

ARCHITECTURAL ACCESS BOARD- HEARING PACKET

Name	George Washington Hall	Docket #	V 25 - 148
Address	7 Chapel Avenue	Docket #	C -
City	Andover	Hearing	1/26/2026
Bldg Type		Time of hearing	11:00 AM
Complaint's Name		Plans on file?	
Complaint ?	Variance ?	Request for continuance?	
Jurisdiction:	3.3.2	If the work performed amounts to 30% or more of the full and fair cash value of the building, the entire building is required to comply with 521 CMR.	
Building Permits:	Anticipated construction cost: \$4,700,000		
Assessed Value:	\$6,074,000		

Exhibit: 1

V25-148

AAB 1-23

Variances to be addressed:

Petitioner seeks relief from: 14.4.1: Distribution: Whenever more than 150 seats are provided, wheelchair seating locations must be provided in more than one location

14.6: Where access is provided to the stage from within the place of assembly, an accessible route, within the place of assembly, from the wheelchair seating locations, to the stage/performing area must be provided

14.1: Places of assembly shall comply with all parts of 521 CMR, except as specified or modified in 521 CMR 14.00.

On August 10, 2025 the Board received an application for variance for the above referenced address and at the September 22, 2025 meeting the Board voted to Schedule a hearing. (See AAB 4-23)

On September 24, 2025 the Notice of Hearing was sent to all appropriate parties. (See AAB 2-3)

7 Chapel Avenue, Andover

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

Date Wed 9/24/2025 2:54 PM

Bcc Kevin Hastings <kevin@hastings-consulting.com>; gmurphy@nilp.org <gmurphy@nilp.org>;
building@andoverma.gov <building@andoverma.gov>; stephen.surette@andoverma.us
<stephen.surette@andoverma.us>

 2 attachments (1 MB)

George Washington Hall, 7 Chapel Avenue, Andover (V25-148) - Notice of Action.pdf; Notice of Hearing.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

YVONNE HAO
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 25 148**

RE: George Washington Hall , 7 Chapel Avenue , Andover

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **January 26, 2026** at **11:00 AM**. Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Joseph LabBuono for modification of or substitution of the following Rules and Regulations: Section 14. 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: September 24, 2025

cc: Local Building Inspector
Independent Living Center
Local Disability Commission



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
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

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UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

NOTICE OF ACTION

Docket Number **V 25 148**

RE: George Washington Hall , 7 Chapel Avenue , Andover

On August 10, 2025 the Architectural Access Board received an application submitted by Joseph LabBuono .
This application and all attached documentation were reviewed by the Board on September 22, 2025 .
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: September 23, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 4


Variance Request - 7 Chapel Avenue, Andover

From Kevin Hastings <kevin@hastings-consulting.com>

Date Sun 8/10/2025 2:31 PM

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

Cc stephen.surette@andoverma.us <stephen.surette@andoverma.us>; Danielle Akin <dakin@andover.edu>; building@andoverma.gov <building@andoverma.gov>; help@nilp.org <help@nilp.org>

 1 attachment (2 MB)

Variance Request-Tang Theater Phillips Academy-2025-08-10.pdf;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello:

Please find an application for variance attached.

Thank you.

Kevin

Kevin S. Hastings, P.E., LEED AP

HASTINGS CONSULTING INC.

Building, Fire & Access Codes

Fire Protection Engineering

142 Hanlon Road

Holliston, Massachusetts 01746

(508) 397-8417

kevin@hastings-consulting.com

www.hastings-consulting.com



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

1 Federal St., Suite 600 • Boston • MA • 02110
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:

George Washington Hall

Phillips Academy

7 Chapel Avenue

Andover, MA 01810

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

Trustees of Phillips Academy

180 Main Street

Andover, MA 01810

Attn: Danielle Akin

E-mail: dakin@andover.edu

Telephone: 978-749-4326

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

George Washington Hall is an existing building on the campus of Phillips Academy in Andover. The building contains the Tang Theater, Steinbeck Theater, drama lab, and other support spaces.

