

Nantucket Commission on Disability
Minutes
Open Session
Wednesday May 18, 2022

Due to the current State of Emergency in the Commonwealth due to the Covid-19 virus outbreak, and pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law, this meeting was conducted remotely by video conference via Zoom and the meeting will be aired at a later time on the Town's Government TV YouTube Channel <https://www.youtube.com/channel/UC-sgxAlfdoxteLNzRAUHxA>

Present:

Mickey Rowland, Jeanette Topham, Georgia Snell, Maribeth Maloney, Augie Chotkowski and Brenda McDonough.

Absent: All present.

Guests:

Tim Digan, Architect with Bergmeyer Architectural Firm; Doug Anderson, Code Consultant; and Adam Macsata, Code Consultant

Call to Order: 4:03 p.m.

Mr. Rowland read the "Script for Remotely Conducted Open Meetings" and all members present via Zoom responded affirmatively as Mr. Rowland called their names.

Agenda: 4:08p.m.

Mr. Rowland stated, by unanimous consent we are adopting the agenda.

Note:

Minutes:

The Commission will approve April 29, 2022 minutes at their next meeting.

Open Session: 4:08 p.m.

New Business:

Topics:

Variance Request for 6 and 8 North Beach Street and 4 Dolphin Court

- The applicant is seeking relief from the following sections of the 521 CMR:
 1. **Section 8.4:** 5% of sleeping units shall be accessible. Applying for time variance.
 2. **Section 8.7:** All doors and doorways shall comply with Section 26.
 3. **Section 20.1:** Accessible route to the front entrances to 6 and 8 North Beach Street.
 4. **Section 25.1:** All public entrances shall be accessible.

5. **Section 26.6:** A minimum clear floor area shall be provided on both sides of doors.

Note:

Mickey Rowland, Chairman for the Commission on Disability, and Brenda McDonough met on-site with Tim Digan and members of The Brant's team regarding this project on March 30, 2022. The buildings interiors at 6 and 8 North Beach Street were completely gutted and basically it is all new interior construction. Mr. Rowland and I had concerns that the interior doors in these two buildings had to comply with section 8.7 of the 521 CMR and expressed our concerns during that meeting to The Brant's team.

- Mr. Digan presented the variance request to our Commission along with Mr. Anderson. There are 3 buildings on the property and all buildings were totally gutted. The cost of this project is triggering full compliance with the 521 CMR. The owners would like to open 6 and 8 North Beach Street for the summer season and plan to open 4 Dolphin Court spring of 2023. The following is the discussion among the Commissioners, Mr. Digan and Mr. Anderson:
 - Section 8.4: The Brant is required to have one completely accessible unit and they plan to have the accessible unit in 4 Dolphin Court, which will not be finished until May 2023. As an accommodation, the Brant plans to make a suite at 6 North Beach Street as compliant as possible and keep this room permanently as is, even when the accessible room at 4 Dolphin Court is available for rent. The bedroom and living room are completely accessible at 6 North Beach Street. The bathroom will be as accessible as possible and will provide a shower seat upon request.
 - Mr. Rowland stated that the door between the bedroom and living area must be an accessible door. The owners are making the bathroom as accessible as possible.
 - Ms. Maloney noted that a pedestal sink is not an accessible sink. They must install a wall mounted sink.
 - Ms. Topham advocated for grab bars in all the shower stalls as a safety measure for everyone, especially elderly guests. Mr. Digan mentioned that they can try to install grab bars in the shower units.
- 1) **521 CMR Section 8.4:** The Commissioners voted four to one to support a time variance for compliant accessible unit in 4 Dolphin Court. As an accommodation, the applicant has agreed to make one of the suites in 6 North Beach Street as “accessible” as possible with the following conditions:
 - (a) The applicant must install a compliant door between living space and bedroom in the 6 North Beach “accessible” unit before the inn opens in June 2022.
 - (b) The bathroom sink in the “accessible” unit at 6 North Beach Street must be a wall mounted sink.The Commissioners vote:
 - Ms. Topham: No
 - Ms. Snell: Aye
 - Mr. Rowland: Aye
 - Maribeth Maloney: Aye
 - Augie Chotkowski: Aye

- 2) **521 CMR Section 25.1**: The front entrances to 6 and 8 North Beach Street are labeled as “Egress Only”. Mr. Rowland mentioned that this was not sitting well with him. He suggested that the owner apply for a variance for the front entrances because it would be impracticable to make these entrances accessible.
- 3) **521 CMR Section 25.1**: Time variance for accessible entrance for 8 North Beach Street. Four members voted to support this request and one member voted not to support this variance request.
 The Commissioners vote:
 - Ms. Topham: No
 - Ms. Snell: Aye
 - Mr. Rowland: Aye
 - Maribeth Maloney: Aye
 - Augie Chotkowski: Aye
- 4) **521 CMR Section 26.6**: The Commission did not discuss this variance request.
- 5) **521 CMR Section 20.1**: The Commission voted unanimously to support this variance request because they believe that impracticability has been proven.

