH - second – carries unanimously

14) Incoming: Curb Cuts and Sidewalks at Reservoir Station (MBTA Green Line), 375-399 Chestnut Hill Ave., Brookline (V16-310)

- TH - EXHIBIT – variance application and supplemental information
- EXHIBIT – 10/31/16 e-mail from Sarah Lynn Allair of Brookline Commission on Disability seeking to have this case go to a hearing
 - sidewalk cross slope will be 6.4% and 6.5%

AB - what is the existing slope?

- TH - rebuilding and maintaining the slope
- it is Cleveland Circle, so lots of competing grades at that location

JH - grant as proposed

AB - second – carries unanimously

WW left the room; DM acting as Chair

15) Incoming: New 6-Unit Multiple Dwelling, 84 Willow Court, Dorchester (V16-315)

- TH - EXHIBIT – variance application and supplemental information
- parking under the building
 - proposing vertical wheelchair lift that will serve the garage, front door, and the first floor of the building where the Group 1 units are located
 - also seeking permits to be allowed to start the work asap

AB - *grant as proposed*

JH - *second – carries unanimously*

16) Discussion: 274 Franklin St., Worcester (V14-314)

- TH - EXHIBIT – 10/20/16 submittal from Larry Escobar including a registered and recorded affidavit for the second floor and plans as required
- decision from the 9/26/16 hearing noted that a site visit might be necessary
 - plans show a split-level

AB - *request Staff Site Visit*

EB - *second – carries unanimously*

17) Discussion: First Parish Unitarian Universalist Church, 630 Mass. Ave., Arlington (V14-111)

- TH - sent amended Decision on 11/3/16 requesting resulting of meeting on September 24, 2016, still have not submitted requested documentation
- project was over \$200,000
 - requested 6 variances at the initial review
 - presented on 9/26/16 and voted that the report from the 9/24/16 meeting be submitted to the board by 11/14/16

RG - *if nothing received by the end of the month, will immediately schedule a fine hearing*

AB - *second – carries unanimously*

18) Incoming: 163 Newbury Street, Boston (V16-299)

- TH - EXHIBIT – variance application and supplemental information
- sent in your packets for review today
 - typical Newbury Street, split level at the front, proposing accessible entrance at the rear
 - proposing new restaurant at the basement
 - variance for restaurant toilet room

JH - parking?

TH - only showing 6 parking spaces

AB - *grant all as proposed*

JH - *second – carries unanimously*

WW now present, acting as Chair

AB left the room

19) Incoming Discussion: Lowney Chocolate Factory Housing, 150 Oakland Street, Mansfield (C14-159)

- TH - notice of action issued on 7/29/16 denying the variance for the nosings, and conditioned two of the variances regarding the stairs requiring a letter from Mass Historic
- Mass Historic supports the variance
 - EXHIBIT – letter from Mass Historic, forwarded by Warren Mott of BKA Architects on 11/3/16

DM - Accept the letter and grant the variance for the nosings

JH - second – carries unanimously

20) Incoming Discussion: CubeSmart Storage, 18-20 North Montello Street, Brockton (V16-279)

- WJ - EXHIBIT – 11/10/16 submittal from James Wilson of BKA Architects; accommodation policy, information on freight cars, ADA analysis on how they interpret storage facilities, and 524 CMR regulations regarding freight car use
- automated freight elevators are loaded and then go to the requested floor, there are 3 total
 - proposing 20 accessible storage units (of different types) at the first floor near the loading areas near the entrance; 5% of the units provided at the first floor, in accordance with the ADA guidelines for storage units
 - seeking variance for 521 CMR 28.1, no vertical access to the upper floors
 - seeking variance for the entrance, which has a set of stairs; adjacent door with entrance to a vertical wheelchair lift to access all of the first floor

JH - grant as proposed, for both variances requested

DM - second – carries unanimously

AB now present; DM left the room

21) Incoming Discussion: Grace Church, 101 Wales Avenue, Avon (V16-224)

- TH - converting mezzanine space from storage space to public space
- asked for costs for vertical access and test plans, and pictures
 - trigger is 3.4, change in use

DM now present

- EXHIBIT – 9/7/16 e-mail submittal from Peter Vanko, project architect; unable to submit pictures due to scheduling site visit conflicts

