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SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT



Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-979-5459

APPLICATION FOR VARIANCE

Docket: _____
(Staff Only)

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at: <https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Please ensure that attached documents are no larger than 11" x 17".
- 4) Sign the Application.
- 5) If the applicant is not the owner of the building or his or her agent, include a signed letter from the owner granting permission for you to apply for variance.
- 6) Burn copies of the application and all attached documents onto a Compact Disc (CD or DVD only, no flash drives will be accepted).
- 7) Provide full copies of the application and all attached documentation, on both Paper and CD/DVD to the:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at: <https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
(Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 8) Provide to the Board:
 - a. A completed copy of the application and all attached documents,
 - b. A copy of the CD/DVD,
 - c. The completed, signed, and notarized Service Notice (included as Page 5 of this application).
 - d. A check or money order in the amount of \$50 dollars, made out to the Commonwealth of Massachusetts.

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

1. State the name and address of the building/facility:

2 Story Office Building

25 Bryant Avenue, Milton MA

2. State the name and address of the **owner** of the building/facility:

E. Elon Joffre, DMD, MPH, Manager for Bryant Avenue Holding LLC (owner)

126 Granite Avenue, Boston MA 02124

E-mail: eej@dotsmiles.com

Telephone: 617-533-8058

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

The building is a 2 story office building, built in approximately 1960.

4. Total square footage of the building: 6,184 s.f. Per floor: 1st floor: 3,014 s.f.

a. total square footage of tenant space (if applicable): 2nd floor: 3,170 s.f.

5. Check the work performed or to be performed:

☐ New Construction

☐ Addition

☒ Reconstruction/Remodeling/Alteration

☐ Change of Use

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

Complete renovation of 1st floor for new Dental office, including modification of one of two required exits to provide one ADA compliant access and exit.

No renovation of 2nd floor for future dental office employee use: second floor work limited to stairway reconstruction required by modifications to make one 1st floor entrance ADA compliant.

7. Are you seeking temporary relief? Yes ☐ No ☒

a. If temporary relief is sought, what is the proposed deadline?

8. State each section of the Architectural Access Board's Regulations (521 CMR) for which a variance is being requested

(Please note the Board will NOT consider requests for relief from Section 3, please list the specific items triggered by Section 3 where relief is being sought):

SECTION NUMBER

20.11.1

25.1

LOCATION OR DESCRIPTION

more than 1 means of egress required: each space shall be served by not less than 2 accessible means of egress.

All public entrance(s) of a building or tenancy in a building shall be accessible.

If requesting relief to 5 or more sections, use the Large Variance Tally Sheet available on the "Forms and Applications" page of the Board's website (<http://www.mass.gov/aab>)

9. Is the building historically significant? ☐ yes ☒ no. If no, go to number 10.

9a. If yes, check one of the following and indicate date of listing:

____ National Historic Landmark
____ Listed individually on the National Register of Historic Places
____ Located in registered historic district
____ Listed in the State Register of Historic Places
____ Eligible for listing

9b. If you checked any of the above **and** your variance request is primarily based upon the historical significance of the building, you *must* complete the ADA Consultation Process of the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

10. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (*use additional sheets if necessary*), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

See attached sheet

11. Which section of the Board's Jurisdiction (*see Section 3 of the Board's Regulations*) has been triggered?

3.2 ☐ 3.3.1a ☐ 3.3.1b ☒ 3.3.2 ☐ 3.4 ☐ Other (List Section) _____

12. List **all** building permits that have been applied for within the past 36 months, include the issue date and the listed value of the work performed:

Permit # **Date of Issuance** **Value of Work**

(Use additional sheets if necessary.)

13. List the anticipated construction cost for any work not yet permitted:

\$400,000.00

14. Has a certificate of occupancy been issued for the facility? Yes ☐ No ☒
If yes, state the date it was issued: _____

15. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? Yes ☐ No ☒

a. If so, list the AAB docket number of the complaint _____

16. For existing buildings, state the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located:

\$ 341,800.00

Is the assessment at 100%? yes _____

If not, what is the town's current assessment ratio? _____

17. State the phase of design or construction of the facility as of the date of this application:

Construction documents are complete. Planning Board has approved Site Plan. Permit has not issued and construction has not begun.

18. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

Steven Lazarus

Lazarus and Sargeant Architects, 50 North Main Street, Wallingford CT 06492

E-mail: steven@lazarusmail.net

Telephone: 203 265 3194

19. State the name and address of the building inspector responsible for overseeing this project:

Mr. Joseph Prondak

525 Canton Avenue Milton, MA 02186

E-mail: jprondak@townofmilton.org

Telephone: (617) 898-4926

Date: April 28, 2020


Signature of owner or authorized agent (required)

PLEASE PRINT:

E. Elon Joffre, DMD, MPH

Name

Bryant Avenue Holding LLC

Organization (If Applicable)

126 Granite Avenue

Address

Address 2 (optional)

Boston

MA

02124

City/Town

State

Zip Code

eej@dotsmiles.com

E-mail

617-533-8058

Telephone

SERVICE NOTICE

I, E. Elon Joffre, DMD, MPH, as Applicant

(name)

(relationship to the applicant)

for the Petitioner E. Elon Joffre, DMD, MPH

(name of the applicant)

submit a

variance application filed with the Massachusetts Architectural Access Board on 4.28.2020

(date variance submitted)

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>		<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
<u>1</u> Building Department	Mr. Joseph Prondak	via email	4.28.2020
<u>2</u> Local Commission on Disability (If Applicable)	Mr. Joseph Prondak, ADA Coordinator	via email (see above)	4.28.2020
<u>3</u> Independent Living Center	Boston Center for Independent Living: AAB applications to be sent to Michael Muehe, 332 Jamaicaaway #101, Boston, MA 02130 mmuehe@bostoncil.org	via email	4.28.2020


AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.