4. Total square footage of the building/facility: 84,765 ft²

Per floor: Varies

a. Total square footage of tenant space (if applicable): N/A

5. What was the original year of construction for the building/facility: The original Building was constructed in 1925, the Tang Theater was an addition in 1961.

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):

The proposed scope of work involves the complete removal and replacement of the existing roof, roof structure, and mechanical equipment of the Tang Theater. The only interior renovations included in the project are those necessary to comply with the building code and 521 CMR.

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 registered historic district

Academy Hill

☐

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>
A permit has yet to be applied for.		

(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:

\$4,700,000

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

If yes, state the date it was issued: 2025

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: \$6,074,000

Is the assessment at 100%? ☐ Yes ☒ No

If not, what is the town's current assessment ratio? 0.94

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

16.

Please list specific technical sections, not 521 CMR 3.**Request #1 Wheelchair Seating Locations**Section(s) for which you are seeking relief: 14.4.1Are you seeking temporary relief: ☐ Yes ☒ No

Types of Attachments for this Request:

[X] Floor/Site Plans, [X] Cost Estimates,

[X] Photographs, [] Test Drawings,

[] Other(s): _____

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):

A variance is requested to omit a wheelchair lift or other accessible route to the front section of the seating area. Wheelchair seating locations will be provided at the sides of the main level and in the balconies. This variance is requested because the cost of a lift (\$140,302) is excessive without substantial benefit to persons with disabilities. Installation of a lift would also result in a loss of seats, would change the symmetry of theater design which will change circulation within the theater and could impact performances.

Request #2 Accessible Route to StageSection(s) for which you are seeking relief: 14.6Are you seeking temporary relief: ☐ Yes ☒ No

Types of Attachments for this Request:

[X] Floor/Site Plans, [X] Cost Estimates,

[X] Photographs, [] Test Drawings,

[] Other(s): _____

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):

Currently the only accessible route to the stage is from the common corridor outside the theater. In order to provide an accessible route from the seating area to the stage without blocking egress stairs would require the installation of two vertical wheelchair lifts, one to the lower seating area of the theater (the subject of Variance #1 above) and a second from the lower seating area up to the stage level. This variance is requested because the cost of a two lifts (\$238,832) is excessive without substantial benefit to persons with disabilities. Installation of lifts would also result in a loss of seats, would change the symmetry of theater design which will change circulation within the theater and could impact performances.

Request #3 Accessible Route to Orchestra Pit

Section(s) for which you are seeking relief: 14.6

Are you seeking temporary relief: ☐ Yes ☒ No

Types of Attachments for this Request:

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

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):

In order to provide an accessible route from the seating area to the orchestra pit without blocking egress stairs would require the installation of two vertical wheelchair lifts, one to the lower seating area of the theater (the subject of Variance #1 above) and a second from the lower seating area down to the orchestra pit. This variance is requested because the cost of a two lifts (\$238,832) is excessive without substantial benefit to persons with disabilities. Installation of lifts would also result in a loss of seats and stage area, would change the symmetry of theater design which will change circulation within the theater and could impact performances. The school will institute a policy not to use the orchestra pit if there is a disabled student in the orchestra, rather the orchestra will be located on the stage.

Request #4 Accessible Route to Control Room

Section(s) for which you are seeking relief: 14.1

Are you seeking temporary relief: ☐ Yes ☒ No

Types of Attachments for this Request:

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

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):

The control room is located on the top balcony. The control room can't be expanded because there is a historic portrait of George Washington on the opposite side of the back wall. A variance is requested on the basis that the cost (\$28,881) to reconstruct the control room in order to provide access is excessive without substantial benefit to persons with disabilities. A portable control panel will be provided in an accessible location directly in front of the control room when needed to allow a person with disabilities to perform all the tasks that can be done within the control room. See included photos.

