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G.L. c. 4 § 7(26)(c) - Privacy

Docket Number **C17 005**

COMPLAINT DISMISSAL

RE: Boston Public Market, 100 Hanover St. , Boston

On 2/24/2017 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):

No violation has taken place. 521 CMR 3.3.4 requires that "no alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction." According to your complaint, Boston Public Market has closed and barred an existing entrance to all persons.

This is not a violation of 521 CMR 3.3.4, as if this building were constructed new today, the code would not require the creation of an entrance at that location. 521 CMR 25 does not require that buildings have public entrances, only that whatever public entrances they do have be accessible. So long as the entrance in question is not open to any member of the public, then no violation has occurred.

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 adjudicatory hearing form. 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: March 7, 2017

ARCHITECTURAL ACCESS BOARD

Walter White

Chairperson