JH - deny and order a Board Staff site visit

RG - second – carries unanimously

22) Incoming: Fowler Clark Epstein Farm, 478 and 478R Norfolk Street and 47 Hosmer Street, Mattapan (V16-302)

- TH - EXHIBIT – variance application and supplemental information
- sent in packets from last meeting

DM - variance #1, grant as proposed
RG - second – carries unanimously

EB left the room

DM - variance #2, continue to submit cost information by next meeting (9/24/16)
RG - second – carries unanimously

DM - request affidavit for the use of the basement level
- rescind

EB now present

RG - variance #3, grant as proposed
DM - second – carries unanimously

RG - variance #4, grant as proposed
DM - second – carries unanimously

RG - variance #5, grant as proposed
DM - second – carries unanimously

RG - variance #6, grant as proposed
DM - second – carries unanimously

RG - variance #7, grant as proposed
DM - second – carries unanimously

RG - issue with stairs and exterior walkways request
- no proposals for looking at re-grading the sidewalks

TH - creating gardens at every open piece of land

DM - variance sought for the lack of compliant walkways and use of stairs, due to excessive cost without substantial benefit

AB - AAB36 and 37 show the accessible routes proposed

RG - submit more information regarding the costs of implementing the plan to make all walkways accessible
DM - second – carries unanimously

23) Incoming Discussion: Golda Meir House, 160 Stanton Avenue, Newton (V16-260)

TH - accommodation policy was in packet for review
- EXHIBIT – accommodation policy submitted by the Petitioners as part of the variance application

RG - not accept the accommodation policy as written, as it is too stringent

DM - second – carries unanimously

TH - it is not an option to provide, granted with condition that provided if requested; cannot validate the request and examine the disability prior to providing the required sinks and refrigerators

24) Incoming: One State Street, Boston (V16-317)

TH - EXHIBIT – variance application and supplemental information
- seeking variance for the sloped landing and entrance
- small reconstruction project, jurisdiction is 3.3.1a
- project is at schematic design, seeking variances to 25.2 and 26.6, regarding the approach and maneuvering clearance to the entrance

DM – deny

EB – second – carries unanimously

25) Incoming Discussion: CrossPoint Conference Center, 900 Chelmsford Street, Lowell (V16-290)

TH - granted a variance and sent a notice of action on the condition that complies with 521 CMR 28.12.3
- EXHIBIT – e-mail from Kevin Mudgen of Garaventa on 11/1/16
- cab size is 42” by 60” with a corner post, with two doors

DM - grant as proposed as shown in plan A100

JH - second – carries unanimously

26) Discussion: New Offices, Perkins Eastman, 20 Ashburton Place, Boston

TH - EXHIBIT – submittal of affidavit from Dawn Guarriello on 11/7/16 showing the areas of the building that will be employee only

DM - accept the affidavit, on the condition that the affidavit, plans and decision are recorded with the local registry of deeds

RG - second – carries unanimously

RG left the room

27) Discussion: Affidavit for 30 West Mills Street, Medfield

TH - EXHIBIT – letter from the owner of the company, Michael Lueders of Lueders Company, dated 11/10/16
- employee only space, 24 people employed and not open to the public
- all work done at property since landscaping company

DM - accept the affidavit, on the condition that the affidavit is recorded with the local registry of deeds

JH - second – carries unanimously

RG now present

TH left the room

28) Hearing: A Happy Healthy Start Daycare, 428 Walnut Plain Road, Rochester (V16-282)

WW - called to order at approximately 11:15 a.m.
- introduce the Board

Kristina Bacchiocchi, Owner (KB)

WW - KB sworn in
- EXHIBIT 1 – AAB1-21

KB - family daycare out of home
- started an addition this year, to go from a license for 10 to a license for 19
- anything over a license of ten for EEC, need building permit for Class E construction
- ramp was there when bought the home, section added on to build the ramp, just used international standards to build the ramp for the family member at the time
- there is access, ramp is just not up to current Massachusetts Code
- interior of building is all on one level, bathroom complies in full
- to make the ramp compliant would have to remove the entire porch and ramp
- had to do a lot more work than initially thought for the Town, such as additional drainage
- would like to improve porch in the future, but currently have no additional funding
- if the work is ever done to change the porch, would build it in full compliance to the current regulations