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:

Josephine Penta, AIA, NCARB, LEED AP – Senior Project Manager

Finegold Alexander Architects

77 North Washington Street

Boston, MA 02114

E-mail: jpenta@faainc.com

Telephone: 617-227-9272

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

Chris Clemente, Building Commissioner

Town of Andover Building Department

36 Barlet Street

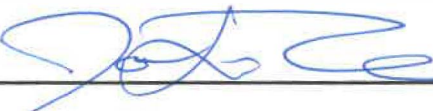
Andover, MA 01810

E-mail: building@andoverma.gov

Telephone: 978-623-8620

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

Date: 7/29/2025



Signature of owner or authorized agent (required)

PLEASE PRINT:

Danielle Akin Joseph LaBuono

Name

Phillips Academy

Organization (If Applicable)

180 Main Street

Address

Address 2 (optional)

Andover MA 01810

City/Town State Zip Code

dakin@andover.edu

E-mail

978-749-4326

Telephone

SERVICE NOTICE

I, Kevin S. Hastings, as Owner's Representative
(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	Town of Andover Building Department Attn: Chris Clemente, Building Commissioner 36 Bartlet Street Andover, MA 01810 building@andoverma.gov	Email	8/10/2025
2 Local Commission on Disability (If Applicable)	Andover Commission on Disability Attn: Stephen Surette stephen.surette@andoverma.us	Email	8/10/2025
3 Independent Living Center	Northeast Independent Living Program Attn: Matt Pellegrino, CEO 20 Ballard Road Lawrence, MA 01843 help@nilp.org	Email	8/10/2025

Kevin S. Hastings
Signature

8/10/2025
Date

Request # 5 Temporary Relief For Remainder of Building

Section(s) for which you are seeking relief: Various (See Below)

Are you seeking temporary relief Yes [X] No []

If yes, when do you propose to be in compliance by: July 1, 2030

Types of Attachments for this Request:

[] Floors/Site Plans, [] Cost Estimates,
[] Photographs, [] Test Drawings,
[] Other(s): _____

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):

Although the cost of the alterations to the Tang Theater alone will exceed 30% of the building's value, a variance is requested to allow the remainder of the building to be brought into full compliance at a later date. A separate project is currently in design to renovate the remainder of the building and will address the remaining deficiencies. The building is generally accessible with multiple accessible entrances, a modern elevator, accessible toilet rooms, and accessible drinking fountains, but has various other deficiencies (primarily non-compliant stair handrails (Section 27.4), non-compliant stair nosings (Section 27.3), and building room signage lacking raised characters and Braille in many locations (Section 41.5).

Request # _____

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

Are you seeking temporary relief Yes [] No []

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

Types of Attachments for this Request:

[] Floors/Site Plans, [] Cost Estimates,
[] Photographs, [] Test Drawings,
[] Other(s): _____

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):

ARCHITECTURAL ACCESS BOARD
LARGE VARIANCE TALLY SHEET

Request #	Section #	Description of Request	Vote
1	14.4.1	Accessible route to front of seating area.	
2	14.6	Accessible route to stage.	
3	14.6	Accessible route to orchestra pit.	
4	14.1	Accessible route to control booth.	
5	Various – See Application	Temporary relief to delay compliance.	

Attach additional sheets if necessary.



Phillips Academy
Andover, MA



Building:

George Washington Hall
7 Chapel Avenue

Bldg. #:

169

Fl:

1

File:

169FL1.dwg

Date:

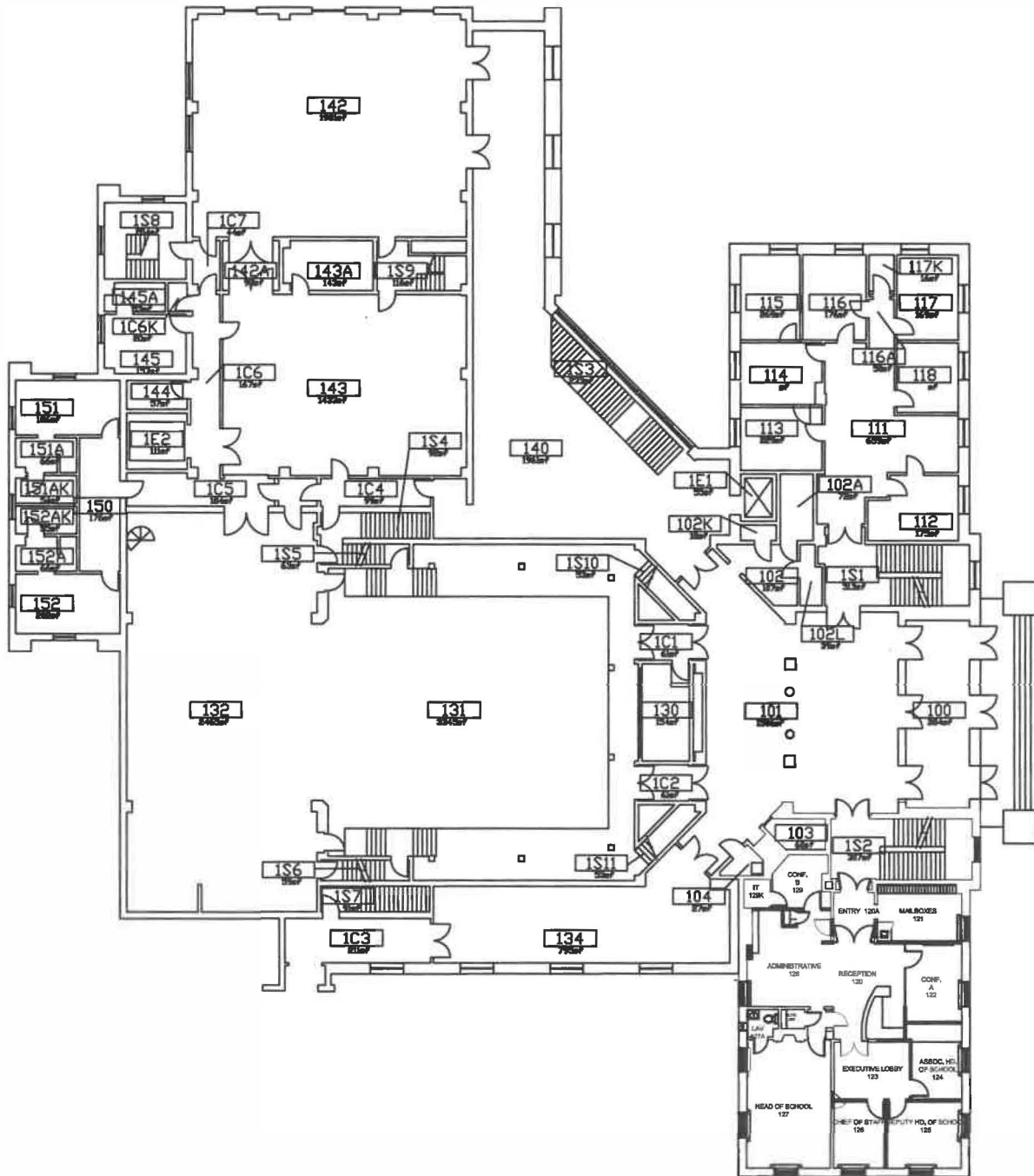
Feb. 2, 2023

Scale:

1" = 30'-0"

Sheet #:

2 of 5



This is a diagrammatic plan of the building layout. Discrepancies may be present and changes may have occurred that are not reflected here. Users of these plans are warned that it is unsafe to assume that they are dimensionally accurate.

