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**Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board**

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JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Board Meeting Minutes – February 25, 2018 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3, Boston

Board Members Present:

- Walter White (WW)
- Jane Hardin (JH)
- Ray Glazier (RG)
- Jeffrey Dougan (JD)
- David Johnson (DJ)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

- William Joyce, Compliance Officer, (WJ)
- John High, Assistant Legal Counsel and Director of External Affairs, DLP (JH)
- Karen Brann, Program Coordinator (KB)

Members not present:

- Andrew Bedar (AB)
- Dawn Guarriello (DG)

WW, JH, HR, PM, DJ, JD

~~JH motioned to appoint William Joyce as Acting Director of AAB. DJ seconded, passed unanimously.~~

JH rescinded her motion later in the meeting.

Incoming Case Review:

1. Sudbury River Nature Trail, 936 Central Street, Framingham (V19-028)

Exhibit - Variance application and associated documents.

Mr. Joyce presented the variance application and associated documents.

Started as a complaint on a bridge. City seeking temporary relief and will be constructed at a slope of 1 in 20.

JH motioned to grant time variance until 7/30/19 with pictures on completion and documents of completion given to the Board no later than 8/10/19. PM seconded, passed unanimously.

2. Chenoweth Hall, Campus Center Way, Amherst (V19-029)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
Reconstruction of exterior stairs. No access route.

JD motioned to grant. JH seconded, passed unanimously.

3. Family Orthodontics, 80 Worcester Street, North Grafton (V18-030)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
The petitioner is seeking relief for no access to the second floor. The common lobby is the subject of the request.

JH motioned to grant. HR seconded, passed unanimously.

4. Abbott Hall, 188 Washington Street, Marblehead (V18-031)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
Renovation of existing town hall. Petitioner is seeking 6 variance requests.

JD motioned to packet the case for the next meeting. JH seconded, passed unanimously

5. Bancroft Lofts, 59 Fountain Street, Framingham (V19-032)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
Existing grades. To put in a ramp a transformer would need to be relocated.

JD motioned to continue for staff to contact the Framingham Building Department to ensure a review is done. JH seconded, passed unanimously.

6. Scituate High School, 606 Chief Justice Cushing Highway, Scituate (V19-033)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
JD recused himself.
Full compliance has been triggered. The petitioner is seeking relief for one parking space. There is other accessible parking available. Independence Associates approves of the variance.

JH motioned to grant. PM seconded, JD abstained, motion passed.

7. New Multifamily, 227 Havre Street, East Boston (V19-034)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
New multifamily building. 4 stories, 6 units. The petitioner is seeking relief to use a lift to provide access to the ground floor.

PM motioned to request test drawings showing how the lift could be reconfigured to allow for straight forward approach. DJ seconded, passed unanimously.

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

8. North Village Lofts, 16 Norwich Street, Worcester (V19-035)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
Existing build with residential units. Full compliance has been triggered.

JH motioned to deny. PM seconded, passed unanimously.

9. North Adams Safety Building, 40 American Legion Drive, North Adams (V19-036)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
Re-roofing of police station. Seeking full relief on building. The building will be replaced in the future. Ad-lib opposes the request. The petitioner didn't give a timeline for replacing the building.

JD motioned to deny. DJ seconded, passed unanimously.

10. Café, 102 Oxford Street, Cambridge (V19-037)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
Restaurant space, full compliance triggered. The Board received a letter of opposition from Michael Mehue, BCIL. The petitioner contacted the Board and asked for the case to be continued.

JD motioned to continue for more information. DJ seconded, passed unanimously.

11. 808-812 Memorial Drive, 808-812 Memorial Drive, Cambridge (V19-038)
Exhibit - Variance application and associated documents.
Mr. Joyce presented the variance application and associated documents.
Renovation of two existing buildings. The petitioner is seeking 4 variances
1 – Seeking relief to not provided 4 group 2a units. Will provide more 1, 2, 3 bedroom units.

RG Arrived.

DJ motioned to grant. JH seconded, RG abstained, motion passed.

2 – Seeking relief to relocate new lower floor 2a units. Asking to put units at the lower floors.

JD motioned to grant. JH seconded, passed unanimously.

3 – Seeking relief for existing inner handrail.

~~*JD motioned to grant on condition accessible outer handrails are compliant and compliant nosings. DJ seconded, passed unanimously.*~~

JD withdrew his motion.

JD Motioned to continue for staff to consult with the Cambridge Building Department to discuss nosings, handrails and guards. PM seconded, passed unanimously.

4 – Seeking relief for lack of turning space on balcony in 2a units.

JD motioned to grant with requirement of disclosure in lease and other documents that balcony is not large enough. HR seconded, passed unanimously

12. V16-286 Price Chopper

MOD received communication from Pittsfield Commission. Part of the counter is outside of the reach range. Propose to extend the counter.

RG motioned to grant on the proposed solution with rounded edges and photos sent to the Board upon completion. JH seconded, JD abstained, motion passed.