JH - currently no clients or children that require the use of the ramp, but understand that the ramp is usable
- how many employees?
KB - 4 total, myself and 3 others

AB - ramp was built by previous owner
KB - yes, bought the house in February 2016, but the former owner's mother used the ramp
- 11" from the adjacent wall to the centerline
KB - yes, built as a pre-K toilet room

EB - clear width is 36"
KB – yes

RG - small yellow ramp to the door looks to be too steep
KB - had to adjust the porch ramp to not intrude the door entrance
- since there are 4 employees, would accommodate anyone that would have difficulty with opening the door
- familiar with maneuvering people in wheelchairs

DM - grant as proposed for the lack of full compliance for 24.3

JH - second – carries unanimously

DM - grant as proposed for 24.4

JH - second – carries unanimously

KB - have rounded the handrails off, but they do not return

DM - grant as proposed for 24.5 (24.5.1 and 24.5.4)

RG - second - carries unanimously

DM - grant as proposed for 25.1

JH - second – carries unanimously

DM - expedite

JH - second – carries unanimously

KB - do want to rebuild the porch, so will make it compliant at the entrance and at the ramp
- just need to open and get some income in

William Joyce, Compliance Officer for the Board – Now Present (WJ)

29) Discussion: Jenkins Elementary School, 54 Vinal Avenue, Scituate (C15-148 & V16-123)

WJ - EXHIBIT – 10/25/16 e-mail from Brandon Moss, Town Counsel, which included plans showing the compliant walkway, to be constructed no later than the start of the 2017/18 school year
- plans appear to comply and meet the Board’s requirement in terms of slope

DM - accept the plans from Horsley Witten Group, dated August 2016, on the condition completed by start of 2017/18 school year

JH - second - carries unanimously

Break for Lunch

Reconvene with TH present

30) Hearing: Educational Residence (SMOC), 46 Gordon Street, Framingham (V16-204)

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

Matthew Lane, SMOC, Redevelopment Director (ML)

Mary Feeney, Bowditch and Dewey (MF)

Stephen Egnatz, Egnatz Associates (Architect) (SE)

WW - all sworn in
- EXHIBIT 1 – AAB1-54

TH - packet denoted as AAB55-108
- e-mail 11/14/16 from Chair of the Disability Commission for Framingham, Karen Dempsey

WW - EXHIBIT 2 – e-mail from Karen Dempsey, dated 11/14/16

TH - e-mail on 11/10/16 Access Compliance Officer for Framingham, Mark Dempsey, submitted e-mail and photographs

WW - EXHIBIT 3 – e-mail from Mark Dempsey, dated 11/10/16

- MF - two-story building acquired by SMOC in 2012
 - used briefly as a temporary shelter
 - did an infrastructure upgrade, sprinkler, plumbing, and new boiler; work pushed the spending to over 30% of the value of the building
 - requested by Mr. Dempsey to apply for a variance from the Access Board
 - AAB91 is the original variance application
 - public space on the second floor (kitchen and bathrooms) and no elevator within the building
 - accessible ramp to the first floor, that needed renovation
 - 17 bedrooms, one accessible bedroom, one accessible kitchen and one accessible bathroom
 - July 29, 2016 Notice of Action was issued but not in the packet
- WW - AAB84, is the July 29, 2016 Notice of Action
- MF - thought were hear to re-discuss the entire decision of the Board
 - proposing to provide compliant oven and compliant handrails
- TH - the Commission on Disability and the Access Compliance Officer for the Town of Framingham are opposed to the variance granted for the third entrance that is inaccessible, which was granted as part of the variance
- SE - submittal of site plan
 WW - accept as EXHIBIT 4
- MF - ramped entrance on Arlington Street will be fully accessible
 - two of the three entrances were granted, and SMOC was asked by the Town of Framingham to look into providing an additional accessible entrance
- ML - AAB70 is the additional accessible entrance
- SE - site plan shows how tight the site is
 - the Gordon Street exit, the existing stairs out of the front exit (main entrance)
- ML - AAB99 is another picture of the entrance
- SE - Gordon Street entrance is a double door with an airlock, leads into one of the fire-rated stairways inside the building
 - a ramp at this entrance would encroach 20 inches onto the sidewalk if construct ramp onto the sidewalk there
 - Arlington Street entrance would require tearing off the stair and creating a new ramp entrance to the building
- MF - a ramp at the Arlington Street entrance would result in a ramp directly adjacent to the existing ramp
- TH - can eliminate the extensions by right if they are safety hazards, but handrails and treads and risers should comply
- SE - small concrete pad with stairs at the back corner of the building
 ML - AAB101 shows this entrance
- SE - entrance is not weather protected and is seldom used