AAB 13



Phillips Academy
Andover, MA



Building:

BLOCK Plan

George Washington Hall
7 Chapel Avenue

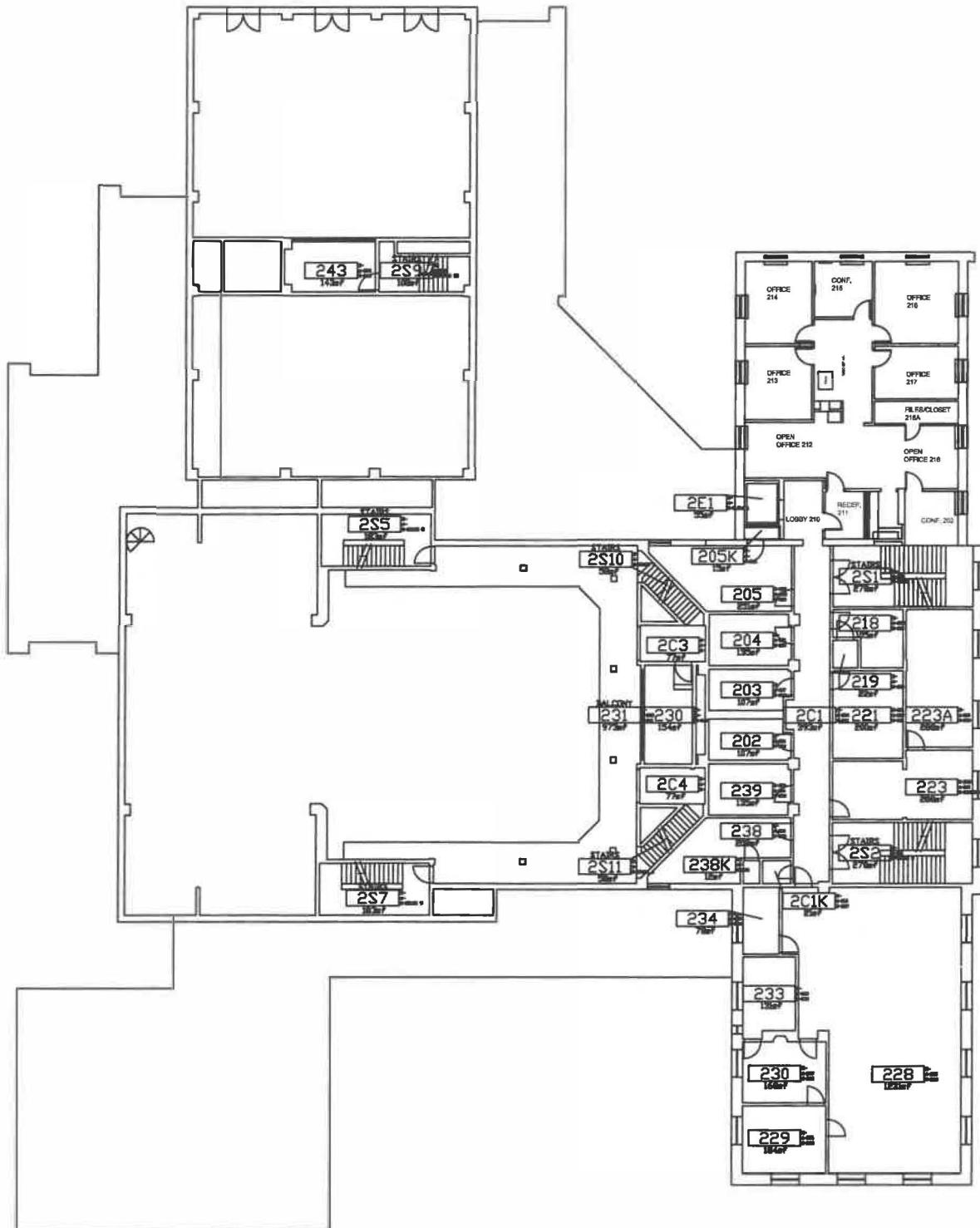
Bldg. #: 169
Fl: 2

File:
169FL2.dwg

Date:
Feb. 2, 2023

Scale:
1" = 30'-0"

Sheet #: 3 of 3



This is a diagrammatic plan of the building layout. Discrepancies may be present and changes may have occurred that are not reflected here. Users of these plans are warned that it is not safe to assume that they are dimensionally accurate.

