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CONSUMER AFFAIRS AND
BUSINESS REGULATION

DIANE M. SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Board Meeting Minutes – June 3, 2019 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3, Boston

Board Members Present:

- Jane Hardin (JH)
- Jeffrey Dougan (JD)
- Ray Glazier (RG)
- Dawn Guarriello (DG)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

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

Board Members not in Attendance:

- Walter White (WW)
- Andy Bedar (AB)
- David Johnson (DJ)

The Chair opened the meeting.
JH, PM, HR, DG, JD

Incoming Case Review:

1. Multi Family Residential, 28 Austin Street, Newtonville, V19-132

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Modular apartment building. Seeking 3 variances.

1. Sink depths

JD motioned to grant. DG second, passed unanimously.

2. 25.10.1 bottom door freezer in group 2 units.

JD motioned to grant with the usual conditions. DG second, passed unanimously.

3. Group 1 showers

JD Motioned to continue for a plan for information on location prior to relocation on the plumbing and compliant showers. HR seconded, passed unanimously.

2. St. Mary Mother of the Church, 140 Main Street, Lee V19-133

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Replacing staircase with compliant walkway. The petitioner is seeking relief for the vestibule.

JD motioned to grant on the condition of an automatic door opener.

DG seconded. Passed unanimously.

RG arrived

3. New Three Family Home, 172 West 7th Street, South Boston, V11-107

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The Board previously granted relief for lift that was never installed. Received an amendment for relief from the current owner. Units were not constructed to the plans that were submitted at the time. The builder failed to comply with the Board's order.

Research other remedies and see if there is a condo association. It is not just the cost it is the loss of the space.

JD Motioned to continue to examine potential remedies against the developer.

RG seconded, passed unanimously.

4. Boston Trinity Academy, Building 1 & 3, Boston, V19-135

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of existing building and construction of new building for a school.

25.1 Second floor entrance, proposes use of existing first floor entrance.

JD motioned to continue for cost of proposed plan for ramp. DG seconded, passed unanimously.

22.2 – new gym

Proposing to construct a staircase from the gym to the parking lot. A ramp would be 400 feet.

JD motioned to continue for the travel distances requirements using the proposed ramp vs the first floor entrance elevator to gym, and clarity on an accommodation police when school is not open. PM seconded, passed unanimously.

5. Ramps, Grafton Street, Worcester, V19-136

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

17 Curb cuts

PM motioned to packet. JD seconded, passed unanimously.

6. MIT MacGregor House, 450 Memorial Drive, Cambridge, V19-138

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of existing dorm, new common kitchens. Seeking relief from section 32 - providing two of everything, one accessible one not.

JD motioned to grant. DG seconded, passed unanimously.

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

7. Main and Academy Street, Fitchburg V19-139

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Two variances on one curb cut.

Slope – on a hill that slopes down.

Landing – seeking relief for a 42 inch landing.

PM motioned to continue on both requests for a feasibility study to address the concerns of a roll off. JD seconded, passed unanimously.

8. Nobska Lighthouse, Keeper's House, 233 Nobska Road, Woods Hole, V19-140

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Seeking 16 variances

JD motioned to packet. DG seconded, passed unanimously.

9. Town House Apartments, 141, Sea Street, Quincy, V19-141

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Proposes incline lift. Offers lease termination as an accommodation policy. Modernization starts in August to December.

DG motioned to continue for information on the proposed lift, cut sheet and plan of installation, is it going to be one run or broken up into 4, RG seconded, passed unanimously.

JD motioned that due to the length of down time of elevator and lift being 4 to 5 stories, request a relocation plan at the building owner's expense as an accommodation, relocation at the owner's expense while the modernization is going on. RG seconded, passes unanimously.

10. Retail Converted to Dwelling, 1760 Revere Beach Parkway, Everett, V19-142

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

New apartment build

Sinks

1 and 2 - *JD motioned to grant with usual conditions. DG seconded*

3 – Group 1 2 duplex units there are other units.

JD motioned to grant. JD seconded, passed unanimously.

11. Three Story Residential, 1214 VFW Parkway, Boston, V19-143
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Renovation of 12 unit condo building
Seeking relief from access to common space

DG motioned to grant. JD seconded, RG abstained, motion passed.

