

ARCHITECTURAL ACCESS BOARD- HEARING PACKET

Name **Tangerini's Spring Street Farm**
Address **139 Spring Street**
City **Millis**

Docket # V 22 - 042

Docket # C

Hearing

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:

Ramp cost: \$7,948 (from 2023 application)

Anticipated cost: \$8,750 (from 2024 application)

Assessed

Value:

Anticipated cost: Several hundred thousand dollars (from 2025 application)

\$539,800

Exhibit: 1

V22-042

AAB 1-72

Variances to be addressed:

Petitioner seeks relief from 30.1: Each public toilet room provided on a site or in a building shall comply with 521 CMR.

On March 11, 2022 the Board received an application for the above referenced address and at the March 28, 2022 meeting the Board voted to Grant temporary relief until April 1, 2023 for both the accessible route and the restroom. (See AAB 59-72)

On March 21, 2023 the Board received an amended application and at the March 27, 2023 meeting the Board voted to Grant relief for the accessible route until April 1, 2024 and to grant relief for the restroom until April 1, 2026. (See AAB 45-58)

On March 4, 2024 the Board received an amended application and at the March 11, 2024 meeting the Board voted to grant temporary relief for the accessible route until April 15, 2025 and noted the Board is not inclined to grant any further extensions. (See AAB 17-44)

On November 21, 2025 the Board received an amended application- the application noted that their accessible route to the patio was completed, but they were now seeking permanent relief from section 30.1 for the restroom. That same day, the Board received a statement from the MetroWest Center for Independent Living indicating their support for a hearing to be scheduled. On December 16, 2025 the Board voted to continue for test drawings and cost estimates for a compliant toilet room and Scheduled a hearing. (See AAB 2-16)

Re: Variance V22-042

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

Date Tue 4/28/2026 3:51 PM

To Linda Chiarizio <tangerinifarm@gmail.com>; Joyce, William (DPL) <William.Joyce@mass.gov>

Cc rfogarty@millisma.gov <rfogarty@millisma.gov>

Hi Linda,

I just spoke with Will about this. Our view is based on the last discussion when this case was in front of the Board in December 2025, relief is extended until this case is adjudicated/heard on the hearing in June, which would allow you to open this Friday. We are going to bring this case to them at the next Board meeting on May 11th to see if they need any more information before the June hearing and from there, I will let you know.

Please let me know if you have any other questions.

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: Linda Chiarizio <tangerinifarm@gmail.com>

Sent: Monday, April 27, 2026 11:39 AM

To: Joyce, William (DPL) <William.Joyce@mass.gov>

Cc: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; rfogarty@millisma.gov <rfogarty@millisma.gov>

Subject: Variance V22-042

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,

On November 21, 2025 I sent in a request for a hearing in accordance with variance V22-042. The hearing was granted on December 16, 2025 and scheduled for June 1, 2026. Seeing that the hearing was requested months before of variance expires and the hearing date was set for after our variance technically expires, I assumed (poor decision on my part) that the variance would remain active until the hearing on June 1, 2026. Will we be able to obtain an extension on the variance until the hearing date of June 1st? I should have reached out about this sooner, I honestly didn't even think about it. We're supposed to be opening up for the season this Friday and now I'm scrambling to see what we can do. I'm so sorry that this is such last minute. Please let me know if there's anything that I can do to ensure that we can open on schedule.

Thank you,

Linda Chiarizio
Owner
Tangerini's Spring Street Farm



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 22 042**

RE: Tangerini's Spring Street Farm , 139 Spring Street, Millis

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **June 1, 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: Linda Chiarizio for modification of or substitution of the following Rules and Regulations: 30.1
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 Guannella WT

Chairperson

Date: December 16, 2025

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

THIRD AMENDED NOTICE OF ACTION

Docket Number V 22 042

RE: Tangerini's Spring Street Farm , 139 Spring Street , Millis

On November 21, 2025 the Architectural Access Board received an additional submission from Petitioner. The additional documents were reviewed by the Board on December 15, 2025. At that meeting, the Board voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	30.1	CONTINUED to request Petitioner provide the Board with: test drawings and a cost estimate for a compliant toilet room.
2	30.1	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: December 16, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT
Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 5

Tangerini Farm V22-042 amendment

From Mark Dempsey <mdempsey@mwil.org>

Date Fri 11/21/2025 11:46 AM

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

Cc tangerinifarm@gmail.com <tangerinifarm@gmail.com>; Simone, Sadie <ssimone@mwil.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.