Interior doors and section 8.7 of the 521CMR:

There was a lot of discussion regarding all the interior doors in both 6 and 8 North Beach Street.

Section 8.7 OTHER SLEEPING ROOMS AND SUITES

Doors and doorways designed to allow passage into and within all sleeping units or other covered units shall comply with 521CMR 26.00: DOORS AND DOORWAYS on the corridor side of the door only.

- Ms. McDonough informed everyone that the project triggered full compliance with the 521 CMR. There was a differencing of opinion between The Brant team and the Commissioners as to the applicability of Section 8.7. Prior to this meeting, Ms. McDonough contacted William Joyce, Executive Director of the MA Architectural Access Board, and asked if The Brant project triggered compliance with Section 8.7 and the following was his reply:
 - *As for other doors in the facility, those to sleeping rooms would need to comply on the corridor side per 521 CMR 8.7 presuming they're triggering full compliance.*
 - Mr. Roland asked if the interior doors comply with the 521 CMR. Mr. Digan replied that most doors are non-compliant. Mr. Roland along with all the Commissioners were not happy to hear this since the Brant team was aware of our interior door concerns since March 30 and choose not to address this.
 - Ms. Topham mentioned that she was not comfortable with this application. Mr. Anderson wondered if the Commission would support a time variance for the interior doors. Mr. Anderson then mentioned that he will speak with Mr. Joyce on this subject.
 - The AAB will review the variance application in five days and the Brant team wants the Commission’s support on their variance requests. Mr. Rowland polled the Commissioners if they would support a time variance without compliance with Section 8.7, or does the Commissioners want more information. At this time, none of the Commissioners supported a time variance.

- Mr. Anderson does not want to jeopardize the opening date for The Brant. Mr. Rowland stated that they could apply for a variance for Section 8.7 without our support, and the AAB will review it and make their decision to grant or deny that request.
- Again, the Brant team wondered if the Commissioners would support a time variance to make the interior doors accessible by May 2023 so that the hotel could open for the 2022 season. Four members replied no.
- Ms. Maloney said to follow the rules or do not do business.
- Ms. Topham stated that all the doors should be in complete compliance where possible.
- Mr. Rowland said that The Brant is not meeting the code.
- Mr. Digan said that this was not intentional, and they received all the building permits for the doors as shown.
- Mr. Rowland asked if they would correct the interior doors in the other units on the first level of the buildings before opening in June. Mr. Anderson answered that getting parts would be difficult.
- Ms. McDonough mentioned that if the Commission received a letter from the owner guaranteeing that all the interior doors will be accessible by May 2023, would the Commissioners be willing to support a time variance.
- Mr. Rowland polled the Commissioners if they would support a time request if the Commission received a letter from the owner guaranteeing that all the interior doors will comply with Section 8.7, with the condition that one of the bedroom units must comply with **521 CMR Section 8.6: *Sleeping accommodations persons who are deaf of hard of hearing.*** Four Commissioners voted to support a time variance if the Commission received this letter from the owner, and one Commissioner voted no.
 - The Commissioners vote:
 - Ms. Topham: No
 - Ms. Snell: Aye
 - Mr. Rowland: Aye
 - Maribeth Maloney: Aye
 - Augie Chotkowski: Aye
- Mr. Rowland said that this whole process has not gone smoothly since March 30, 2022. These interior doors could have been handled differently.

5:55 p.m. Mr. Digan, Mr. Anderson, and Mr. Macsata left the meeting.

Old Business: None

Public Comment: None

Update: None

***Topics Not Anticipated 48 Hours in Advance of Meeting:**

Adjournment: 6:01 p.m.

Ms. Topham motioned to adjourn Open Session, which Ms. Maloney seconded, and all voted in favor of this motion by the following roll call vote:
Mr. Rowland: Aye

Ms. Snell: Aye
Ms. Topham: Aye
Ms. Maloney: Aye
Mr. Chotkowski: Aye

Submitted by:
Brenda McDonough, Facilitator