Signature: Appellant or Petitioner

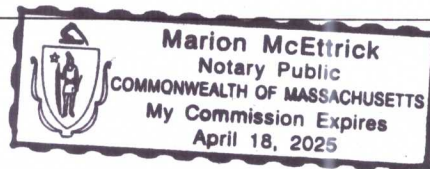
On the 28th Day of April 20 20
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

E. Elon Joffre, DMD, MPH

(Type or Print the Name of the Appellant)



NOTARY PUBLIC



MY COMMISSION EXPIRES

10. Variance request details

ADDRESS: 25 Bryant Avenue (corner, Bryant Avenue and Boulevard Street), Milton MA

20.11.1 **where more than 1 means of egress is required: each space shall be served by not less than 2 accessible means of egress.**

25 Bryant Avenue is an existing commercial building which occupies close to 100% of its site. The building is structurally sound. The location is at the intersection of Boulevard Street and Bryant Avenue in East Milton Square and overlooks the Southeast Expressway. Boulevard Street slopes down towards Bryant Avenue. At that corner the building has a rounded shape. This reconstruction and renovation project will use the existing footprint and building structure. There will be public access only to the first floor of the building, which is to become a dental office after reconstruction.

There is one existing ground floor means of egress on Bryant Avenue and one existing ground floor means of egress, a vestibule, at the corner of Boulevard Street and Bryant Avenue. Because the common path of travel is slightly too long for the first floor Dental Office to qualify with a single means of egress, regulations require two means of egress. Two existing and one NEW alternative means of egress onto Boulevard Street from the waiting room are shown on the construction documents. However, both the existing corner vestibule and the new entrance on Boulevard Street cannot be made compliant because of the grade of the Boulevard Street sidewalk.

Neither of the EXISTING two egress doors are currently accessible: the finished floor is 4" higher than the sidewalk at the Bryant Avenue side and 5" higher than the sidewalk at the vestibule entrance at the corner of Boulevard and Bryant. The owner has looked at three solutions: 1) altering sidewalk height outside the doors; 2) lowering finished inside floor heights at the existing doors; or 3) constructing a third door into the waiting area on the boulevard Avenue side. There are problems with each alternative for certain of these doors. It makes more sense to make the existing door on Bryant Avenue, directly next to an existing handicapped parking space, fully compliant, and to continue to use the corner vestibule entrance, because any new door on Boulevard Street will have the same sidewalk grade issues as the existing vestibule entrance.

The owner proposes to keep using the existing doors but to lower the interior floor height only on the Bryant Avenue door. A variance will be required to have only one handicapped accessible means of egress.

Alteration of Sidewalk Height

East Milton Square will be undergoing street and sidewalk reconstruction in the next two years, a project with MASSDOT in planning for more than ten years. That construction project has already gone out to bid, so it is too late to change bid specifications to modify the level of these two sidewalks, even if that were feasible. The Town has an easement from the owner of the 25

Bryant Avenue building allowing the Town to bring the sidewalk on the Boulevard Avenue side almost to the building, but the sidewalk will continue to be at existing grades. The Town Engineer has pointed out that the slope of Boulevard Street and the alterations to be made to the corner of the sidewalk at Bryant and Boulevard Streets for a handicapped access ramp may make it impossible to alter grades sufficiently to solve this problem for that entrance or a new door on that side, from the sidewalk.

Although the Town might be able to modify construction specifications later with the selected contractor, there is no guarantee that such changes are feasible and would be accepted by the contractor and the cost is unknown.

Alteration of Interior Floor Height

Alteration of the interior floor level provides a more immediate solution for the Bryant Avenue entrance, which opens onto a level sidewalk. Construction documents provide for the reframing of the Bryant Avenue entrance floor to match sidewalk height so that one accessible means of egress will be provided on Bryant Avenue.

That reframing solution is not possible at the Bryant Avenue/Boulevard Street vestibule door because the entrance floor area at this corner is too short to adjust the grade with an interior ramp and landings. Complete reconstruction of the interior space at this doorway would reduce the required office and travel space in this limited building footprint and would add substantially to project cost.

This variance, if granted, is to allow the second existing means of egress, through the existing corner vestibule, to remain in use as the second means of egress.