Door - will provide automatic door if future residence require.

DG motioned to deny. JD seconded, passed unanimously.

12. Building Renovations, 22 W. Baltimore Street, Lynn, V19-144
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Renovation of fire damaged build
The petitioner is seeking relief from 25.1 and proposes a ramp at the rear of the building.

JD motioned that no variance is required for an elevator. RG seconded, passed unanimously.

#2 –

JD motioned to grant. HR seconded, passed unanimously.

13. Attleboro High School, 100 Rathbun Willard Drive, Attleboro, V19-145
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
New high school seeking 6 variances.

JD motioned to packet. PM seconded, passed unanimously.

Administrative Discussion:

14. Milton Marketplace, 10 Bassett Street, Milton, V17-231
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The Board previously continued for a ramp design. Received plans for the design.

DG motioned to grant as proposed. PM seconded.

15. Advisory Opinion

Traffic signal pedestrian controls, Vanasse Hangen Brustlin
Previously continued for review.
Can they use the over obstruction length?
Diagram proposed doesn't meet 21.10.4 10 inch max reach is the intent of regs.

*JD motioned that the intent of 21.10.4 is that should not have to reach over an obstruction.
Diagram as presented is not in compliance with this section 21.10.4
DG seconded, passed unanimously.*

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

16. Relocation of structures and new construction, 521 CMR 3.2, Larry Braman, City of Cambridge
1791 mass ave Cambridge
Is a relocated building considered new construction? Under 780 it is considered new construction.

*JD motioned that Section 3.1 references to refer to what 780 says. Since 521 CMR doesn't address relocation of a building, refer to 780 jurisdiction counts as new construction.
RG seconded, passed unanimously.*

17. Plymouth Playgrounds -Nelson Memorial Park, Forges Field, & Elmer Raymond Jr. Park, Plymouth, C18-014, C18-015, & C18-016
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

Received submission from town. Proposing to rubberize surface of all three playgrounds.

PM motioned to continue for clarification of proposed rubber surfaces. RG seconded, JD abstained, DG abstained. Motion passed.

18. Wood Framed Structure, 549 Dalton Ave., Pittsfield, V19-119
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Seeking temp CO. ramp completed by end of June. Provided accommodation by online shopping or other locations.

JD motioned to grant Temp CO to the end of June. With pictures when finished. DG seconded, passed unanimously.

19. Former First District Court of Bristol County, 15 Court Street, Taunton, V18-195
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents, amended application, The Board previously gave a year to put in an elevator. The petitioner is seeking an additional month until August 1.

*JD motioned to grant with a completed by date of August 1, 2019, on the condition that no further extensions will be granted. If this is not done by August 1, 2019 the TCO will be revoked, and on the condition the board is provided lighting plans for the entrance.
PM seconded passed unanimously.*

20. 10 Story Building, 121-127 Portland Street, Boston, V19-004
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Previously denied. Sent in plan. There will be an entrance with a lift and a set of stairs accessible from the outside.
JD motioned to grant as proposed.

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

21. Chestnut Crossing, 275 Chestnut Street, Springfield, V19-048
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking relief from 39.4

HR motioned to deny the request. JD seconded, passed unanimously.

22. Science and Engineering Building, UMass, Dartmouth, V19-057
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents, ramp plan, accommodation policy.

JD motioned to grant relief to the ramp width. HR seconded, passed unanimously.

Accommodation policy

JD motioned to accept the accommodation policy. DG seconded, passed unanimously.

11:00 a.m. -Yeshiva Ohr Ysrael High School for Boys, 325 Reservoir Road, Brighton (V15-307)

Variance Hearing

Exhibit – Hearing package AAB 1-34

Uri Feleman, Head of School, (UF)

Chad Leahy, Architect, Stack and Co. (CL)

The Chair swore the parties in.

JH, HR, DG, PM, JD, RH

UF - the school is in 4th or 5th year in current location. As we grew, we grew into the second floor. We couldn't grow without the building and we need to finance for the elevator. Variance allowed us to access the second floor. Now have 31 students and can now further develop the site including the elevator. Expired in September. We have plans and a time to get that done. Should be in the next 12 months starting in the fall we have the funds now.