Afternoon Board Members,

The MWCIL supports a hearing being scheduled on the variance for the Tangerini Farm in Millis.

--

Mark Dempsey
Independent Living Coordinator
MetroWest Center for Independent Living
One Clarks Hill, Suite 200
Framingham, MA 01702
508-875-7853 x137 V/TTY
508-875-8359 FAX

MetroWest Center for Independent Living, Inc. is a scent free workplace. To accommodate full participation Consumers, Staff, Volunteers, Community Partners and Business partners must refrain from wearing any scented deodorants, perfumes, etc. when visiting or working in our office.

This electronic message transmission contains information from MetroWest Center for Independent Living that may be confidential or privileged. The information is intended solely for the addressee(s) and use by any other party is not authorized. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this transmission in error, please notify us immediately by telephone (1-508-875-7853) or by electronic mail at mdempsey@mwil.org. Thank you.

Variance Amendment V22-042

From Linda Chiarizio <tangerinifarm@gmail.com>

Date Fri 11/21/2025 7:07 AM

To tangerinifarm@gmail.com <tangerinifarm@gmail.com>

 1 attachment (4 MB)

MAAB Variance Amendment V22-042.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.

To whom it may concern,

Please see the attached variance amendment request for V22-042.

The request for a permanent variance arises from significant and ongoing financial, structural, and regulatory hardship that makes the construction of a permanent, MAAB-compliant restroom facility infeasible for the foreseeable future.

As a seasonal, family-owned and operated farm, our financial capacity is inherently limited and unpredictable. While our farm operations sustain the business, the café - the portion of our property to which the variance pertains - represents only a small fraction of our annual revenue. The cost of designing, permitting, and constructing a new restroom building that complies with MAAB standards and conservation restrictions, would impose a level of financial burden that our business cannot absorb without risking long-term viability.

Although we are requesting a permanent variance, we remain committed to pursuing long-term improvements when financially possible. We continue to work with architect Alex Siekierski to plan for a future restroom building and will revisit construction when resources allow. However, seeking a temporary extension would not reflect the scope of the hardship or the reality of the project timeline. A permanent variance is the most honest and practical course given the challenges we face.

If there are any questions regarding this request or if the MAA Board would like us to come and speak on behalf of this request, please feel free to reach me at this email address or on my cell at 978-906-3230. Your consideration is greatly appreciated.

Thank you,

Linda Chiarizio

Owner
Tangerini's Spring Street Farm

Sent from my iPhone

	Commonwealth of Massachusetts Division of Occupational Licensure Office of Public Safety and Inspections Architectural Access Board 1000 Washington St., Suite 710 • Boston • MA • 02118 V: 617-727-0660 • www.mass.gov/aab	Docket Number (Office Use Only)
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AMENDED APPLICATION FOR VARIANCE

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at:
<https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Sign the certification on Page 6.
- 4) Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at: <https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
 (Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 5) Complete the Service Notice included with the Application and sign it.
- 6) Deliver the completed Application and all attachments to the Board via electronic or physical delivery:
 - a. Electronic:
 - i. Applications should be sent via email to william.joyce@mass.gov & molly.griffin@mass.gov.
 - ii. The email submission must have the subject line: Variance Amendment - <Docket Number>
 - iii. The application and all attachments must be in .pdf format
 - iv. The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.
 - b. Physical
 - i. Applications should be sent to the mailing address listed above and must include:
 1. The completed application and all attachments.
 2. A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),
 3. The completed and signed Service Notice.
 - ii. Please ensure that all documents included are no larger than 11" x 17".
 - iii. Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

1. State the name and address of the building/facility:

Tangerini's Spring Street Farm
139 Spring Street
Millis, MA 02054

(Use additional sheets if necessary)

2. What is the docket number of the existing variance V 22 - 042

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

Since our previous filing, we are pleased to report that section 20.2, the ADA-compliant accessible ramp to our outdoor patio seating, has been fully completed. Working with Sam White, we evaluated numerous design options and ultimately constructed a compliant, properly sloped ramp utilizing concrete to maintain both accessibility and the existing aesthetic of the property. A maintenance plan for the surface and railings has also been established. This completes the ramp-related portion of our earlier variance request.