Advisory Opinion

13. Swing door for exterior sliding door on LULA, Paul McCarthy, Garaventa

Exhibit – Advisory opinion

Mr. Joyce presented the advisory opinion

When there is a LULA with a door in front of it does it count as two doors in a series? The door has a latch.

JD motioned that section 26 applies, it is two doors in a series. A variance would be required and two doors should work together. RG seconded, passed unanimously.

14. Temporary Ramp Removal, James Van Sickle, Hastings Consulting

Advisory opinion

Mr. Joyce presented the variance application and associated documents.

Does removing a temp ramp require a variance if proposing to eventually provide a new ramp?

JD motioned that for public spaces, to remove a ramp and not put it back in a reasonable time, would require a variance, 3.3.4 reduction of access. RG seconded, DJ abstained, motion passed.

15. Distance between outlets and interior corners, Joe Fortin Jr., Dynasty Electric Controls and Alarms (9.5.7 & 39), Robert Eckert, Project Management Resources

PM motioned that the outlet is not subject to 521 CMR regulations.

JD seconded, passed unanimously.

16. Project management resources – electrical controls section 9. Do light switches count as controls?

Is it 18 or 25 inches in bathrooms?

Needs to meet section 39 requirements. Section 9 doesn't lead to section 39. Is not 44, 45, 47 section.....

We don't define living room dimensions well enough.

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

JD motioned that in specific in 44, 45, 47 that 18 inches is require. In other circumstances 24 inches would be required in other scenarios. RH seconded

JD motioned that light switches are controls under 9 and 39. RG seconded, passed unanimously.

17. Bottle filling station – Door and Whittier

Considered water fountains under plumbing code. Are they subject to 521 CMR. Do they require a high low?

JD motioned that as long as the bottle filler is in reach range it does not trigger high low requirements under 521 CMR. RG seconded, passed unanimously.

JD motioned that Water bottle filler without bubbler 521CMR is not triggered. If provides direct consumption bubbler with filler, compliance under 521 CMR is triggered for high low.

JH seconded, passed unanimously.

18. Advisory opinion Habib and associates architects.

JD Monumental stair with center rail only half way down the stair.

JD motioned that Requirement of continuous on both sides for the entire flight would apply with center rail. RG seconded, passed unanimously.

19. Affidavit

- 41 Putnam Street, Offices C & D, Winthrop
Employee only space. Affidavit was read into the record.
JH we should not be accepting draft.

JD motioned to continue for an executed affidavit. PM seconded, passed.

20. Quesset House at the Ames Free Library, 51 Main Street, North Easton (V13-111)

Exhibit - Variance application and associated documents.

Mr. Joyce presented the variance application and associated documents.

Received an amendment for butler pantry converted to small kitchen for public use. Have triggered requirements for accessibility. It is very small. Asking relief for kitchenette area. Independence Associates sent in letter of support. They have done previous access work on the building.

JD motioned to grant for this use only. JH seconded, passed unanimously.

21. 308 Lakeside, 308 East Main Street, East Brookfield (V14-256)

Exhibit - Variance application and associated documents.

Mr. Joyce presented the variance application and associated documents, status report

Received a status report. Indicated they haven't saved additional funds for lift. Have secured an equipment loan. Deadline is 7/1/22. They have 2 more status reports and 6 months to the final notice.

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RG motioned to accept status report. JD seconded, passed unanimously.

22. Coppersmith Village, 99-101 Border Street, East Boston (V17-130 & V17-031)

Exhibit - Variance application and associated documents.

Mr. Joyce presented the variance application and associated documents.

Received an amended request on sign heights.

JD motioned to grant. PM seconded, DJ abstained, passed.

23. 155 Dwelling Units, 30 Loring Boulevard, Plymouth (V18-036)

Exhibit - Variance application and associated documents.

Mr. Joyce presented the variance application and associated documents.

Wall outlets

JD motioned to grant with usual conditions. JH seconded, passed unanimously.

Hearings

11:00 a.m. - Curb Cut, 460 State Road, North Dartmouth (C18-026) - Complaint Hearing

Exhibit – Hearing package AAB 1- 14

The Chair opened the hearing.

No one appeared regarding 460 State Road, Dartmouth.

WJ appeared for the Board and was sworn in.

WJ – regarding a curb cut 21.1.4 1987 code. On AAB 13 shows no blending, not deep enough to provide a landing. Have not received any responses from the notices and scheduled a hearing. Seek approval to schedule a fine hearing.

JD motioned to find in favor of complainant. RG seconded, passed unanimously.

JD motioned to have staff reach out to the Water Department and check the corporate filing and report back to the Board. PM seconded, passed unanimously.

24. Suzuki School, 1615 Beacon Street, Newton (V18-086)

Exhibit - Variance application and associated documents.

Mr. Joyce presented the variance application and associated documents.

Seeking 60 day extension. Have a time variance until June 1, 2019. Ran in to construction issues.

JD motioned to grant the 60 day extension for the dates specified.

RG seconded, passed unanimously.

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

25. Bellevue Golf Club, 320 Porter Street, Melrose (V18-360)

Exhibit - Variance application and associated documents.

