

**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)

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 8.
- 4) If the applicant is not the owner of the building or his or her agent, include a signed letter from the owner granting permission for you to apply for variance.
- 5) 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>.)
- 6) Complete the Service Notice included with the Application and sign it.
- 7) 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 Application - <Address>, <City>
 - 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.
 - v. Please submit the \$50 filing fee via check or money order via mail to the mailing address listed above with either a cover letter or, "Variance - <Address>, <City>" in the memo line.
 - 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.
 4. A check or money order in the amount of \$50 dollars, made out to the Commonwealth of Massachusetts.
- 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:

2. State the name and address of the owner of the building/facility:

E-mail:

Telephone:

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

4. Total square footage of the building/facility: _____

Per floor: _____

a. Total square footage of tenant space (if applicable): _____

5. What was the original year of construction for the building/facility: _____?

6. Check the nature of the work performed or to be performed:

☐ New Construction

□ Addition

☐ Reconstruction/Remodeling/Alteration

☐ Change of Use

7. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

[illegible]

8. Is the building or facility historically significant? ☐ Yes ☐ No

a. If yes, check one of the following and indicate date of listing:

☐ National Historic Landmark

☐ Listed individually on the National Register of Historic Places

3

☐ Located in a Registered Historic District

☐ Listed in the State Register of Historic Places

☐ Eligible for listing

(In which registry?)

b. If you checked any of the above **and** your variance request is primarily based upon the historical significance of the building, you *must* complete the ADA Consultation Process of the [Massachusetts Historical Commission](#), located at 220 Morrissey Boulevard, Boston, MA 02125.

9. Which section(s) of the Board's Jurisdiction (*see Section 3 of the Board's Regulations*) has been triggered?

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

10. List **all** building permits that have been applied for within the past 36 months, include the issue date and the listed value of the work performed:

<u>Permit #</u>	<u>Date of Issuance</u>	<u>Value of Work</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Use additional sheets if necessary.)

11. List the anticipated construction cost for any work not yet permitted or for any relevant work which does not require a permit:

12. Has a certificate of occupancy been issued for the facility? ☐ Yes ☐ No

If yes, state the date it was issued: _____

13. To the best of your knowledge, has a complaint ever been filed with the AAB on this building or facility relative to accessibility? ☐ Yes ☐ No

a. If so, list the AAB docket number of the complaint _____

14. For existing buildings or facilities, state the actual assessed valuation of the **BUILDING/IMPROVEMENTS ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building or facility is located: _____

Is the assessment at 100%? ☐ Yes ☐ No

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

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

16.

Please list specific technical sections, not 521 CMR 3.

Request #1

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

Are you seeking temporary relief: ☐ Yes ☐ No

If yes, what date 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):

Types of Attachments for this Request:

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

Request #2

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

Are you seeking temporary relief: ☐ Yes ☐ No

If yes, what date 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):

Types of Attachments for this Request:

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

Request #3

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

Are you seeking temporary relief: ☐ Yes ☐ No

If yes, what date 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):

Types of Attachments for this Request:

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

Request #4

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

Are you seeking temporary relief: ☐ Yes ☐ No

If yes, what date 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):

Types of Attachments for this Request:

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

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>).

17. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

E-mail: _____

Telephone: _____

18. State the name and address of the building inspector responsible for overseeing this project:

E-mail: _____

Telephone: _____

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

Date: _____

Signature of owner or authorized agent *(required)*

PLEASE PRINT:

Name

Organization (If Applicable)

Address

Address 2 (optional)

City/Town

State

Zip Code

E-mail

Telephone

SERVICE NOTICE

I, _____, as _____
(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			
2 Local Commission on Disability (If Applicable)			
3 Independent Living Center			

Signature

Date

March 7, 2025

VIA EMAIL DELIVERY

Massachusetts Architectural Access Board
1000 Washington Street, Suite 710
Boston, MA 02118

Re: 259 Lowell St, Somerville MA
Massachusetts Architectural Access Board Variance Request
SLS Project # 1877.01

To Whom it may Concern:

SLS Consulting, LLC (SLS) has conducted a review of the conditions for the subject project located at 259 Lowell Street in Somerville, MA. We offer the following justification for a Massachusetts Architectural Access Board (MAAB) variance request in accordance with 521 CMR Section 27.4.