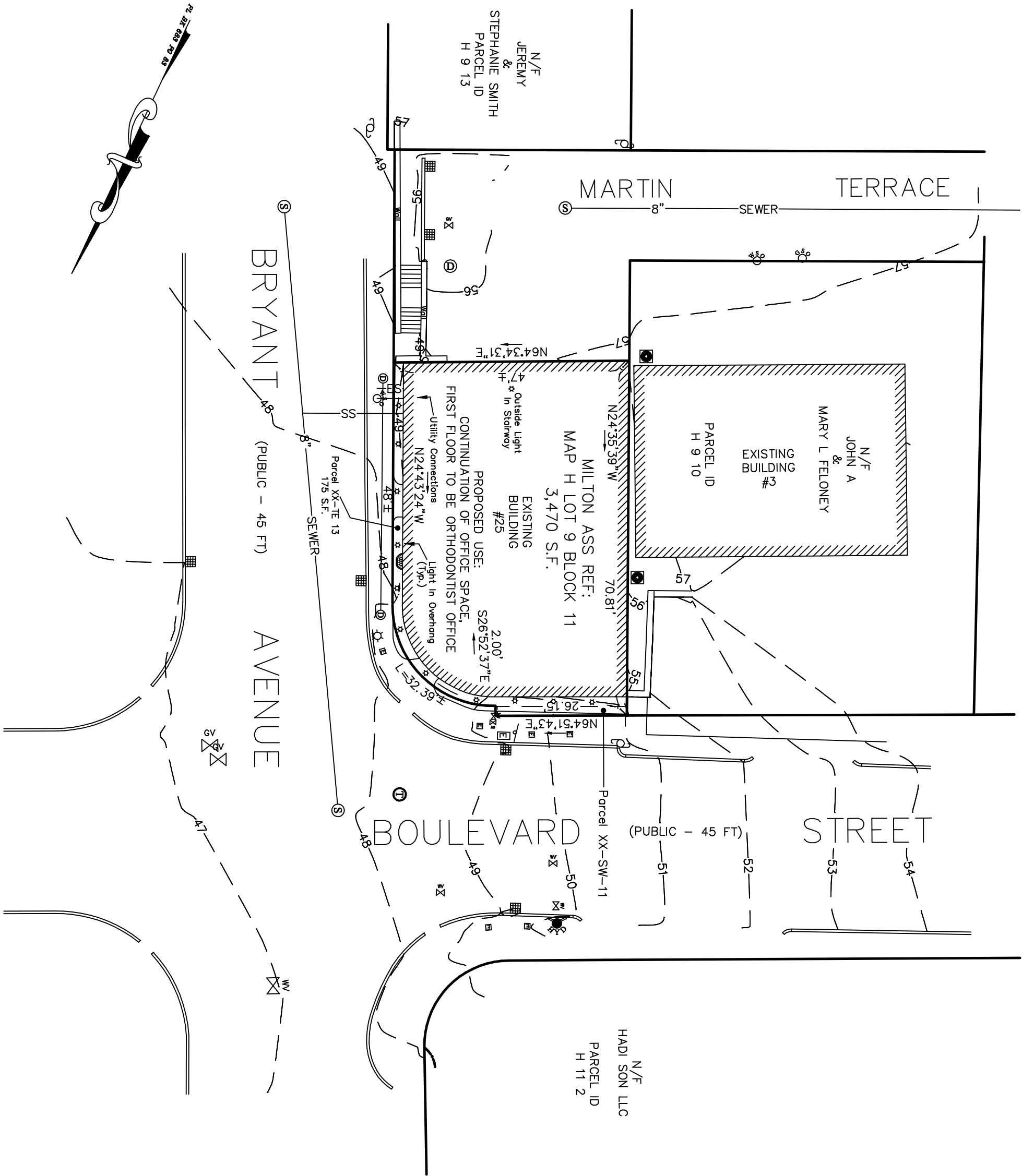
Construction documents do show a new alternative means of egress door exiting directly from the waiting room to Boulevard Street. The existing structure of the building, which has almost no setback from the lot line, prevents creating a vestibule at this new entrance. This door would open directly into the waiting area, letting in cool or warm air with each entrance, continually disrupting the level of heating and cooling in the waiting room. We would prefer not to construct this egress door because we would like to continue to take advantage of the weather and air infiltration barrier provided by the existing vestibule. With significant exposure to the Southeast Expressway, retaining vestibule use is clearly an advantage.

The alternative waiting room door is also a less desirable means of egress because there is no street parking on the Boulevard Street side of the building, none is planned with the coming sidewalk and street reconstruction, and there is readily accessible parking on the Bryant Avenue side. Furthermore, the sidewalk on Boulevard Street is not level, which is a problem for creating an entrance at sidewalk grade, just as it is at the existing corner entrance. See attached plans.

25.1 **All public entrance(s) of a building or tenancy in a building shall be accessible.**

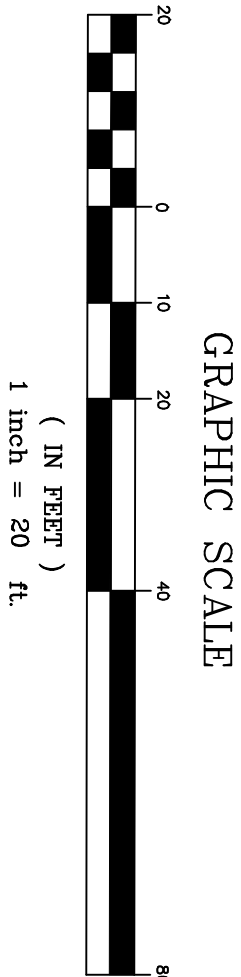
The entrance on Bryant Avenue is being modified to be accessible. That entrance is directly next to the handicapped parking space on Bryant Avenue. As noted above, the advantages provided by continuing to use the corner vestibule as a means of egress apply equally to use of the vestibule as a public entrance. The new door on Boulevard Street is not desirable for the reasons previously explained, because it will be open to the weather when the door is opened and closed, there is no parking on that side, and the Boulevard Street sidewalk is not at grade with the building, and slopes down towards Bryant Avenue.

Therefore, the applicant requests that relief be granted from the provisions of Section 20.11.1 and 25.1, so as to allow the building to be renovated with one handicapped accessible entrance and exit door, and a second existing entrance and exit door at the corner of Bryant Avenue and Boulevard Street to remain in use.



NOTES:

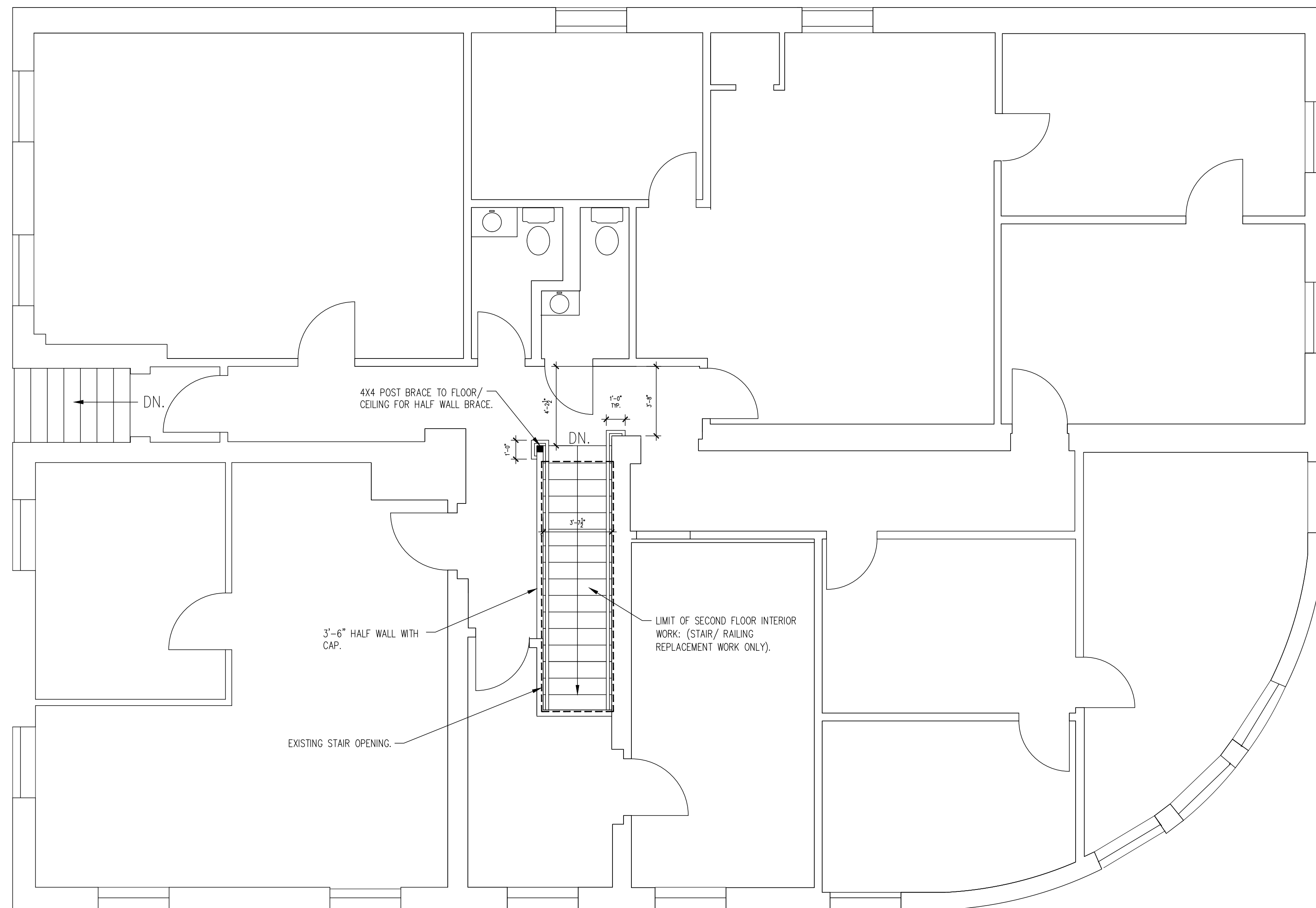
OWNER: BRYANT AVENUE HOLDING LLC
TITLE REF: BK 37135 PG 179
PLAN REF: 1958 ASSESSORS PLANS FOR THE TOWN OF MILTON
NORFOLK REGISTRY OF DEEDS PL BK 683 PG 83
ASSESSORS REF: SECTION H LOT 9 BLOCK 11
ZONING: B
ELEVATIONS SHOWN ARE ON NAVD 1988 DATUM.
UTILITIES SHOWN HEREON WERE COMPILED FROM RECORD & FIELD DATA. LOCATION OF UTILITIES ARE ONLY APPROXIMATE. BEFORE CONSTRUCTION BEGINS DIGSAFE MUST BE NOTIFIED.



