



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure

1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Docket Number **V 23 155**

AMENDED NOTICE OF ACTION

RE: Mixed Use Building, 1500 Massachusetts Avenue, Arlington

On May 15, 2024, the Architectural Access Board received a filing in the above referenced matter. This filing was subsequently reviewed by the Board at its meeting on May 20, 2024.

After reviewing the information provided, the Board voted to accept the filing.

ACCEPT the withdrawal of the request for relief to 9.3, and

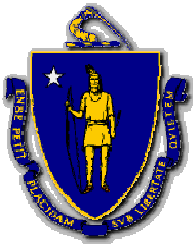
GRANT relief to 10.1 as proposed.

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.

Date: May 22, 2024

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Chairperson
ARCHITECTURAL ACCESS BOARD



**Commonwealth of Massachusetts
Division of Occupational 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

Docket Number

(Office Use Only)

AMENDED APPLICATION FOR VARIANCE

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) Sign the certification on Page 6.
- 4) Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:
 - 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>.)
- 5) Complete the Service Notice included with the Application and sign it.
- 6) Deliver the completed Application and all attachments to the Board via electronic or physical delivery:
 - a. Electronic:
 - i. Applications should be sent via email to william.joyce@mass.gov & molly.griffin@mass.gov.
 - ii. The email submission must have the subject line: Variance Amendment - <Docket Number>
 - iii. The application and all attachments must be in .pdf format
 - iv. The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.
 - b. Physical
 - i. Applications should be sent to the mailing address listed above and must include:
 1. The completed application and all attachments.
 2. A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),
 3. The completed and signed Service Notice.
 - ii. Please ensure that all documents included are no larger than 11" x 17".
 - iii. Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.

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:

1500 Massachusetts Ave, Arlington MA, 02476

2. What is the docket number of the existing variance V 23 - 155

3. Briefly describe the extent and nature of the new work performed or to be performed since your original application (use additional sheets if necessary):

1. The ground floor office space will be reduced, and a Group 1 compliant dwelling unit will be added back into the project.
2. Additional open space will be added at the side yard of the building. This open space will be accessed from the front of the building and will be located on an accessible route.

**see attachments for more information

4. a. Has the Board's Jurisdiction changed since your original application: Yes No

b. If Yes, which section of the Board's Jurisdiction (see Section 3 of the Board's Regulations) has now been triggered?

2.6 3.2 3.3.1(a) 3.3.1(b) 3.3.2 3.3.4 3.4

5. List **all** building permits that have been applied for since the date of your original application or last amendment, include the issue date and the listed value of the work performed:

Permit #

Date of Issuance

Value of Work

(Use additional sheets if necessary.)

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

7. For existing buildings, state the current actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located:

Is the assessment at 100%? _____

If not, what is the town's current assessment ratio? 0.00%

8. State the phase of design or construction of the facility as of the date of this application:

Construction is approx. 80% complete / final stage

9.

<p>Request #1</p> <p>Section(s) for which you are seeking relief: <u>n/a</u></p> <p>Are you seeking temporary relief <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>If yes, when do you propose to be in compliance by: _____</p> <p>Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):</p>	<p>Types of Attachments for this Request:</p> <p><input type="checkbox"/> Floor/Site Plans, <input type="checkbox"/> Cost Estimates, <input type="checkbox"/> Photographs, <input type="checkbox"/> Test Drawings, <input type="checkbox"/> Other(s): _____</p>
<p>Relief on request #1 from the original application submission is no longer required. See description / markups attached.</p>	

<p>Request #2</p> <p>Section(s) for which you are seeking relief: <u>10.2</u></p> <p>Are you seeking temporary relief <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>If yes, when do you propose to be in compliance by: _____</p> <p>Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):</p>	<p>Types of Attachments for this Request:</p> <p><input checked="" type="checkbox"/> Floor/Site Plans, <input type="checkbox"/> Cost Estimates, <input type="checkbox"/> Photographs, <input type="checkbox"/> Test Drawings, <input type="checkbox"/> Other(s): _____</p>
<p>Relief on Request #2 is being amended. See description / markups attached, as well as supporting materials from original variance application submission.</p>	

Request #3

Section(s) for which you are seeking relief: _____

Are you seeking temporary relief Yes No

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Request #4

Section(s) for which you are seeking relief: _____

Are you seeking temporary relief Yes No

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

If you require more than 4 requests, please use the *Additional Request Sheet* and complete the *Large Variance Tally Sheet*, both of which are available on the “Forms and Applications” page of the Board’s website (<http://www.mass.gov/aab>).

