

ARCHITECTURAL ACCESS BOARD- HEARING PACKET

Name	Passenger Drop Zone	Docket #	V 25 - 139
Address	330 Homer Street	Docket #	C -
City	Newton	Hearing	1/12/2026
Bldg Type		Time of hearing	2:00 PM
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:	Anticipated construction cost: \$395,000		
Assessed Value:	Exhibit: 1 V25-139 AAB 1-25		

Variances to be addressed:

Petitioner seeks relief from: 21.3: The least possible slope should be used for any ramp. The maximum slope shall be one-in-12 (1:12) (8.3%).

22.3.1: Nowhere shall the cross slope of walkways exceed one-in-50 (1:50) (2%). (Refer to 521 CMR 2.4.4d.)

On July 30, 2025 the Board received an application for variance for the above referenced address and on August 25, 2025 the Board voted to Continue for more information. (See AAB 9-25)

On August 28, 2025 the Board received additional information from the petitioner and on September 8, 2025 the Board voted to Schedule a hearing. (See AAB 2-8)

330 Homer Street, Newton

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

Date Wed 9/10/2025 1:55 PM

Bcc Melissa Panza <mpanza@newtonma.gov>; Michael Muehe <Mmuehe@bostoncil.org>; dfinamore@newtonma.gov <dfinamore@newtonma.gov>; Sharon Cullins <scullins@newtonma.gov>

 2 attachments (1 MB)

(V25-139) - First Amended Notice of Action.pdf; Notice of Hearing.pdf;

Good afternoon,

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

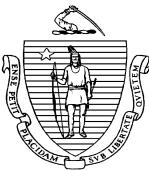
If you require a paper copy of a Notice or Decision, you may contact me to request one but be aware that the delivery of physical copies may be delayed.

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 25 139**

RE: Passenger Drop Zone, 330 Homer Street, Newton

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **January 12, 2026** at **2:00 PM**. Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Alfredo Vargas, PE for modification of or substitution of the following Rules and Regulations: 21.3, 22.3.1. 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

Dawn Grannellor WT

Chairperson

Date: September 10, 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**

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Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

FIRST AMENDED NOTICE OF ACTION

Docket Number V 25 139

RE: Passenger Drop Zone , 330 Homer Street , Newton

On August 28, 2025 the Architectural Access Board received an additional submission from Petitioner. The additional documents were reviewed by the Board on September 8, 2025. At that meeting, the Board voted as follows:

#	<u>Section</u>	<u>Result</u>
1	21.3	SCHEDULE a hearing for this request. See attached Notice of Hearing.
2	22.3.1	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 9, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Grannellor WT

Chairperson

ARCHITECTURAL ACCESS BOARD

AAB 4



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
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SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

FIRST AMENDED NOTICE OF ACTION

Docket Number V 25 139

RE: Passenger Drop Zone , 330 Homer Street , Newton

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Date: September 9, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Grannellor WT

Chairperson

ARCHITECTURAL ACCESS BOARD

AAB 5

Re: Passenger Drop off Zone, 330 Homer Street, Newton

From Melissa Panza <mpanza@newtonma.gov>

Date Thu 8/28/2025 8:14 AM

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

1 attachment (5 MB)

IMG_0365.jpeg;

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.

Good morning,

Thank you for the notice. As of now the construction has been completed. The notice is asking for clarification.

1. The now constructed running slope of the curb ramp is 17.8%.
2. The now constructed cross slope of the walkway varies with an average of 3.4%.

Please see attached photo.

Thank you,
Melissa Panza
Assistant Design Engineer
City of Newton
1000 Commonwealth Ave
Newton, MA 02459
Phone: 617-796-1022

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Sent: Wednesday, August 27, 2025 2:11 PM
Subject: Passenger Drop off Zone, 330 Homer Street, Newton

[**DO NOT OPEN** links/attachments unless you are sure the content is safe.]

Good afternoon,

Please find attached the Notice or Decision 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

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.