CL – We are in the preliminary design to add the elevator.

JD - AAB 9 is that the current request.

We think we will have plans in to ISD this year and completion august 2020.

DG - You have a contractor?

No

CL- No we have been communication with the contractor.

RG –You didn't submit progress reports.

Why were they not submitted?

UF – I apologize. I couldn't find out what address to send it to.

HR motioned to grant the time variance to 10/1/2020 with the condition of status reports with Architectural drawings starting 7/1/19 and every 6 months. JD seconded, passed unanimously.

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

23. Halstead Danvers, Bradlee Danvers, 1000 and 2000 Kirkbride Drive, Danvers, C15-139, V19-137

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

JD recused himself.

The Board previously voted to packet report.

AAB 32

Will pick up after lunch. Tabled

The Board broke for lunch.

The Board came back from lunch.

23. Summit Dental Care, 535 Worcester Road, Suite 1, Framingham, V19-092

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Submitted requested information.

PM motioned to grant. HR seconded, passed unanimously.

24. Sociedad Latina, 1530 Tremont Street, Roxbury, V19-112

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

1 -

PM motioned to grant on BCIL's conditions. RG seconded, passed unanimously.

AAB 6

2 – 20.10 changes in level

JD motioned to grant. DG seconded, passed unanimously.

3 – 27.2 winders

JD motioned to grant on the condition of compliant wall side handrails.

DG seconded, passed unanimously.

27.3 – nosings

JD motioned to continue for more information on the dimensions of nosings and mitigation costs.

RG seconded, motion passed.

Handrails

27.4

JD motioned to grant on 27.4 as proposed. DG seconded, passed unanimously.

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

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Halstead Danvers reopened

JD abstained.

Halstead Danvers, Bradlee Danvers, 1000 and 2000 Kirkbride Drive, Danvers, C15-139, V19-137

HR - looking for plan documents, drawings showing before and after. Looking for the impact.

Asking for variances on spaces in building 8000, 1000 and 1200. Are they making 1 non accessible or are they making all non-accessible? New drawing that shows what the plan will look like if these actions are taken. They need clarity.

DG motioned to schedule a hearing PM Seconded, JD abstained, motion passed

25. Tannery Apartments, 15, 16, 18 Crowninshield, 50 Warren Street, Peabody, V19-107

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The Board previously voted to continue for information on asbestos abatement costs.

JD motioned to grant on the condition no unique amenities in Building I that are not provide in the other two buildings. HR seconded, passed unanimously

~~JD motioned to grant on condition no resident use of that space in any way, it is employee only~~

JD withdrew his motion.

DG motioned to order the petitioner on Building M to tell the Board what the jurisdiction is, spending, and approved plan, this information needs to be given to the board prior to June 25 prior to the July 1, 2019. RG seconded, passed unanimously.

Access building M

Craft room will be staff only.

26. Residential Building, Dana Street, Cambridge, V19-118

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Storage on accessible level and basement level.

Asking for no access to the basement.

Suspicious of all the empty space.

*PM motioned to continue for more information on the storage rooms.
DG seconded, passed unanimously.*

Minutes – May 20, 2019

JD motioned to accept the minutes. HR seconded, passed unanimously.

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

Jane Hardin left the meeting for the day. Jeff Dougan Chaired.

27. MIT Delta Tau, Delta House, 416 Beacon Street, Boston, V19-120

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Seeking 5 variances

AAB 8

Fourth floor has a roof deck. Proposing new roof deck on second floor.

1

HR Motioned to grant because cost is over 9% of the total cost and they are proposing a LULA.

DG seconded, passed unanimously.

2 –

AAB 9 public entrance Cost is 1%, it is not historic, ramp distance long.

DG motioned to grant on the condition the rear entrance has an accessible route and proper lighting along the route and appropriate signage. HR second, passed unanimously.

3 – AAB 11

Interior stairs – handrails

RG motioned to grant on the condition of wall side handrails. DG second, passed unanimously.

4 and 5 AA 12 and 13 egress stairs

HR motioned to grant as proposed with proper signage, DG seconded, passed unanimously.