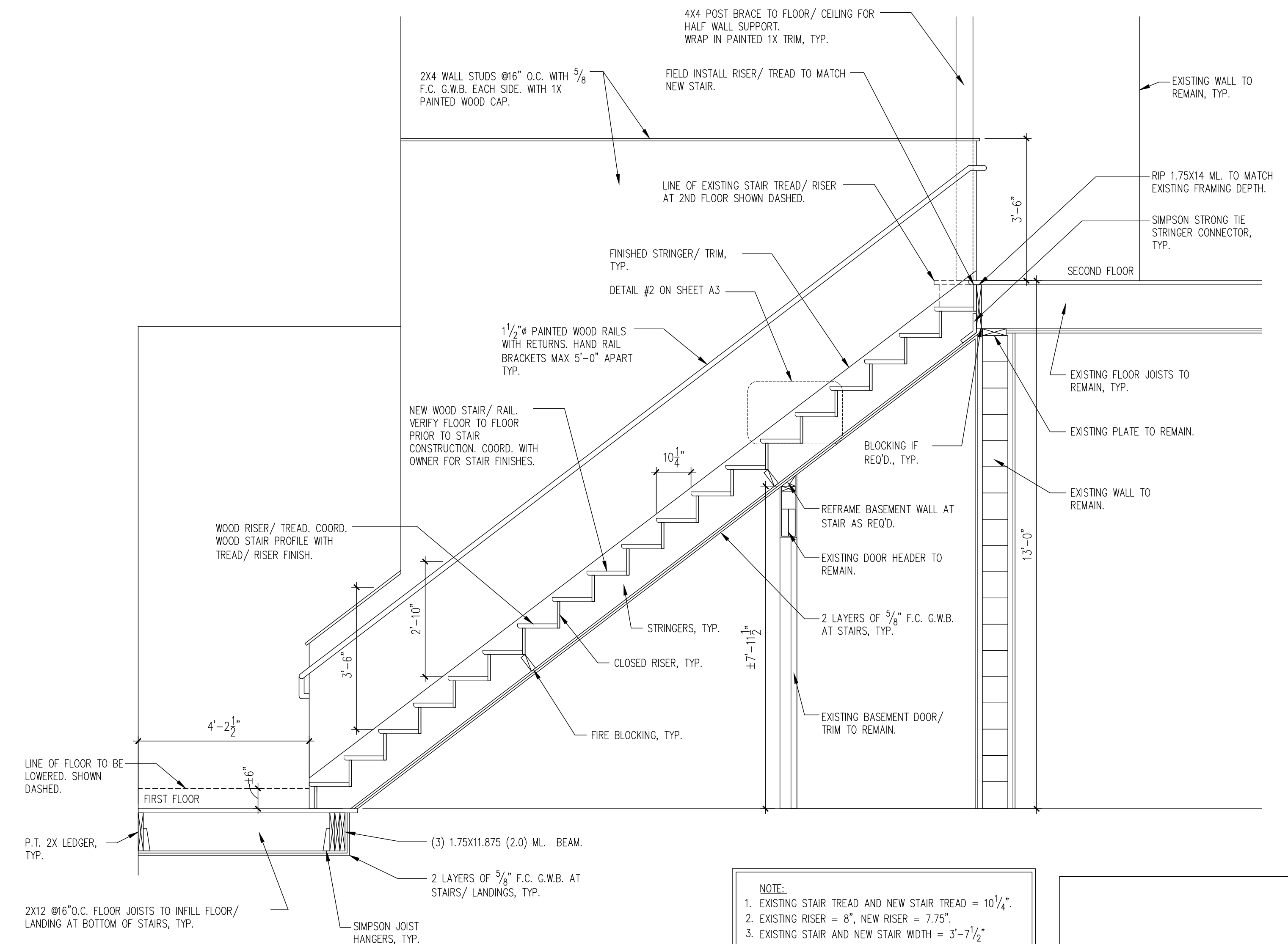
DATE

PLANNING BOARD

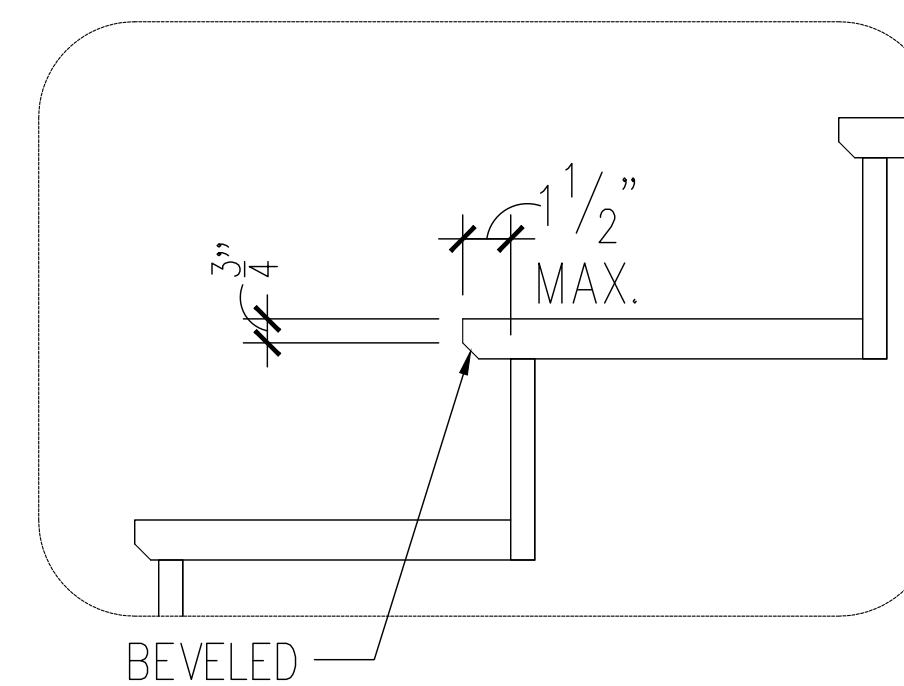
SITE PLAN
FOR
25 BRYANT AVENUE
IN
MILTON, MA.
PREPARED BY:
NEPONSET VALLEY
SURVEY ASSOC., INC.
95 WHITE STREET
QUINCY, MA.
MARCH 7, 2020
SCALE 1" = 20'



1 SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"



2 SECTION AT STAIRS
1/2" = 1'-0"



3 A.D.A. NOSE DETAIL
1" = 1'-0"

LAZARUS AND SARGEANT
ARCHITECTS • PLANNERS • INTERIOR DESIGNERS

50 NORTH MAIN STREET
WALLINGFORD, CT 06492
203-265-3194 203-294-1610 F



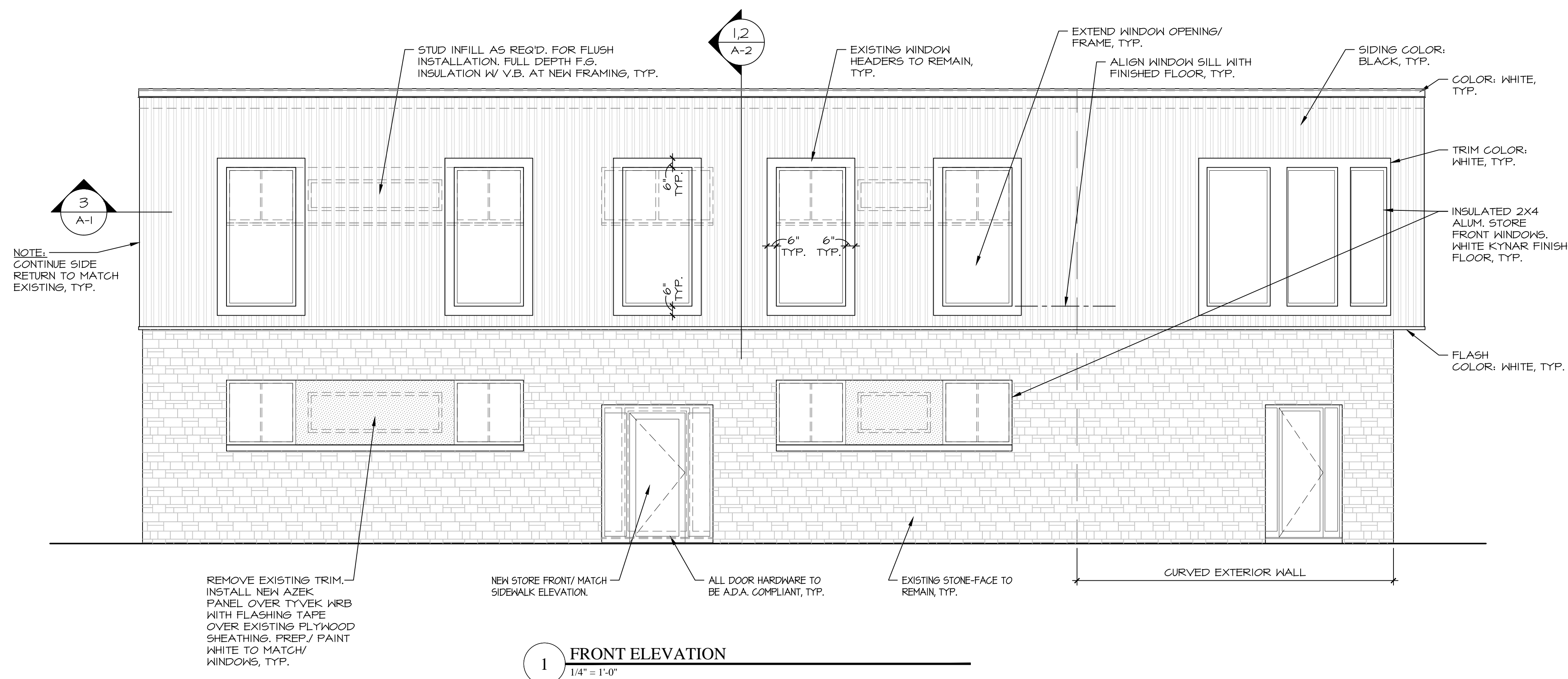
M. CHASE DESIGN, L.L.C.
MARC CHASE
172 LONG HILL ROAD
WEST BROOKFIELD, MA 01585
marc@mchasedesign.com
Tel: 508-450-2131

