



# The Commonwealth of Massachusetts

## Department of Public Safety Architectural Access Board One Ashburton Place, Room 1310 Boston, Massachusetts 02108-1618

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### AMENDED NOTICE OF ACTION

Docket Number **V16 332**

#### RE:

**Worcester City Hall and Common , 455 Main Street, Worcester**

1. An application for variance was filed with the Board by Steven M. Gorrigan, (Applicant) on November 9, 2016. The applicant has requested variances from the following sections of the 20 06 Rules and Regulations of the Board:

Section:Description:

22.3.1 Petitioner seeks relief for areas of cross slope that exceed the 2% maximum requirement found in 521 CMR Section 22.3.1. Building Inspector, Joseph Sansoucy's e-mail of July 7, 2016 indicates that slopes where measured with a two foot smart level, and found to range from 2% to 5.5%.

After the Board reviewed this case on November 28, 2017, The contractor Mountain View, Landscape and Lawncare Inc. as well as Worcester City official, William J. Richard project Manager/Clerk of the Works met with the Boards staff on December 7, 2016 to discuss the case. On January 6, 2017 an amendment was submitted to the Board. On January 3, 2017 the Board received e-mail communications from Mike Kennedy of CLW and from Scott Ricker. The Board reviewed all of the material at its February 21, 2017 meeting and voted as follows:

2. The submittal was reviewed by the Board on Monday, February 21, 2017
3. After reviewing all materials submitted to the Board, the Board voted as follows:

CONTINUE: the variance request for more information i.e., a blank service notice was submitted to the Board which indicates that the parties required to receive the variance application and all its parts , may not have. In addition, no letter was found in the application authorizing Mountain View to apply for variances on behalf of the City of Worcester. Please contact the Board at your earliest convenience so that a meeting can be scheduled with the Boards staff to review the application and any additional materials that will be presented to the Board. (ordered on November 28, 2016)

**DENY: the variance requests for Section 22.3.1 as proposed in the application submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has not been proven in this case and on the condition that the City of Worcester hold the bond money for this project until such time variances are granted or a plan for compliance has been approved by the Board.**

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

cc: Local Building Inspector, Local Disability Commission,  
Independent Living Center

*Walter White r.d.*

Chairperson, Architectural Access Board

Date: March 1, 2017