



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

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

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Daniel Bennett
Secretary

Matthew Moran
Commissioner

Thomas P. Hopkins
Executive Director

Scott Ricker
P.O. Box 274
North Grafton MA 01536

Docket Number **C18 017**

COMPLAINT DISMISSAL

RE: Lou Roc's Diner, 1074 West Boylston St. , Worcester

On 4/4/2018 you filed a complaint with this office regarding the above premises. After reviewing all the information submitted, the Board must dismiss your complaint for the following reason(s):

After reviewing the permitting information (copy of which is attached to this notice) the Board has been unable to establish jurisdiction over the bathrooms that are the subject of the complaint. The photographs you reference in your complaint are for the construction of an overhang in 2011 which cost approximately \$5,000. The only other permit of significant value or bearing on the structure was the reconfiguration of the entrance of the building from the center to right side of the building and the installation of a ramp in 2007 which cost approximately \$15,000. In neither instance was there any indication the bathrooms had been altered, neither permit involved work valued at \$100,000 or more, and neither permit exceeds 30% of the building's assessed value, which has generally been between roughly \$95,000 and \$105,000.

As none of the jurisdictions defined in 521 CMR 3 have been triggered, the Board is left with no choice but to dismiss the complaint.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision. In Complaint cases, the Board will only grant said request if there is substantial reason to believe the dismissal resulted from an error of fact or law. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final order and the appeal process is through Superior Court.

Date: September 13, 2018

ARCHITECTURAL ACCESS BOARD

Chairperson