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GOVERNOR

**KIM DRISCOLL**  
LIEUTENANT GOVERNOR

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ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
**Division of Occupational Licensure**

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**LAYLA R. D'EMILIA**  
UNDERSECRETARY, CONSUMER  
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REGULATION

**SARAH R. WILKINSON**  
COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Board Meeting Minutes – December 11, 2023**  
**Teams Meeting**

This meeting was open to the public and began approximately 9:03 AM

Architectural Access Board member attendance:

Dawn Guarriello, Chairperson (DG)  
Patricia Mendez, Vice-Chairperson (PM)  
Katie Denis (KD)  
David Johnson (DJ)  
Mary Mahon McCauley (MM)  
Jeffrey Dougan (JD)  
Elizabeth Myska (EM)  
Joe Prochilo (JP)

Division of Occupational Licensure Employees attendance:

William Joyce – AAB Executive Director (WJ)  
Jamie Dalton – Board Counsel (JaD)

DG opened the meeting for Roll Call:

PM, KD, DJ, MM, JD, EM, JP

1. Blue Magic Tattoos, 446 Douglas Street, Uxbridge (V23-196)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Continue for Petitioner to provide test drawings for 32-inch clear door measure from the face when the door is at 90 degrees, grab bars projecting no more than 48 inches, feasibility of automatic door opener, as well as a plan showing an accessible route from the entrance to the change in use space by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

2. Winchester Pharmacy, 568-572 Main Street, Winchester (V23-198)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:



Motion to Continue for more information on expanding the ramp run to latch side of door, as well as into the installation of automatic door opener by JD

2<sup>nd</sup> by KD

By Acclamation/Carried

3. MacKinnon Funeral Home, 760 Washington Street, Whitman (V23-199)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Find that the bathroom in the photograph does not comply with Section 30 of 521

CMR by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

Additional Motion to Continue for better explanation of the jurisdictional trigger, as well as dimensioned floor plans for bathroom by JD

2<sup>nd</sup> by PM

By Acclamation/Carried

4. Residential Buildings 4-6 Ashmont Park, Dorchester (V23-200)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Continue for more information on how Petitioner plans to address elevator requirements for common use space in basement by JD

2<sup>nd</sup> by KD

By Acclamation/Carried

Additional motion to Continue for test drawings showing an accessible entrance to front of building by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

5. Harvard Science Center, 1 Oxford Street, Cambridge (V23-201)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Packet by DJ

2<sup>nd</sup> by JD

By Acclamation/Carried

6. 10:00 AM – Hearing declared regarding V13-076/C12-033 - Waverly Commuter Rail

Station, 525 Trapelo Road, Belmont - Annual Report on Systemwide Accessibility:

DG opened the hearing, introduced Board and established procedures. Participants Laura Brelsford, Thomas Glynn, Kathryn Quigley, Desiree Patrice, Jillian Linnell, Christopher Brennan, Michael Muehe, are Matt Conover sworn in. Exhibit #1 – the hearing packet AAB 1-29 is noted. Laura Brelsford presented Exhibit # 2 – MBTA: Capital Accessibility Projects at the MBTA. Thomas Glynn gave an overview on accessibility from MBTA Board of Directors. Jillian Linnell spoke on the subject of capital investment planning. Chris Brennan addressed challenges facing project delivery. Laura Brelsford gave an overview of system-wide accessibility

Motion to accept MBTA annual report by JF

2<sup>nd</sup> by PM

By Acclamation/Carried

7. 1:00 PM – Hearing declared regarding C23-078 - 19 Monsignor Reynolds Way, Boston: DG opened the hearing, introduced Board and established procedures. Participants Dawn Oates, Helene Maichle, Raul Leon, Rick Jegorow, Ms. Cheryl Patterson, Paul Shuley, and Michael Muehe are sworn in. Exhibit #1 – the hearing packet AAB 1-79 is noted. Dawn Oates testifies as to the basis of the complaint. Helene Maichle responds, asks Board to limit focus to specific issue in initial citation. Mr. Leon testified as to repairs to the elevator.