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

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

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

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

<u>Permit #</u>	<u>Date of Issuance</u>	<u>Value of Work</u>
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(Use additional sheets if necessary.)

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

Several hundred thousand dollars

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

539,800.00

Is the assessment at 100%? Yes

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

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

Design and planning

Request #1

Section(s) for which you are seeking relief: 30.1Are you seeking temporary relief ☐ Yes ☒ No

Types of Attachments for this Request:

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

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

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

Since our previous filing, we have made substantial progress on developing a long-term plan for permanent, MAAB-compliant restroom facilities; however, after extensive analysis, it has become clear that construction of a compliant restroom building is not financially feasible for us at this time and will not be feasible for several years. For this reason, we respectfully request that the Board consider granting a permanent variance for the installation and use of an ADA-compliant portable restroom and a standard portable restroom as our accessible restroom solution.

Although we are currently working with architect Alex Siekierski on conceptual planning for a future restroom building, the scope of this work has highlighted the extraordinary financial burden associated with any permanent solution. Our business is a seasonal, family-run fruit and vegetable farm, and the café—where the restroom-related requirements originate—produces only a small portion of our annual revenue. The café is only operating from May through October and our farm stand is open from May through November. (See additional page for remainder of request.)

Request #2

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

Are you seeking temporary relief ☐ Yes ☐ No

Types of Attachments for this Request:

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

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

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

Request #3

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:

- ☐ Floor/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):

PLEASE PRINT:

Name: Linda Charzo

Organization: _____

Request #4

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:

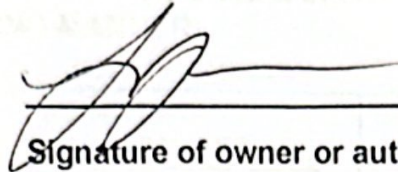
- ☐ Floor/Site Plans, ☐ Cost Estimates,
☐ Photographs, ☐ Test Drawings,
☐ Other(s): _____

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):

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

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

Date: 11/21/2025



Signature of owner or authorized agent (required)

PLEASE PRINT:

Linda Chiarizio

Name

Tangerini's Spring Street Farm, Inc

Organization (If Applicable)

139 Spring Street

Address

Address 2 (optional)

Millis

MA

02054

City/Town

State

Zip Code

tangerinifarm@gmail.com

E-mail

978-906-3230 OR 508-376-5024 Ext. 3

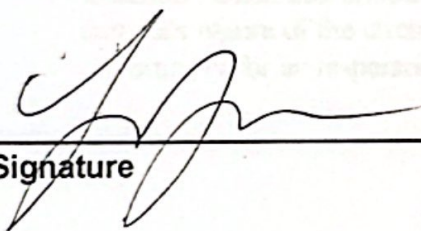
Telephone

SERVICE NOTICE

I, Linda Chiarizio, as Self
(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	Bob Fogarty Building Commissioner rfogarty@millisma.gov	Email	11/21/2025
2 Local Commission on Disability (If Applicable)	N/A	N/A	N/A
3 Independent Living Center	Aliza Levine Alevine@masilc.org Massachusetts Statewide Independent Living Council	Email	11/21/25



Signature

11/21/2025

Date

Additional page for MAAB amendment request.

Tangerini's Spring Street Farm Docket V22-045 Section 30.1

Request #1

The capital expense required to construct a compliant restroom building would place our business in severe financial hardship.

Complicating factors include the historic age and deterioration of our main buildings. Expert consultation confirmed that the structures are in such poor condition that one would need to be fully torn down and rebuilt before restrooms could be safely and legally installed. Such a project would cost hundreds of thousands of dollars, in addition to the necessary approvals from the Agricultural Preservation Restriction (APR) program and The Trustees of Reservations, both of which hold conservation restrictions on the property. These regulatory reviews alone introduce long timelines that would make any near-term construction impossible.

Because of these realities—and the unique challenges we have faced with the Millis Building Department from 2020 through 2024—we believe that requesting another temporary extension would not be practical or transparent. A permanent variance allows us to remain compliant in a manner that is financially sustainable while we continue to explore long-term improvements.