SQUARE SMILES
25 BRYANT AVE
MILTON, MA

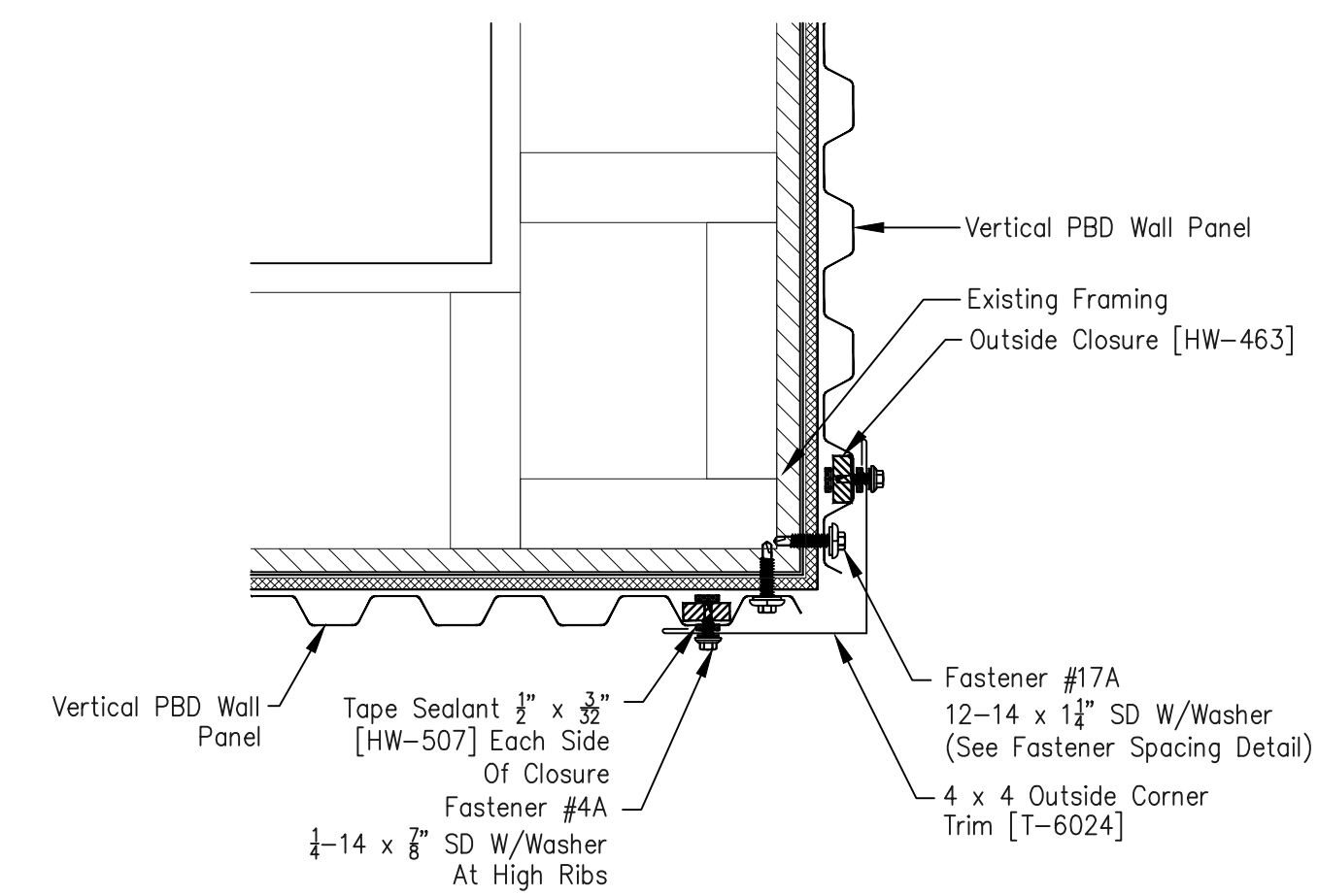
DRAWN BY: M. CHASE	DATE: 3-11-20
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SQ. FT. 2397

