



***Nantucket Commission on Disability
Minutes
Open Session
Wednesday November 9, 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:

Matt MacEachern, Emeritus Development Founder and Principal, Josh Bancroft, Emeritus Development Project Manager, and Tim Digan, Bergmeyer Architectural Firm Architect

Call to Order: 3:40 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: 3:45 p.m.

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

Note:

Minutes: 4:27 p.m.

Ms. Snell motioned to approve the September 8, 2022 minutes, which Ms. Maloney seconded, and all the present eligible Commissioners voted in favor of this motion.

Open Session: 3:45 p.m.

New Business:

Topics:

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

- The following is the narrative submitted by Mr. Bancroft along with the Amended Variance Request Application:

“THE BRANT” VARIANCE NARRATIVE

This narrative describes a proposed Amendment to Variance V22-084, which was previously reviewed and partially granted for “The Brant” Hotel located at 6 North Beach Street, 8 North Beach Street, and 4 Dolphin Court in Nantucket. The Brant consists of four buildings located on three contiguous lots, to be merged into a single larger lot subject to approval from the Nantucket Planning Board. All four buildings will be accessed through a common exterior courtyard and contain 28 transient guest units in total.

6 North Beach Street: *An existing Hotel (R-1 Use) building containing 2.5 stories and 3,100 SF of interior floor area, built in 1984. The interior of the building was renovated during the winter and spring of 2022, including new finishes, fixtures, partition modifications and door replacements. The building exclusively contains guest units without any public or common use spaces. A new accessible entrance was built facing the common courtyard. The permitted interior and exterior work is substantially complete at this time. AAB has granted temporary relief from certain sections of 521 CMR which expires on May 1, 2023. The Applicant seeks permanent relief from additional sections of 521 CMR as outlined in this narrative.*

8 North Beach Street: *An existing Hotel (R-1 Use) building containing 2.5 stories and 4,400 SF of interior floor area, built in 1987. The interior of the building was renovated during the winter and spring of 2022, including new finishes, fixtures, partition modifications and door replacements. The building exclusively contains guest units without any public or common use spaces. The permitted interior work is substantially complete at this time. A small one-story Addition was planned but has since been eliminated from the work scope. A new accessible entrance and deck will be built facing the common courtyard, commencing in the fall of 2022. AAB has granted temporary relief from certain sections of 521 CMR which expires on May 1, 2023. The Applicant seeks permanent relief from additional sections of 521 CMR as outlined in this narrative.*

4 Dolphin Court: *An existing One-Family Residence (R-3 Use) building containing 2.5 stories and 2,500 SF of interior floor area, built in 1987. The interior of the building will be substantially renovated and converted from a One-Family Residence to a Hotel. The building will exclusively contain guest units without any public or common use spaces. A small one-story section of the building will be demolished and replaced with a larger 2.5-story Addition. A new accessible entrance will be built facing the common courtyard. The work has not yet been permitted but is expected to commence in the fall of 2022. The building will fully comply with 521 CMR. Page 2 of 4 2*

The Barn: *A new mixed Hotel (R-1 Use) and Small Assembly (B Use) building to contain 1.5 stories and 3,000 SF of interior floor area. The First Floor will contain the centralized check-in area for all four Hotel buildings along with a bar/lounge, two guest units, and back-of-house space. The Second Floor will not be open to the public and is therefore exempt from 521 CMR. The work has not yet been permitted but is expected to commence in the fall of 2022. The building will fully comply with 521 CMR.*

The original application for Variance V22-084 by Commercial Construction Consulting, Inc. included two requests for relief from 521 CMR and was amended shortly afterward to include six requests.

Request #1 was temporarily granted with conditions, allowing 6&8 North Beach to operate in 2022 without a fully accessible guest unit in the facility.

Request #2 was temporarily granted, allowing 8 North Beach to operate in 2022 without an accessible entrance.

Request #3 was temporarily granted, allowing 6&8 North Beach to operate in 2022 without the minimum clear width and corridor-side maneuvering clearances required for the non-accessible guest unit entry doors.

Request #4 was continued with a request for test plans showing the impracticability of full compliance for the guest unit entry doors.

Requests #5 and #6 were continued with requests for a letter from the Massachusetts Historical Commission certifying the inappropriateness of ramps at the public street entrances.

The Applicant's responses to Requests #4, #5 and #6 are outlined below. The Applicant also introduces Request #7 through this Amendment as outlined below.

