



The Commonwealth of Massachusetts

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Daniel Bennett
Secretary

Matthew Moran
Commissioner

Thomas P. Hopkins
Executive Director

AMENDED NOTICE OF ACTION

Docket Number **V16 356**

RE:

Sidewalk Replacement, Pearl Street in front of Langham, Boston

1. An application for variance was filed with the Board by Scott Hollinger (Applicant) on December 8, 2016. The applicant has requested variances from the following sections of the 2006 Rules and Regulations of the Board:

Section:Description:

21.2.1.2 North Corner of Franklin & Pearl Street Intersection.

22.3.1 Sidewalk along east side of Pearl Street North of Pearl Street & Franklin Street Intersection.

A meeting was held on January 18, 2017 in the AAB offices with Patriot Restoration. The petitioners agreed to submit additional information regarding the finished slopes for the sidewalk in question using a 2 foot smart level documenting the measurements.

On March 3rd, 2017 the Board received a plan A-01 entitled the "Pearl Street Sidewalk Plan" from Dave Woolaver of Patriot Restoration.

2. The submittal was reviewed by the Board on Monday, March 13, 2017

3. After reviewing all materials submitted to the Board, the Board voted as follows:

DENY: the variance requests to Sections 21.2.1.2 and 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. (denied on January 6, 2017)

GRANT: the variance to Section 22.3.1 for the cross slope shown to exceed 2% as proposed in the plan A-01 submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has been proven in this case.

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

Chairperson, Architectural Access Board

Date: March 16, 2017