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION AND SUPPORTING DOCUMENTATION IS TRUE AND CORRECT

Date: 4/30/24



Digitally signed by William Lee
DN: G=US, E=william@mfd-s-bos.com, O=Monte French Design Studio, CN=William Lee
Contact Info: william@mfd-s-bos.com
Date: 2024.04.30 14:59:10-0400

Signature of owner or authorized agent (*required*)

PLEASE PRINT:

William Lee

Name

Monte French Design Studio

Organization (If Applicable)

650 Columbus Ave

Address

Suite A

Address 2 (optional)

Boston, MA 02118

City/Town

State

Zip Code

william@mfd-s-bos.com

E-mail

(617) 865-9282

Telephone

SERVICE NOTICE

I, William Lee, as Architect
(Name) (Relationship to the applicant)

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	Mike Ciampa, Inspectional Services 51 Grove St, Floor 1 Arlington, MA, 02476	e-mail	7/24/23
2 Local Commission on Disability <small>(If Applicable)</small>	Christine Bongiorno, Director/COD Contact, HHS/Commission on Disability, 27 Maple St, Arlington MA 02476	e-mail	7/24/23
3 Independent Living Center	Bill Henning, Executive Director, Boston Center for Independent Living 60 Temple Place, 5th Floor, Boston, MA 02111	e-mail	7/24/23



Digitally signed by William Lee
 DN: C=US, E=william@mfd-bos.com, O=Monte French Design Studio, CN=William Lee
 Contact Info: william@mfd-bos.com
 Date: 2024.04.30 15:01:33-04'00'

Signature

4/30/24

Date

April 30, 2024

Architectural Access Board
1000 Washington St., Suite 710
Boston, MA 02118

Letter of Authorization

I, Darin DiNucci, owner of 1500 Mass Ave in Arlington MA, hereby authorize Monte French Design Studio to submit the attached Architectural Access Board amended variance application on my behalf.

Sincerely,

A handwritten signature in black ink, appearing to read "Darin DiNucci", written in a cursive style.

Darin DiNucci

July 24, 2023

Architectural Access Board
1000 Washington St., Suite 710
Boston, MA 02118

Request #1 – Description

During the Arlington Redevelopment Board (ARB) review process for this project, there was a submission made that included a ground floor accessible unit. This was rejected by the ARB, and it was insisted that the ground floor accessible unit be changed to office space. It was stated by the ARB that the ground floor accessible unit was not required, and it was preferred as office space instead. It was stated that the project was unlikely to receive approval if the accessible unit was not changed to office space. The project was revised to change the ground floor residential unit into office space as requested, and the project was submitted & approved by the ARB.

Changing the ground floor entirely to residential to avoid the office space increase requested by the ARB was not an option either, as it would have violated the Arlington Zoning Bylaws. 'Mixed Use' is allowed with a special permit in the 'B1: Neighborhood Office' zoning district for this project, however apartment buildings (4+ units) are not allowed.

~~Relief is being requested on the requirement of Group 1 compliance for the residential units on the 2nd floor, which is considered the 'Ground Floor' as defined in 521 CMR Section 5.1.~~

Attachments

- 1A - ARB e-mail correspondence
- 1B - Materials from ARB submission w/ accessible ground floor unit (not approved)
- 1C - Presentation from ARB submission w/ accessible ground floor unit (not approved)
- 1D - Official ARB meeting minutes from Town Meeting (submission not approved)
- 1E - Use Regulation chart for business districts

Sincerely,

Monte French

The ground floor office space will be reduced, and a Group 1 compliant dwelling unit will be added back into the project for compliance on sections 5.1 & 9.3 (relief on Request #1 no longer required).

****Note: contingent on ARB approval****



July 24, 2023

Architectural Access Board
1000 Washington St., Suite 710
Boston, MA 02118

Request #2 – Description

Residential parking is being provided at the rear of the building. The existing site conditions presented a significant increase in elevation from the front to the rear of the property. The original project submission approved by the ARB had the rear parking level elevation 2'-0" higher than the elevation at the front of the building (driveway slope of 1/2":12"), which would be achieved by retaining walls up to 12'-4" tall measured from the parking level.

