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DIANE M. SYMONDS  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

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](http://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.

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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:  
524-530 Adams Street, Milton, MA 02186

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

Falconi Properties, LLC

Mr. Robert Falconi

4 Franklin Street, Milton, MA 02186

E-mail: falconicompanies@gmail.com

Telephone: 617-696-6090

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

Two story steel and masonry office building on a full basement with a flat roof, built about 1921, containing approximately 6,800 sf of useable space. Building is located in a business district. Street side of building sits on public sidewalk, right side of building is a common party wall with adjacent building, left side of building contains a public driveway/alley, and parking lot side of building is open to parking lot. Building has been used as a fruit store, a bank, an insurance office, a music school, residential use on second floor, a real estate office., etc.

4. Total square footage of the building:

	Existing	Proposed
Basement:	2,100 SF	2,389 SF
First Floor:	2,200 SF	2,579 SF
Second Floor:	<u>2,579 SF</u>	<u>2,579 SF</u>
	6,879 SF	7,547 SF

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:

524-530 Adams street is having a total renovation done and a three story addition added to the parking lot side of the building. The work includes the addition of an elevator to serve all three floors; five single user accessible toilet rooms; accessible interior fire stair; all new accessible doors; all new utilities; windows; roof; storefront; siding; and major structural repairs to the entire building. The parking lot side of the building will have an accessible entrance on an accessible route from the accessible parking spots in the parking lot adjacent to the building (same owner). The street side of the building is on the public sidewalk. This was always an accessible entrance to the building. A new storefront, entrance and accessible vestibule and elevator lobby has been planned for this side of the building. The front and rear entrances both lead to the same lobby. (Please see attached plans). From this lobby one can access the accessible toilet rooms, elevator and tenant doors. The first floor tenant will be a dentist office, the second floor tenant will be an orthodontist office, and the basement will contain storage and offices for future tenants. The basement will also contain an accessible toilet room.

Due to the nature of the structural repairs in the building, there are limited locations that the elevator can be added in the building, that still allow the building to function as an office building with vestibules and lobbies. The basement contains a large concrete bank vault that is impracticable to remove. As the building is 100 years old, the structural grid is very small and there are only limited locations the elevator shaft could fit.

7. Are you seeking temporary relief? Yes        No X       

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	LOCATION OR DESCRIPTION
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**This section is required for this project:**

**3.3.2 If the work performed, including the exempted work, amounts to 30% or more of the full and fair cash value (see 521 CMR 5.00) of the building the entire building is required to comply with 521 CMR.**

**We are seeking relief from these two sections:**

**24.00: RAMPS 24.4 LANDINGS** Ramps shall have landings for turning and resting. At a minimum, landings shall be located at the bottom and the top of each ramp and each ramp run, and whenever a ramp changes direction. The maximum length of a ramp run between landings shall not exceed 30 feet (30' = 9m).

**24.4.6 Doorways at Landings:** If a doorway is located at a landing, then the level area in front of the doorway shall also comply with maneuvering clearances in Fig. 26d and 26e.

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

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.

The Commonwealth of Massachusetts Highway Department just completed renovations of the streets and sidewalks in East Milton Square. The new sidewalk was placed 3 ½ " lower than the original sidewalk at the street entrance to this building.

See the photos following this paragraph. The black notebook is laying on top of the original concrete landing at the street entrance that was level with the old sidewalk. As you can see in the photo (where the concrete landing meets the black wall tile in the far wall) the original landing was slightly sloped up to the doorway, as is typical in a lot of East Milton Square. The condition now exists that the new sidewalk and the existing first floor finished elevation will be 6 ½" apart, rather than the 2 ½ " we had anticipated during design. We now need to complete that 6 ½ " transition over the 14'-0" run from the public sidewalk to the lobby. We cannot eliminate the vestibule as that is required per building code and energy code for buildings over 3,000 square feet. We cannot have the exterior doors, which have to swing out, swing out onto the public sidewalk as that would be very dangerous and expose our client to lawsuits.

The problem is, we do not have enough run to achieve all the 5' level landings on both sides of both doors and a 6 ½' long ramp. We are seeking relief from the requirement for all four 5' level landings. We will be able to provide less than four 5' level landings and we will provide automatic door openers.

This building will have an accessible entrance at the parking lot side of the building. There is an alley/driveway located adjacent to the street entrance that will bring one to the parking lot side of building's fully accessible entrance. We anticipate the majority of visitors to the building will be arriving via automobile and will use the parking lot entrance.