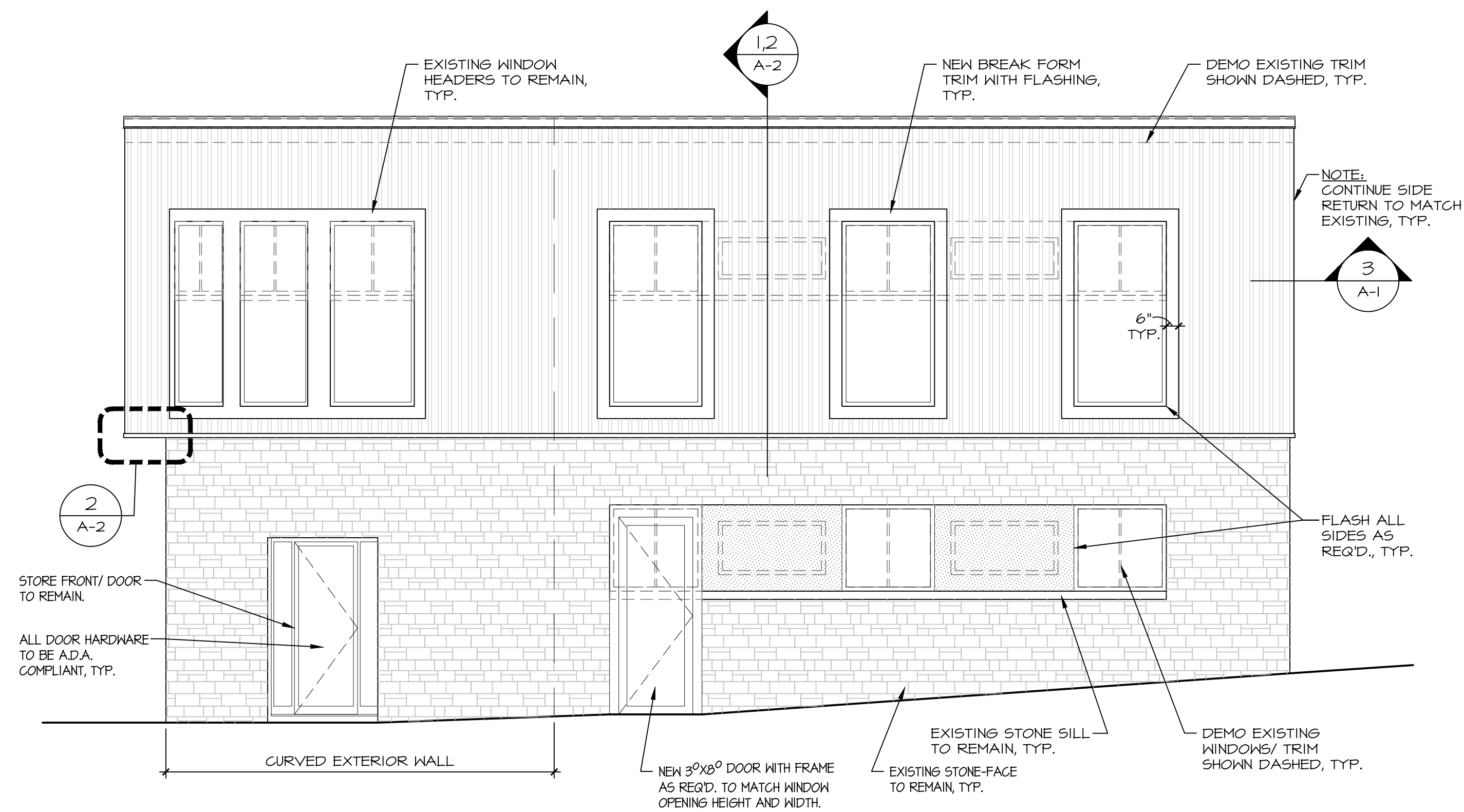
SECOND FLOOR PLAN
& STAIR DETAILS
A3



1 FRONT ELEVATION
1/4" = 1'-0"



3 CORNER DETAIL
N.T.S.



GENERAL NOTES		
1.		0-0-00
REV.	DESCRIPTION	DATE

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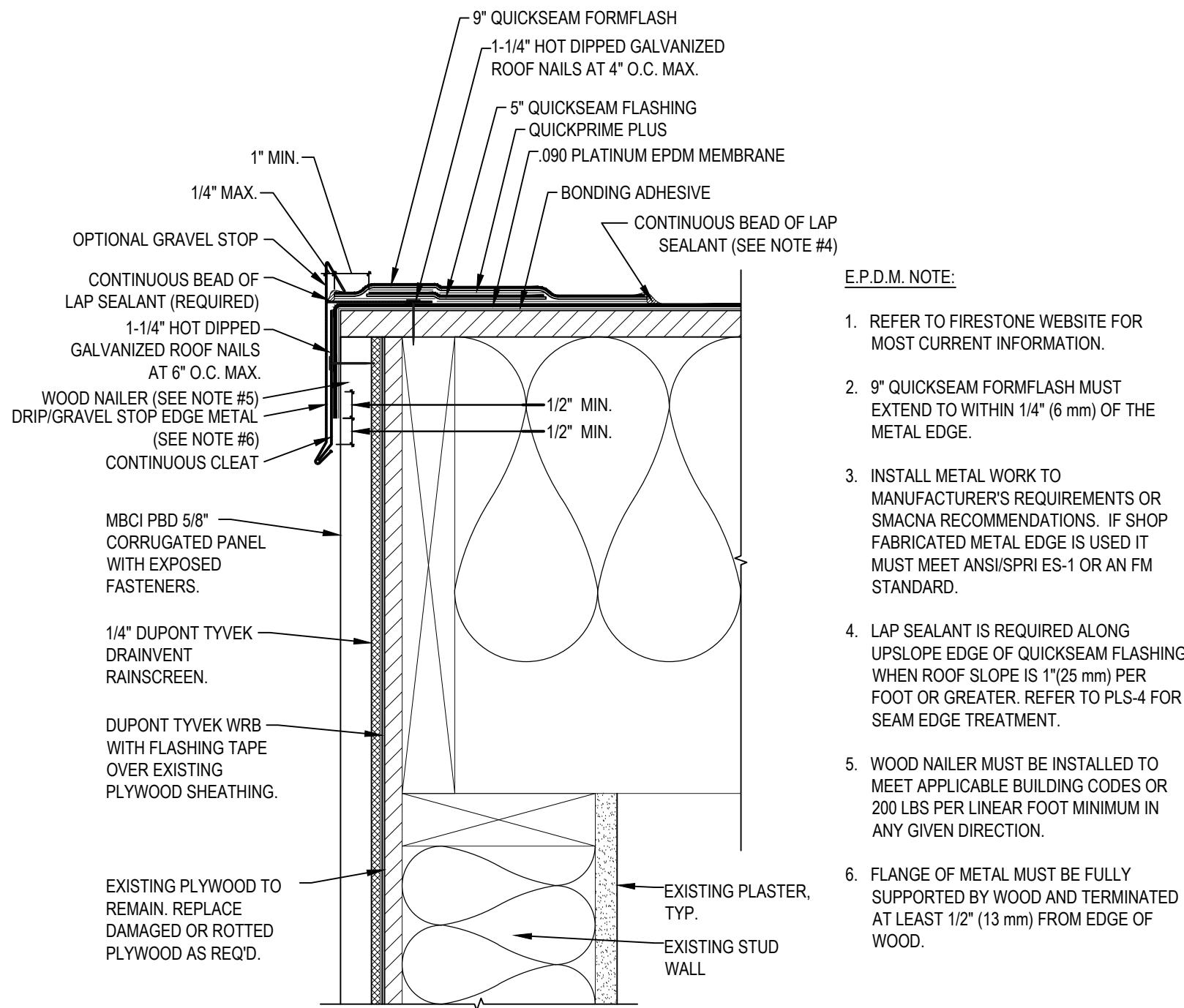
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ARCHITECTS - PLANNERS - INTERIOR DESIGNERS