AAB 18



Phillips Academy
Andover, MA



Block Plan

Building:

George Washington Hall
7 Chapel Avenue

Bldg. #:

169

Fl:

3

File:

169FL3.dwg

Date:

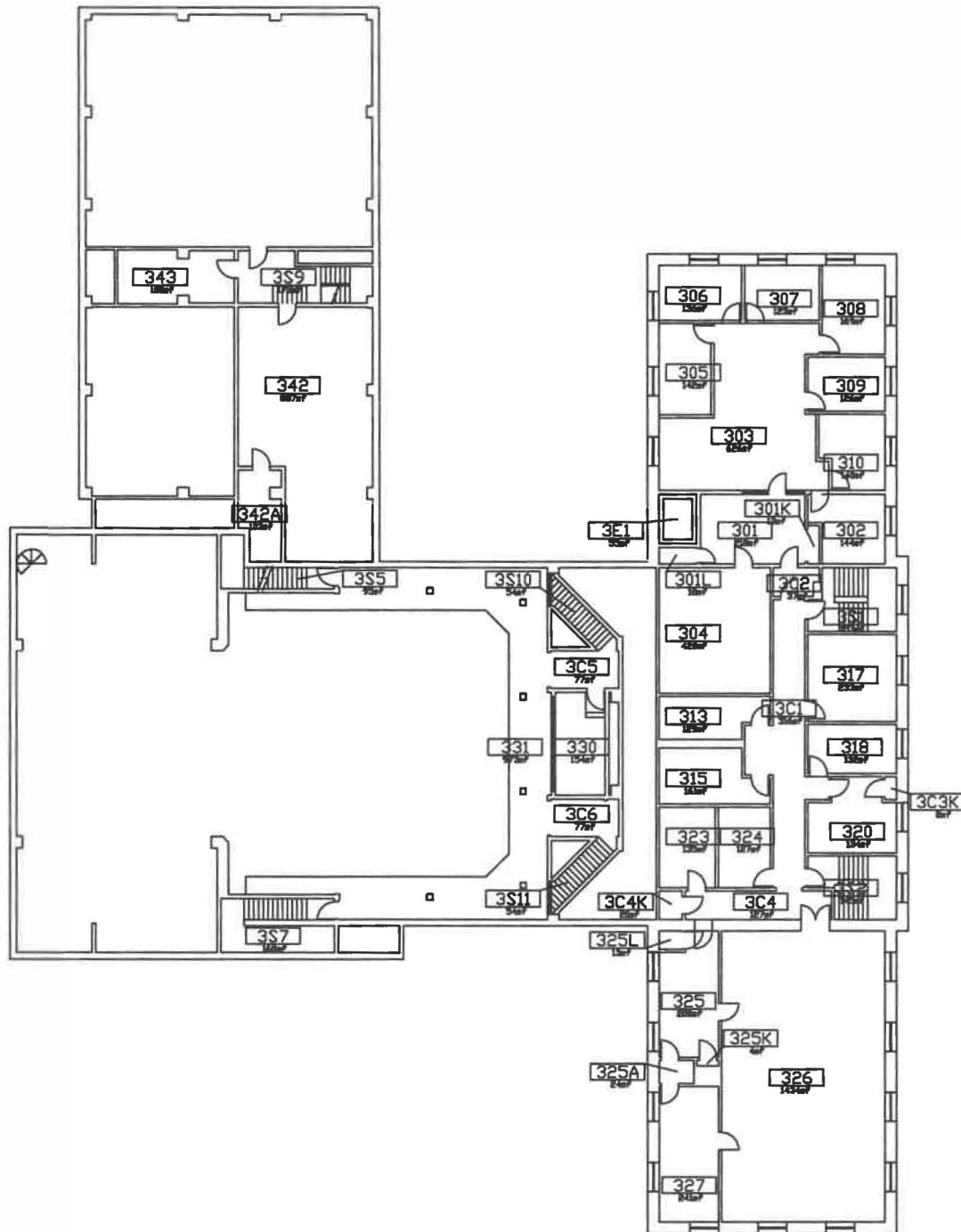
August 20, 2012

Scale:

1" = 30'-0"

Sheet #:

4 of 5



This is a diagrammatic plan of the building layout. Discrepancies may be present and changes may have occurred that are not reflected here. Users of these plans are warned that it is unsafe to assume that they are dimensionally accurate.

AAB18

ERLAND.

Philips Academy, Andover, MA
Order of Magnitude Estimates

July 10, 2025

Tang Theatre ADA Upgrades

Program Area

1	Lift Utilization for ADA access from Upper Seating Level to Lower Seating Level (Per A111)	\$140,302
2	Lift Utilization for ADA access from Lower Seating Level to Stage (Per A111)	\$98,530
3	Backstage Door Utilization for ADA access to Lower Seating Level & Stage (Per A111)	\$36,197
4	Lift from Stage/Lower Level to Orchestra Pit	\$98,530
5	Access to Control Booth	\$28,881

Exclusions:

- Building Permit Fees
- Abatement
- Builders Risk Insurance
- Cost Escalation
- Shoring
- Moving or Relocation of Existing M,E,P, FP Systems to accommodate new work

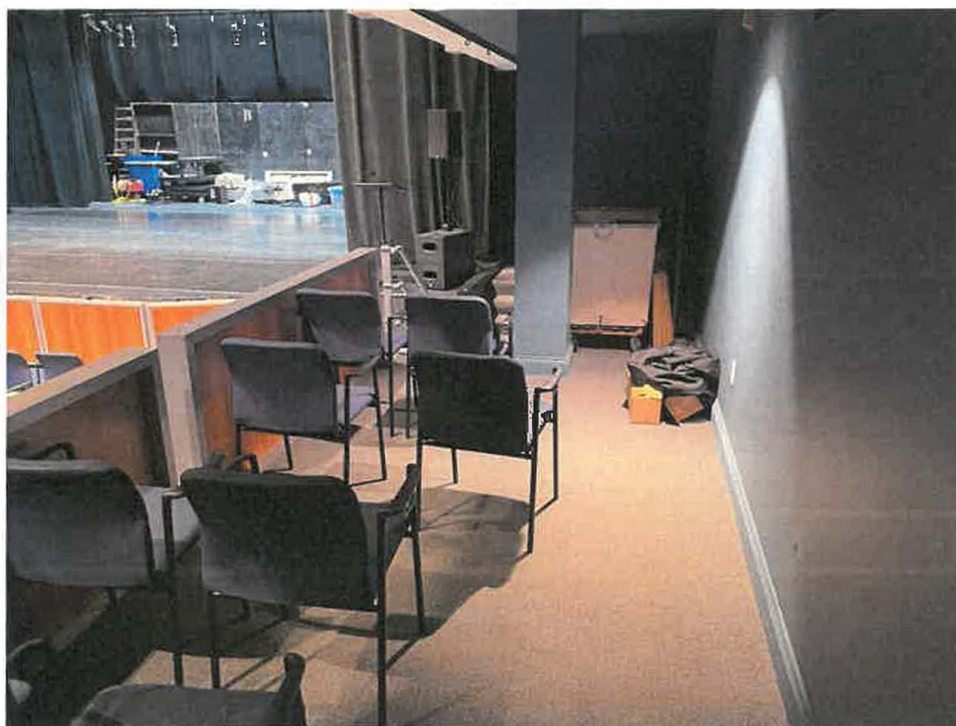
Tang Theater Photos



View From Stage



View From Balcony



Accessible Seating Locations at Sides of Main Level



Control Booth