Motion to take under advisement by DJ

2<sup>nd</sup> by EM

By Acclamation/Carried

8. 2:00 PM Hearing declared regarding V23-172 - 604 Central Street, Lowell  
DG opened the hearing, introduced Board and established procedures. Participants John Bavuso, and Tamara Oliveira are sworn in. Exhibit #1 – the Hearing Packet AAB 1-24 is noted. John Bavuso & Tamara Oliveira testify as to the basis for the variance request. John Bavuso introduces Exhibit #2 – Building Permit History.

Motion to Continue for test drawing of a lift and information on the possibility of a shared conference room on the first floor by DJ

2<sup>nd</sup> by JD

By Acclamation/Carried

9. Boston Administrative Building, 43 Hawkins Street, Boston (V23-202)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Continue for feasibility on automatic door opener on right side of building close to sidewalk, with allowing for actuator to be installed on post at base of walkway by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

10. Mildred C. Hailey Apartments, 30 Bickford Street, Boston (V23-203)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance #1, 2, 3, & 4:

Motion for Hearing by DJ

2<sup>nd</sup> by JD

By Acclamation/Carried

11. Kelley House Hotel, Various Streets, Edgartown (V21-137)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to accept updated information provided an extension is requested in the form of an amended variance application by MM

2<sup>nd</sup> by DJ

By Acclamation/Carried

12. First United, 55 Fenn Street, Pittsfield (V21-190)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Grant six-month time extension until 07/01/2024 and Find that the AAB would not oppose building inspector's approval of a temporary certificate of occupancy by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

13. Mixed Use Building, 139 Pleasant Street, Marblehead (C21-013 & V21-205)  
Exhibit – Variance Application and associated documents  
WJ presented documentation – Discussion of Variance:  
Motion for Executive Director to send correspondence to petitioner on the condition that if a response is not issued within thirty days of receipt the variance will be Denied by DJ  
2<sup>nd</sup> by JP  
By Acclamation/Carried

14. Osmund Building, 87-103 Liberty Street, Lynn (V22-051)  
Exhibit – Variance Application and associated documents  
WJ presented documentation – Discussion of Variance:  
Motion to Accept status update by JD  
2<sup>nd</sup> by KD  
By Acclamation/Carried

15. SLV Winchester North, 416 Cambridge Street, Winchester (V22-100)  
Exhibit – Variance Application and associated documents  
WJ presented documentation – Discussion of Variance:  
Motion to Packet by DJ  
2<sup>nd</sup> by EM  
By Acclamation/Carried

16. School, 80 Crescent Avenue, Newton (V23-078)  
Exhibit – Variance Application and associated documents  
WJ presented documentation – Discussion of Variance 1:  
Motion to Grant time extension until 09/01/2027 with annual status reports provided to Board beginning on 07/01/2024 by JD  
2<sup>nd</sup> by DJ  
By Acclamation/Carried

Discussion of Variance 2:  
Motion to Deny as excessive cost without substantial benefit to person with disabilities could not be established by JD  
2<sup>nd</sup> by DJ  
By Acclamation/Carried

Discussion of Variance 3:  
Motion to Continue for full set of proposed plans showing accessible route for building  
2<sup>nd</sup> by DJ  
By Acclamation/Carried

17. Salvation Army, 258 Chestnut Street, Chelsea (V23-092)  
Exhibit – Variance Application and associated documents  
WJ presented documentation – Discussion of Variance:  
Motion to Deny as there would be a substantial benefit to person with disabilities to provide a compliant lift by JD  
2<sup>nd</sup> by KD  
By Acclamation/Carried

18. Mixed Use Building, 1026 Commonwealth Avenue, Brookline (V23-113)  
Exhibit – Variance Application and associated documents  
WJ presented documentation – Discussion of Variance:

Motion to Continue for more information on vertical detail plan on main accessible seating and service counter, as well as how restaurant will anticipate flow of queue line and how that would impact accessible seating by MM