AAB 8



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
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UNDERSECRETARY OF CONSUMER
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SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

NOTICE OF ACTION

Docket Number **V 25 139**

RE: Passenger Drop Zone , 330 Homer Street , Newton

On July 30, 2025 the Architectural Access Board received an application submitted by Alfredo Vargas, PE . This application and all attached documentation were reviewed by the Board on August 25, 2025 . At that meeting, the Board voted as follows:

#	<u>Section</u>	<u>Result</u>
1	21.3	CONTINUED to request Petitioner provide the Board with: clarify whether the proposed slope is 10.1% or 17%, as the Board considers any running slope above 15% to be a potentially serious safety hazard
2	22.3.1	CONTINUED to request Petitioner provide the Board with: continue for updated drawings showing the proposed cross-slope of the walkway

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: August 27, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Patricia Mendez WT

Chairperson
ARCHITECTURAL ACCESS BOARD **AAB 9**

Re: Variance Application-Homer St, Newton, MA

From Melissa Panza <mpanza@newtonma.gov>

Date Wed 7/30/2025 1:47 PM

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

Cc Anthony Ciccariello <acicciarello@newtonma.gov>; Sharon Cullins <scullins@newtonma.gov>; Jini Fairley <jfairley@newtonma.gov>; Michael Muehe <Mmuehe@bostoncil.org>

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.

Hi Molly,

Yes you are correct.

Thank you,

Melissa Panza
Assistant Design Engineer
City of Newton
1000 Commonwealth Ave
Newton, MA 02459
Phone: 617-796-1022

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

Sent: Wednesday, July 30, 2025 1:36 PM

To: Melissa Panza <mpanza@newtonma.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>

Cc: Anthony Ciccariello <acicciarello@newtonma.gov>; Sharon Cullins <scullins@newtonma.gov>; Jini Fairley <jfairley@newtonma.gov>; Michael Muehe <Mmuehe@bostoncil.org>

Subject: Re: Variance Application-Homer St, Newton, MA

[**DO NOT OPEN** links/attachments unless you are sure the content is safe.]

Hi Melissa,

Thank you- just to confirm the variance application has two requests for relief 1 from 21.3 and the second from 22.3.1- is that accurate? Just want to make sure I document it correctly.

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

From: Melissa Panza <mpanza@newtonma.gov>
Sent: Wednesday, July 30, 2025 12:00 PM
To: Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Cc: Anthony Ciccariello <aciccarriello@newtonma.gov>; Jini Fairley <jfairley@newtonma.gov>; Michael Muehe <Mmuehe@bostoncil.org>
Subject: Variance Application-Homer St, Newton, MA

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.

Mr. Joyce and Ms. Griffin,
Attached you will find the variance application along with supporting documents.
Please let me know if you have any questions.

Thank you,
Melissa Panza
Assistant Design Engineer
City of Newton
1000 Commonwealth Ave
Newton, MA 02459
Phone: 617-796-1022

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

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**Commonwealth of Massachusetts
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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:

Permit #	Date of Issuance	Value of Work

(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:

Please list specific technical sections, not 521 CMR 3.

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: _____

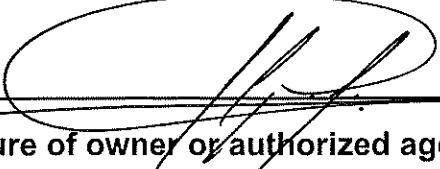
18. State the name and address of the building inspector responsible for overseeing this project:

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: 7/30/2025


Signature of owner or authorized agent (required)

PLEASE PRINT:

Alfredo Vargas, PE

Name

City of Newton

Organization (If Applicable)

1000 Commonwealth Ave

Address

Address 2 (optional)

Newton, MA 02459

City/Town

State

Zip Code

avargas@newtonma.gov

E-mail

617-796-1025

Telephone

SERVICE NOTICE

I, Alfredo Vargas, PE
(Name)

, as Owners Representative
(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:

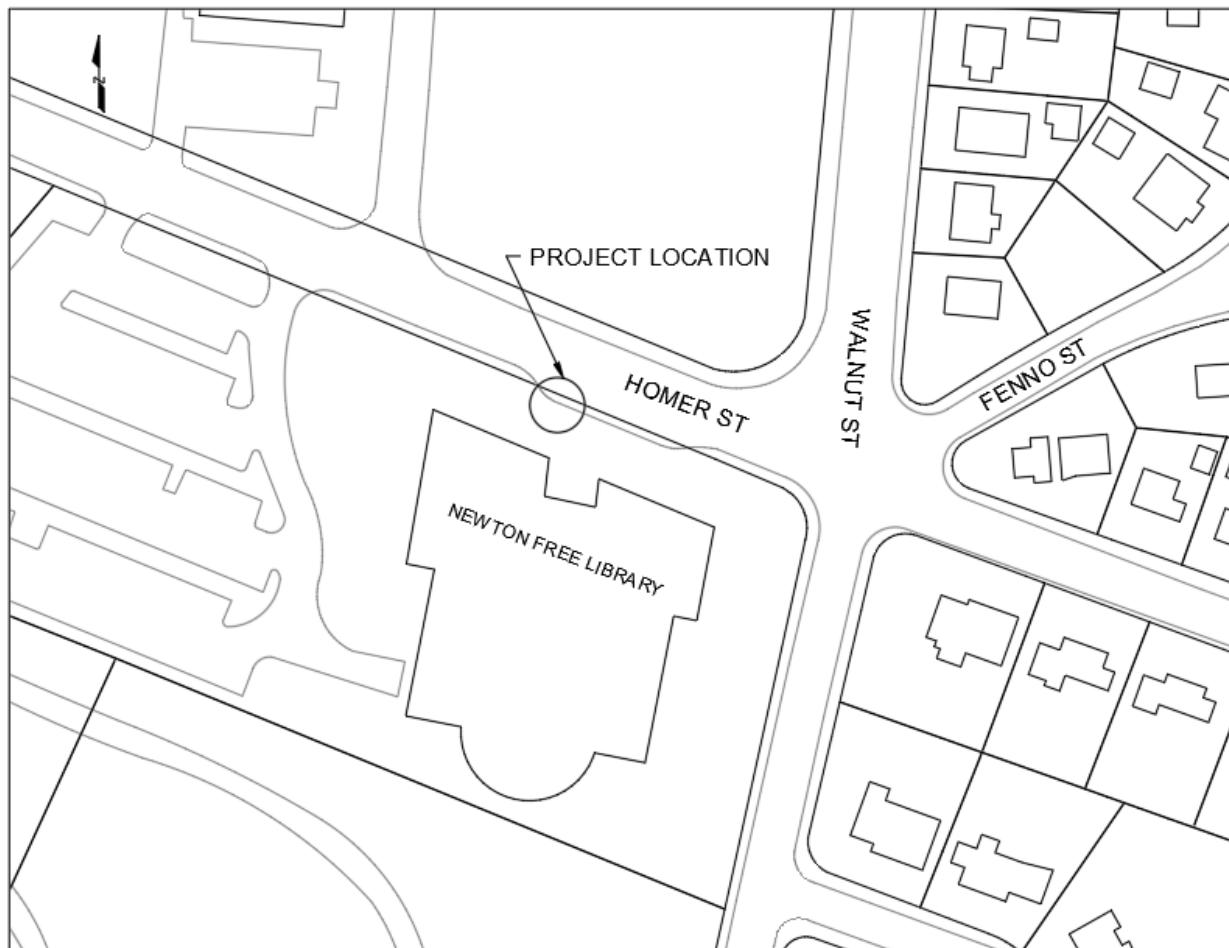
<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>		<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1 Building Department	Anthony Ciccarello, Commissioner of Inspectional Services, City of Newton, MA 02459	Electronic	7/30/25
2 Local Commission on Disability (If Applicable)	Jini Fairley, ADA Coordinator, 1000 Commonwealth Ave, Newton, MA 02459	Electronic	7/30/25
3 Independent Living Center	Michael Muehe, Access Analyst Boston Center for Independent Living (BCIL)	Electronic	7/30/25

Signature

7/30/2025
Date

Variance Request Narrative:

This project consists of reconstructing a curb ramp and sidewalk in front of the Newton Free Library on Homer St. The scope of work includes a cement concrete curb ramp, cement concrete sidewalk, removing and resetting granite curbing, pavement markings and signage.



Locus Map

Existing Conditions:

This location is abutting the travel way on Homer St eastbound and functions as a pull off mostly for live parking in front of the Newton Free Library, with the acceptance of one accessible parking space. The existing curb ramp has an opening of 4' wide, no detectable warning panel, no level landing area and a front to back slope of almost 11%. The sidewalk to the east of the ramp is 7.5' wide, in fair condition and has an existing average cross slope of 5-6%, some gaps at the joints and temporary repairs made with asphalt. At the back of the sidewalk, within the property of the library, is a large brick plaza.



