

ARCHITECTURAL ACCESS BOARD- HEARING PACKET

Name	Club Quarters Hotel	Docket #	V 26 - 034
Address	161 Devonshire Street	Docket #	C -
City	Boston	Hearing	7/13/2026
Bldg Type		Time of hearing	
Complaint's Name		Plans on file?	
Complaint ?	Variance ?	Request for continuance?	
Jurisdiction:	3.3.1.b. if the work costs \$100,000 or more, then the work being performed is required to comply with 521 CMR. In addition, an accessible public entrance and an accessible toilet room, telephone, drinking fountain (if toilets, telephones and drinking fountains are provided) shall also be		
Building Permits:	SF165368 \$2,500 Anticipated construction costs: \$4,000,000		
Assessed Value:	\$38,347,800		

Exhibit: 1

V26-034

AAB 1-38

Variances to be addressed:

Petitioner seeks relief from:

8.4: At least 5% but in no case less than one of the units, sleeping rooms, and suites shall be accessible.

8.4.1: Distribution: To provide persons with disabilities a range of options equivalent to those available to other persons served by the facility, accessible sleeping rooms and suites shall be dispersed proportionally among the various classes of sleeping accommodations available to patrons of the place of transient lodging.

8.4.4: Wheel-in Showers: In transient lodging facilities with 50 or more sleeping rooms or suites, accessible sleeping rooms or suites shall include a wheel-in shower in conformance with the table below.

8.5.1: Accessible Route: Accessible units, sleeping rooms, and suites shall be on an accessible route. An accessible route shall connect all accessible spaces and elements including telephones, televisions, alarms clocks, and climate controls within the unit, sleeping room, or suite.

31.7.5a: Grab bars: Two grab bars shall be provided as shown in Fig. 31c and 31d.
a. They shall be placed horizontally between 33 and 36 inches (33" to 36" = 838mm to 914mm) above the floor line.

44.6: If more than one bathing fixture is provided in a dwelling unit, one shall be a shower unit complying with 521 CMR 44.6.2.

On February 19, 2026 the Board received an application for variance for the above referenced address and at the March 23, 2026 meeting the Board voted to Schedule a hearing. (See AAB 4-38)

On March 25, 2026 the Notice was sent to all parties. (See AAB 2-3)

Re: Variance Hearing Packet - Club Quarters Hotel, 161 Devonshire St, Boston (V26-034)

From Michael Muehe <Mmuehe@bostoncil.org>

Date Tue 7/7/2026 4:25 PM

To Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Cc Henning, Bill <bhenning@bostoncil.org>; Jennifer Shiminsky <jennifers@bergmeyer.com>; Matt Hyatt <mhyatt@bergmeyer.com>; Marc Joseph <marc.joseph@boston.gov>; Mayors Office on Disability <ada@boston.gov>

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Dear Mr. Joyce,

On behalf of BCIL, I respectfully ask that this email exchange (see below) be included in the AAB Variance Hearing Packet for Monday, July 13, 2026 at 1 PM for Club Quarters Hotel, 161 Devonshire St, Boston (V26-034). Thank you for your attention to this matter.

Best regards,

Michael Muehe

Access Analyst

Boston Center for Independent Living (BCIL)

Mobile: 617-462-3110

Pronouns: he/him/his



From: Michael Muehe <Mmuehe@bostoncil.org>

Sent: Tuesday, July 7, 2026 3:41 PM

To: Jennifer Shiminsky <jennifers@bergmeyer.com>

Cc: Bill Henning <bhenning@bostoncil.org>; Molly Griffin <molly.griffin@mass.gov>; William Joyce <william.joyce@mass.gov>; Matt Hyatt <mhyatt@bergmeyer.com>; Marc Joseph <marc.joseph@boston.gov>; Mayors Office on Disability <ada@boston.gov>

Subject: Re: Variance Application - 161 Devonshire Street, Boston, MA

Hi Jennifer,

Thanks for the clarification.

However, I believe that, at a minimum, Page 5 of your June 24, 2026 AAB variance application should be amended to include the \$4 million project that was described in your February 20, 2026 AAB variance application, since both projects relate to the same building.

The fact that the two projects are purportedly "completely separate" does not matter, at least for the purposes of AAB jurisdiction. This is particularly true when one considers the fact that both projects have the same architect (Bergmeyer). It would have been much more appropriate to have submitted your June 24, 2026 application as an amendment to your February 20, 2026 application.

Best regards,

Michael Muehe

Access Analyst

Boston Center for Independent Living (BCIL)

Mobile: 617-462-3110

Pronouns: he/him/his



From: Jennifer Shiminsky <jennifers@bergmeyer.com>

Sent: Tuesday, July 7, 2026 9:23 AM

To: Michael Muehe <Mmuehe@bostoncil.org>

Cc: Bill Henning <bhenning@bostoncil.org>; Molly Griffin <molly.griffin@mass.gov>; William Joyce <william.joyce@mass.gov>; Matt Hyatt <mhyatt@bergmeyer.com>; Marc Joseph <marc.joseph@boston.gov>; Mayors Office on Disability <ada@boston.gov>

Subject: RE: Variance Application - 161 Devonshire Street, Boston, MA

Good morning Michael,

Thank you for reaching out.

This variance request is associated with a different project under a separate building permit at the same address. The entrance project (under this variance request) and the guestroom project (associated with the hearing on 7/12) are completely separate projects. Both projects are currently out to bid, and neither has been submitted for Building Permit yet.

Thanks

Jen

Jennifer Shiminsky, AIA, LEED AP BD+C

MCPPO

Principal

Bergmeyer

51 Sleeper Street | 6th Floor
Boston, MA 02210

617.542.1025 office
617.695.7769 direct

www.bergmeyer.com

Certified



Bergmeyer is part of the global
movement for an inclusive, equitable,
and regenerative economic system.

Corporation

From: Michael Muehe <Mmuehe@bostoncil.org>
Sent: Monday, July 6, 2026 4:40 PM
To: Jennifer Shiminsky <jennifers@bergmeyer.com>
Cc: Bill Henning <bhenning@bostoncil.org>; Molly Griffin <molly.griffin@mass.gov>; William Joyce <william.joyce@mass.gov>; Matt Hyatt <mhyatt@bergmeyer.com>; Marc Joseph <marc.joseph@boston.gov>; Mayors Office on Disability <ada@boston.gov>
Subject: Re: Variance Application - 161 Devonshire Street, Boston, MA

Hi Jennifer,

I'm a bit confused – does this mean you are no longer planning to perform the \$4 million renovation project you identified in your February 20, 2026 variance application (copy enclosed)? This new variance application makes no mention of the older variance application.

You are probably aware that the Architectural Access Board has scheduled a hearing for Monday, July 12 at 1 PM on your 2/20/26 variance application.

Any clarification you could offer would be appreciated.

Best regards,

Michael Muehe

Access Analyst

Boston Center for Independent Living (BCIL)

Mobile: 617-462-3110

Pronouns: he/him/his



From: Jennifer Shiminsky <jennifers@bergmeyer.com>
Sent: Wednesday, June 24, 2026 4:42 PM

To: Michael Muehe <Mmuehe@bostoncil.org>

Subject: FW: Variance Application - 161 Devonshire Street, Boston, MA

Jennifer Shiminsky, AIA, LEED AP

BD+C

Principal

Bergmeyer

Boston | Columbus | Los Angeles

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Boston, MA 02210

617.542.1025 office

617.695.7769 direct

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From: Jennifer Shiminsky

Sent: Wednesday, June 24, 2026 4:26 PM

To: william.joyce@mass.gov; molly.griffin@mass.gov; marc.joseph@boston.gov; kristen.mccosh@boston.gov; muehe@bostoncil.org

Cc: Matt Hyatt <mhyatt@bergmeyer.com>; Stan Kubinski <skubinski@bergmeyer.com>; Lia Politakis <lpolitakis@bergmeyer.com>; Hannah Morehouse <hmorehouse@bergmeyer.com>; Jennifer Shiminsky

<jennifers@bergmeyer.com>

Subject: Variance Application - 161 Devonshire Street, Boston, MA

Hello,

Please find our variance application for the Club Quarters Boston Hotel at 161 Devonshire Street, Boston, MA attached. Please let us know if you have any questions.

A check has been sent today via mail to the address listed on the form.

Thank you!

Jen

Jennifer Shiminsky, AIA, LEED AP BD+C
MCPPO

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RE: Variance Application - 161 Devonshire Street, Boston, MA

From Jennifer Shiminsky <jennifers@bergmeyer.com>

Date Tue 7/7/2026 9:24 AM

To Michael Muehe <Mmuehe@bostoncil.org>

Cc Henning, Bill <bhenning@bostoncil.org>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>; Matt Hyatt <mhyatt@bergmeyer.com>; Marc Joseph <marc.joseph@boston.gov>; Mayors Office on Disability <ada@boston.gov>

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AAB 3

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Thank you!

Jen

Jennifer Shiminsky, AIA, LEED AP BD+C
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Principal

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www.bergmeyer.com



Re: Variance Application - 161 Devonshire Street, Boston, MA

From Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Date Thu 6/25/2026 7:59 AM

To Jennifer Shiminsky <jennifers@bergmeyer.com>; Joyce, William (DPL) <William.Joyce@mass.gov>; marc.joseph@boston.gov <marc.joseph@boston.gov>; kristen.mccosh@boston.gov <kristen.mccosh@boston.gov>; muehe@bostoncil.org <muehe@bostoncil.org>

Cc Matt Hyatt <mhyatt@bergmeyer.com>; Stan Kubinski <skubinski@bergmeyer.com>; Lia Politakis <lpolitakis@bergmeyer.com>; Hannah Morehouse <hmorehouse@bergmeyer.com>

Okay great thank you for clarifying!

Molly Griffin

Program Coordinator

She/Her/Hers

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

1 Federal Street, 6th Floor

Boston, MA 02110-2012

www.mass.gov/AAB

617-727-0660

From: Jennifer Shiminsky <jennifers@bergmeyer.com>

Sent: Wednesday, June 24, 2026 4:57 PM

To: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>; marc.joseph@boston.gov <marc.joseph@boston.gov>; kristen.mccosh@boston.gov <kristen.mccosh@boston.gov>; muehe@bostoncil.org <muehe@bostoncil.org>

Cc: Matt Hyatt <mhyatt@bergmeyer.com>; Stan Kubinski <skubinski@bergmeyer.com>; Lia Politakis <lpolitakis@bergmeyer.com>; Hannah Morehouse <hmorehouse@bergmeyer.com>

Subject: RE: Variance Application - 161 Devonshire Street, Boston, MA

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Thank you Molly,

This is actually a new variance application related to a different Building Permit in the same building and should not be part of the materials for the public hearing on July 13th. Apologies for the confusion!

Jen

Jennifer Shiminsky, AIA, LEED AP BD+C

MCPPO

Principal

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Corporation

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Sent: Wednesday, June 24, 2026 4:39 PM

To: Jennifer Shiminsky <jennifers@bergmeyer.com>; Joyce, William (DPL) <William.Joyce@mass.gov>;
marc.joseph@boston.gov; kristen.mccosh@boston.gov; muehe@bostoncil.org

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<lpolitakis@bergmeyer.com>; Hannah Morehouse <hmorehouse@bergmeyer.com>

Subject: Re: Variance Application - 161 Devonshire Street, Boston, MA

Hi Jen,

Thanks for sending this in- just wanted to confirm this is scheduled for a hearing on July 13th, I
can add this as part of the hearing packet that the Board reviews.

Thank you!

Molly

Molly Griffin

Program Coordinator

She/Her/Hers

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

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marc.joseph@boston.gov <marc.joseph@boston.gov>; kristen.mccosh@boston.gov

AAB 6

<kristen.mccosh@boston.gov>; muehe@bostoncil.org <muehe@bostoncil.org>

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Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1 Federal Street, Suite 600 • Boston • MA • 02110
V: 617-727-0660 • www.mass.gov/aab

APPLICATION FOR VARIANCE

Before You Begin

A variance is a formal request for the Architectural Access Board (AAB) to allow an exception to the accessibility regulations in 521 CMR, because full compliance is either technically impossible or would cost far more than any benefit it provides to persons with disabilities.

What you will need:

- The address and assessed valuation of your building (check your local Assessor's Office).
- A description of all construction or renovation work being performed.
- Copies of any building permits applied for in the past 36 months.
- Supporting evidence for each variance request: floor plans, photographs, cost estimates, engineering reports, etc.
- Contact details for your architect or engineer (if applicable) and local building inspector.

How to submit:

1. Save this form as a PDF before submitting.
2. Email the completed application and all attachments to: william.joyce@mass.gov and molly.griffin@mass.gov
3. Use the subject line: Variance Application - [Street Address], [City]
4. If your email with attachments exceeds 15 MB, send multiple emails.
5. Submit the \$50 filing fee by check or money order mailed to the address above. Write "Variance - [Address], [City]" in the memo line.
6. Complete and sign the Service Notice at the end of this form.

An incomplete Service Notice will result in your application being rejected.

Before you submit, you must also serve copies on:

- Your Local Building Department
- Your Local Commission on Disability (find yours at: mass.gov/commissions-on-disability)
- Your Regional Independent Living Center (find yours at: masilc.org/findacenter)

Need help? More information on the variance process is at: mass.gov/guides/applying-for-an-aab-variance

Section 1 — About Your Building

Name of building or facility (if applicable)

Street address *

City / Town *

State *

ZIP Code *

Name of building owner *

Owner email address *

Owner phone number *

What is the building used for? Briefly describe its layout. *

e.g. "Three-story office building with retail on the ground floor and offices above. One elevator serves all floors."

What year was the building originally constructed? *

--

Total square footage of the building * Square footage per floor *

--	--

Total square footage of tenant space (if applicable)

--

Has a Certificate of Occupancy been issued for this building? *

☐ Yes
☐ No

Has a complaint ever been filed with the AAB about this building? *

☐ Yes
☐ No

If yes — AAB Docket Number

--

Section 2 — About Your Project

Describe the construction or renovation work being performed (or planned). *

Be as specific as possible. Attach additional sheets if needed.

Does any of the following apply to your building? Select one. *

If your building has historic significance, see the note below.

☐ National Historic Landmark
☐ Listed individually on the National Register of Historic Places
☐ Listed in the State Register of Historic Places
☐ Located in a registered historic district
☐ None of the above

Historic buildings: If you selected any historic classification above, you must complete the ADA Consultation Process with the Massachusetts Historical Commission (220 Morrissey Boulevard, Boston, MA 02125) before applying for variance relief.

Which category best describes your project? Select one. *

Choose the option that most closely matches your situation. If unsure, contact the AAB for guidance.

☐ 2.6 — Maintenance of Access Features (maintaining existing accessible features)
☐ 3.2 — New Construction (building a new structure from the ground up)
☐ 3.3.1(a) — Renovation / Addition costing less than \$100,000 AND less than 30% of the building's assessed value
☐ 3.3.1(b) — Renovation / Addition costing \$100,000 or more, but still less than 30% of the building's assessed value
☐ 3.3.2 — Renovation / Addition costing 30% or more of the building's assessed value
☐ 3.3.4 — Reduction of Existing Access (work that reduces current accessibility)
☐ 3.4 — Opening part or all of the building to the public for the first time

What is the current phase of design or construction? *

--

Total cost of all construction work on this building in the past 36 months *

Include the current project and any other work done in the last three years.

--

List all building permits applied for in the past 36 months *

Include permit number, date issued, and value of work.

Permit Number	Date of Issuance	Value of Work (\$)

Section 3 — Building Valuation

The assessed valuation helps determine which accessibility rules apply to your project. Find this at your local Assessor's Office or on your property tax bill. Important: use the value of the building and improvements only — do not include the value of the land.

Assessed value of the building and improvements only (not land) *

As recorded in the Assessor's Office of the municipality where the building is located.

Is the assessment at 100% of market value? *

☐ Yes
☐ No

If no — what is the town's current assessment ratio?

Section 4 — Your Variance Request(s)

Complete one request for each specific location or regulation where you are seeking relief. Where multiple locations share identical circumstances, you may combine them. Each request is on its own page. If you need more than 4 requests, download the Additional Request Sheet and Large Variance Tally Sheet from mass.gov/aab.

Which section(s) of 521 CMR (other than 521 CMR 3) do you need relief from? *

e.g. "521 CMR 26.00 – Ramps". Leave blank if this request does not apply.