We wish to emphasize that, even though we are requesting a permanent variance, we are not abandoning our goal of constructing permanent, ADA-compliant restroom facilities in the future. We will continue working with our architect and relevant agencies to pursue long-term planning. However, given the time, planning, permitting, and financial resources required, a permanent variance is the only viable option for our business at this stage.

We also want to express our willingness to appear before the MAAB in person to discuss our situation further and answer any questions the Board may have. We understand the unusual and complex nature of the circumstances surrounding our compliance issues and would welcome the opportunity for an in-person discussion.



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

1000 Washington St., Suite 710
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

SECOND AMENDED NOTICE OF ACTION

Docket Number V 22 042

RE: Tangerini's Spring Street Farm , 139 Spring Street , Millis

On March 4, 2024 the Architectural Access Board received an additional submission from Petitioner. The additional documents were reviewed by the Board on March 11, 2024. At that meeting, the Board voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	20.2	GRANTED until <u>April 15, 2025</u> as proposed on the condition that: Petitioner continues to provide semiannual status reports, and NOTES that the Board is not inclined to grant any further extensions

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 12, 2024

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 17

From: [Linda Chiarizio](#)
To: [Joyce, William \(DPL\)](#); [Griffin, Molly \(DPL\)](#)
Cc: rfogarty@millisma.gov; [David Correia](#)
Subject: MAAB variance 2024
Date: Monday, March 4, 2024 10:55:53 AM
Attachments: [MAAB variance 2024.pdf](#)
[Tangerini's MAAB Compliant Ramp.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.

Hi,

Please find the attached variance amendment request. I've also attached one picture of the proposed ramp area. Additional pictures and the quote were submitted last year. As mentioned in the variance amendment request, there will be an adjustment to the quote but I don't have the new quote in my possession yet. When I do, I will send that along as well. Please let me know if you have any questions.

Thank you,

Linda Chiarizio
Tangerini's Farm



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Sent from my iPhone



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**
1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab

Docket Number

(Office Use Only)

AMENDED APPLICATION FOR VARIANCE

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at:
<https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Sign the certification on Page 6.
- 4) Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at: <https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
(Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 5) Complete the Service Notice included with the Application and sign it.
- 6) Deliver the completed Application and all attachments to the Board via electronic or physical delivery:
 - a. Electronic:
 - i. Applications should be sent via email to william.joyce@mass.gov & molly.griffin@mass.gov.
 - ii. The email submission must have the subject line: Variance Amendment - <Docket Number>
 - iii. The application and all attachments must be in .pdf format
 - iv. The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.
 - b. Physical
 - i. Applications should be sent to the mailing address listed above and must include:
 1. The completed application and all attachments.
 2. A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),
 3. The completed and signed Service Notice.
 - ii. Please ensure that all documents included are no larger than 11" x 17".
 - iii. Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

1. State the name and address of the building/facility:

Tangerini's Spring Street Farm, Inc
139 Spring Street
Millis, MA 02054

2. What is the docket number of the existing variance V²² - ⁰⁴²

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

There isn't any new work to be performed since the original application. We are requesting an additional 1 year and 15 days to complete our variance for our MAAB compliant ramp. It was our intention to install the ramp in 2023 however, due to the significant amount of rain in 2023 we were financially unable to complete the ramp. The unprecedented amount of rain caused us to lose over 35% of our total fruit and vegetable crops. As this is the main source of income for our business, this was a devastating blow. We currently simply do not have the funds needed to complete the project before our variance expires and are unable to take on any additional bank loans at this time. We understand that this is of the utmost importance to ensure adequate access for everyone to our business. As soon as we have the funding to complete this project it will be done.

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

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

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

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

Permit #

Date of Issuance

Value of Work

(Use additional sheets if necessary.)