28. 7 Ink by Ollie, 217 Albany Street, Boston, V19-130

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The Board previously voted to packet. The petitioner is seeking 4 requests.

Variance 4 sink

HR motioned to grant with the usual conditions and time frames.

PM second, passed unanimously.

RG motioned to schedule a hearing on variances 1 2 3. DG seconded, passed unanimously.

29. Four Story Residential, 95-99 Elmwood Street, Cambridge, V19-131

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Continued for two requests. Lift and parking garage

Parking garage –

HR motioned to grant with the condition of signage upon entering, on website and in lease.

DG seconded motion passed.

Installation of a lift at a later date

DG motioned to grant as proposed on the condition of language in the lease and the lift will be installed at no cost to the tenant. PM seconded, passed unanimously.

June 3, 2019

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

30. Town of Pelham, Community Hall Project, 40 Amherst Road, Pelham, V18-304
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents, status report

Motioned to accept the status report on the condition they review the height of the paper towel and mirror heights in the bathroom. PM seconded, passed.

Hearings

3:00 p.m. –Rosewood Restaurant, 445 Hartford Avenue, Bellingham (C14-120)

Exhibit #1 Hearing Package AAB 1-49

Exhibit #2 – Picture of lip, parking spaces and parking area

Exhibit #3 – Picture of parking spaces

Exhibit #4 – Picture of ramp

Exhibit #5 – Picture of picnic table

Exhibit #6 – Invoice from Mr. Fence, Inc.

Michael Fabiano, Rosewood Restaurant (MF)

Mark O'Connor, Counsel, Rich May P.C. (MO)

The parties were sworn in.

JD, RG, PM, HR, DG

WJ – The case first came as a complaint in Nov 2014 from David Correia. Parking and entrance of the restaurant. Originally closed in 2014 received communication that the restaurant closed. We received additional info on the complaint, case was reopened. 2017 hearing scheduled which was cancelled after discussion with Attorney. The problem is some compliance is but other issues remain unsolved. Received info from David Correia there is a ramp lip, parking and picnic area with no accessible tables. Have not received proof of compliance. Friday we received a request to postpone but it was not enough time for notification. Lip issue was raised to me earlier in a telephone conversation with building official.

MO - I did make the continuance request is because I was inviting board or complainant or WJ to visit the restaurant and see he has complied and to tell us if there is anything else that needs to be compliant and we will do it. We believe we have addressed everything

Exhibit 3 – overview of accessible parking area, sign and parking spaces

Two designated parking spots. Temporary sign. I will address sign. Picnic table is to the right. Bottom of ramp has been redone. Base of the ramp photo

Exhibit #4 – Photo of base of the ramp.

The work fixes the lip issue. No one will have issues getting on and off the ramp.

Exhibit #5 – picnic table area

June 3, 2019

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

JD - I think the lip ramp is resolved.

WJ – What is the width of parking spaces?

MF - Over 8 feet.

WJ -I ask because one should a van access

Are they 11 feet, I asked because it could be a universal space.

MF - Coloration in landing, asphalt had to be cut, needed to be level, reformed and re-poured
Signs will be permanent. Put in temporary sign. Having the parking lot striped.

Exhibit #6 Mr. Fence

Atty - #6 represents posts

It is just a question of getting them in to do the work. We have hired them.

JD – Parking issue, there isn't a spot designed as van accessible should be 8ft access or 11ft on both spaces with a 5ft access aisle. One of them needs to be van accessible.

It was approved by the town.

JD one out of 8 needs to be van accessible. The access aisle needs to be three more feet. The signs are good. Just needs to be clearly identified.

JW – 23.4.7e is the relevant section. The exception is the universal accessible space.

MO - We will get that done

DG – The logic behind the width is the van has a side door with a ramp that comes out.

WJ - 5ft is for someone who may not be in a wheel chair but has a placard. Van accessible is for people who have a van and can't transfer out of their chair.

HR – There should be signs in front of the spaces.

PM – does the picnic table need a wheelchair space?

WJ – It is considered an outdoor seating area.

MO - It will get done.

RG – Will the picnic table be able to be extended out?

MF - I would rather have something intended for the purpose.

JD with regards to parking ramp and picnic table area.