Are you asking for temporary relief only? *

☐ Yes — I need temporary relief
☐ No — I need permanent relief

If temporary, how long are you seeking relief for?

Why are you seeking this variance? Select the statement that applies: *

☐ Compliance is technologically unfeasible
☐ Compliance would result in an excessive cost without substantial benefit to persons with disabilities

Explain your argument in detail *

Provide substantial evidence. Label all attachments (floor plans, photos, cost estimates, engineering reports) with this Request number.

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Section 5 — Professional and Inspection Contacts

Architect or Engineer (if applicable)

Provide contact details for any architectural or engineering firm that has prepared drawings or plans for this project, including the name of the registered architect or professional engineer responsible.

Firm name

Individual architect / engineer name

Address

Email address

Phone number

Local Building Inspector

Name of building inspector overseeing this project *

Building inspector's address *

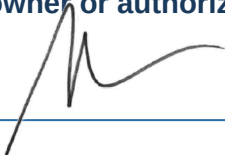
Email address

Phone number

Section 6 — Certification and Signature

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

Signature of owner or authorized agent * Date *

 _____

Printed name *	Organization (if applicable)

Address *

City / Town *	State *	ZIP Code *

Email address *	Phone number *

Service Notice

Before submitting to the AAB, serve a complete copy of this application and all attachments on each of the three parties below. An incomplete Service Notice will result in your application being rejected.

I, _____, hereby certify under the pains and penalties of perjury that I served or caused to be served a copy of this Variance Application and all attachments on the following parties:

1. Local Building Department

Contact your local town or city hall to confirm the correct address and preferred delivery method.

Name of contact / department

Address

Method of service

☐ Mail	☐ Email	☐ Hand Delivery	☐ Fax
----------------------------	-----------------------------	-------------------------------------	---------------------------

Date served *

2. Local Commission on Disability

Find yours at mass.gov/commissions-on-disability — enter N/A if none exists in your municipality.

Name of contact / department

Address

Method of service

☐ Mail	☐ Email	☐ Hand Delivery	☐ Fax
----------------------------	-----------------------------	-------------------------------------	---------------------------

Date served *

3. Regional Independent Living Center (ILC)

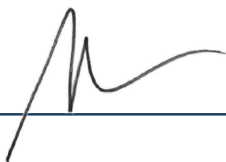
Find yours at masilc.org/findacenter

Name of contact / department

Address

Method of service

☐ Mail	☐ Email	☐ Hand Delivery	☐ Fax
----------------------------	-----------------------------	-------------------------------------	---------------------------

Date served ***Signature *****Date ***

June 24, 2026
Massachusetts Architectural Access Board
One Federal Street, Suite 660
Boston, MA 02210

RE: MAAB Variance – Club Quarters Hotel, 161 Devonshire Street, Boston, MA

To Whom It May Concern,

We respectfully submit a variance application for the Club Quarters Hotel located at 161 Devonshire Street. The application seeks variances associated with renovations to the public spaces in the basement, ground floor, and 2nd floor, on behalf of our client, Masterworks Development Co., who has operated in Boston's hospitality market for over 30 years.

Club Quarters Hotel was built in 1902, converted into a hotel in 1997 and renovated in 2004. The hotel is an eleven-story building and two basement levels, consisting of 178 guest rooms and amenities. The hotel has an existing public elevator connecting the lobby to the basement, and two guest elevators connecting the lobby to the 2nd floor. There is not a parking lot serving the building. The building has been listed on the National Register of Historic Places since 2008.

This project, currently in the Construction Documents phase, consists of an interior renovation of the hotel lobby, meeting rooms, and fitness room, as well as modifications to the exterior building entrances. Renovations to the restaurant interior are not part of this project scope. Based on the recorded survey, the building is located at or near the property line along both Devonshire and Arch Streets, while the adjoining sidewalk areas are within the City of Boston public right-of-way.

The scope of work includes new furniture, millwork, and finishes as well as plumbing and lighting fixture upgrades. There will be no changes to the use, occupancy loads, construction type, building height, or building area. The existing egress is being maintained, and the building is fully sprinklered. The project cost exceeds \$100,000 and the building has accessible public toilet rooms, and drinking fountain. All other work performed will fully comply with 521 CMR.

Bergmeyer has identified two instances where compliance cannot be achieved on the basis of *impracticability*. These are:

Request #1: Full variance for reconfiguring existing accessible building entrance [521 CMR 25.2]

Code References:

521 CMR 25.2 states in part: "*Entrance(s)* shall have a *level space* on the interior and exterior of the *entrance* doors."

Relevant Information:

The existing building entry vestibule is proposed to receive new interior and exterior storefront/entrances as part of the renovation, and incorporates the following accessible design strategies:

- Maintain 48" min clear between door swings and 60" turning radius within the vestibule
- New interior and exterior storefront, each with a pair of 36" wide doors with fully accessible door hardware
- Touchless ADA actuators to be installed at exterior, interior, and within the vestibule to operate an active leaf of the exterior and interior entrances.

The existing finish floor elevation of the hotel lobby and ground floor restaurant are approximately 2 ½" above grade along the building façade. To mediate between the discrepancy, the floor within the existing entry vestibule is sloped with a pitch of approximately 3% parallel to the path of travel. This existing sloped condition would remain after the renovation is complete.

See attached SKA-1 For Reference

Request for Relief:

We seek relief from Section 25.2 to provide level space at the interior and exterior existing entrances within the vestibule because compliance would be technologically infeasible due to the elevation constraints of this existing building.

Request #2: Full variance for reconfiguring existing window into new accessible building entrance [521 CMR 25.2]

Code References:

521 CMR 25.2 states in part: "*Entrance(s)* shall have a *level space* on the interior and exterior of the *entrance* doors."

Relevant Information:

A second entry vestibule is planned as part of the renovation, by reconfiguring a window into a door within the restaurant space. This vestibule will feature the same dimensional clearances and accessible features as the entrance listed in Request #1, but will be a single 36" wide door at

both the interior and exterior storefronts. We anticipate that we will find the same conditions as listed in Request #1, and need to create a new sloped floor area within the vestibule.

The existing finish floor elevation of the hotel lobby and ground floor restaurant are approximately 2 1/2" above grade along the building façade. To mediate between the discrepancy, the floor within the entry vestibule would be sloped with a pitch of approximately 3% parallel to the path of travel.

See attached SKA-2 For Reference

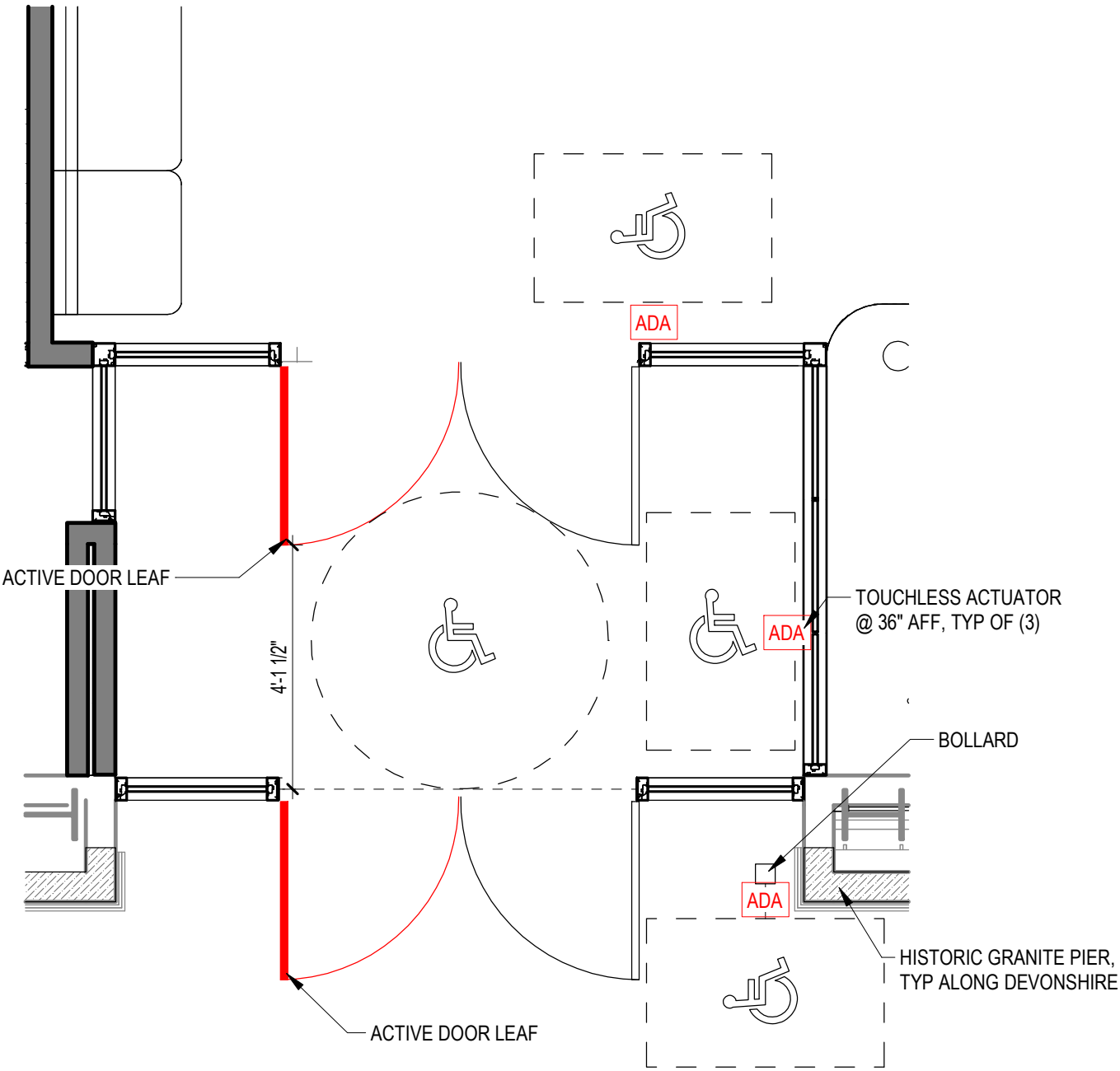
Request for Relief:

We seek relief from Section 25.2 to provide level space on the interior and exterior of the restaurant entrance because compliance would be technologically infeasible due to the elevation constraints of this existing building.

Best regards,

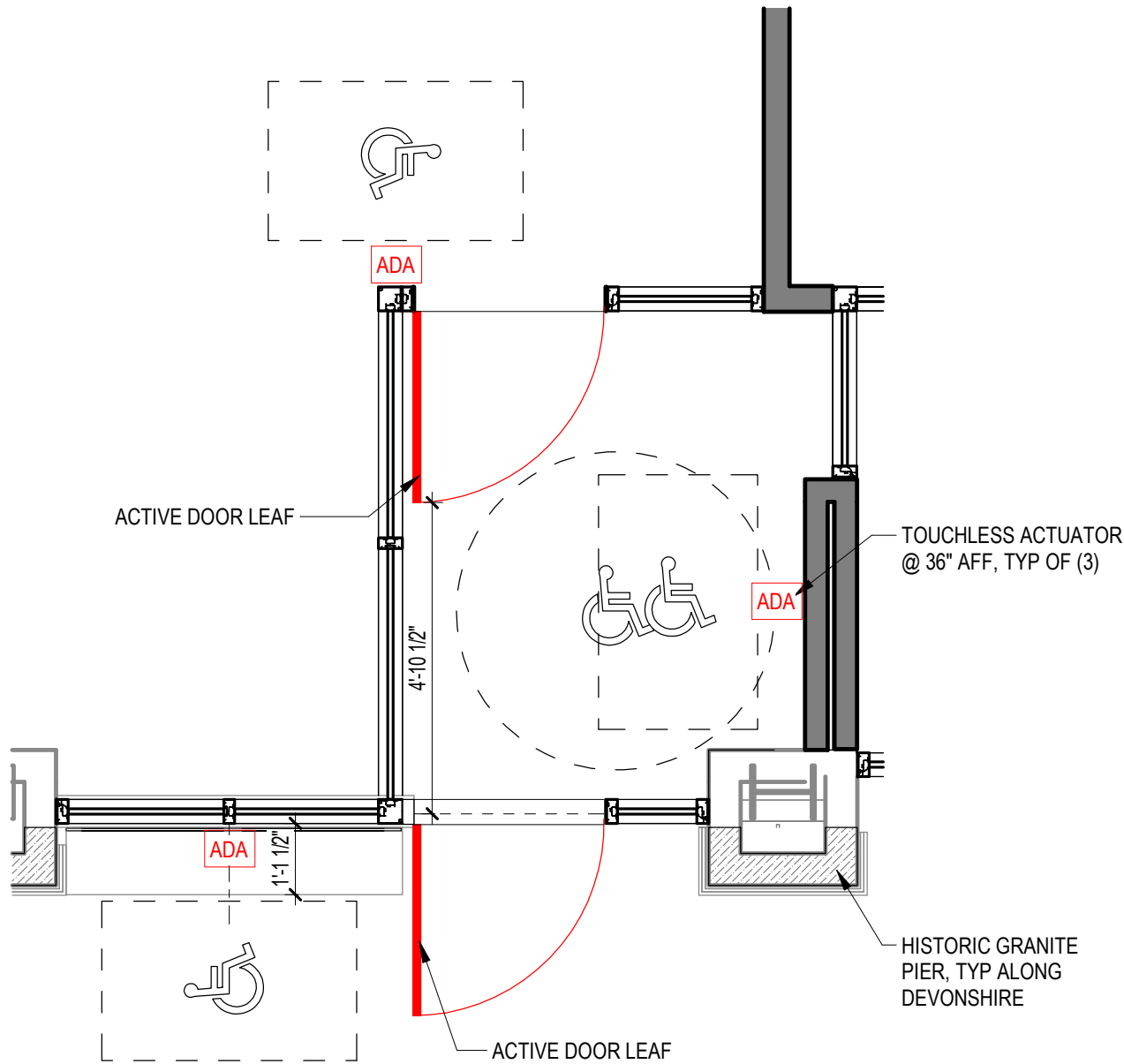
A handwritten signature in black ink, appearing to read 'Matt Hyatt', with a stylized, flowing script.

Matt Hyatt, AIA, IIDA, LEED AP BD+C
Principal



REQUEST #1 - PROPOSED RENOVATED VESTIBULE

Bergmeyer			CLUB QUARTERS BOSTON - PUBLIC SPACES	JOB #: 20240300.00		SK-A01
BOS	COL	LA		SCALE:	3/8" = 1'-0"	
51 Sleeper St.	875 N High St.	360 E 2nd St.	161 DEVONSHIRE STREET BOSTON, MA 02110	DATE:	6/24/26	
6th Floor	Suite 300	Suite 300		DWN BY:	JMS	
Boston, MA 02210	Columbus, OH 43215	Los Angeles, CA 90012		CROSS REF:		
617.542.1025	380.900.8887	213.337.1090				



REQUEST #2 - PROPOSED VESTIBULE

Bergmeyer

BOS	COL	LA
51 Sleeper St.	875 N High St.	360 E 2 nd St.
6 th Floor	Suite 300	Suite 300
Boston, MA 02210	Columbus, OH 43215	Los Angeles, CA 90012
617.542.1025	380.900.8887	213.337.1090

CLUB QUARTERS BOSTON -
PUBLIC SPACES

161 DEVONSHIRE STREET
BOSTON, MA 02110

JOB #:	20240300.00
SCALE:	3/8" = 1'-0"
DATE:	06/24/26
DWN BY:	JMS
CROSS REF:	

SK-A02

161 Devonshire Street, Boston

From Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Date Wed 3/25/2026 1:25 PM

Bcc lpolitakis@bergmeyer.com <lpolitakis@bergmeyer.com>; mhyatt@bergmeyer.com <mhyatt@bergmeyer.com>; Mayors Office on Disability <ada@boston.gov>; wireland83@gmail.com <wireland83@gmail.com>; disability@boston.gov <disability@boston.gov>; Michael Muehe <Mmuehe@bostoncil.org>; david.johnson <david.johnson@boston.gov>; Brigid.kenny@boston.gov <Brigid.kenny@boston.gov>

 2 attachments (1 MB)

Notice of Hearing.pdf; Club Quarters Hotel, 161 Devonshire Street, Boston (V26-034) - Notice of Action.pdf;

Good afternoon,

Please find attached the Notice or Decisions for the above referenced case.