REQUEST #3: 521 CMR 8.00 TRANSIENT LODGING FACILITIES – 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 521 CMR 26.00: DOORS AND DOORWAYS on the corridor side of the door only. Relief from this section was temporarily granted by AAB for the non-accessible guest unit entry doors in 6&8 North Beach. See Requests #4 and #7 for permanent relief from other sections of 521 CMR referenced through this section.

REQUEST #4: 521 CMR 26.00 DOORS AND DOORWAYS – 26.6 MANEUVERING CLEARANCE. A minimum clear floor area shall be provided on both sides of all doors and gates. Exception: Doors equipped with automatic opening devices are exempt from 521 CMR 26.6.3, 26.6.4 and 26.8.

REQUEST #7: 521 CMR 26.00 DOORS AND DOORWAYS – 26.5 WIDTH. All doorways and openings that are required to be accessible shall have a clear opening of not less than 32 inches. Clear opening of a door is measured from the face of the stop on the latch side of the face of the door when the door is open 90 degrees. For door types such as bifold, accordion, and pocket, the clear opening is measured when the door is in its most fully open position.

While there are no accessible guest units located in 6&8 North Beach, 521 CMR 8.7 requires that the entry doors to all other guest units comply with 521 CMR 26.00 on the corridor side of the door only. Most of the original guest unit entry doors in 6&8 North Beach did not have the required maneuvering clearances and were less than 32" in clear width. Due to an unintentional oversight earlier in the project, the existing entry doors were simply replaced within the existing frames and many newly introduced doorways also did not provide the required clearances. This oversight was noticed by the Nantucket Commission on Disability (COMDIS) during the original variance review, by which time the new doors Page 3 of 4 3 were already in the process of being installed. Emeritus Ltd. was subsequently brought into the project to work with COMDIS on a mitigation strategy for the non-compliant doors.

Following discussions with COMDIS Chair Mickey Rowland and Facilitator Brenda McDonough, the proposed mitigation is to reframe and replace the guest unit entry doors in 6&8 North Beach wherever physically feasible, without reconfiguring the existing rated corridors and where the existing stairs and low third floor ceiling heights allow. The enclosed test plans indicate where the doors can be replaced without significant reconfigurations of the space or structural framing. To compensate for the other non-compliant doors in 6&8 North Beach, two fully accessible Group 2- B units will be provided in 4 Dolphin Court where only one is actually required by 521 CMR 8.4 (5% of 28 Total Units in Facility = 1.4 Accessible Units, Rounded to 1 per 521 CMR 2.4.5). Room 32 on the First Floor of 4 Dolphin Court will provide an accessible one-bedroom option while Room 31 will provide an accessible family suite option. Both units will offer the preferred view of the common courtyard with equal or greater amenities than the non-accessible units located elsewhere in the facility. In addition to the two fully compliant Group 2-B units in 4 Dolphin Court, Room 10 on the First Floor of 6 North Beach will continue to provide another partially accessible guest unit per the conditions of Request #1 previously granted by AAB. The intention is for the extra fully accessible unit in 4 Dolphin Court and the extra partially accessible unit in 6 North Beach to provide greater overall accessibility for the Hotel, compared to having compliant entry doors to guest units that are otherwise non-accessible on the inside.

The Applicant therefore seeks permanent relief from 521 CMR 26.6 and 26.5, referenced through 521 CMR 8.7, for all guest unit entry doors located in 6&8 North Beach where compliance cannot be achieved without relocating partitions and where the primary structural framing does not allow.

REQUEST #5: 521 CMR 20.00 ACCESSIBLE ROUTE – 20.1 GENERAL. An accessible route shall provide a continuous unobstructed path connecting accessible spaces and elements inside and outside a facility. Accessible routes may include but are not limited to walks, halls, corridors, aisles, skywalks, and tunnels. Accessible routes may not include stairs, steps, or escalators, even if the stairs and steps are required to be accessible under 521 CMR.

REQUEST #6: 521 CMR 25.00 ENTRANCES – 25.1 GENERAL. All public entrance(s) of a building or tenancy in a building shall be accessible. Public entrances are any entrances that are not solely service entrances, loading entrances, or entrances restricted to employee use only.

