

Special Meeting of the Brookline Commission on Disability  
October 13, 2016

A special meeting of the Brookline Commission for the Disabled was called to order at 6:05 PM by Chair Saralynn Allaire. The purpose of the meeting was to review an MAAB variance for work performed and/or planned at 85-87 Harvard Ave. The building is owned by the Mt. Vernon Co. that has leased the space in question to Benefitness Health Club.

Members in Attendance were: Saralynn Allaire, Jim Miczek, Henry Winkleman, Ann Kamensky, Elaine Ober, and Myra Berloff

Those representing of 85-87 Harvard Ave. were: Jennifer DePaso-Gilbert, Attorney; Mark Armstrong, Architect; Morgan Pierson, Building Owner (lessor); CC Maher, representing Benefitness (lessee).

The meeting was requested by the representatives of 85-87 Harvard Ave. in order to present how previous building renovations resulted in architectural barriers and the accommodations being proposed by Benefitness in order to open their business in this location. The presenters were hopeful that after their presentation the Commission for the Disabled would feel comfortable issuing a letter to the Massachusetts Architectural Access Board in support of their request for variances to 521 CMR.

Ms. DePaso-Gilbert began the presentation for the representatives. She explained the town of Brookline values assessments at 95%. Therefore it would take a \$1.7 million project to tip the 30% full renovation requirement. The proposed cost of renovation is \$400,000. She presented that two variances are being requested 1) to allow the entrance at the corner of Harvard Ave. and Aspinwall Ave. to remain with a step with the proposal that a fully accessible entrance will be constructed on Harvard Ave.; and 2) relief from the requirement that vertical access be provided to the lower (previously unoccupied basement) level.

Information was provided by all three representatives.

Background:

- At 2009 there was a sloped entrance (although dimensions of the slope were non-compliant) to the Harvard Ave./Aspinwall Ave. storefront that enabled persons using wheelchairs to patronized the store.
- At some point after 2009, Brookline DPW tore out and reconstructed the sidewalks at this location. During this reconstruction, the contractor removed the non-compliant sloped entrance and installed a step to the Harvard Ave./Aspinwall Ave. storefront entrance.
- Approximately 3 ½ years ago the previous owner of the building did construction work in the basement of the building without taking out permits. The Town of Brookline Building Department stopped that work, required permits in order to proceed, and work was completed on the basement to meet the requirements of the building department and make it a usable space. This work also raised the floor of the main level resulting in a change of level of 3 steps beyond the inside of the door to the primary level.
- Adding vertical access would be so costly that the prospective lessee (Benefitness) would not be able to proceed.

- The use of a vertical lift was explored and any location that could accommodate it inside the building would result in negatively breaking up the space.
- Benefitness is obligated to leave their current location and this has been the only space they could find that is near to their current location and that can be renovated in time to meet their move-out deadline. Not proceeding with this proposed site would result in this business having no place to operate.

Proposal:

- Main entrance to remain with step and an alternate accessible entrance will be designed on Harvard Ave.
- Accessible entrance will have an automatic door opener and will be open at all times the main entrance is open.
- Directional signage to the accessible entrance will be installed at the inaccessible entrance.
- Both entrances lead to the same registration desk.
- A compliant ramp will be installed from the new accessible entrance to the main level; an existing entrance to an old storefront on Harvard St. will be eliminated so the ramp can be built flush along Harvard St..
- All amenities, services and programs that are offered on the lower level will be available on the main level.
- The lower level will have the spin studio, showers and 2 rooms for private classes
- All the big equipment will be on the main level and some spin bikes will also be placed on this level.
- Signage will be placed at the reception desk announcing that accommodations will be provided for clients who are not able to access the lower level.
- Written policies will be developed to train front desk personnel.

After hearing the background and the proposed renovations and policies, Myra Berloff made a motion to support the variance request. The motion was seconded by Henry Winkleman and voted unanimously by the members.

Chairperson Allaire will write to the AAB notifying them of this vote.

Respectfully submitted by,  
Myra Berloff  
10/13/16