If you require a paper copy of a Notice or Decision, you may contact me to request one but be aware that the delivery of physical copies may be delayed.

If you wish to appeal the decision made in this case, you can fill out and send in an Adjudicatory Hearing Request form available [here](#).

If you have any questions, please do not hesitate to get in touch with the Board's staff.

Thank you,
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1 Federal St., 6th Floor
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

VARIANCE HEARING

Docket Number **V 26 034**

RE: Club Quarters Hotel, 161 Devonshire Street, Boston

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **July 13, 2026** at **1:00 PM**. Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Matthew Hyatt for modification of or substitution of the following Rules and Regulations: Multiple Sections. A copy of the request is available for public inspection during regular business hours.

You should be aware that the burden of proof is upon the applicant requesting a variance to prove that compliance is either: 1. technologically infeasible or; 2. the cost of compliance is excessive without substantial benefit to a person with a disability.

This hearing will be conducted in accordance with the procedures set forth in M.G.L., c. 30A, and 801 CMR 1.02, the Informal/Fair Hearings Rules. At the hearing, each party may be represented by counsel, may present evidence and may cross examine opposing witnesses.

PLEASE NOTE: Requests for the continuance of a hearing must be received no later than fourteen (14) days prior to the scheduled hearing date. Continuances are granted at the Board's discretion only.

ARCHITECTURAL ACCESS BOARD

Chairperson

Date: March 25, 2026

cc: Local Building Inspector
Independent Living Center
Local Disability Commission



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1 Federal St., 6th Floor
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

NOTICE OF ACTION

Docket Number **V 26 034**

RE: Club Quarters Hotel , 161 Devonshire Street , Boston

On February 19, 2026 the Architectural Access Board received an application submitted by Matthew Hyatt. This application and all attached documentation were reviewed by the Board on March 23, 2026. At that meeting, the Board voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	See Application	SCHEDULE a hearing for this request. See attached Notice of Hearing.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

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.

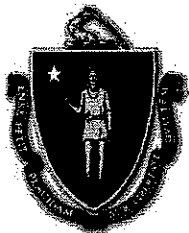
Date: March 25, 2026

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Palmaria Mendez WS

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 4



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1 Federal St., Suite 0600 • Boston • MA • 02110-2012
V: 617-727-0660 • www.mass.gov/aab

Docket Number

V26-034

(Office Use Only)

Check #4311

R-134403

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:

Club Quarters Hotel
161 Devonshire Street, Boston, MA

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

Masterworks Development Co., LLC
4 Bryant Park, Suite 502
New York, NY 10018
ATTN: Damon Kinmond

E-mail: dkinmond@masterworksdev.com

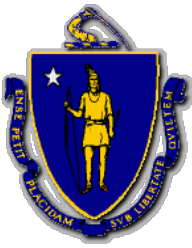
Telephone: (929) 466-1034

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

Club Quarters Hotel was built in 1902, converted into a hotel in 1997, and renovated in 2004. The hotel is an eleven-story building with two basement levels. Two elevators for guest use connect all floor levels.

The hotel consists of 178 guest rooms (offered in seven room types) and amenities including meeting rooms and fitness center. The building is fully sprinklered. No off-street parking is provided.

The hotel is part of the historic Compton Building on 159-175 Devonshire Street.



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1 Federal St., Suite 0600 • Boston • MA • 02110-2012
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):

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

☐

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:

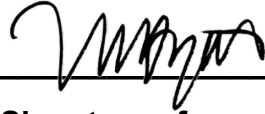
18. State the name and address of the building inspector responsible for overseeing this project:

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

02/19/26

Date

ARCHITECTURAL ACCESS BOARD
LARGE VARIANCE TALLY SHEET

Request #	Section #	Description of Request	Vote
1	8.4.1	Full variance for dispersion of accessible guestrooms	
2	8.4	Full variance for minimum number of accessible guestrooms	
3	8.4.4	Full variance for wheel-in showers in accessible guestrooms	
4	44.6	Full variance Group 2B Bathing Fixtures	
5	31.7.5a	Full variance Transfer Type Shower Grab Bar Location	
6	8.5.1	Full variance for accessible route within accessible guestroom	

Attach additional sheets if necessary.

February 20, 2026
Massachusetts Architectural Access Board
One Federal Street, Suite 660
Boston, MA 02210

RE: MAAB Variance – Club Quarters Hotel, 161 Devonshire Street, Boston, MA

To Whom It May Concern,

We respectfully submit a variance application for the Club Quarters Hotel located at 161 Devonshire Street. The application seeks four variances associated with renovations to the guestrooms between floor levels 2 and 11, on behalf of our client, Masterworks Development Co., who has operated in Boston's hospitality market for over 30 years.

Club Quarters Hotel was built in 1902, converted into a hotel in 1997 and renovated in 2004. The hotel is an eleven-story building and two basement levels, consisting of 178 guest rooms and amenities. Amenity spaces include meeting rooms, and fitness center. The hotel has two guest elevators connecting all levels. There is not a parking lot serving the building.

This project, currently in the Construction Documents phase, consists of an interior renovation of the guestrooms and corridors between levels 3 and 11. The scope of work includes new furniture, millwork, and finishes as well as plumbing and lighting fixture upgrades. There will be no changes to the use, occupancy loads, construction type, building height, or building area. The existing egress is being maintained, and the building is fully sprinklered.

The project cost exceeds \$100,000 and the building has an accessible entrance, public toilet rooms, and drinking fountain. All other work performed will fully comply with 521 CMR.

Bergmeyer, in collaboration with KMA, has identified six instances where compliance cannot be achieved on the basis of *impracticability*. These are:

Request #1: Full variance for dispersion of accessible guestrooms [521 CMR 8.4.1]

Code References:

521 CMR 8.4.1 states in part: "Distribution: To provide persons with disabilities a range of options equivalent to those available to other persons served by the facility, accessible sleeping rooms and suites shall be dispersed proportionally among the various classes of sleeping accommodations available to patrons of the place of transient lodging. Factors to be

considered include room size, price, location, smoking/ non-smoking, amenities provided, and the number and size of beds provided.”

Relevant Information:

All eight accessible guestrooms are being proposed in a stacked configuration between levels 3 and 11. Three of the existing six designated accessible guestrooms in the hotel are already located at this location near the elevators on the northeast corner of the building. While our team has made attempts to disperse the accessible guestrooms to other locations within a floor, we believe the stacked solution is the best solution because this location:

- Allows the widest guestrooms that are uncompromised by narrow entryways to adjacent guestrooms to be converted into the accessible guestrooms.
- Allows a single guestroom to be converted into a single accessible guestroom without the need of combining two guestrooms into one, which would create a financial hardship to the property.
- Allows an entire vertical line of plumbing in a single location to be altered to accommodate the accessibility improvements to the bathrooms of accessible guestrooms.
- Faces Devonshire Street, which offers views of Boston comparable to views on Arch Street on the opposite side of building.
- Allows standard guestroom types with queen and king beds to be accessible. Note: larger bedrooms in the following room types cannot be made accessible without relocating walls/ losing guest rooms: Double Queen with kitchenette, Queen with sleeper sofa, King with sleeper Sofa and kitchenette, King and Queen with kitchenette, and King with kitchenette.

For an overall floor plan of a typical floor level, please refer to Sheet SK-01. For more information on all spatial constraints and proposed design, please refer to Sheets SK-01, SK-02, SK-03, and SK-04 attached. For views from both Devonshire and Arch Streets, please refer to Sheet SK-05. For information on revenue loss by converting two non-accessible guestrooms into one accessible guestroom, please refer to letter from Masterworks.

When accessible guestrooms in other room types are requested at booking, our client, Masterworks, would refer guests to its new, fully-accessible hotel located at 39 Stanhope Street in Back Bay, approximately 1 mile away.

Request for Relief:

We seek relief from Section 8.4.1 to stack all accessible guestrooms because compliance would be technologically infeasible due to the spatial constraints of this existing building.

Request #2: Full variance for minimum number of accessible guestrooms [521 CMR 8.4]**Code References:**

521 CMR 8.4 states in part: "At least 5% but in no case less than one of the units, sleeping rooms, and suites shall be accessible. In applying the 5% rule to facilities which consist of more than one building, all of the units in the entire facility shall be added together."

Relevant Information:

After careful design consideration, our team cannot achieve the minimum number of required accessible guestrooms per 521 CMR 8.4 – nine accessible guestrooms based on 5% of 178 guestrooms provided in the hotel; we are able to provide eight accessible guestrooms. After careful review, we are proposing to stack the accessible guest rooms (see Variance Request #1) as these locations best fit the layout requirements of an accessible guest room. Unfortunately, in our stacked-guestroom strategy between levels 2 and 11, making guestroom #201 (the ninth guestroom) fully accessible is infeasible to the spatial constraints in the bedroom such as lack of clearances around the bed when the bathroom is made accessible and the lack of maneuvering clearance on the pull side of the door due to the placement of the bed. For more information on all spatial constraints of guestroom #201, please refer to detail 1 on Sheet SK-01 attached. For information on revenue loss by converting two non-accessible guestrooms into one accessible guestroom, please refer to letter from Masterworks. In addition, see Variance Request #1 for more information on accessible unit distribution and the full set of hotel floorplans attached.

When accessible guestrooms are at capacity at booking, our client, Masterworks, would refer guests to its new, fully-accessible hotel located at 39 Stanhope Street in Back Bay, approximately 1 mile away.

Request for Relief:

We seek relief from Section 8.4 to offer eight accessible guestrooms in lieu of nine because compliance would be technologically infeasible due to the spatial constraints of this existing building.

Request #3: Full variance for wheel-in showers in accessible guestrooms [521 CMR 8.4.4]**Code References:**

521 CMR 8.4.4 states in part: "Wheel-in Showers: In transient lodging facilities with 50 or more sleeping rooms or suites, accessible sleeping rooms or suites shall include a wheel-in shower in conformance with the table below. Wheel-in showers shall comply with the requirements of 521 CMR 44.6.2, Showers."

Relevant Information:

Two of our proposed accessible guestrooms do not meet the minimum requirements for guestrooms with wheel-in showers due to existing conditions of the area adjacent to the proposed accessible toilet rooms. Multiple mechanical, plumbing, and electrical shafts that

cannot be relocated, narrowed, and otherwise altered inhibit the configuration of compliant, 30" x 60" wheel-in showers. Therefore, all nine accessible guestrooms would have compliant, 36" x 36" transfer-type shower stalls. For more information on all spatial constraints and proposed design, please refer to Sheets SK-02, SK-03, and SK-04 attached.

When accessible guestrooms with wheel-in shower are requested at booking, our client, Masterworks, would refer guests to its new, fully-accessible hotel located at 39 Stanhope Street in Back Bay, approximately 1 mile away.

Request for Relief:

We seek relief from Section 8.4.4 for two of the accessible guestrooms to offer transfer-type showers in lieu of wheel-in showers because compliance would be technologically infeasible due to the spatial constraints of this existing building. The remaining accessible guestrooms will have transfer showers complying with 521 CMR 31.7.1.

Request #4: Full variance Group 2B Bathing Fixtures [521 CMR 44.6]

Code References:

521 CMR 44.6 currently requires that a hotel provide Group 2B units with accessible bathing fixtures per 44.6.1 or 44.6.2. 521 CMR-44.6.1 provides requirements for accessible bathtubs. 521 CMR-44.6.2 provides requirements for accessible showers, which may either be a roll-in or an alternative roll-in type. Therefore, in order to comply with 521 CMR a Group 2B unit must provide either a roll-in type shower, an alternative roll-in type shower, or a tub.

Relevant Information:

The *2010 ADA Standards* requires that a percentage of the bathing fixtures in mobility accessible guestrooms not be roll-in type showers. In a facility with 178 guest rooms, ADA-224.2 requires 6 mobility accessible units to not be provided with roll-in type showers. ADA-608 permits the use of a transfer type shower or a tub in units not permitted to have roll-in type showers. However, in order to meet the overlapping requirements of 521 CMR and the 2010 ADA Standards, the mobility accessible units (or Group 2B) without roll in showers are limited to providing tubs.

We are requesting a variance to allow the project to provide a total of 8 Group 2B units with transfer type showers in lieu of accessible tubs. The transfer type shower would meet all the requirements of 521 CMR-31.7, which has requirements for transfer type showers in public bathing rooms. This condition would meet the requirements of the *2010 ADA Standards*. We believe that full compliance with CMR 521 44.6 is *impracticable*. Providing 521 CMR compliant tubs is technically infeasible, due to the spatial constraints of the existing building. Providing a fully compliant Group 2B tub would require altering multiple mechanical, plumbing, and electrical shafts that cannot be relocated. For more information on all spatial constraints and proposed design, please refer to Sheets SK-02, SK-03, and SK-04 attached. For information on revenue loss by converting two non-accessible guestrooms into one accessible guestroom, please refer

to letter from Masterworks. In addition, see previous variance requests for more information on accessible unit distribution, counts, and roll-in type showers.

The hotel website will note that future guests can contact the Front Desk for information on accessibility features of the accessible guest rooms. Front Desk staff will be made aware and able to share information about transfer showers. When a guest requests a different type of bathing fixture at booking, our client, Masterworks, would refer guests to its new, fully-accessible hotel located at 39 Stanhope Street in Back Bay, approximately 1 mile away.

Request for Relief:

We seek relief from Section 44.6 to offer transfer-type showers in lieu of roll-in showers, alternative roll-in types showers, or tubs because compliance would be technologically infeasible due to the spatial constraints of this existing building. We are proposing that accessible guestrooms will have transfer showers complying with 521 CMR 31.7.1.

Request #5: Full variance Transfer Type Shower Grab Bar Location [521 CMR 31.7.5a]

Code References:

If our Variance request for the use of transfer type showers in lieu of tubs in the Group 2B units is granted, there is a discrepancy between 521 CMR and the 2010 ADA Standards for transfer type shower grab bar locations. 521 CMR-31.7.5a requires 36"X36" showers to provide two 30" grab bars, one on the back wall and the other on the wall opposite the seat. This conflicts with ADA-608.3.1, which requires transfer type shower grab bars to be mounted on the back wall to a point 18" from the control wall. Because both standards have a different requirement for the back wall grab bar, a 12" conflict exists. See *Figure 1*, below:

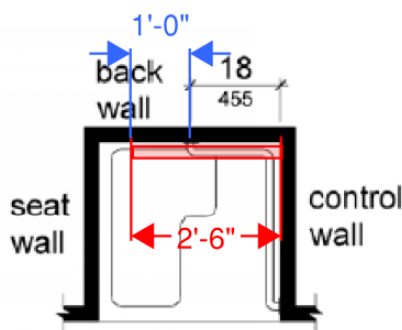


Figure 1

Relevant Information:

The requirements of the 2010 ADA Standards make it impossible to mount a 30" long back wall grab bar at the transfer shower. Therefore, we are requesting a variance to allow the project to meet the requirements of the 2010 ADA Standards. We believe that full compliance with the current CMR 521 31.7.5a is *impracticable*. Complying with the requirements of 521 CMR 31.7.5a and the 2010 ADA Standards is *technically infeasible* because the codes are conflicting.

Request for Relief:

We seek relief from Section 31.7.5a to provide grab bars that comply with the ADA 608.3.1 at the transfer-type showers because compliance would be technologically infeasible due to the conflicting applicable code requirements.

Request #6: Full variance for accessible route within accessible guestroom [521 CMR 8.5.1]

Code References:

521 CMR 8.5.1 states in part: "Accessible units, sleeping rooms, and suites shall be on an accessible route. An accessible route shall connect all accessible spaces and elements including telephones, televisions, alarms clocks, and climate controls within the unit, sleeping room, or suite."

Relevant Information:

When accessible guestrooms are offered with king-size beds, the width of the accessible route around the foot of the bed narrows to 32" for more than 24" of depth, per 521 CMR 20.3. Clearances in guestrooms #401, 501, 601, and 801 would be reduced less, to 34 ½" for up to approximately 42" in depth. For more information on all spatial constraints and proposed design, please refer to Sheets SK-02 and SK-03 attached.

The hotel website will note that future guests can contact the Front Desk for information on accessibility features of the accessible guest rooms. Front Desk staff will be made aware and able to share information about the . When the clearance in guestrooms with king beds become an issue at booking, our client, Masterworks, would refer guests to its new, fully-accessible hotel located at 39 Stanhope Street in Back Bay, approximately 1 mile away.