- MF
 - four entrances to the building, one is ramped
 - Arlington Street and Gordon Street are not accessible
 - Disability Commission asked SMOC to conduct a feasibility for the Gordon Street entrance
 - alternately, the back corner entrance is not able to be made accessible because of the driveway there

- WW
 - any cost estimates for the Gordon Street entrance?
 SE
 - no, because did not work at first, but estimated to be \$65,000

- ML
 - project has exceeded the budget
 - second accessible entrance would delay the opening of the building

- SE
 - Do not have hard numbers for an alternate ramp diagram

- TH
 - route from existing ramp to the parking was a concern
 - proposing to rehab the existing ramp

- MF
 - paving is deteriorated and will most likely be re-paved with the renovation of the ramp

- TH
 - Arlington Street entrance, why not just extend the existing ramp to connect the two
 SE
 - the Arlington Street entrance is out 5 feet from the building
 - budgeted \$15,000 to upgrade the ramp

- JH
 - how old is the building and how many rooms are provided?
 - what about looking into a local school to have the students build a compliant ramp and just pay for the cost of supplies

- MF
 - building was built in 1912

- ML
 - generally based on family size and square footage of each unit
 - each shelter has a program manager that makes a determination of room assignments based on the size of the family
 - two kitchens inside the building
 - accessible first floor bedroom
 - operate several family shelters, but not all have accessible rooms

- JH
 - AAB101, rear entrance is not going to be used?
 ML
 - correct, the rear foyer of the building
 - is the laundry going to be accessible?
 ML
 - it will be

- JH
 - is it conceivable to ramp to that entrance since it is a shorter distance

- MF
 - plan with original submittal noted washer and dryer at second floor, which is why the Board required accessible laundry at the first floor
 - now proposing accessible laundry at the first floor

- SE
 - submit plan for proposed access work

- KS
 - plans were submitted?
 SE
 - only given to KS, not handed out to others

- WW - Plan 1 of proposed building is EXHIBIT 5
- EB - work that was done should have been exempted?
- MF - all of the work would have been exempted and no trigger if just exempted; if they had only done one item, wouldn't have triggered the work
 - they just did not realize they went over
 - since it was done piece-mail
- ML - a boiler had to be replaced that put the work over the threshold, and was done by the maintenance personnel, so just didn't realize went over 30% with all of those projects
- EB - why can you not join the ramps?
 WW - entrance is out to far
- DM - Gordon Street ramp is 48" wide in proposed plan
 - if made each side of the ramp 38" instead of 48", then would have the required room
- MF - one of the issues is that spending \$150,000 on this building for a program without funding
 - it is a matter of cost versus substantial benefit
- WW - this is why asked about the cost estimates for a Gordon Street ramp
- DM - continue for more information to be submitted to the Board regarding a plan for a modified ramp (narrower ramp) and cost estimates for a ramp at Gordon Street, to be submitted by January 15, 2017*
- EB - second – carries unanimously*
- DM - accept the plan for compliant oven*
JH - second – carries unanimously
- KS - proposal is for interior and exterior stairs?
- MF - no, only proposing compliant wall mounted handrails; exterior stairs, were proposing to retain existing handrails
- DM - continue discussion regarding the exterior stair handrails to have petitioners submit plans and cost estimated submitted by January 15, 2017*
- AB - second – carries unanimously*
- DM - grant the variance for the interior stair handrails, on the condition that compliant wall-mounted handrails are installed*
RG - second – carries unanimously
- MF - what about treads and risers?
- DM - continue to have the Petitioners submit additional information regarding the details of the treads and risers, submitted by January 15, 2017*
JH - second – carries unanimously