HR motioned to find in favor of the complainant, complaint was valid as stated Nov. 3 2014 the date of the first notice. DG seconded, passed unanimously.

WJ - This is procedural to say that the complaint was valid.

Ramp –

JD – looks like lip repaired

HR motioned that the lip issue on the ramp has been resolved.

RG seconded, passed unanimously.

JD - Picnic table surface has been corrected. Did the work performed trigger compliant picnic table? Didn't have jurisdiction spent less than \$100,000 only work performed complied

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

HR motioned to accept the resurfacing of the picnic table surface area. RG seconded, passed unanimously.

Parking

One space needs to be van accessible.

HR motioned for the owner to provide compliant parking, van accessible, etc., to be completed by 9/30/2019. RG, seconded, passed unanimously.

RG motioned to close the meeting.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

Exhibits

Multi Family Residential, 28 Austin Street, Newtonville, V19-132
Exhibit – Variance Application and associated documents

St. Mary Mother of the Church, 140 Main Street, Lee V19-133
Exhibit – Variance Application and associated documents

Boston Trinity Academy, Building 1 & 3, Boston, V19-135
Exhibit – Variance Application and associated documents

Ramps, Grafton Street, Worcester, V19-136
Exhibit – Variance Application and associated documents

MIT MacGregor House, 450 Memorial Drive, Cambridge, V19-138
Exhibit – Variance Application and associated documents

Main and Academy Street, Fitchburg V19-139
Exhibit – Variance Application and associated documents

Nobska Lighthouse, Keeper's House, 233 Nobska Road, Woods Hole, V19-140
Exhibit – Variance Application and associated documents

Town House Apartments, 141, Sea Street, Quincy, V19-141
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Three Story Residential, 1214 VFW Parkway, Boston, V19-143
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Building Renovations, 22 W. Baltimore Street, Lynn, V19-144
Exhibit – Variance Application and associated documents

Attleboro High School, 100 Rathbun Willard Drive, Attleboro, V19-145
Exhibit – Variance Application and associated documents

Halstead Danvers, Bradlee Danvers, 1000 and 2000 Kirkbride Drive, Danvers, C15-139, V19-137
Exhibit – Variance Application and associated documents, report

Plymouth Playgrounds -Nelson Memorial Park, Forges Field, & Elmer Raymond Jr. Park,
Plymouth, C18-014, C18-015, & C18-016
Exhibit – Variance Application and associated documents, plan

New Three Family Home, 172 West 7th Street, South Boston, V11-107
Exhibit – Variance Application and associated documents, amended application

Milton Marketplace, 10 Bassett Street, Milton, V17-231
Exhibit – Variance Application and associated documents, updated plan

Former First District Court of Bristol County, 15 Court Street, Taunton, V18-195
Exhibit – Variance Application and associated documents

Town of Pelham, Community Hall Project, 40 Amherst Road, Pelham, V18-304
Exhibit – Variance Application and associated documents, progress report, pictures

10 Story Building, 121-127 Portland Street, Boston, V19-004
Exhibit – Variance Application and associated documents, updated plan

Chestnut Crossing, 275 Chestnut Street, Springfield, V19-048
Exhibit – Variance Application and associated documents

Science and Engineering Building, UMass, Dartmouth, V19-057
Exhibit – Variance Application and associated documents, accommodation policy

Summit Dental Care, 535 Worcester Road, Suite 1, Framingham, V19-092
Exhibit – Variance Application and associated documents, update plan

Tannery Apartments, 15,16,18 Crowninshield, 50 Warren Street, Peabody, V19-107
Exhibit – Variance Application and associated documents, additional information

Sociedad Latina, 1530 Tremont Street, Roxbury, V19-112
Exhibit – Variance Application and associated documents

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Residential Building, Dana Street, Cambridge, V19-118
Exhibit – Variance Application and associated documents

Wood Framed Structure, 549 Dalton Ave., Pittsfield, V19-119
Exhibit – Variance Application and associated documents

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Traffic signal pedestrian controls, Vanasse Hangen Brustlin
Advisory opinion

Relocation of structures and new construction, 521 CMR 3.2, Larry Braman, City of Cambridge
Advisory opinion

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