Request for Relief:

We seek relief from Section 8.5.1 for guestrooms #401, 501, 601, and 801 because compliance would be technologically infeasible due to the spatial constraints of this existing building.

Best regards,

Matt Hyatt, AIA, IIDA, LEED AP BD+C
Principal

MASTERWORKS

William Joyce
Architectural Access Board
Executive Director

Re: Loss of Revenue due to Guest Room Conversion

Dear Mr. Joyce,

I am writing to outline the projected loss of revenue associated with the conversion of two existing guest rooms into one larger, fully accessible guest room. While we strongly support initiatives that improve accessibility and guest comfort at Club Quarters Hotel, this particular modification would have a measurable financial impact on hotel operations.

Based on our historical occupancy levels and average daily rate, each standard guest room produces a monthly revenue of approximately \$9,366.

By combining two separate guest rooms into one larger accessible room on any floor, we effectively reduce overall room inventory and eliminate the opportunity to sell an additional room each night. Over the course of a year, each room reduction would result in a cumulative annual loss of revenue of approximately \$112,400.

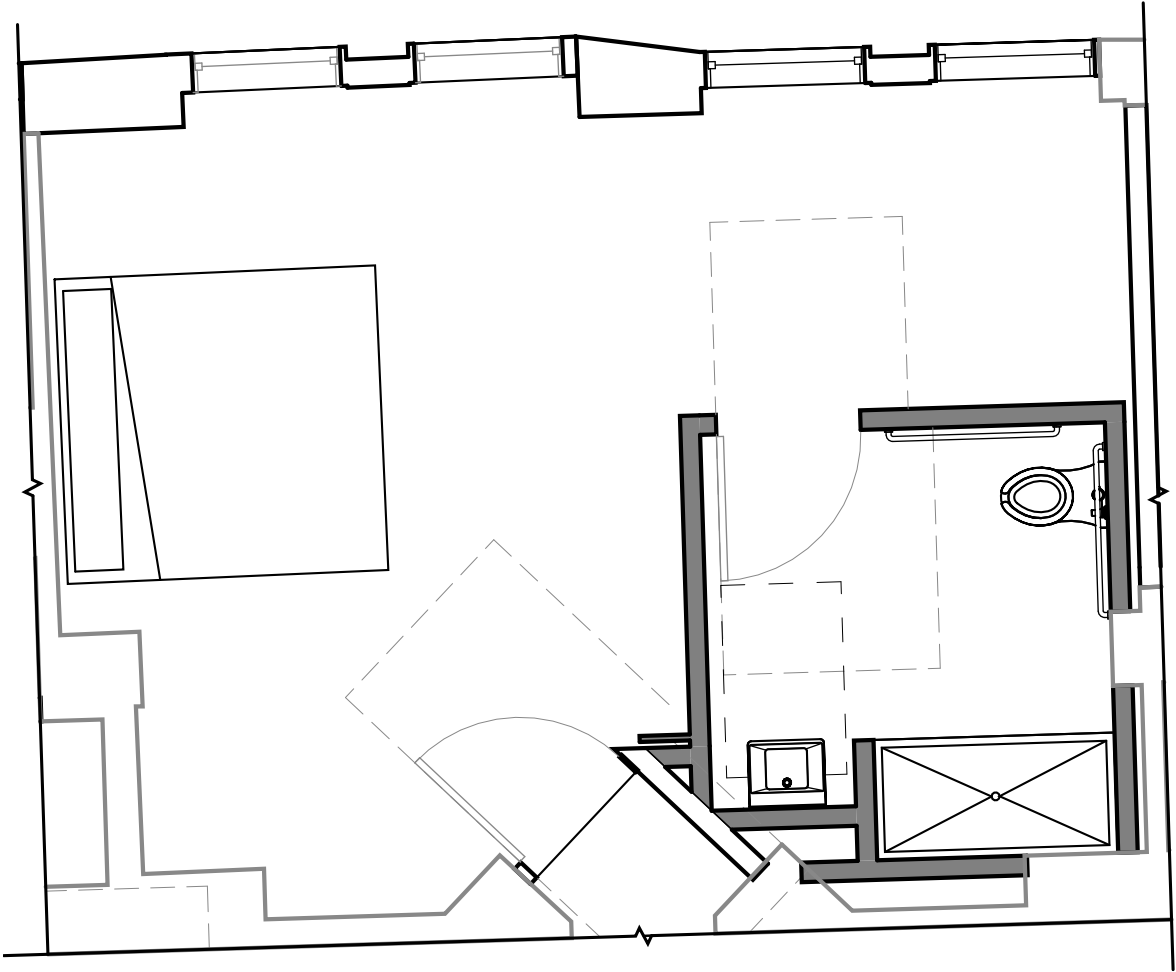
We remain committed to compliance with accessibility standards and to providing inclusive accommodations. However, from a financial standpoint, converting two revenue-generating rooms into one larger accessible room would result in a measurable and ongoing loss of revenue for the Club Quarters Hotel.

Sincerely,



Damon Kinmond
Project Manager
Masterworks Development Co., LLC

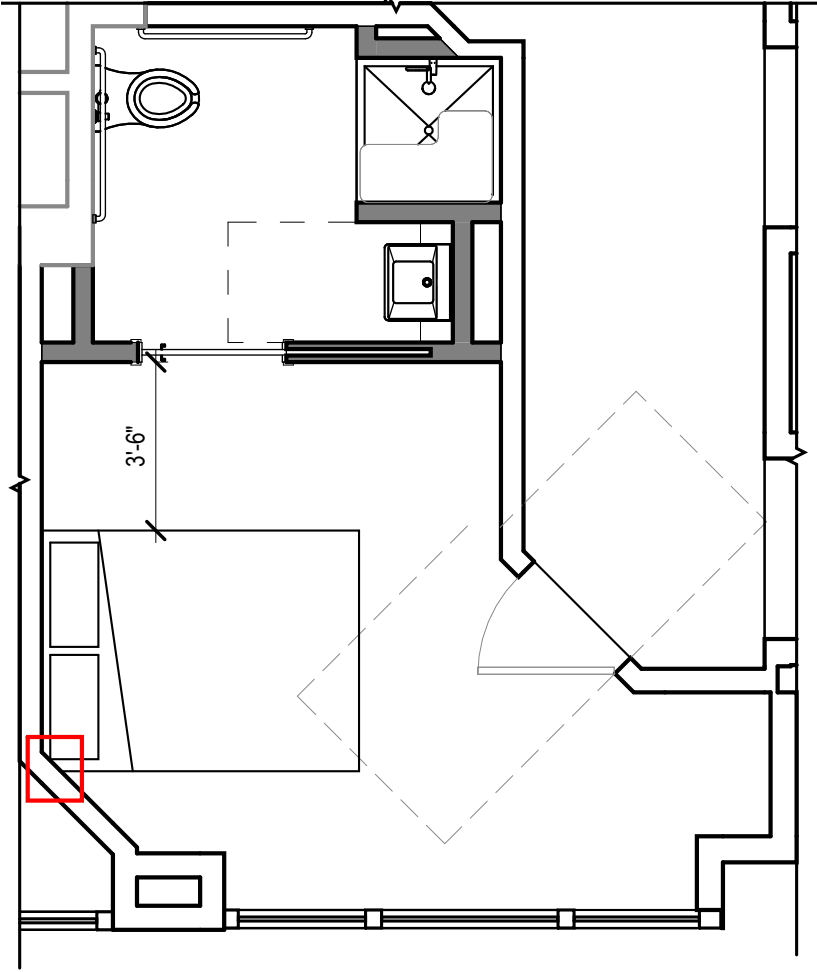
February 17, 2026



2

GUESTROOM 212 & 213 - ADA LAYOUT

1/4" = 1'-0"



1

GUESTROOM 201 - ADA LAYOUT

1/4" = 1'-0"

Bergmeyer

BOS	COL	LA
-	-	-
51 Sleeper St.	875 N High St.	360 E 2 nd St.
6 th Floor	Suite 300	Suite 300
Boston, MA 02210	Columbus, OH 43215	Los Angeles, CA 90012
617.542.1025	380.900.8887	213.337.1090

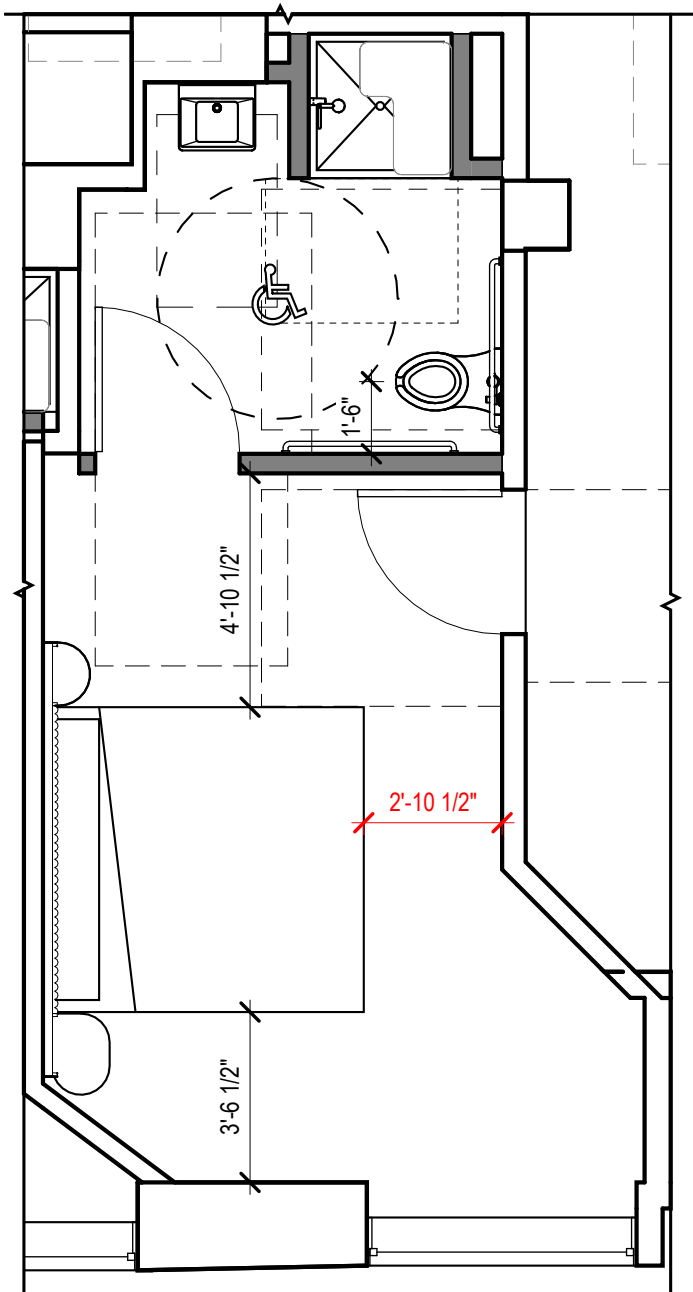
ADA GUESTROOM LAYOUTS

CLUB QUARTERS BOSTON - GUESTROOM FLOORS
161 DEVONSHIRE STREET
BOSTON, MA 02110

JOB #:	20240300.00
SCALE:	1/4" = 1'-0"
DATE:	02/11/26
DWN BY:	HM
CROSS REF:	

SK-01

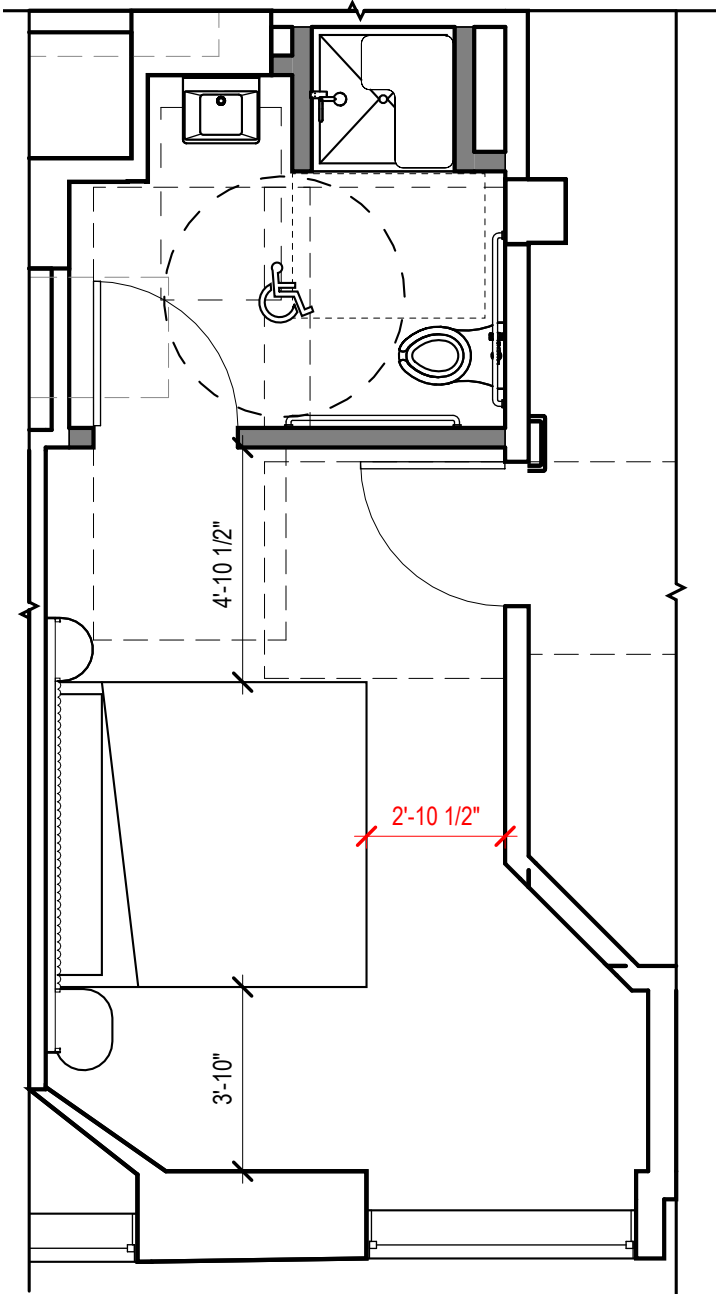
AAB 24



3

GUESTROOM 501 - ADA LAYOUT

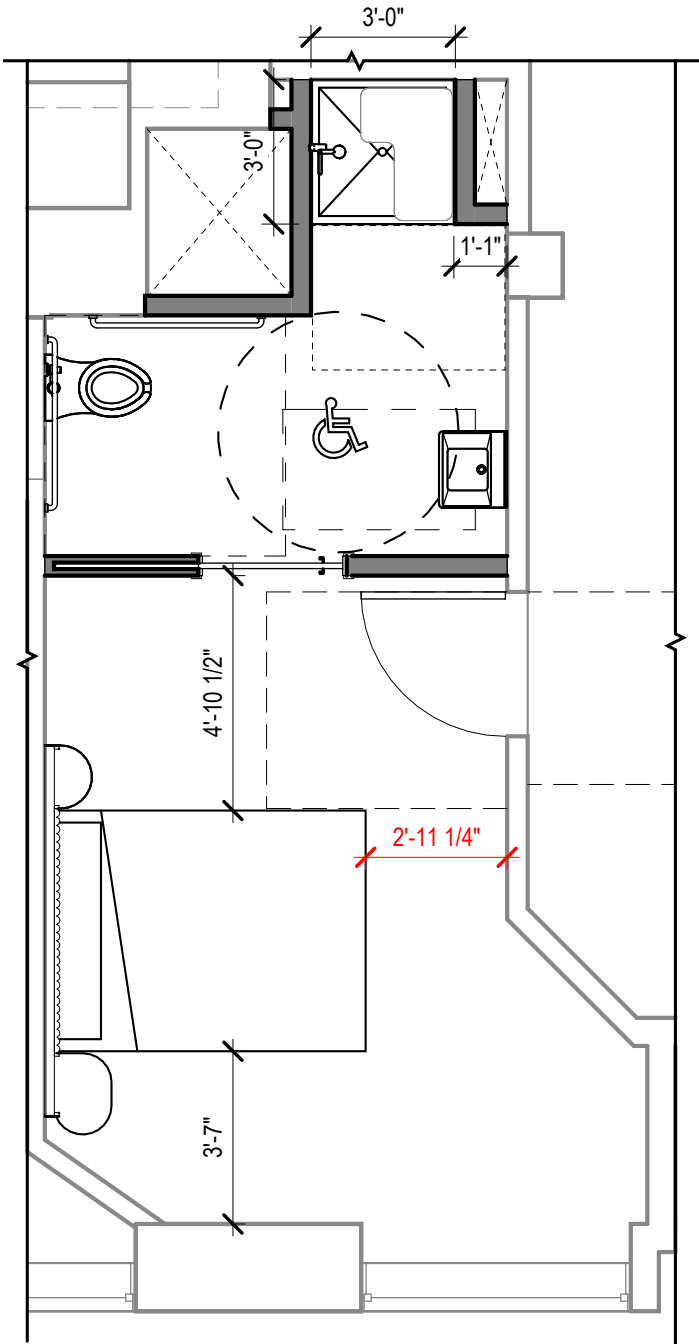
1/4" = 1'-0"