1 Applicable Codes

The 10th Edition Massachusetts State Building Code (780 CMR) serves as the Code of Record for the project. 780 CMR Chapter 11 references Massachusetts Architectural Access Board Regulations (2006 edition of 521 CMR) for accessibility code provisions.

2 Building Description

The project consists of a 3-story above grade building which functions as an Assisted Living Facility under Group I-1. The building's construction type most closely resembles Type VA construction. Accessory use groups include Group A-2 (assembly), A-3 (assembly), B (business) and S-2 (low-hazard storage).

The existing building will be undergoing a Level 2 Alteration consisting of upgrades to in-unit kitchens and communal spaces. Additionally, an Energy Retrofit including new mechanical and ventilation systems throughout, new exterior wall insulation and cladding, new roof insulation and roofing.

Since the project is an existing building, any new work will require full compliance per 521 CMR 3.3.1.

3 Condition – Stair Handrail

3.1 Code Requirements

521 CMR Section 27.4.3 requires that handrail extensions must be 12" beyond the top riser and parallel with the floor or ground surface; additionally, the extension at the bottom must extend the depth of one tread plus 12" horizontally.

3.2 Variance Request

The existing handrails within the stairs do not contain extensions at the bottom of the stair runs.

The project respectfully requests the following variances:

- A variance from 521 CMR Section 27.4.3 to allow the existing handrails in the egress stairs to remain without modification.
- A variance from 521 CMR Section 27.4.2 to allow the existing interior handrail serving the basement level to remain without a continuous handrail.

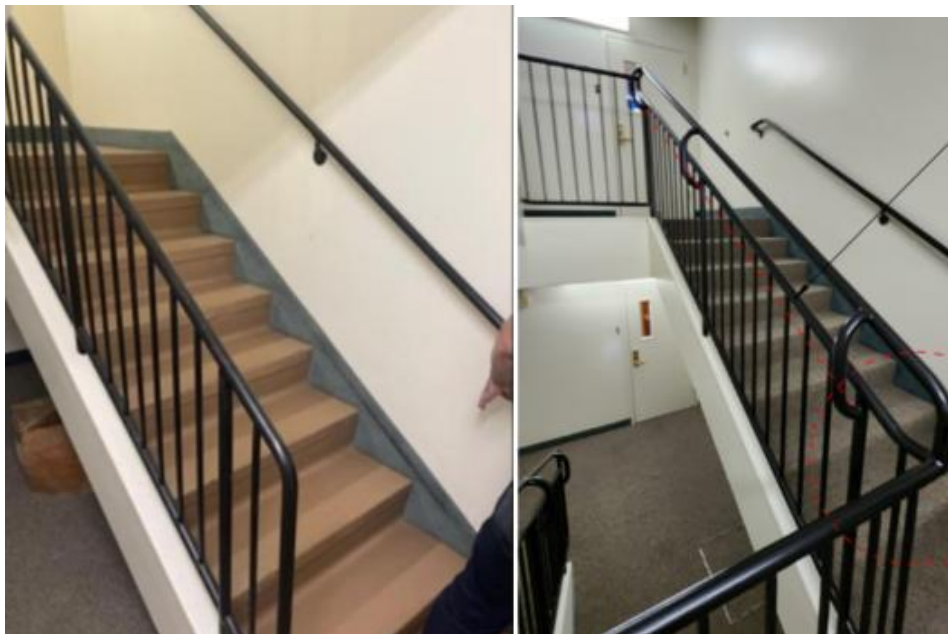


Figure 1: Existing Handrail Conditions

3.3 Basis of Request

3.3.1 Unreasonable Cost

The scope of work for the project includes modification of the main common area spaces in the building as well as updating the dwelling unit kitchens. The scope of work was not intended to modify the stairs within the building.

The construction team evaluated the handrails within the stairs and determined that it would be more feasible / cost effective to remove and replace the existing handrails than to modify them to provide compliant extensions.

The replacement of the handrails in all of the egress stairs has been estimated at \$70,000-\$80,000 (see Attachment B). It is our opinion that due to the nature of the renovation and additional accessibility upgrades being done in the common areas of the building that this upgrade would result in unreasonable cost without substantial benefit.