31) Hearing: Porch, 60 Riverpath Drive #12, Framingham (C16-030)

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

Stephen Golden, Complainant (SG)

William Joyce, Compliance Officer for the Board (WJ)

WW - both sworn in
- EXHIBIT 1 – AAB1-12

TH - 11/13/16 e-mail from Karen Dempsey, Chairman of the Disability Commission
WW - Accept as EXHIBIT 2

SG - AAB12 and submit an additional set of pictures of the access to the porch
WW - accept as EXHIBIT 3
- only accessible unit at the first floor
- they put a fence across the patio
- everyone else can walk from the parking lot into his or her unit from the parking lot
- have to go through the main entrance, whereas everyone else can go directly into his or her first floor units
- used to be able to put lounge chair and now cannot do to the fence
- also use a mobile scooter at times and would charge it outside, but now cannot due to the constrictions of the fence
- would like to have the fence removed
- there is a lip of about a 1" change in level at the patio
- a gate would be more difficult
- was away for a weekend and when came back the fence was installed
- were told by the "handicapped person" that they were required to put a fence

WJ - Mr. Dempsey

SG - they were told that it was required, so it was put in

WJ - triggered full compliance earlier this year with a series of variances already adjudicated before the board
- if the patio entrance was an entrance to the unit, then an accessible route to the entrance was required
- so this was the way they dealt with the requirement, by blocking the patio to make the entrance
- had to dismiss the complaint since this is a means to comply with the requirements and not providing a path of travel to the entrance

TH - all of the patios should have been made flush

WJ - was not aware that complainant's unit was the only one that was fenced off

WW - people go out their door and to the parking lot?

SG - yes, everyone else on the first floor
- everyone else in the building has to go out the main entrance

WJ - did receive an e-mail from the Building Department, Mark Dempsey, asking why a hearing was being scheduled, to which he notified them that the decision of the Board was appealed by the complainant

- AB - is this the only unit where the patio is fenced?
SG - they only fenced one unit in each building
- WJ - from Ms. Dempsey's e-mail it appears as though they only fenced off the Group 2 units
- JH - motion in favor of the Complainant, and remove the fencing, as soon as possible, but no later November 30, 2016*
- DM - rescind and reopen*
- JH - yes*
- RG - second – carries unanimously*
- DM - expedite*
- AB - second – carries unanimously*

32) Hearing: Delta Kappa Epsilon Fraternity, 403 Memorial Drive, Cambridge (V16-212)

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

Paul Hajian, Hajian Architects (PH)
David Hajian, Hajian Architects (DH)
Kenneth Hoffman, Delta Kappa Epsilon Representative (KH)

- WW - all sworn in
- EXHIBIT 1 – AAB1-34
- PH - letter from Mark Spattaforo, the original applicant, allowing DH and I to represent him in this matter
WW - accept as EXHIBIT 3
- MIT living group in Cambridge
- designed in 1925, located on Memorial Drive
- curved stairway
- Fraternity on MIT Campus
- primary access points are at the rear elevation along Amherst Alley
- inaccessible routes to the building
- currently the building is not accessible at all
- currently 41 occupants within the building
- library with second floor, adjacent to great room with gathering space for meetings and alumni events
- trying to maintain some of the historic features
- DH - plans show areas of the building that will be accessible
- proposing small three-story addition off the back, which is the main route to the MIT Campus
- some areas of the building are not feasible to make accessible, such as the mechanical room
- there is no basement on the building, only a small crawl space filled with piping
- new work would need to be built on piles
- original drawings for the building
- PH - AAB20 shows the original plans with the piles
- DH - Memorial Drive entrance is currently 12 inches above the step
- proposing to raise the grade to create a gentle 1:20 slope without a step