2

GUESTROOM 401 - ADA LAYOUT

1/4" = 1'-0"



1

GUESTROOM 301 - ADA LAYOUT

1/4" = 1'-0"

Bergmeyer

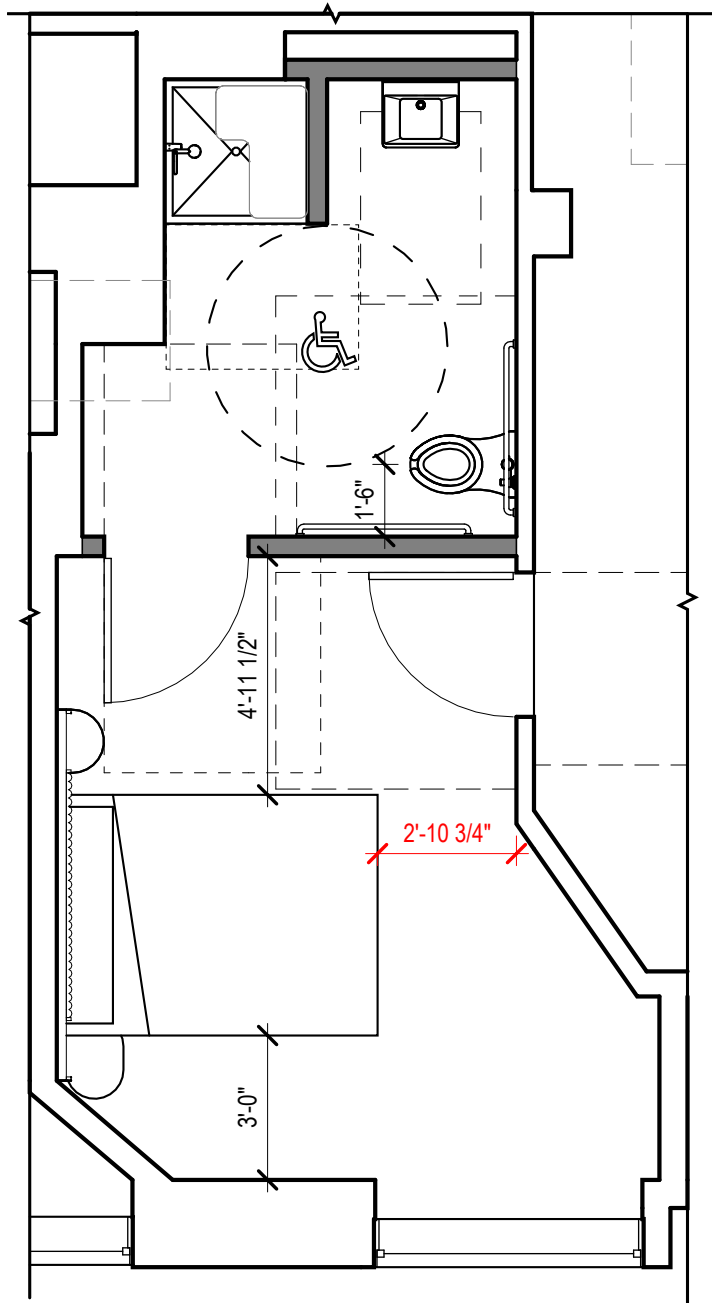
BOS	COL	LA
51 Sleeper St.	875 N High St.	360 E 2 nd St.
6 th Floor	Suite 300	Suite 300
Boston, MA 02210	Columbus, OH 43215	Los Angeles, CA 90012
617.542.1025	380.900.8887	213.337.1090

ADA GUESTROOM LAYOUTS

CLUB QUARTERS BOSTON - GUESTROOM FLOORS
161 DEVONSHIRE STREET
BOSTON, MA 02110

JOB #:	20240300.00
SCALE:	1/4" = 1'-0"
DATE:	02/11/26
DWN BY:	HM
CROSS REF:	

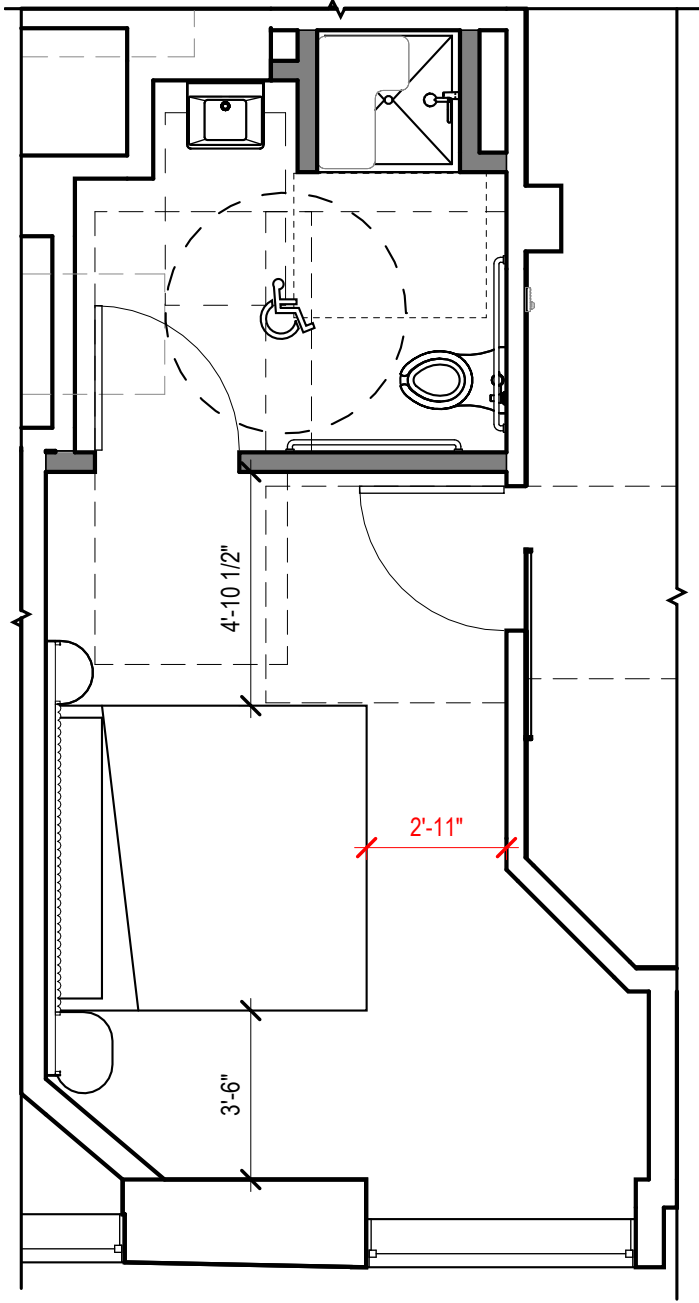
SK-02



3

GUESTROOM 901 - ADA LAYOUT

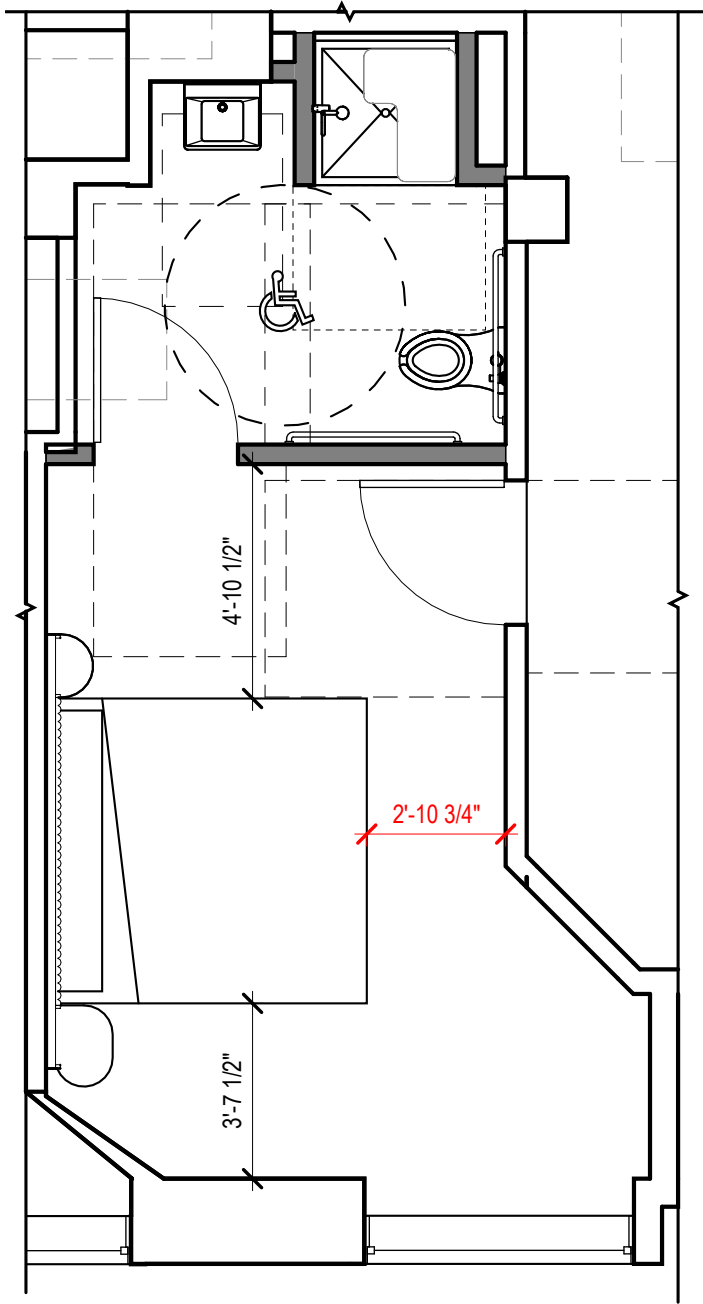
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2

GUESTROOM 801 - ADA LAYOUT

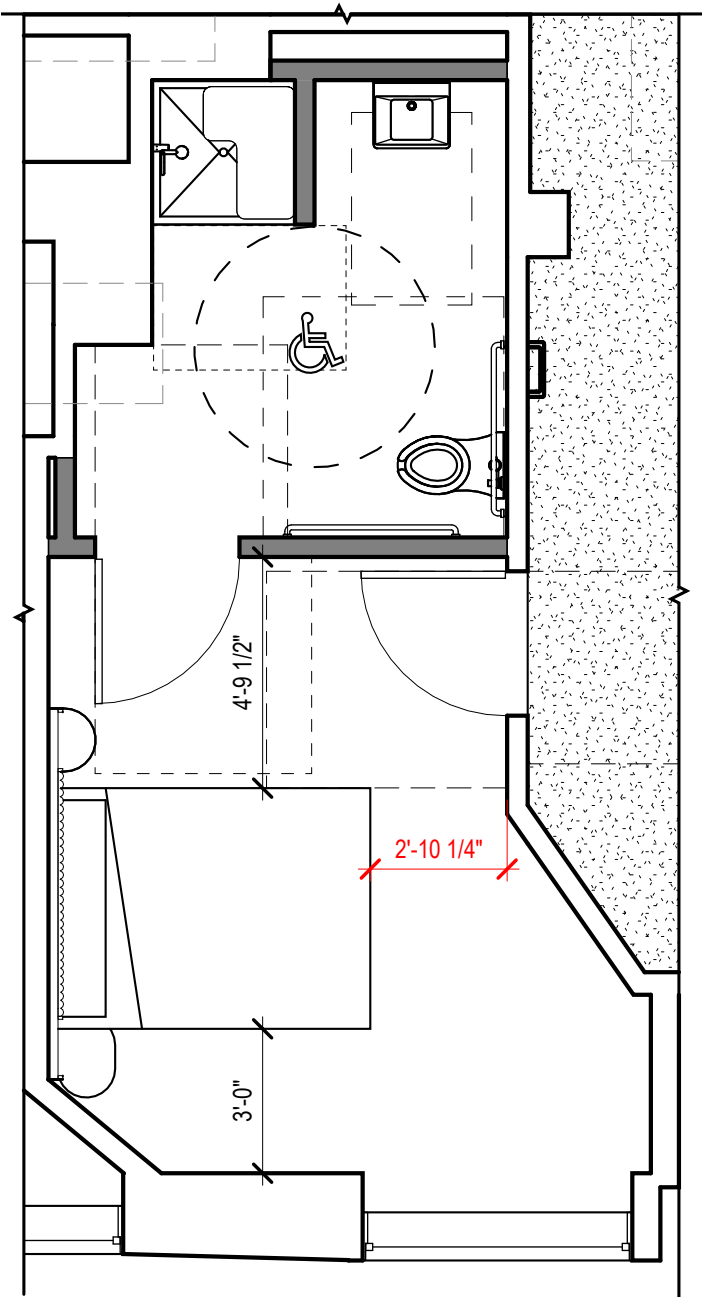
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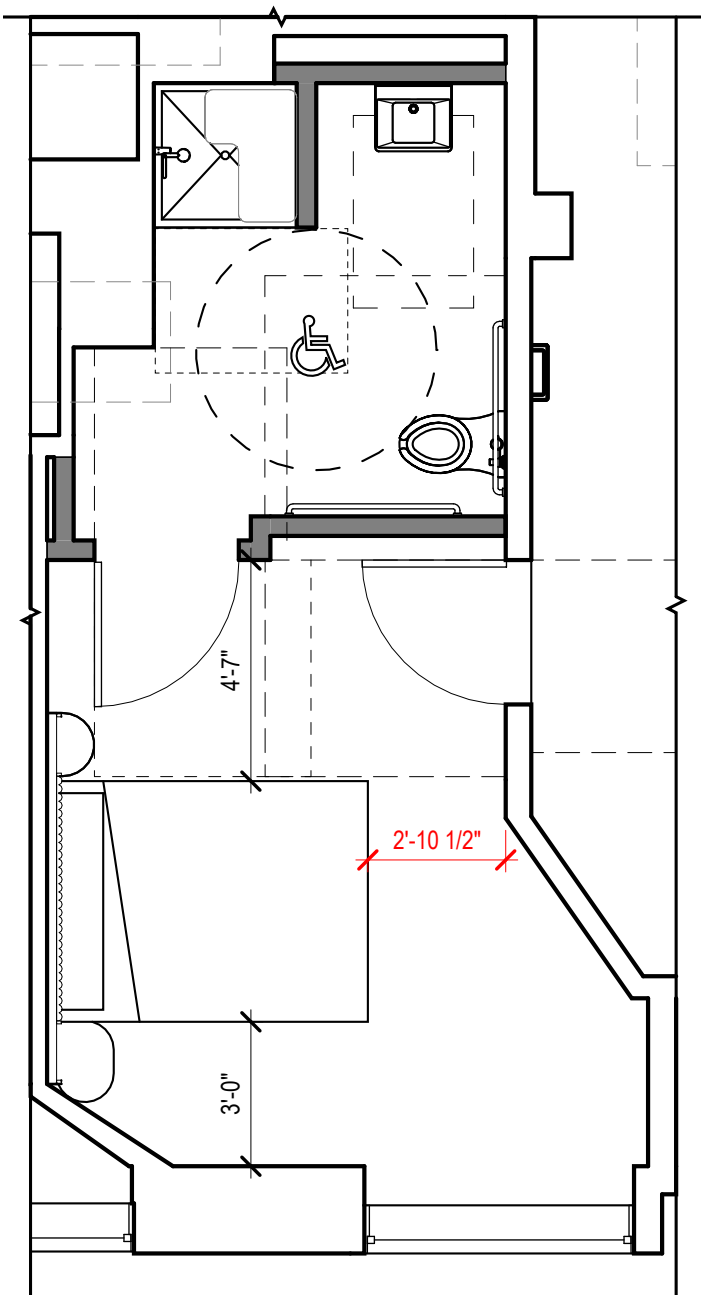
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GUESTROOM 601 - ADA LAYOUT