Mr. Joyce presented the variance application and associated documents.

Previously denied the request. Received an amendment showing redesigned changing area in men's bathroom. Asking for no access to second floor locker room. They are providing the redesigned changing area.

JD motioned to grant on the condition the area complies with the A2 drawing on the amended request. RG seconded, passed unanimously.

*JD motioned for signage showing where the accessible changing area is.
PM seconded, passed unanimously.*

26. Hayward Landing, 26 North Street, Douglas (V18-382)

The Board received a report stating the elevators are in service.

JS motioned to accept the status report. DJ seconded, passed unanimously.

27. Dance Classroom at Springfield College, 29 Sheffield Street, Springfield (V18-394)

Previously continued for information on decommissioned elevator and lounge.

It was a freight elevator decommissioned in 2017. Lounge area is a locker room, lockers benches and hooks. Second floor.

Give us more dates and prioritize that building. Ask for copy of master plan. Needs a licensed operator.

HR motioned to continue for staff to get the master plan specified in the application and proposed dates for reconstruction of the building, and what the status of the accessible route to elevator will be in when work is completed. RG seconded, passed unanimously.

28. Belmont Police Station, 460 Concord Avenue, Belmont (V19-003)

Previously granted on the entrance. Continued on the accessible routes.

JD motioned to accept the plans as shown for the cell. RG seconded, DJ abstained

29. MOD Request on MCI Shirley

Exhibit - Variance application and associated documents.

Mr. Joyce presented the variance application and associated documents.

Received a request from MOD. Concerns on prisoner legal services. Prefer the complaint comes from the board and not an individual. MOD asked the board for a staff generated complaint.

Asking board to take jurisdiction over this or order an inspection to confirm. MOD is seeking assistance from the Board to issue some kind of variance compliance.

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

*JH motioned to authorize a staff generate complaint.
RG seconded, JD abstained, motion passed.*

February 11, 2019 Minutes will be voted on at the March 11, 2019 meeting.

J High – In regards to the letter the Board sent to Commission Borstel, we are working on getting the Board a response. The other issue involves revising the prior motion to name William Joyce as Interim Director. There are HR and union implications. Revise the motion to recommend both William Joyce and Karen Brann as Interim Directors at the same time.

JH motioned to rescind her prior motion to appoint William Joyce Interim Director, and motioned to recommend that both William Joyce and Karen Brann will both serve as Interim Directors effective 2/25/2019 unless there are other union status and personnel issues. DJ seconded, RG abstained. Motioned passed.

JH motioned to adjourn.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 12:00 p.m.

Exhibits

Sudbury River Nature Trail, 936 Central Street, Framingham (V19-028)
Variance application and associated documents

Chenoweth Hall, Campus Center Way, Amherst (V19-029)
Variance application and associated documents

Family Orthodontics, 80 Worcester Street, North Grafton (V18-030)
Variance application and associated documents

Abbott Hall, 188 Washington Street, Marblehead (V18-031)
Variance application and associated documents

Bancroft Lofts, 59 Fountain Street, Framingham (V19-032)
Variance application and associated documents

Scituate High School, 606 Chief Justice Cushing Highway, Scituate (V19-033)
Variance application and associated documents

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North Adams Safety Building, 40 American Legion Drive, North Adams (V19-036)
Variance application and associated documents

Café, 102 Oxford Street, Cambridge (V19-037)
Variance application and associated documents

808-812 Memorial Drive, 808-812 Memorial Drive, Cambridge (V19-038)
Variance application and associated documents

Swing door for exterior sliding door on LULA, Paul McCarthy, Garaventa
Advisory opinion

Temporary Ramp Removal, James Van Sickle, Hastings Consulting
Advisory opinion

Distance between outlets and interior corners, Joe Fortin Jr., Dynasty Electric
Advisory opinion

Controls and Alarms (9.5.7 & 39), Robert Eckert, Project Management Resources
Advisory opinion

Bottle Fillers, David Mentzer, Dore and Whittier
Advisory opinion

41 Putnam Street, Offices C & D, Winthrop
Advisory opinion

MOD Request on MCI Shirley
Complaint request from MOD

Quesset House at the Ames Free Library, 51 Main Street, North Easton (V13-111)
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Variance application and associated documents, amended variance request

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Variance application and associated documents

Suzuki School, 1615 Beacon Street, Newton (V18-086)

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Variance application and associated documents, amended variance request

Bellevue Golf Club, 320 Porter Street, Melrose (V18-360)

Variance application and associated documents, amended variance request

Hayward Landing, 26 North Street, Douglas (V18-382)

Variance application and associated documents, elevator report

Dance Classroom at Springfield College, 29 Sheffield Street, Springfield (V18-394)

Variance application and associated documents, plans, requested information

Belmont Police Station, 460 Concord Avenue, Belmont (V19-003)

Variance application and associated documents, plans

Hearings

Curb Cut, 460 State Road, North Dartmouth (C18-026) - Complaint Hearing

Hearing Package AAB 1-14