3.3.2 Additional Accessibility Upgrades

As mentioned previously, the scope of work includes various accessibility upgrades throughout the common areas of the building. The upgrades include the following:

- Modification of existing inaccessible bathrooms serving all common spaces within the building to be fully accessible
- Resurfacing of existing rear deck and ramp to be fully accessible.
- Resurfacing of building entrance / egress points to provide accessible routes around the site
- Upgrades to provide accessible route from accessible parking to building entrance
- Modification of Group 2 in unit bathrooms to be fully accessible.

The proposed accessibility modifications / upgrades are focused on providing accessible features within the most frequented areas of the building. As an assisted living facility, the stairwells are only commonly utilized in case of an emergency. Accordingly, it is our opinion that the project team has prioritized upgrades to the primary accessible elements within the building (entrances, restrooms, etc.) while evaluating those elements less frequently utilized.

4 Conclusion

Based on the above statements, it is our opinion that the alternate methods stated above meets the intent of 521 CMR Section 27.4. We respectfully request your approval of the proposed variance.

If you have any questions regarding the information included in the report above, please do not hesitate to contact us.

Prepared by:



Bernard Trevor Rabidou, PE

259 LOWELL ST, SOMERVILLE, MA
MAAB VARIANCE
MARCH 7, 2025 | SLS # 1877.01



Associate Principal / Fire Protection Engineer

ATTACHMENT A – Building Plans

NOTE: REFER TO PARTIAL FLOOR PLANS A-103-A-112 FOR ALL NOTES AND WORK, OVERALL FLOOR PLANS SHOWN HERE FOR REFERENCE ONLY.

LEGEND

- NEW WALL
- EXISTING TO REMAIN
- WALL TYPE
- THERMASTAT, SEE HVAC PLANS
- SWITCH, SEE ELEC. PLANS
- 1 HOUR FIRE RATED PARTITION
- 2 HOUR FIRE RATED PARTITION
- EXISTING DOOR TO REMAIN
- NEW DOOR OR RELOCATED DOOR

GENERAL FLOOR PLAN NOTES

- EXISTING SMOKE AND CO LOCATIONS TO REMAIN. VERIFY IN FIELD. NEW SMOKE/ CO DETECTOR TO BE ADDED OUTSIDE OF EACH BEDROOM. REFER TO FIRE PROTECTION DRAWINGS. NEW HEAT DETECTOR TO BE ADDED IN EACH UNIT INSIDE OF THE UNIT ENTRY DOOR. REFER TO FIRE PROTECTION DRAWINGS.
- SEE ENLARGED KITCHEN AND BATH PLANS AND ELEVATIONS FOR KITCHEN AND BATHROOM LAYOUTS
- SEE INTERIOR DESIGN DRAWINGS FOR INTERIOR FINISHES
- UNLESS OTHERWISE NOTED ALL NEW INTERIOR WALL SHALL BE TYPE "1"
- UNLESS OTHERWISE NOTED ALL NEW EXTERIOR NEW WALLS SHALL BE TYPE "4"
- SEE A-910 FOR PARTITION TYPES.
- MOISTURE RESISTANT GWB. TO BE USED IN ALL BATHROOMS AND KITCHENS
- SEE EXTERIOR ELEVATIONS FOR WINDOW TYPES & CLADDING MATERIALS
- ALL INTERIOR DIMENSIONS ARE FROM FACE OF GWB TO FACE GWB
- ELECTRICAL OUTLETS ON OPPOSITE SIDE OF WALL SHOULD BE INSTALLED AT LEAST 2'-0" FROM EACH OTHER. REFER TO ELECTRICAL DRAWINGS FOR ALL ELECTRICAL OUTLETS AND DATA OUTLETS, TYP.
- CONTRACTOR TO VERIFY EXISTING CONDITIONS IN THE FIELD PRIOR TO DEMOLITION & CONSTRUCTION. NOTIFY ARCHITECT OF ANY DISCREPANCIES.
- SEE CIVIL, LANDSCAPE, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, FIRE PROTECTION & CIVIL PLANS FOR ADDITIONAL INFORMATION
- UNLESS OTHERWISE NOTED CENTER CLOSET DOOR ON CLOSET AT NEW LOCATIONS. AT EXISTING LOCATIONS WHERE NEW DOORS ARE PROPOSED. VERIFY EXISTING OPENING DIMENSION PRIOR TO ORDERING OF DOORS.
- CABINETS SHOWN IN ELEVATION (A-115 & A-116) FOR DIMENSIONAL PURPOSES ONLY. SEE INTERIOR DESIGN DRAWINGS AND SCHEDULES FOR STYLE AND OTHER NOTES.
- NEW BASE TRIM IN ALL UNITS, FULL SEALANT/CAULKING ALL SIDES FOR PEST CONTROL.
- NEW FINISHES AT ALL ELEVATORS, REFER TO INTERIOR DESIGN DRAWINGS.
- PATCH AND REFINISH ANY AREAS REQUIRED FOR THE SCOPE OF WORK INCLUDING CIVIL, MECH., ELECTRICAL AND PLUMBING WORK.
- AT ALL EXTERIOR WALLS OR CEILINGS OR ANY INTERIOR WALLS THAT CONTAIN INSULATION THAT ARE OPENED DURING CONSTRUCTION, PROVIDE ADDITIONAL BATT INSULATION AS NEEDED TO FILL CAVITY.

