

**Nantucket Commission on Disability**  
**Minutes**  
**Open Session**  
**Friday March 22, 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 and Brenda McDonough.

**Absent:**

Maribeth Maloney and Auggie Chotkowski

**Guests:**

Josh Bancroft, Project Manager for Emeritus Development, Matt MacEachern, Principal for Emeritus Development, Brad Guidi and Dillion Prives, Representatives for Blue Flag Partners

**Call to Order: 2:04 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: 2:05**

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

**Note:**

**Minutes: 2:53 p.m.**

The Commission approved the minutes at the end of the meeting.

Ms. Topham motioned to approve October 1, 2021 minutes, which Ms. Snell seconded, and all the present, eligible Commission members unanimously approved this motion by roll call:

Mr. Rowland- Aye

Ms. Topham- Aye

Ms. Snell- Aye

**Open Session: 2:05 p.m.**

**New Business:**

**Topics:**

**Variance Request for 12 Federal Street**

- The applicant is seeking relief from the following sections of the 521 CMR:
  1. **Section 17.5:** All dining areas, including raised or sunken dining areas, mezzanines, loggias, and outdoor seating areas, shall be accessible.
  2. **Section 20.11.1:** All spaces or elements required to be accessible by 521 CMR shall be provided with no less than one accessible means of egress.
  3. **Section 25.1:** All public entrance(s) of a building or tenancy in a building shall be accessible
  4. **Section 28.1:** In all multi-story buildings and facilities, each level including mezzanines, shall be served by a passenger elevator.
  5. **Section 30.1:** Each public toilet room provided on a site or in a building shall comply with 521 CMR.
  
- Mr. Bancroft presented the variance application and the following is a summary of his presentation and Commissioners questions and comments:
  - There are two restaurants in this building: the Boarding House and the Pearl.
  - The Boarding House has an accessible front entrance and the accessible entrance for the first level of the Pearl restaurant is via an enclosed accessible lift in the rear yard.
  - The applicant will install an interior lift on the accessible street level of the Boarding House to the lower level where there will be an owner's lounge, not open to the public, and a new accessible toilet room.
  - The rear door to the lower level of the Boarding House is not accessible and only the owners and their guests will have access to this entrance. The applicant plans to transform the accessible route to the rear of the building with vegetation and planters, so that this will be an inviting route to the rear private entrance and the accessible lift to the first level of the Pearl restaurant.
  - The Federal Street entrance to the Pearl is inaccessible.
  - The Pearl's Chef's Table is accessible through the restaurant's kitchen.
  - There is no access to the second level of the Pearl restaurant, which has private dining rooms open to the public. As an accommodation to the anyone who cannot access the inaccessible second level, is to provide a section of the Pearl Restaurant as a private dining experience. They will install a curtain system that will surround that section of the Pearl when needed for an accessible private dining experience. The Chef's Table and the covered patio will be two more options for accessible private dining for anyone who requires this accommodation.
  - They will install a new accessible door from the kitchen to the Chef's Table.
  - The accessible toilet room is on the accessible first level.
  - There are two toilet rooms on the inaccessible second level. The building code requires them to have three toilet rooms in total. The applicant plans to make the two toilet rooms on the second level as accessible as possible, but they will not fully comply with the 521 CMR.
  - The applicant explored providing elevator access to the second level of the Pearl, but they felt that it was impracticable.
  - Mr. Rowland appreciated the review of trying to install an elevator. He questioned if anyone can independently access the exterior lift, which Mr. Bancroft assured him that

the lift is always operational when the restaurant is open, and one can access the lift independently.

- Mr. Rowland wondered if the lift has the proper pull side clearance. Mr. Bancroft thought that the accessible lift might have an automatic door.
  - Mr. Bancroft noted that someone at the host podium will have an i-Pad and can see when someone is using the accessible lift. The host or restaurant representative will welcome that guest or guests once they exit the lift and enter the restaurant.
  - Ms. Topham asked if the accessible toilet room would accommodate both the wheelchair user and an attendant. Mr. Bancroft assured that this would be the case.
  - Mr. Rowland asked if someone could use the interior lift at the Boarding House without assistance. Mr. Bancroft answered yes.
  - Mr. Bancroft assured the Commissioners that an accessible private dining area will always be available if needed either in the Pearl restaurant, at the Chef's Table or in the covered patio. If diners must be relocated to accommodate this, they are willing to do that.
  - Ms. Topham commented that there is only one accessible exit in both restaurants and wondered what would happen in the event of a fire. Mr. Bancroft answered that they are installing a sprinkler system in the whole building and the system will automatically engage once a fire is detected. This will increase safety dramatically. If the fire is blocking access to the accessible entrance, it is believed that there will be sufficient help for anyone who requires help.
  - Mr. Guidi wanted to emphasize that they are creating access to the lower level of the Boarding House that has not existed in the past. They are also installing an accessible toilet room in the lower level, and in the past, the Boarding House has never had an accessible toilet room.
- Ms. Snell motioned to support the variance request, which Ms. Topham seconded, and all the present Commissioners voted in favor of this motion.

**2:53 p.m.**

Messrs. Bancroft, MacEachern, Guidi and Prives left the Zoom meeting.

**Old Business: None**

**Public Comment: None**

**Update:**

### **Accessibility at Outdoor Events**

- Ms. McDonough informed the Commissioners that the police department involved Mr. Rowland and her in planning all the accessible features for outdoor public events.
- The Land Bank plans to submit a variance request for some of the non-compliant sections of the Easy Street sidewalk bordering their park.
- Ms. McDonough and Mr. Rowland will meet with representatives of The Brant project to discuss the accessible features.
- Salt Marsh center is reopening soon, so no more work from home.

- Ms. McDonough asked the Commissioners if they knew of places where an eleven-year-old could volunteer this summer helping children/people who have a disability.
- The Commission plans to invite a representative from the Disabled Persons Protection Commission to one of our Zoom meetings, so that they can inform our Commission on their services and mission. The Commissioners thought that we should invite the public to this presentation and maybe advertise on the radio, in the newspapers and on-line.

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

**Adjournment:**

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

Mr. Rowland- Aye

Ms. Snell- Aye

Ms. Topham- Aye

Submitted by:

Brenda McDonough, Facilitator