- TH - never accessible before?
 DH - correct
 - and green on the plan is accessible and red is inaccessible?
 DH - yes
- DH - creating access to a bedroom on each floor and a bathroom on the first, second and third floors
 - fourth, fifth and roof would remain with minor updates such as finishes
 - building was built as a fraternity, most were built as other buildings and converted, but this was originally built as a residential fraternity
- PH - met with Michael Muehe and Larry Braman and they provided some clarifications
 - three items were raised
 - one was the elevator piles
 - submit an addendum
- WW - EXHIBIT 3, letter from Hajian Architects, signed by Paul Hajian, dated July 18, 2016 noting the suggestions of Muehe and Braman
- PH - page 2 of the exhibit is a letter from engineer regarding the bell piers
 - based on the need for piers, cannot provide a full pit and full 6-story elevator
 - costs to put in full elevator would be an additional \$500,000
 - proposing a limited-use-limited-application elevator
- DH - did look at putting an elevator within the existing building
 - but due to the bell piers, not technologically feasible to do within the building
- PH - Memorial Drive is only occasionally used
 - did redo the landscape plan to provide access to the Memorial Drive entrance
 - have reviewed with the Historic Society and they did not have a problem with the sloped walkway
 - MIT has, thru policy, reduced all of the roof deck areas across their campus
 - at this time, the existing roof deck will not be available, but the new outdoor deck would provide an equivalent outdoor space, current roof deck will only be for mechanical services and not used for any public occupancy or activity
- WW - variances
- KS - variances not granted for jurisdiction
 TH - variance is just for the lack of access at the fourth and fifth floor, route to and common a public use features
- JH - new deck will be accessible
 DH - yes
- JH - anything unique on the upper floors, that is only unique to those floors
 DH - 3rd and 4th floor are virtually identical
 - 5th floor does have some rooms with balconies off the Memorial Drive side of the building
 - the balconies are a step down from the existing floor level
 - until recently, it had been closed off for use due to deteriorating ballasts
 - any of the other floors have balconies?
 DH - they do not

- PH - from the great room there is a view of Memorial Drive
- JH - proposing a lift or elevator?
KS - a LULA elevator
- JH - Memorial Drive entrance is an emergency exit?
KS - they are planning to make it accessible
- AB - original drawings show a basement?
DH - their basement was used for servants, and their basement is the existing first floor
PH - the LULA will travel from the first to the third floor
- TH - proposing LULA and dimension is 42" by 60", which exceeds the requirements for a LULA, which is 36" by 60", no variance required
- TH - wall mounted handrails proposed?
DH - winder stairs do not have wall-mounted handrails
- could put compliant wall mounted handrails in the secondary stairs
- JH - grant the variances requested for the 28.1 and the main stair (all variance requested for that stair), as well as the interior handrail for rear stair, on the condition that wall-mounted handrails at Stair 200 and compliant nosings at rear stair are corrected*
- AB - second – carries unanimously*
- EB - no variance required for 28.7, because it is a compliant LULA*
- JH - second – carries unanimously*
- JH - no variance required for the lack of accessible entrances for 8.2.1 and 25.1, based on the testimony and submittal of plans that all entrances will be accessible*
- EB - second – carries unanimously*
- DH - required floor area at pull side of the stair door is not compliant
- AB - grant 26.6 for rear stair door*
- JH - second – carries unanimously*
- TH - can you disengage the thumb latch?
PH - want to address the door fully, but at this time was not going to be accessible
- may be able to disengage
- EB - no variance required if the thumb latch is disengaged*
- RG - second – carries unanimously*
- WW - third floor variances
- DH - door clearances and hardware for all bedrooms at the third floor bedrooms do not have the required clearance
- doors are only 2' 6 ½"
- PH - accessible rooms are in green
- all public functions at the first floor

- one accessible room and bathroom on floors 1-3

JH - grant the variances requested for 26.5, 26.6 and 26.11 at the third floor inaccessible bedrooms

AB - second – carries unanimously

DH - toilet rooms and bathing rooms at the third floors will all comply

JH - no variance is required for 30.0, 34.0, 44.0, because all common use spaces will comply

EB - second – carries unanimously

JH - grant the variances for the 4th and 5th floor 26.5, 26.6, 26.11, 30.0, 34.0 and 44.0

AB - second – carries unanimously

TH - should make statement at the roof

RG - based on the statement, no access to the existing roof deck for any members of the public

EB - second – carries unanimously

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- New Offices, Perkins Eastman, 20 Ashburton Place, Boston - submittal of affidavit from Dawn Guarriello on 11/7/16 showing the areas of the building that will be employee only
- Affidavit for 30 West Mills Street, Medfield -letter from the owner of the company, Michael Lueders of Lueders Company, dated 11/10/16