PROJECT NAME

SOMERVILLE SENIOR RESIDENCES

PROJECT ADDRESS

**259 LOWELL STREET
SOMERVILLE MA**

CLIENT

WINN COMPANIES

ARCHITECT



**KHALSA DESIGN,
INCORPORATED**
17 IVALOO STREET SUITE 400
SOMERVILLE, MA 02143
TELEPHONE: 617-591-8682

CONSULTANTS:

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REGISTRATION



Project number 23017
Date 03/03/2025
Drawn by RR
Checked by TC
Scale As indicated

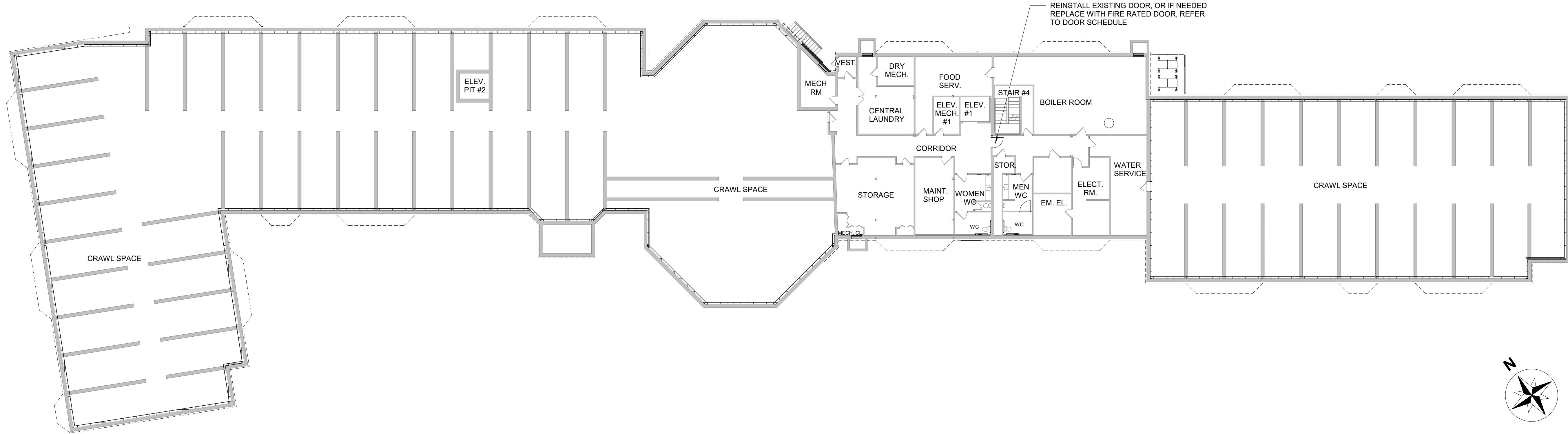
REVISIONS

No.	Description	Date
2	Revision 2	11/01/2024
3	Roof Openings	11/25/2024

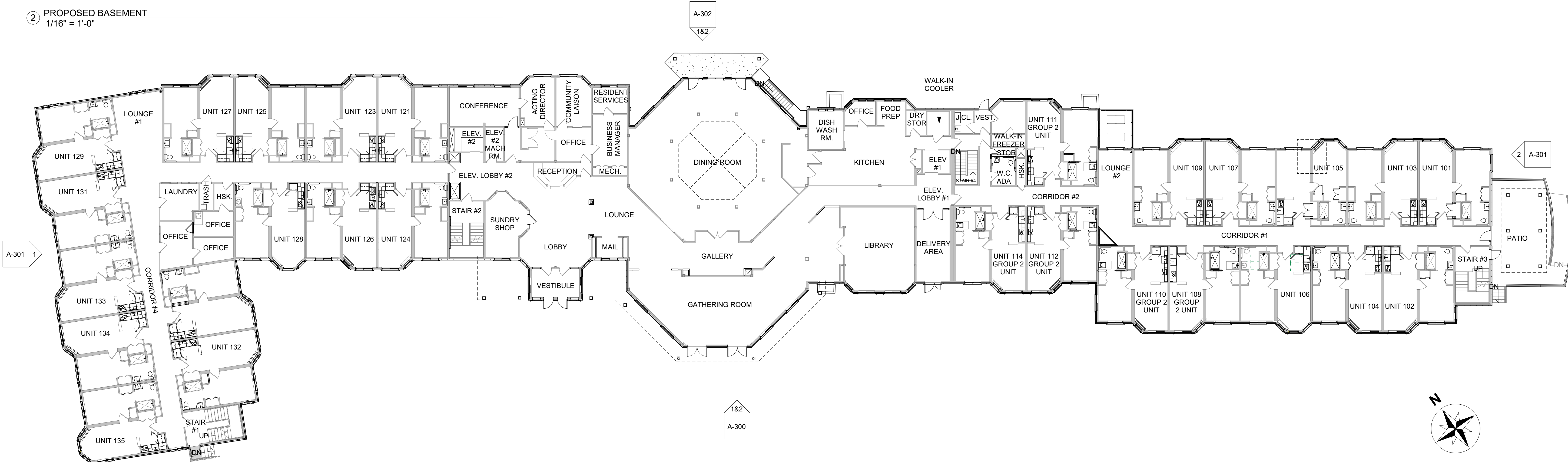
**BASEMENT &
FIRST FLOOR
PLANS**

A-100

**SOMERVILLE SENIOR
RESIDENCES**



2 PROPOSED BASEMENT
1/16" = 1'-0"



1 PROPOSED 1ST FLOOR
1/16" = 1'-0"

3/3/2025 4:10:22 PM

Attachment B – Cost Estimate



THE CONGRESS COMPANIES

General Contractors, Construction Managers, Property Managers, Development Services

168 Centre Street, Suite 200
Danvers, MA 01923
Phone: 978-535-6700
Fax: 978-535-6701
inquire@congressconstruction.com

February 18, 2025

WinnCompanies
One Washington Mall, Suite 500
Boston, MA 02108

Via: Email Delivery

RE: Egress Stair Railing Scope of Work – 259 Lowell Street Somerville, MA

Dear Mr. Toghradjian,

After our walkthrough of the property, all consultants are in agreement that the existing egress stair railings are in good condition and are recommended to stay in place if possible. If bringing the railings up to full code compliance is required, it is highly likely that a full removal and replacement will be needed due to the nature of the upgrades. Existing Wall/Stair rail extensions will likely impact the spacing of the existing wall mounted brackets, and stair rail posts thus increasing the construction scope of work including but not limited to: wall demolition, new blocking and finish wall repair/paint.

In the event that the railings in fact need to be brought up to code, the construction cost estimate to replace all egress stairwell railings, including both sides of the stairs at all three (3) stairwells is between \$70,000 and \$80,000 pending existing conditions investigation. This scope of work is labor intensive and will involve multiple trades.

Also, please note that if welding is required within the stairwells, additional measures will be needed to contain the fumes from the residences.

Thank you,

Christina Nicholson, VP of Preconstruction
The Congress Companies