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WALLINGFORD, CONNECTICUT 06492
203-265-3194 203-294-1610 F

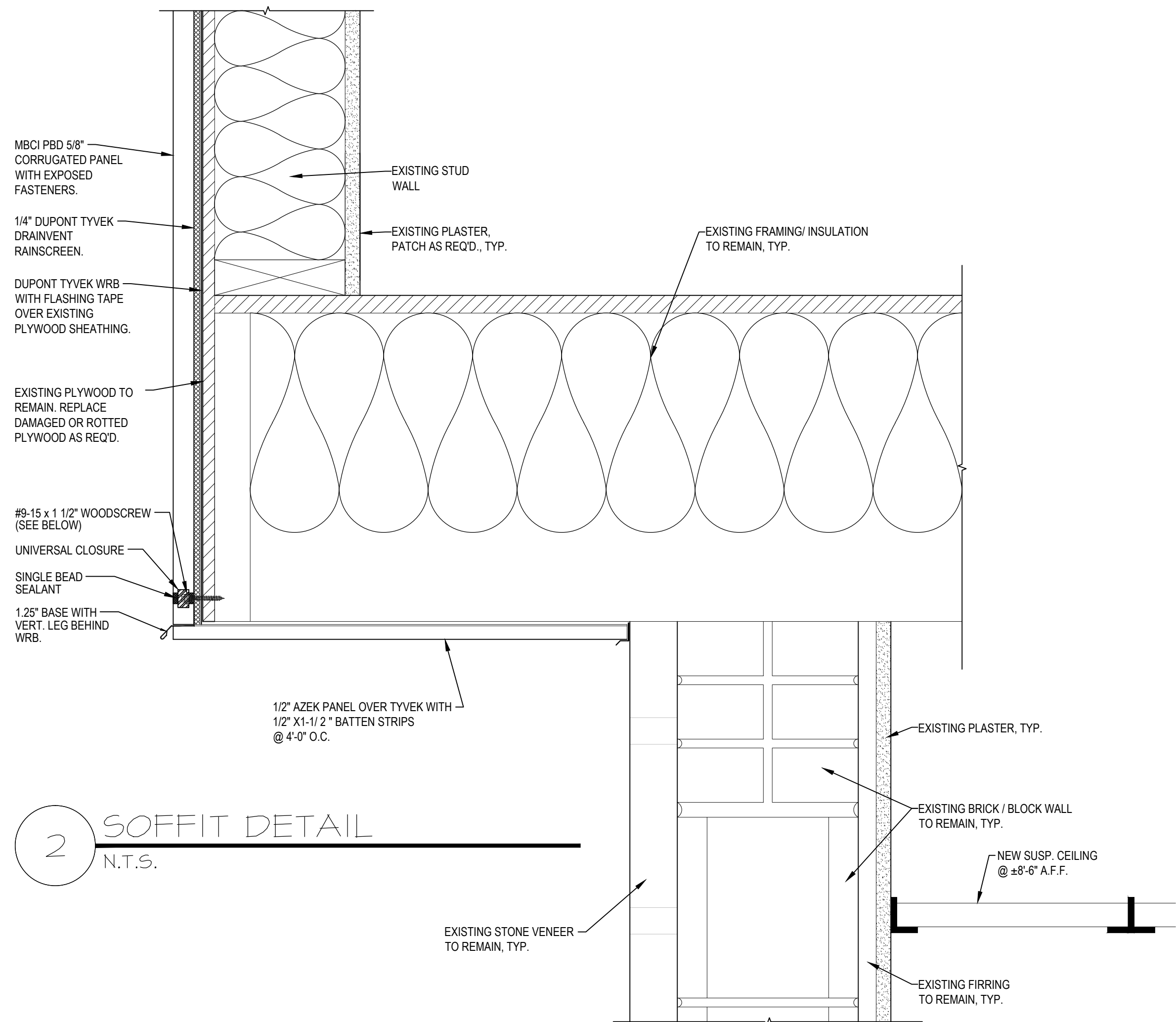
PROJECT TITLE:
SQUARE SMILES
25 BRYANT AVENUE
MILTON MA.

DRAWING TITLE:
EXTERIOR ELEVATIONS AND DETAILS

SCALE: AS NOTED
DWN BY: G.M.
CHECKED: S.L.
DATE: 12/19
DRAWING No.
A-1



1 ROOF EDGE DETAIL
N.T.S.



2 SOFFIT DETAIL
N.T.S.

GENERAL NOTES		
1.	-	0-0-00
REV.	DESCRIPTION	DATE

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WALLINGFORD, CONNECTICUT 06492
203-265-3194 203-294-1610 F

PROJECT TITLE:

SQUARE
SMILES

25 BRYANT AVENUE

MILTON MA.

DRAWING TITLE:

SECTIONS
AND
DETAILS

SCALE :	AS NOTED	DRAWING No.	A-2
DWN. BY:	G.M.		
CHECKED:	S.L.		
DATE :	12/19		

MILTON
EAST MILTON SQUARE RECONSTRUCTION

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MASS.	NHP/HPP-003S(304)X	14	97
PROJECT FILE NO. 607330			

CURB TIE & GRADING PLANS