EXHIBITS:

- Holyoke Farms Apartments, 87 Varnum Dr., Holyoke (V16-318) - variance application and supplemental information
- Mixed-Use Building, 419-429 Main St., Melrose (V16-319) - variance application and supplemental information
- Unit 2A, Lower Level, 12 Mariner's Way, Edgartown (V16-316) - variance application and supplemental information
- Soldiers Field Park, 610-640 Soldiers Field Road, Boston (V16-314) - variance application and supplemental information
- Trevi Restaurant, 25 Market Street, Building 12A, Mashpee (V16-308) - variance application and supplemental information
- Hanger #7, Fitchburg Airport, 577 Crawford St., Fitchburg (V16-307) - variance application and supplemental information
- Escape Games, 357 Worcester Road, Framingham (V16-309) - variance application and supplemental information; e-mail from Mark Dempsey of Framingham Building Department on 11/10/16, noting only permit was for change of use that was denied, since the building was not open to the public in the prior use; permit was only for an exterior ramp; some interior work is proposed, but no permit applied for yet; e-mail from Karen Dempsey, Commission on Disability, received on 11/14/16
- Garage Entry, 14-40 Beach Street, Boston (V16-313); variance application and supplemental information

- Washington Park Condos, 30A Washington Park Dr., Unit 3, Andover (V16-311) - variance application and supplemental information; letter of support from Jim Lyons of the Northeast Independent Living Center, dated 9/29/16 in support of the variance request
 - Curb Cuts and Sidewalks at Reservoir Station (MBTA Green Line), 375-399 Chestnut Hill Ave., Brookline (V16-310) - variance application and supplemental information; 10/31/16 e-mail from Sarah Lynn Allair of Brookline Commission on Disability seeking to have this case go to a hearing
 - New 6-Unit Multiple Dwelling, 84 Willow Court, Dorchester (V16-315) - variance application and supplemental information
 - 163 Newbury Street, Boston (V16-299) - variance application and supplemental information
 - Fowler Clark Epstein Farm, 478 and 478R Norfolk Street and 47 Hosmer Street, Mattapan (V16-302) - variance application and supplemental information
 - One State Street, Boston (V16-317) - variance application and supplemental information
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- Cochrane Home Corp., 12-A Interfaith Terrace, Framingham (V13-178) - received significant amendment received on October 28, 2016 from Neil Mongold of Narrowgate Architects
 - Curb Cut at Southwest Corner of Hudson Street and Harvard Street, Boston (V12-287); 11/11/16 received an email Deborah Danick, the project engineer, with a letter and photographs of the completed work
 - Teamworks Indoor Sports Facility, 30 Great Road, Acton (V15-193); 11/3/16 e-mail from Frank Ramsbottom of Acton Building Department
 - 274 Franklin St., Worcester (V14-314) - 10/20/16 submittal from Larry Escobar including a registered and recorded affidavit for the second floor and plans as required
 - Lowney Chocolate Factory Housing, 150 Oakland Street, Mansfield (C14-159) - letter from Mass Historic, forwarded by Warren Mott of BKA Architects on 11/3/16
 - CubeSmart Storage, 18-20 North Montello Street, Brockton (V16-279) - 11/10/16 submittal from James Wilson of BKA Architects; accommodation policy, information on freight cars, ADA analysis on how they interpret storage facilities, and 524 CMR regulations regarding freight car use
 - Grace Church, 101 Wales Avenue, Avon (V16-224) - 9/7/16 e-mail submittal from Peter Vanko, project architect; unable to submit pictures due to scheduling site visit conflicts
 - Golda Meir House, 160 Stanton Avenue, Newton (V16-260) - accommodation policy submitted by the Petitioners as part of the variance application
 - CrossPoint Conference Center, 900 Chelmsford Street, Lowell (V16-290) - e-mail from Kevin Mudgen of Garaventa on 11/1/16
 - Jenkins Elementary School, 54 Vinal Avenue, Scituate (C15-148 & V16-123) - 10/25/16 e-mail from Brandon Moss, Town Counsel, which included plans showing the compliant walkway, to be constructed no later than the start of the 2017/18 school year