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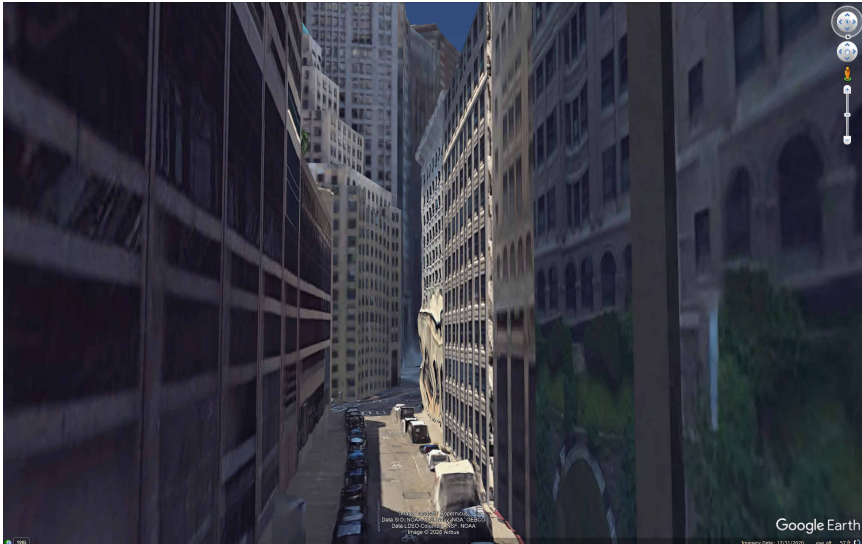


2 GUESTROOM 1101 - ADA LAYOUT
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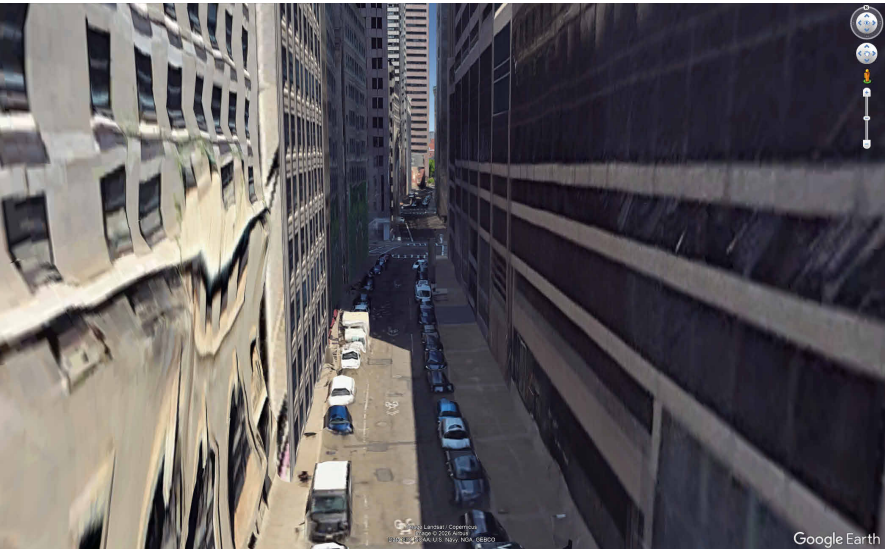


1 GUESTROOM 1001 - ADA LAYOUT
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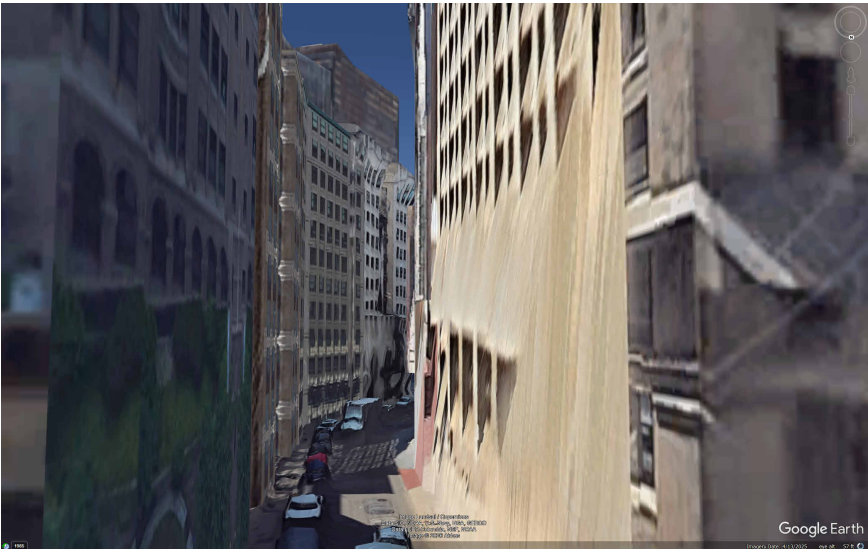
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			BOSTON, MA 02110			DWN BY: HM		
						CROSS REF:		



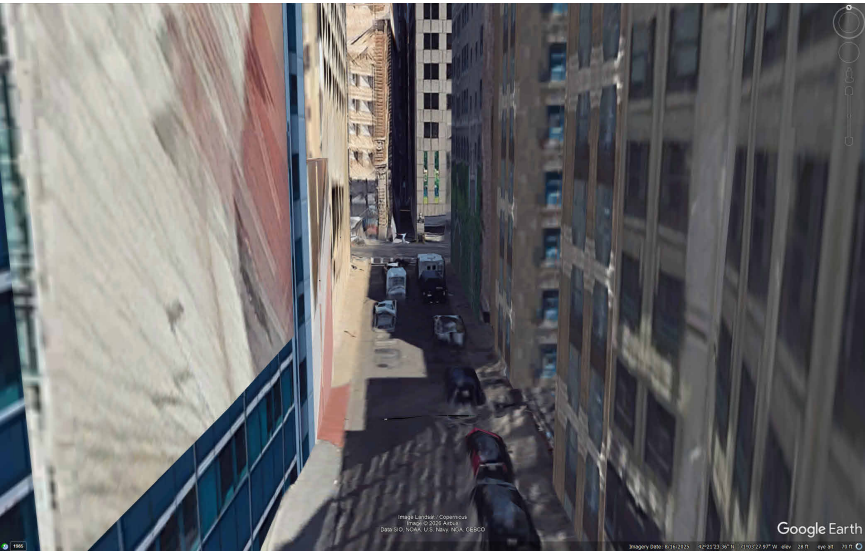
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NOT TO SCALE



3 DEVONSHIRE STREET NORTH
NOT TO SCALE

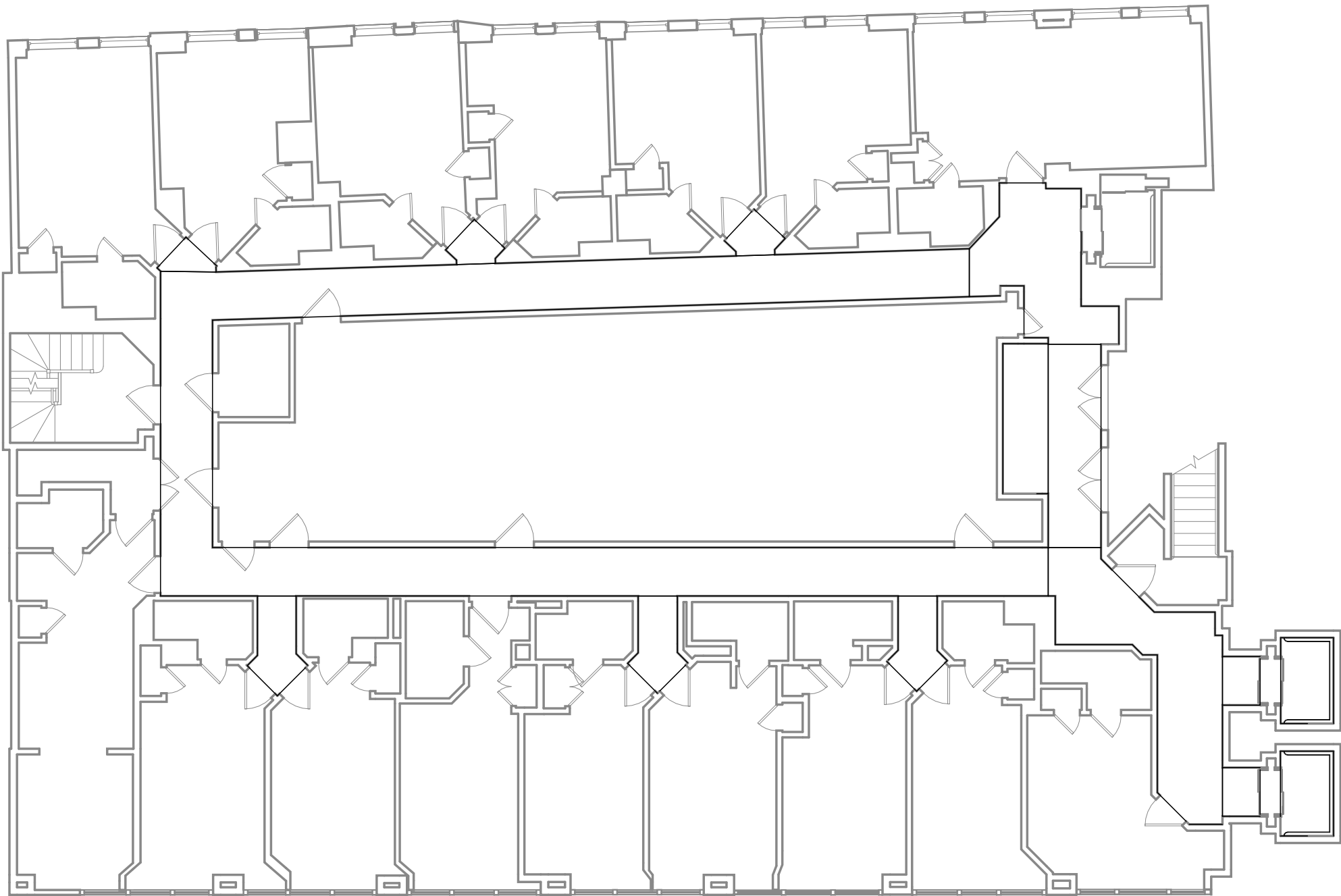


2 ARCH STREET SOUTH
NOT TO SCALE



1 ARCH STREET NORTH
NOT TO SCALE

Bergmeyer BOS - 51 Sleeper St. 6th Floor Boston, MA 02210 617.542.1025 COL - 875 N High St. Suite 300 Columbus, OH 43215 380.900.8887 LA - 360 E 2nd St. Suite 300 Los Angeles, CA 90012 213.337.1090			GUESTROOM VIEWS		SK-05 AAB 28
			CLUB QUARTERS BOSTON - GUESTROOM FLOORS		
			161 DEVONSHIRE STREET		
			BOSTON, MA 02110		
			JOB #: 20240300.00		
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			DWN BY: HM		
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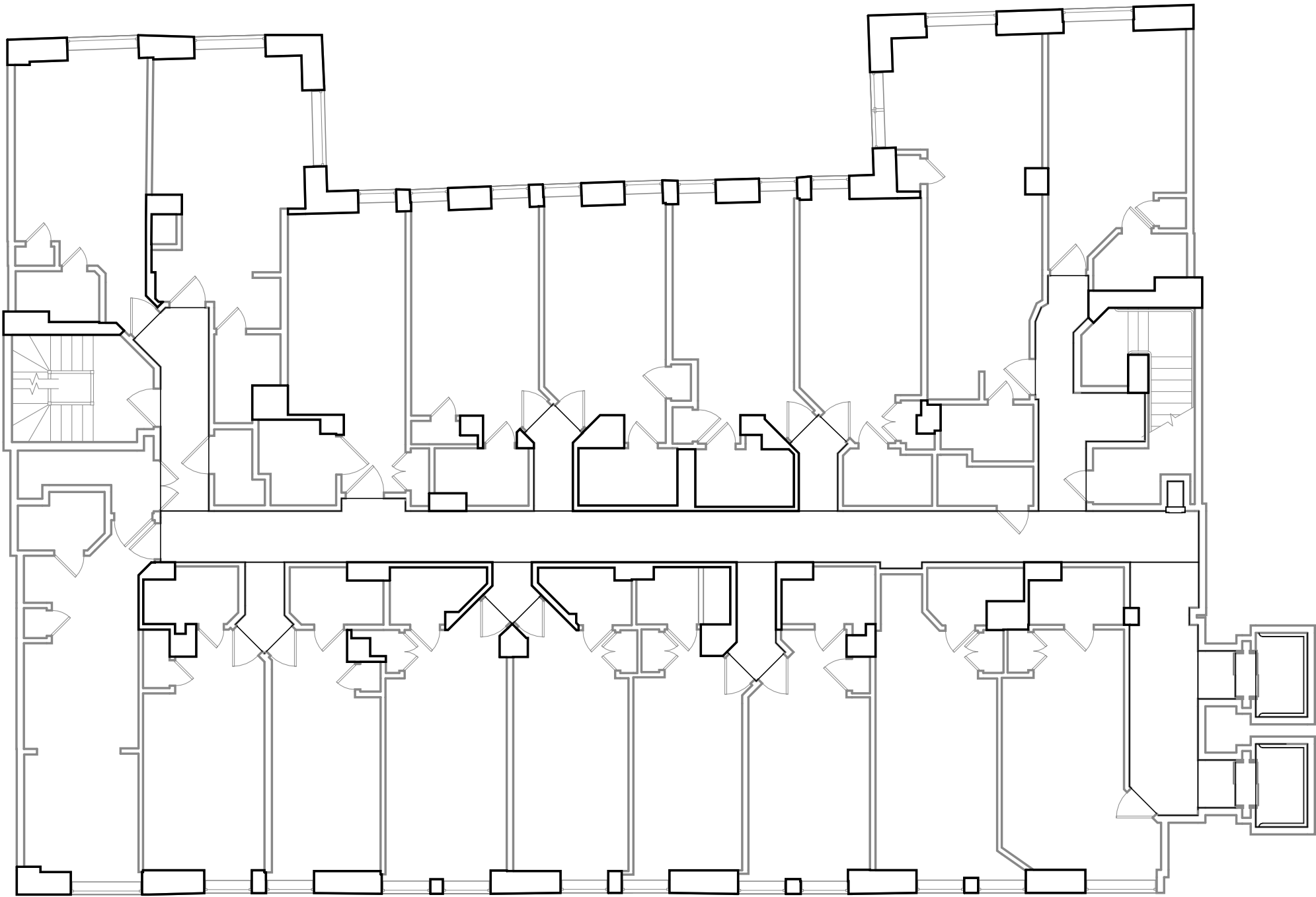


1

SECOND FLOOR - OVERALL PLAN

1" = 10'-0"