2<sup>nd</sup> by DJ

By Acclamation/Carried

19. Fox Club, 44 JFK Street, Cambridge (V23-124)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance 1:

Motion to Grant by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

Discussion of Variance 2:

Motion to Grant the variance for the basement level by KD

2<sup>nd</sup> by JD

By Acclamation/Carried

20. Childcare Center, 1575 Tremont Street, Boston (V23-174)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Grant relief to 521 CMR 25.2 for the proposed plan shown on 4.05 by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

Motion to Find that as 521 CMR 3.3.2 has been triggered, 521 CMR 3.3.3 requires public and common use spaces under the control of the building owner and associated elements to come up to code when 30% has been triggered by a tenant by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

21. Claflin Hall, 106 Central Street, Wellesley (V23-179)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Packet by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

22. Mixed Use Building, 645 River Street, Boston (V23-188)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Grant as proposed by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

23. Asaro Bakery and Cafe, 1629 Cambridge Street, Cambridge (V23-189)

Exhibit – Variance Application and associated documents

WJ presented documentation – Discussion of Variance:

Motion to Grant by JD

2<sup>nd</sup> by DJ

By Acclamation/Carried

24. Deliberation: Ruth Barkley Apartments, 19 Monsignor Reynolds Way, Boston (C23-078)  
Discussion of Adjudicatory Hearing  
Motion to Find that the complaint was valid by JD  
2<sup>nd</sup> by DJ  
By Acclamation/Carried  
Motion to Continue for the acceptance of written submissions of a maximum of two pages or 500 words, due no later than the close of business on Friday, December 22<sup>nd</sup>, 2023, from complainant and respondents which shall include only new or rebuttal information that was not previously to the Board. Parties who did not have the ability to testify may use their space and word count as they see fit by JD  
2<sup>nd</sup> by DJ  
By Acclamation/Carried

25. Decisions and Minutes to approve from November 13, 2023  
o November 27, 2023 meeting minutes  
o Deyermund Field, 15 Blanchard Street, Andover (V23-148)  
Motion to Accept decisions and minutes by JD  
2<sup>nd</sup> by DJ  
By Acclamation/Carried

26. Advisory Opinion - Trash Chute Access  
Exhibit – Advisory Opinion and associated documents  
WJ presented documentation – Discussion of Advisory Opinion:  
Motion to Find that solution suggested in Advisory Opinion would require a Variance  
2<sup>nd</sup> by EM  
By Acclamation/Carried

Respectfully submitted,  
Andrew Chase, Compliance Officer

#### Exhibit List

- Blue Magic Tattoos, 446 Douglas Street, Uxbridge (V23-196)
  - o Exhibit – Variance Application and associated documents
- Winchester Pharmacy, 568-572 Main Street, Winchester (V23-198)
  - o Exhibit – Variance Application and associated documents
- MacKinnon Funeral Home, 760 Washington Street, Whitman (V23-199)
  - o Exhibit – Variance Application and associated documents
- Residential Buildings 4-6 Ashmont Park, Dorchester (V23-200)
  - o Exhibit – Variance Application and associated documents
- Harvard Science Center, 1 Oxford Street, Cambridge (V23-201)
  - o Exhibit – Variance Application and associated documents
- Waverly Commuter Rail Station, 525 Trapelo Road, Belmont (C12-033 & V13- 076)
  - o Exhibit #1 – Hearing Packet AAB 1-29
  - o Exhibit #2 – MBTA: Capital Accessibility Projects at the MBTA
- Ruth Barkley Apartments, 19 Monsignor Reynolds Way, Boston (C23-078)
  - o Exhibit #1 – Hearing Packet AAB 1-79
- Maximus Sign, 604 Central Street, Lowell (V23-172)
  - o Exhibit #1 – Hearing Packet AAB 1-24
  - o Exhibit #2 – Building Permit History
- Mildred C. Hailey Apartments, 30 Bickford Street, Boston (V23-203)

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  - Exhibit – Advisory Opinion and associated documents