Existing Curb Ramp



Existing Drop Off Area, Curb Ramp and Sidewalk Looking East



Existing Roadway Looking West

Variance Request:

The curb ramp and adjacent sidewalk needs to be improved in conjunction with the mill and overlay of the roadway. I would like to request a variance for the curb ramp to exceed the maximum allowed slope of 8.33%, as stated in 521 CMR 21.3. Due to the brick plaza in front of the library, we must maintain the elevation at the back of the proposed level landing. Due to the existing roadway topography, which must be maintained for drainage reasons, we must maintain the existing elevation at the bottom of the ramp. The improvements to the reconstructed curb ramp are creating a level landing area, a larger opening of 5' and adding a detectible warning panel. Please see the attached concept plan.

The second request would be for the cross slope of the sidewalk in the drop off area, within the limits of the brick plaza only. The curb will be reset and raised as must as possible to lessen the slope but will still exceed the allowed slope of 2%, as stated in 521 CMR 22.3.1. The condition of the cement concrete sidewalk will be greatly improved, and the cross slope will be less steep. Please see the attached concept plan.

WALNUT STREET

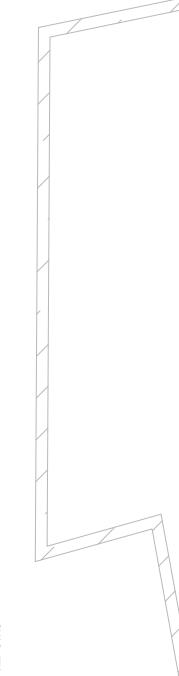
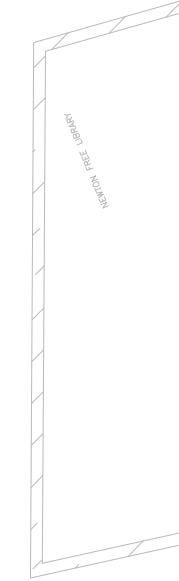
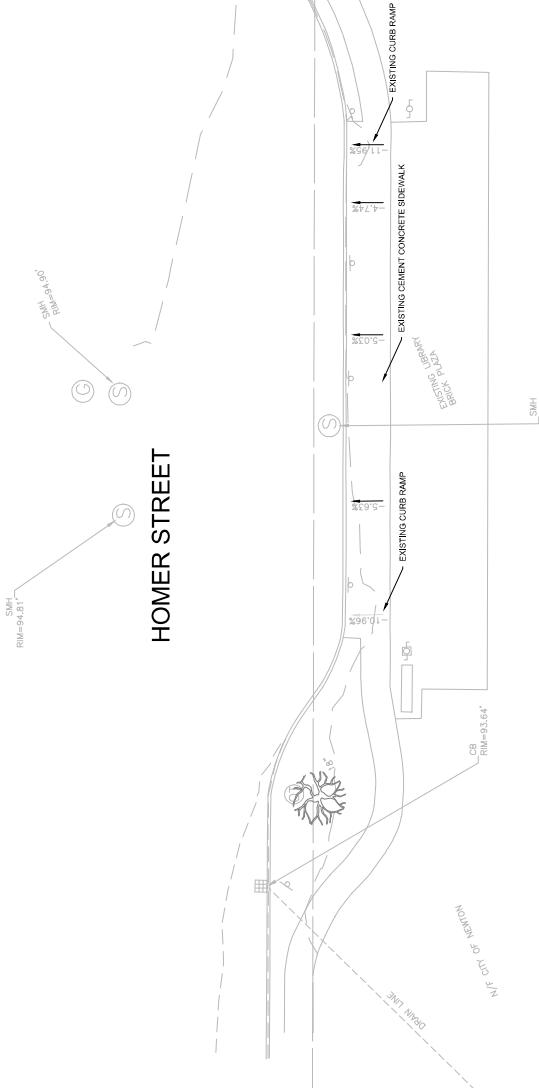
N/F CDT OF NEWTON

N/F CDT OF NEWTON
Rim=94.81'

N/F CDT OF NEWTON
Rim=94.95'
Slope
Rim=94.81'

HOMER STREET

CITY OF NEWTON
MASSACHUSETTS
APPROVED BY: [Signature]
DESIGNER: BRIAN M. PANZA
SHEPHERD BY: [Signature]



CITY OF NEWTON
MASSACHUSETTS
EXISTING CONDITIONS
FOR THE
PEDESTRIAN IMPROVEMENTS
AT
HOMER ST LIBRARY DROP OFF AREA

SCALE: 1" = 10'

PAGE 1 OF 1

DATE: 7/22/2025

AAB 24