Bergmeyer BOS COL LA - 51 Sleeper St. 6th Floor Boston, MA 02210 617.542.1025 875 N High St. Suite 300 Columbus, OH 43215 380.900.8887 360 E 2nd St. Suite 300 Los Angeles, CA 90012 213.337.1090			SECOND FLOOR - OVERALL PLAN CLUB QUARTERS BOSTON - GUESTROOM FLOORS 161 DEVONSHIRE STREET BOSTON, MA 02110		JOB #: 20240300.00 SCALE: 1" = 10'-0" DATE: 01/23/26 DWN BY: HM CROSS REF:	SK-0.2 AAB 29
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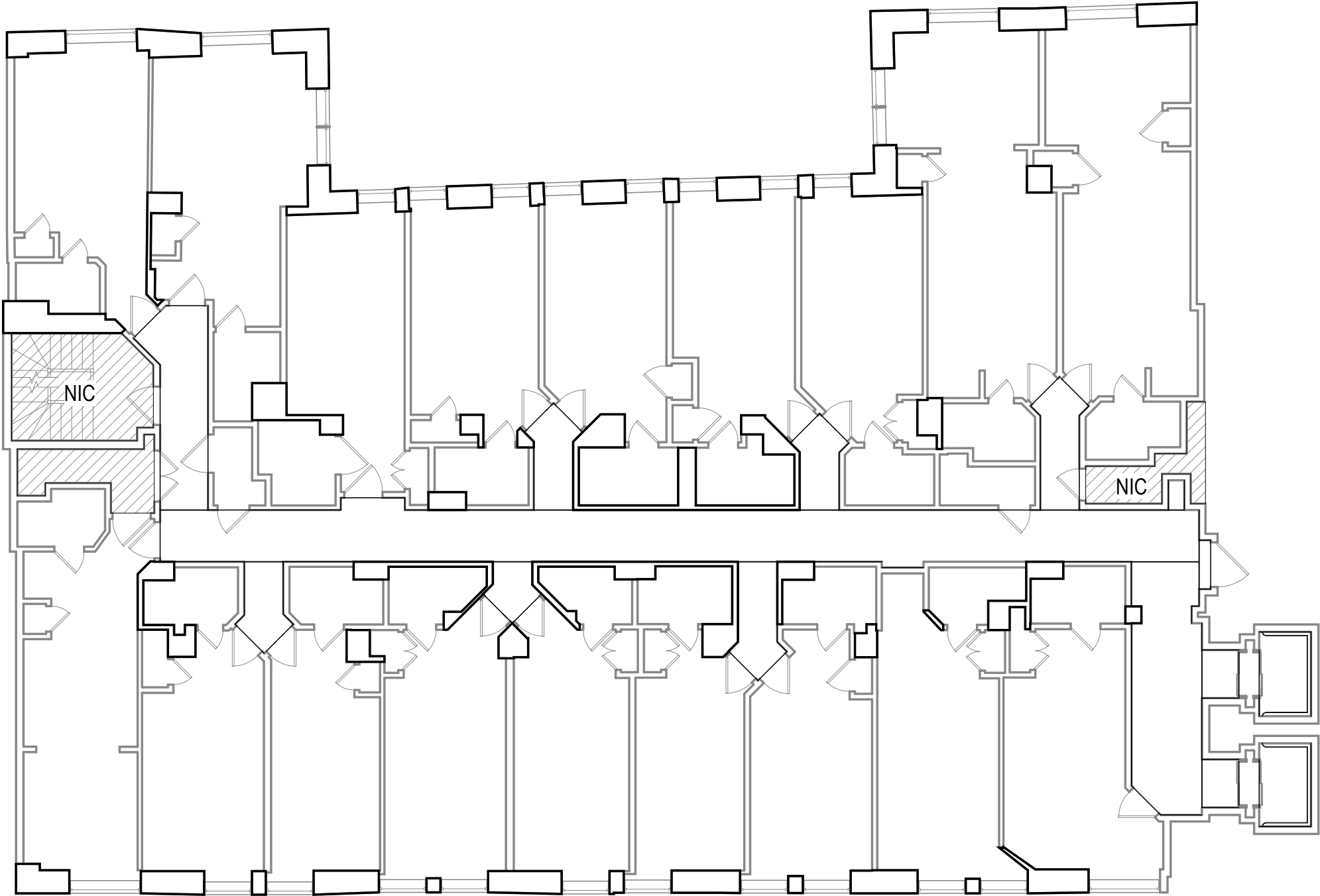


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THIRD FLOOR - OVERALL PLAN

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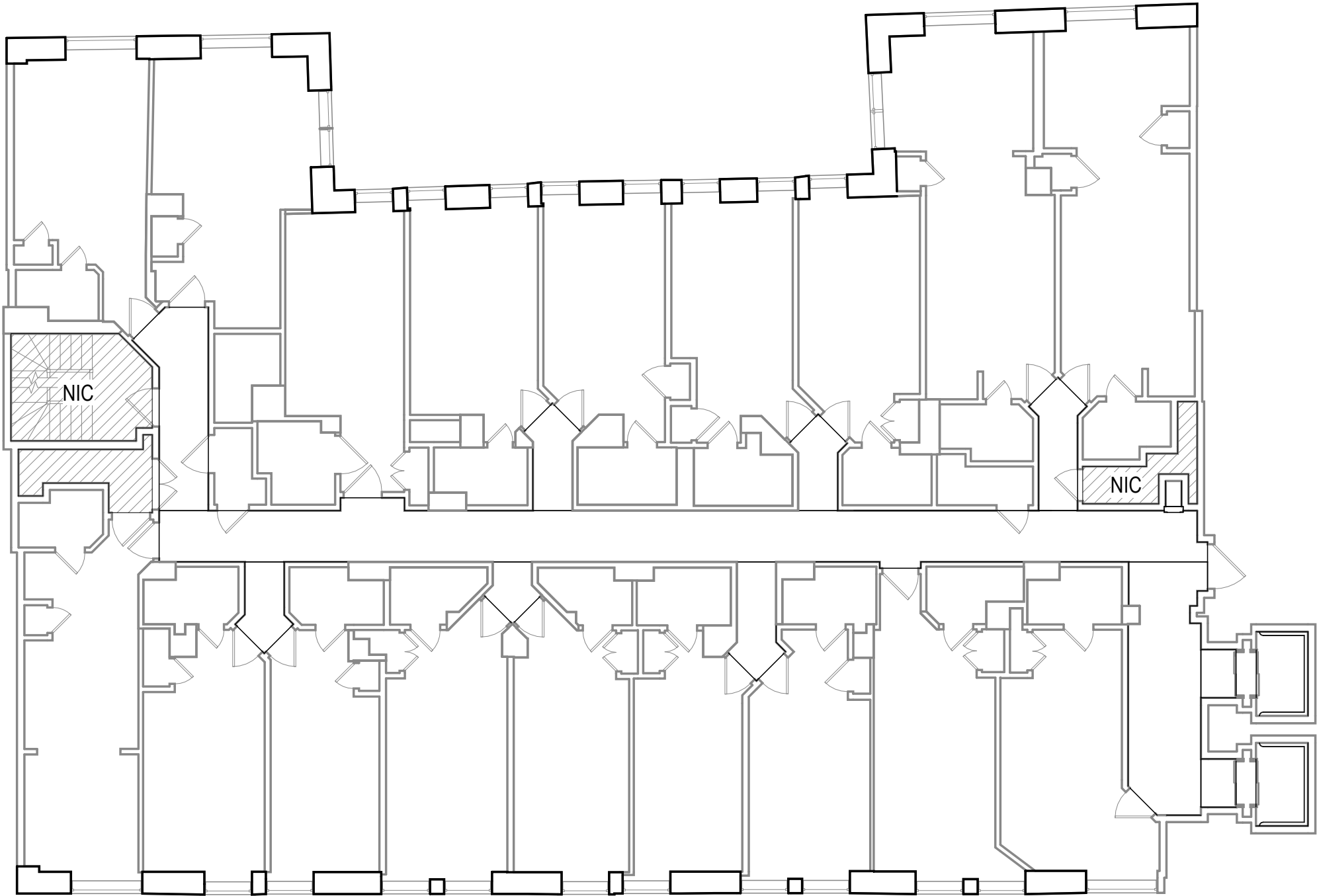
Bergmeyer BOS COL LA - 51 Sleeper St. 6th Floor Boston, MA 02210 617.542.1025 875 N High St. Suite 300 Columbus, OH 43215 380.900.8887 360 E 2nd St. Suite 300 Los Angeles, CA 90012 213.337.1090			THIRD FLOOR - OVERALL PLAN CLUB QUARTERS BOSTON - GUESTROOM FLOORS 161 DEVONSHIRE STREET BOSTON, MA 02110		JOB #: 20240300.00 SCALE: 1" = 10'-0" DATE: 02/11/26 DWN BY: HM CROSS REF:	SK-O.3 AAB 30
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FOURTH FLOOR - OVERALL PLAN

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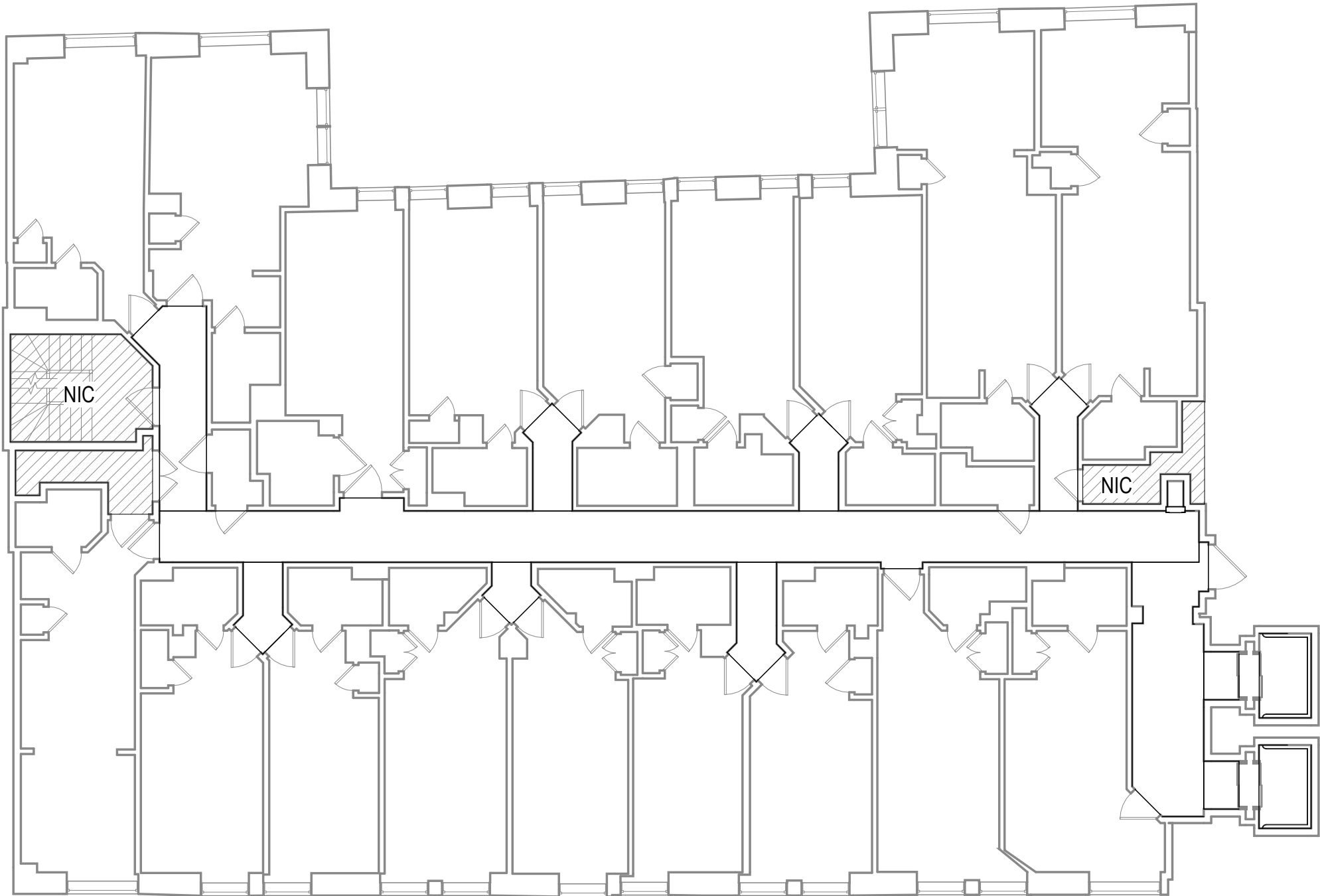


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FIFTH FLOOR - OVERALL PLAN

1" = 10'-0"

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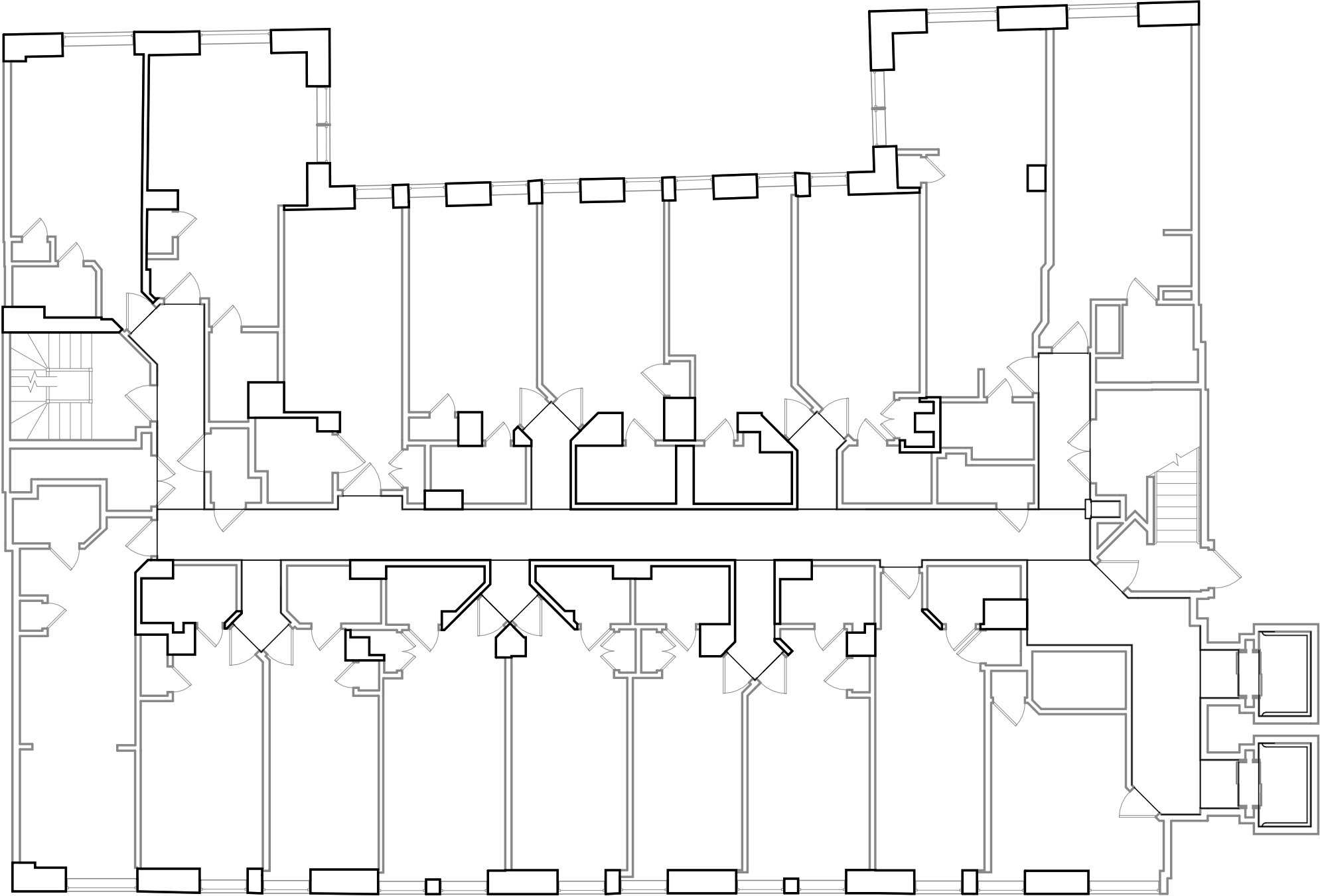


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SIXTH FLOOR - OVERALL PLAN

1" = 10'-0"