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

Approximately \$8,750.00

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

507,300.00

Is the assessment at 100%? yes

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

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

Quoting, planning

Request #1

MAAB Compliant Ramp

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

Are you seeking temporary relief ☒ Yes ☐ No

April 15, 2025

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

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

We are seeking temporary relief for 1 additional year and 15 days in order to complete the MAAB compliant ramp for access to our patio seating. (The 15 additional days have been added on in case the project doesn't get completed until April 2025. The added days will allow for some extra time in case of late March winter weather). Due to the weather in 2023 and significant financial loss, we will not be financially able to complete the ramp by April 1st, 2024, when our current variance expires. The project will be moving on and being scheduled as soon as we are financially able to do so. This project will be completed by April 15th, 2025. In the meantime, if we open the patio for dine-in seating prior to the ramp being built, we will continue with our seating arrangement that was previously mentioned in our original variance. The same proposed project and quote that was sent to the board in 2023 is still being used for this request. There has been a slight increase in the quote due to inflation of materials. We are awaiting the revised quote but we were informed that it would be approximately 10% more than the original quote.

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

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

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

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

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

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

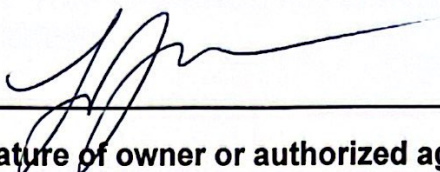
Types of Attachments for this Request:

- ☐ 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>).

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

Date: 3/1/2024



Signature of owner or authorized agent (required)

PLEASE PRINT:

Linda Chiarizio

Name
Tangerini's Spring Street Farm

Organization (If Applicable)
139 Spring Street

Address

Address 2 (optional)

Millis MA 02054

City/Town State Zip Code
tangerinifarm@gmail.com

E-mail
978-906-3230

Telephone

SERVICE NOTICE

Linda Chiarizio

Self

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	Robert Fogarty rfogarty@millisma.gov	Email	
2 Local Commission on Disability (If Applicable)	N/A		
3 Independent Living Center	David Correia dcorreia@mwclil.org	Email	

Signature

3/1/2024

Date

Tangerini's Farm Progress Report

Linda Chiarizio <tangerinifarm@gmail.com>

Wed 11/1/2023 7:34 PM

To: Joyce, William (DPL) <William.Joyce@mass.gov>

 1 attachments (15 KB)

MAAB status report 11-1-23.docx;

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 William,

Please find the attached progress report for Tangerini's Spring Street Farm. I'm sorry it's past due. Since we were granted the variance in the end of April, I was under the impression that the first semiannual report would be do approx. 6 months after issuance. Upon reviewing the variance this was obviously inaccurate and I apologize.

Please let me know if you or the board have any further questions at the moment. I will be back in touch when we finalize the ramp plans in the next few weeks.

Thank you,

Linda Chiarizio
Tangerini's Farm

Sent from my iPhone

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

To Whom It May Concern:

This progress report is in regards to Tangerini's Spring Street Farm Docket Number V 22 042.

Progress on section 20.2

- Original plans and quote for the ramp were sent to the AAB with the request for this variance. Those plans continue to be the proposed plans that we wish to move forward with. This has been an incredibly difficult year for us as a business. The weather has been devastating for our crops and has caused us to lose 100's of thousands of dollars in revenue. This years unprecedented weather has made it very difficult for us to proceed with any additional projects. That being said, we are doing everything that we can to have this project completed before April 30th, 2024. We will be meeting with CJW Landscaping next week to go over the original plans and requote the project. At which point we are hoping to schedule a date for the ramp to be constructed. Finalized plans will be provided to the board for approval before construction begins.

Progress on section 30.1

- As mentioned in the above progress report, this year has been the most financially trying year we have ever had. Because of that, we are not yet in the position to propose a new structure or addition for handicap accessible bathrooms. We have been speaking with other industry professionals in order to obtain different contacts for contractors and architects that work with ADA compliance. We will be meeting with these contractors and architects this winter to start drafting some plans and coming up with a game plan for funding the project. This will allow us to solidify when we will have the necessary funding available and narrow in on a target start date.

If you have any questions, please feel free to reach out to Linda & Steve Chiarizio at tangerinifarm@gmail.com or 978-906-3230.

Thank you,

Linda & Steve Chiarizio
Tangerini's Spring Street Farm

Souders, Bradley (DPL)

From: Joyce, William (DPL)
Sent: Tuesday, May 16, 2023 9:32 AM
To: Souders, Bradley (DPL)
Subject: FW: Tangerini's Farm - MAAB Complaint
Attachments: Millis Board of Health Paperwork.pdf

For the file.