The Applicant seeks permanent relief from 521 CMR 20.1 and 25.1 for the existing public street entrances to 6&8 North Beach (Doors D-B1-101 and D-B2-101) to remain non-accessible. While AAB requested a letter of determination from the Massachusetts Historical Commission to support this variance request, it should be clarified that relief is not sought on the basis of historical significance per 521 CMR 3.9. The existing porches and steps leading to the entrance doors encroach upon the zoning setback and are considered preexisting nonconformities. As shown in the enclosed test plans, the modifications required to provide compliant ramps and flush door thresholds would require extending the existing non-conformities, which is not allowed per the Nantucket Zoning Bylaw. Even if allowed, the ramps would need to begin in the courtyard in order to achieve the minimum horizontal run required for the vertical rise. Since the new accessible public entrances to 6&8 North Beach (Doors D-B1-103 and D-B2-102) will be located in the courtyard Page 4 of 4 anyway, this would seemingly defeat the purpose of the street entrances being accessible. While the buildings would not be considered historically significant by the Massachusetts Historical Commission, their exterior appearance is still subject to approval by the Nantucket Historic District Commission (HDC). As a general policy, HDC does not approve ramps with railings that are visible from the public way in the downtown historic district.

While the street entrances have historically served as the main public entrances to the Hotel, the new accessible courtyard entrances will serve as the main entrances to all four buildings moving forward. The

new Barn building will serve as the hub and check-in location for guests, accessed via vertical platform lift from the courtyard as allowed per 521 CMR 28.12.1 Exception E. All of the “action” on site will occur in the Barn and courtyard, where most of the guests are expected to gather and circulate. Aside from the existing street entrances in 6&8 North Beach, which are still intended to operate as secondary guest entrances, all other exterior doors in the four buildings will serve as means of egress only, private entrances to non-accessible units, or employee entrances. Directional signage will be placed at the non-accessible public entrances per 521 CMR 25.6.

Mr. MacEachern and Mr. Bancroft presented the amended variance request to our Commission. The following was the discussion among the Commissioners and the presenters:

- Much of the discussion focused on the first-floor corridor doors at 6 and 8 North Beach Street. Mr. Rowland requested a complete list of all the first-floor level doors at 6 and 8 North Beach Street that will either be replaced or equipped with an automatic door opening device.
- Mr. Rowland also requested to have an accessible door between the living space and the bedroom of the partially accessible room at 6 North Beach Street.
- Ms. Topham was concerned that there is only one accessible entrance/exit in each building, and in the event of a fire, there is a possibility that you could not access the accessible entrance/exit.
- Ms. Topham advocated for grab bars in all the bathrooms.
- Ms. Maloney asked if only the first-level corridor doors in 6 and 8 North Beach Street would be accessible and wondered if the corridor doors in the upper levels would be accessible too.
- Mr. Rowland replied, as an accommodation to not having the upper-level corridor doors accessible, there will be two completely accessible units and one partially accessible unit in the complex where only one accessible unit is required by code.
- Ms. Snell motioned to support variance requests 4 and 7 in the narrative, Ms. Maloney seconded this motion, and all the Commissioners voted to support this motion.
- Mr. Rowland took a roll call on this motion.
 - Ms. Topham: Aye
 - Ms. Snell: Aye
 - Mr. Rowland: Aye
 - Mr. Chotkowski: Aye
 - Ms. Maloney: Aye
- Ms. Maloney motioned to support variance requests 5 and 6 in the narrative, Ms. Snell seconded this motion, and all the Commissioners voted to support this motion.
- Mr. Rowland took a roll call on this motion.
 - Ms. Topham: Aye
 - Ms. Snell: Aye
 - Mr. Rowland: Aye
 - Mr. Chotkowski: Aye
 - Ms. Maloney: Aye
- **4:27 p.m.** Mr. MacEachern, Mr. Bancroft and Mr. Digan left the Commission’s Zoom meeting.

Old Business: None

Public Comment: None

Update:

- Ms. McDonough emailed Paul Murphy, Building Inspector, about access concerns at EZIA Athletic Club and the Nantucket Surf Shop. Mr. Murphy is corresponding with the owners of these two businesses to have their buildings comply with the 521 CMR, the AAB Rules and Regulations. Mr. Murphy will keep Ms. McDonough and Mr. Rowland updated on this subject.
- Mr. Chotkowski mentioned that there is no curb cut at the crosswalk on Broad Street at Graydon House.

Topics Not Anticipated 48 Hours in Advance of Meeting:*Adjournment: 4:36**

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

Mr. Rowland: Aye

Ms. Snell: Aye

Ms. Topham: Aye

Mr. Chotkowski: Aye

Ms. Maloney: Aye

Submitted by:

Brenda McDonough, Facilitator