Bergmeyer BOS COL LA 51 Sleeper St. 6th Floor Boston, MA 02210 617.542.1025 875 N High St. Suite 300 Columbus, OH 43215 380.900.8887 360 E 2nd St. Suite 300 Los Angeles, CA 90012 213.337.1090			SIXTH FLOOR - OVERALL PLAN CLUB QUARTERS BOSTON - GUESTROOM FLOORS 161 DEVONSHIRE STREET BOSTON, MA 02110		JOB #: 20240300.00 SCALE: 1" = 10'-0" DATE: 02/11/26 DWN BY: HM CROSS REF:	SK-0.6 AAB 33
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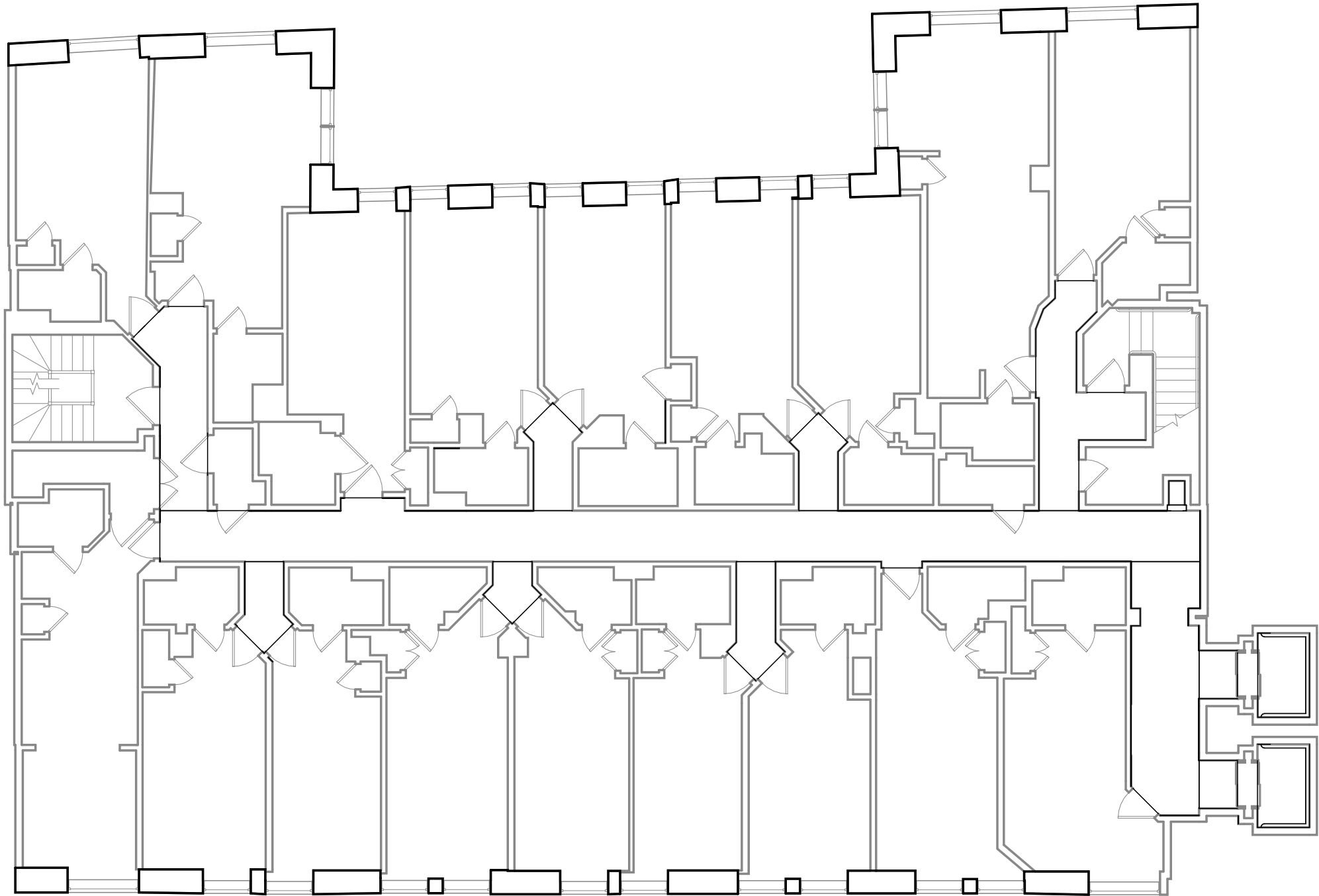


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SEVENTH FLOOR - OVERALL PLAN

1" = 10'-0"

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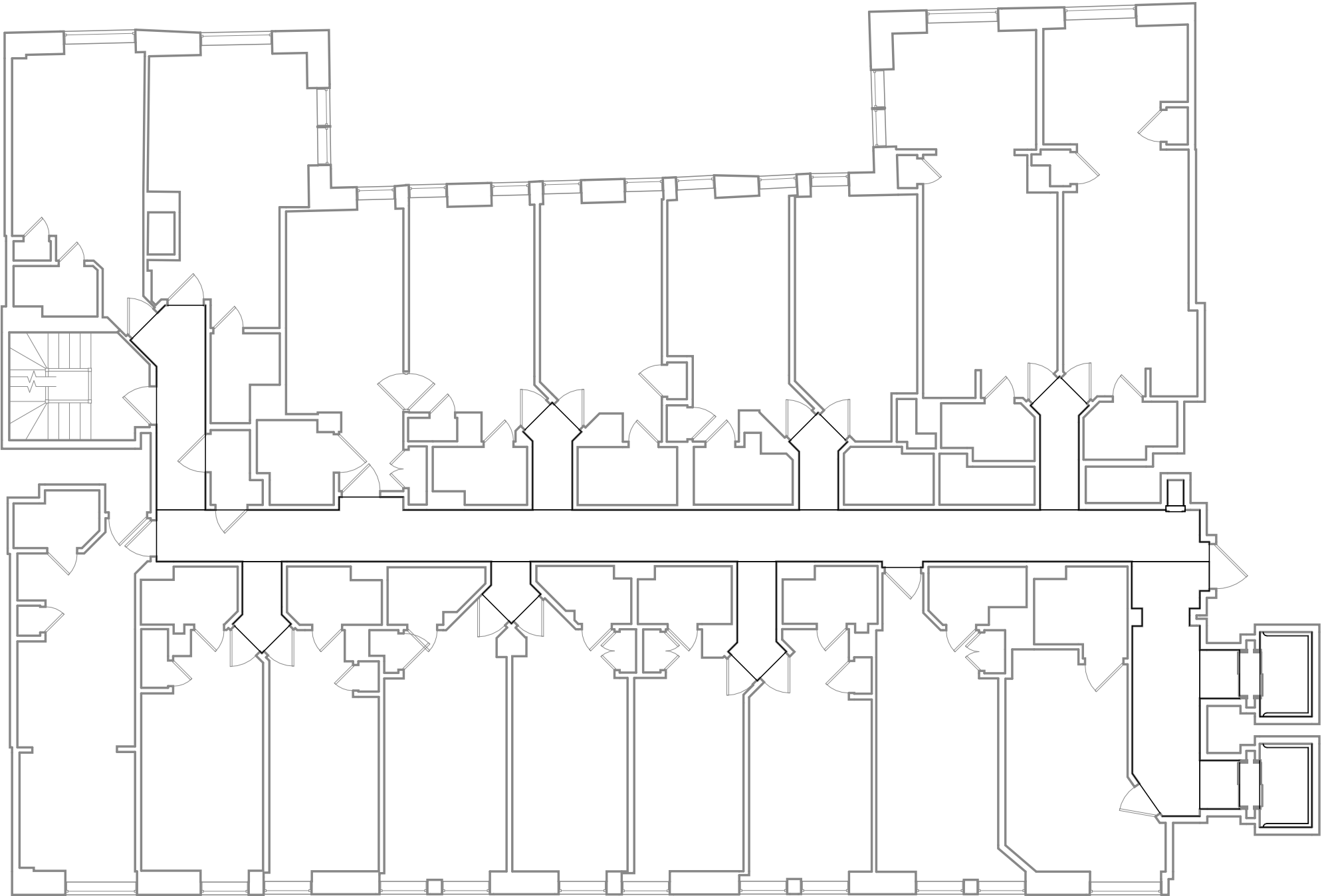


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EIGHTH FLOOR - OVERALL PLAN

1" = 10'-0"

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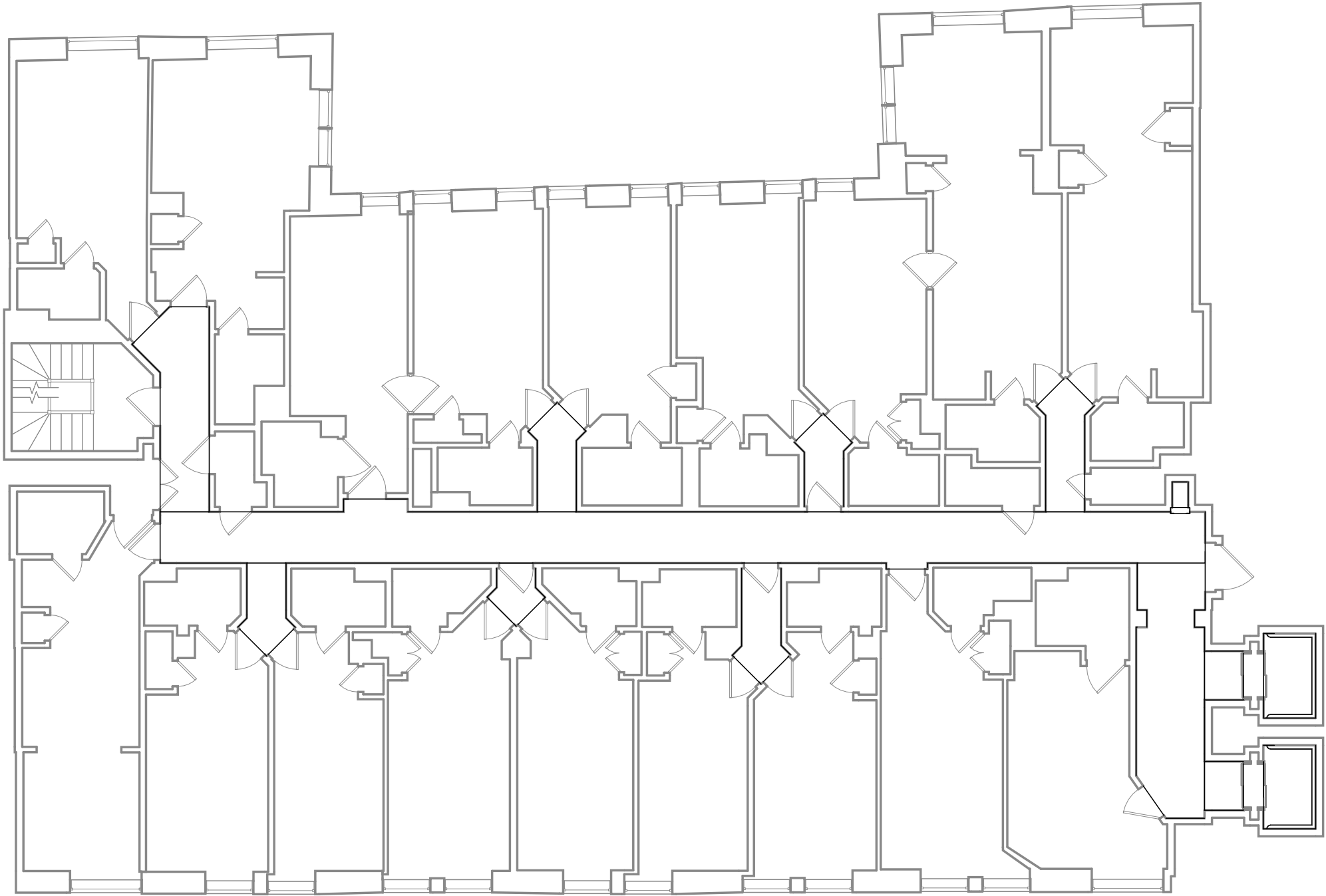


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NINTH FLOOR - OVERALL PLAN

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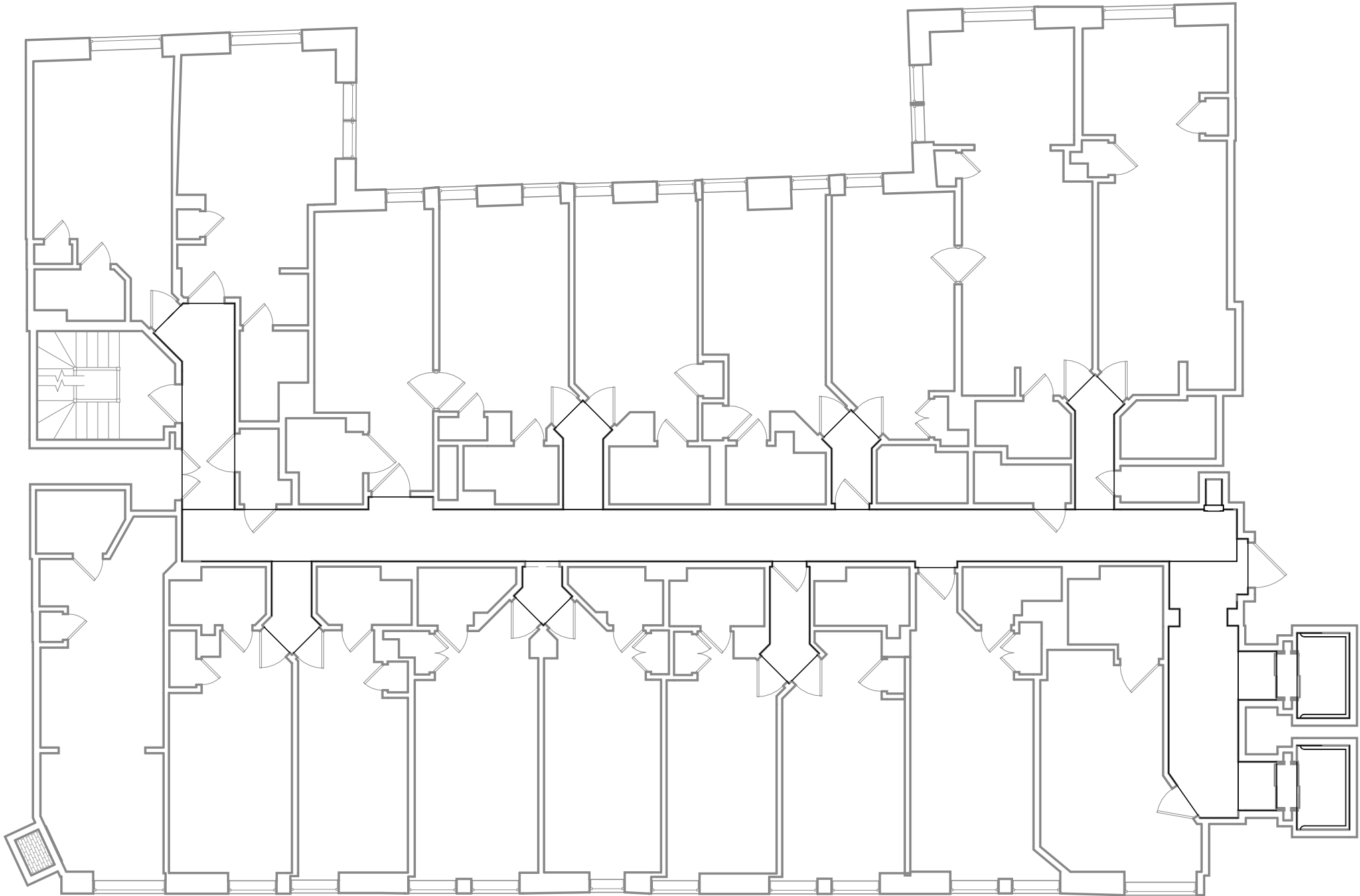
Bergmeyer BOS COL LA - 51 Sleeper St. 6th Floor Boston, MA 02210 617.542.1025 875 N High St. Suite 300 Columbus, OH 43215 380.900.8887 360 E 2nd St. Suite 300 Los Angeles, CA 90012 213.337.1090			NINTH FLOOR - OVERALL PLAN CLUB QUARTERS BOSTON - GUESTROOM FLOORS 161 DEVONSHIRE STREET BOSTON, MA 02110		JOB #: 20240300.00 SCALE: 1" = 10'-0" DATE: 02/11/26 DWN BY: HM CROSS REF:	SK-0.9 AAB 36
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1

TENTH FLOOR - OVERALL PLAN

1" = 10'-0"



1

ELEVENTH FLOOR - OVERALL PLAN

1" = 10'-0"

Bergmeyer BOS COL LA - 51 Sleeper St. 6th Floor Boston, MA 02210 617.542.1025 875 N High St. Suite 300 Columbus, OH 43215 380.900.8887 360 E 2nd St. Suite 300 Los Angeles, CA 90012 213.337.1090			ELEVENTH FLOOR - OVERALL PLAN CLUB QUARTERS BOSTON - GUESTROOM FLOORS 161 DEVONSHIRE STREET BOSTON, MA 02110		JOB #: 20240300.00 SCALE: 1" = 10'-0" DATE: 02/11/26 DWN BY: HM CROSS REF:	SK-O.11 AAB 38
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