Following are the options that we would like to suggest for the boards consideration for this building:

- A. Provide 2' of public sidewalk and 3' of exterior level landing for the first 5' level landing. Then a door. Then a 4'-8" level landing. Then a 6 1/2' long ramp sloped at 1:12 with grab bars. No landing at the top of ramp at the next door. 5' level landing on the other side of door which is the lobby in front of the elevator. Provide automatic door openers.
- B. Same as A but eliminate the landing at the bottom of the ramp and add it to the top of the ramp. Provide automatic door openers.
- C. Provide a 5' level landing which is the public sidewalk at the bottom of the ramp and a 5' level landing at the top of the ramp which is the building lobby in front of the elevator. Slope the ramp up 6 1/2 " over the total 14' run. There will be two doors on this ramp without level landings on both sides of both doors - one level landing will be provided on one side of one door. Slope is very gradual: 1:26. Provide automatic door openers.

All of these solutions will require structural reframing of the first floor framing in the building vestibule to achieve these results. The building owner is committed to this expense. When the board has made their recommended solution, the structural engineer will complete the design.

We believe that these solutions will not cause a hardship for users of the building. Anyone who cannot navigate this vestibule will be able to travel approximately 59' on an accessible route- Adams Court - to the other accessible entrance to the building.

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:

	<u>Permit #</u>	<u>Date of Issuance</u>	<u>Value of Work</u>
Demolition Permit	#C-20-1140	10/16/20	Fee = \$300
Structural Upgrades	#C-21-0092	1/20/21	Fee = \$300

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

\$2,000,000.00

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: \$554,100.00

Is the assessment at 100% \_\_\_\_\_

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: Design is 100% complete, demolition permits and structural upgrades permits have been issued. Demolition is complete, major structural repairs are ongoing.

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:  
Patricia J Fisher, Fisher Associates, Inc  
35 Fisher Road, Weymouth, MA 02190  
E-mail: fisherassociates@comcast.net  
Telephone: 617-733-8404

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

Commissioner Joseph Prondak  
Town of Milton Inspectional Services Department  
525 Canton Ave, Milton, MA 02186  
E-mail: jprondak@townofmilton.org  
Telephone: (617) 898-4926

Date: April 16, 2021

**Signature of owner or authorized agent (required)**

**PLEASE PRINT:**

Falconi Properties, LLC  
Mr. Robert Falconi  
4 Franklin Street, Milton, MA 02186  
E-mail: [falconicompanies@gmail.com](mailto:falconicompanies@gmail.com)  
Telephone: 617-696-6090



ADAMS STREET ENTRANCE TO BUILDING



ADAMS STREET ENTRANCE TO BUILDING



CREW JACKHAMMERING GRANITE BOULDER IN BASEMENT FOR ELEVATOR PIT  
NOTE MASONRY STRUCTURE AROUND PIT – DOES NOT ALLOW RELOCATION OF  
ELEVATOR

FLOOR BELOW NEW BUILDING VESTIBULE - NOTE FLOOR REPAIRS ALREADY  
COMPLETED THAT WILL BE REMOVED FOR NEW RAMP



Date: April 16, 2021

Jeannie F. Schmidt, Manager  
Signature of owner or authorized agent (required)

**PLEASE PRINT:**

Falconi Properties, LLC  
Mr. Robert Falconi  
4 Franklin Street, Milton, MA 02186  
E-mail: falconicompanies@gmail.com  
Telephone: 617-696-6090

# SERVICE NOTICE

I, Patricia J Fisher, as agent for the owner (owner's architect) for the Petitioner, Robert Falconi, Falconi Properties, LLC, submit a variance application filed with the Massachusetts Architectural Access Board on April 19, 2021.

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>
1 Building Department	Joseph Prondak-Building Commissioner Town of Milton Inspectional Services Department 525 Canton Ave, Milton, MA 02186	USPS	April 19, 2021
2 Local Commission on Disability (If Applicable)	Joseph Prondak-ADA Coordinator Town of Milton Inspectional Services Department 525 Canton Ave, Milton, MA 02186	USPS	April 19, 2021
3 Independent Living Center	Bill Henning, Executive Director Boston Center For Independent Living 60 Temple Place, 5th floor Boston, MA 02111	USPS	April 19, 2021

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 19th Day of April 2021  
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Patricia Fisher  
(Type or Print the Name of the Appellant)

NOTARY PUBLIC

MY COMMISSION EXPIRES

8/31/2021