During exploratory test pits/borings by the site civil engineers, there was a significant amount of ledge discovered above the intended parking level. It was also discovered that the existing retaining walls did not have footings and were not suitable for shoring or retaining during the installation of the new retaining walls. Due to these discoveries, there was a serious concern for maintaining the structural integrity of the surrounding structures on abutting properties. To resolve this issue, the parking level was raised an additional 4'-9" and the rear retaining wall was shifted further into the site.

~~Relief is being requested on the requirement of accessible parking, van parking & accessible route to parking due to limitations resulting from site conditions.~~

Relief is being requested on an accessible route to rear parking / rear open space areas due to limitations resulting from site conditions.

Attachments

- 2A - Site Plan & Section from initial ARB approval
- 2B - Site Photographs after existing structure was demolished
- 2C - Geotech Report
- 2D - Amended Site Plan & Section
- 2E - Email correspondence with ARB after Geotech report was received
- 2F - ARB Approval letter for amendments

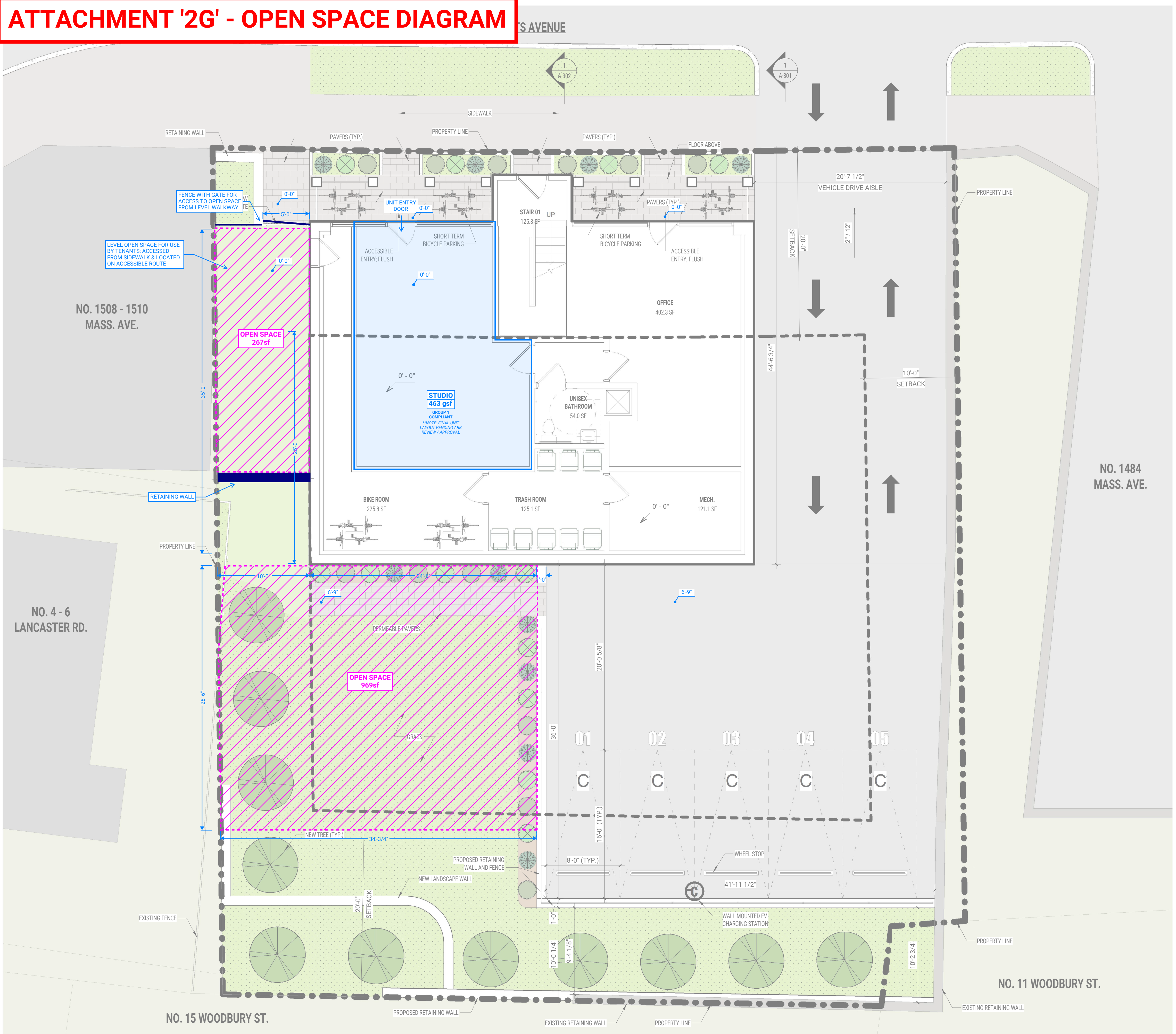
2G - Open Space Diagram

Sincerely,

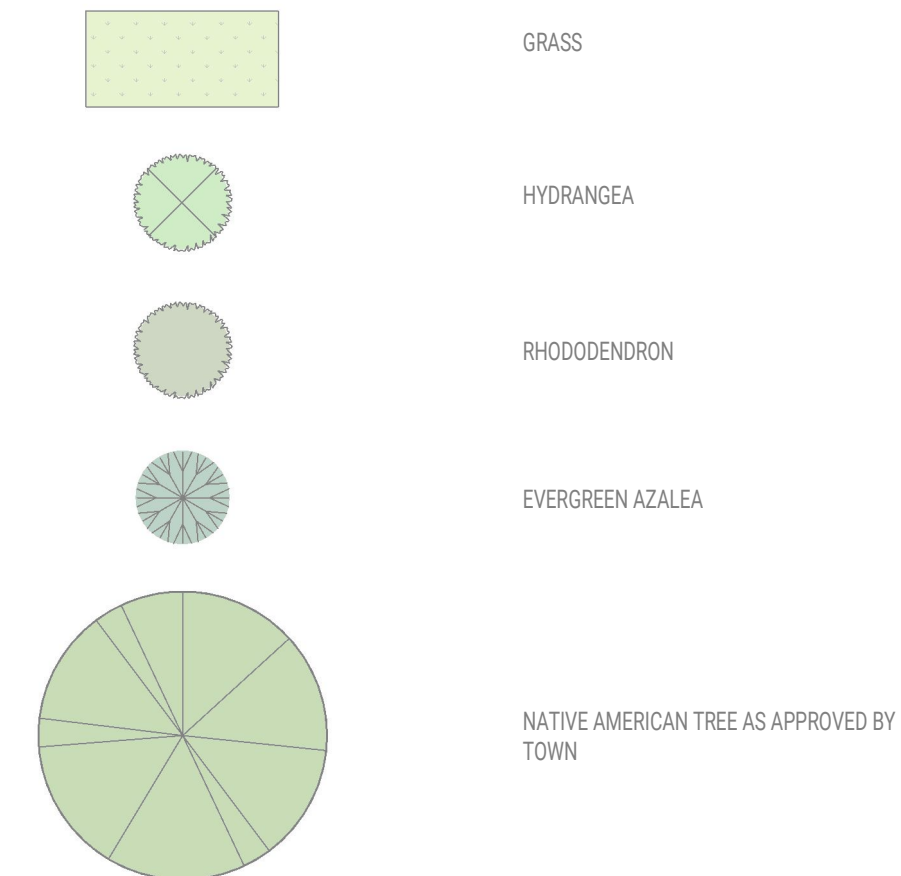
Monte French

Due to the number of parking spaces provided (spaces are not deeded to dwelling units), an accessible parking space is not required. The open space at the rear of the building will be accessed from the parking area. Due to site limitations preventing an accessible route from the front of the building to the rear parking/open space area, additional open space is being proposed at the side yard of the building. This additional open space will be located on an accessible route accessed from the front of the building. See '2G' attachment for proposed open space diagram. **Note: contingent on ARB approval**

ATTACHMENT '2G' - OPEN SPACE DIAGRAM



PLANTING LEGEND



MONTE FRENCH DESIGN STUDIO (MFDS)
 650 COLUMBUS AVE, STE. A
 BOSTON MA, 02118
 T: 617-506-4496
 WWW.MFDS-BOS.COM

CONSULTANTS:

ISSUE FOR PERMIT

MARK: DATE: DESCRIPTION:
 ISSUE LOG:

PROJECT NAME:
1500 Massachusetts Ave
 ADDRESS:
 1500 Massachusetts Ave, Arlington MA
 DATE ISSUED: 4/15/2022
 PROJECT #: 19018
 SCALE: As indicated
 DRAWN BY: EAD

ARCHITECTURAL SITE PLAN

AS101