Sincerely,

William Joyce
Executive Director
He/Him/His
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1000 Washington Street, Suite 710
Boston, MA 02118
617-727-0660
www.mass.gov/aab

From: Linda Chiarizio <tangerinifarm@gmail.com>
Sent: Monday, May 15, 2023 2:50 PM
To: Joyce, William (DPL) <William.Joyce@mass.gov>
Subject: Tangerini's Farm - MAAB Complaint

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 William,

My husband, Steve, and I have been speaking with Bradley regarding the neglect on behalf of our building commissioner. We recently sent an email to the BBRS and spoke with Patty (I'm sorry I don't recall her last name) from the Building Code Complaint Office. She said that since the majority of the problems we have been having are regarding the MAAB regulations she isn't able to help us and that we should file a complaint against our building commissioner with you.

We have documentation showing that Mike Giampietro, the Millis Building Commissioner, denied building permits to the previous owners of Tangerini's Farm due to the fact that they couldn't show MAAB compliance and public restrooms. I've attached the documentation that we have, however, we know there are more email threads that refer to this as well. We have a current public records request for all email correspondences regarding the business with the building department, town administrators office, and board of health. As soon as we have additional documentation we would be happy to share it with you if it would be helpful.

Our largest complaint is that in November of 2021 Mike Giampietro came to our business and told us that we are not zoned properly, licensed properly, and that we are not in compliance with ADA requirements. The first 2 have been

proven to be complete fabrications and have been rectified within the town offices. However, he has stated that our business had a “change of use” in 2021 which is what triggered his request for full MAAB compliance. Our business has not changed in over 10 years and has not had a change of use that would allow for him to request full MAAB compliance. There was a change of ownership in 2019 when we bought the business but NOT a change of use.

We are a 65 acre fruit and vegetable farm with an ice cream shop, outdoor restaurant, and farm stand. The ice cream shop, with outdoor seating at picnic tables, was added on in 2006, and the restaurant was added on in 2014 with a building expansion in 2017/2018 that included a new farm stand and new commercial kitchen. In the past, Mike Giampietro, has clearly shown knowledge of MAAB compliance requirements in regards to building projects. However, when a new building was being erected in 2017/2018 he completely neglected requiring any MAAB compliance and neglected to inform the MAAB of the project. This project, based on the dollar value, as well as the fact that it was being built with a full commercial kitchen for a full service outdoor restaurant, should have triggered the Building Commissioner to require full MAAB compliance with all public buildings on the property as well as public restrooms. Please note, this decision to “overlook” MAAB compliance was not only done by someone who has clearly mentioned requirements for MAAB compliance in the past but, Mike Giampietro is also the Founder and CEO of Mass Nail It LLC. A business that is solely responsible for teaching other building commissioners, contractors, and more about the building code, compliance, and changes/updates to the building code. He’s someone who prides himself on knowing the code inside and out.

When he was frequenting the property during the installation of the new building, there were customers eating outside, visible menus, and more. Not to mention it was MORE than obvious that there was an expansion on the restaurant being put in. The commercial kitchen plans were sent to the building department and board of health, there was a Food Establishment Plan and Specification Review Form submitted to the building department, board of health, planning board, and fire department, of which every department was required to sign off on. This included the restaurant plans, menus, seating, and even states on-site catering. Through our point of sale we have transaction history going back to pre-2015 showing meals being purchased. We are attaching pictures of on site seating for our restaurant prior to 2017 as well as pictures of menus prior to 2017 just to show that even before the 2017 expansion, we were a fully licensed, inspected, and insured restaurant. Which goes to prove that there was no change of use in 2017/2018 with the new building and certainly no change of use in 2021. It is clear that Mike Giampietro is trying to abuse his power as a Building Commissioner, attack a small family business who he assumes does not know enough about the building code to question his demands, and that since 2021 he has been doing nothing but trying to cover up his obvious neglect for MAAB compliance in 2017/2018. As previously mentioned, our personal investigation is ongoing and we would be happy to provide additional information as we uncover it. Please feel free to reach out to us at this email or call us at 978-906-3230.

Thank you,

Linda & Steve Chiarizio
Tangerini’s Farm







TOWN OF MILLIS

BOARD OF HEALTH

Mr. and Mrs. Charles Tangerini
139 Spring Street
Millis, MA 02054
20 April 2006

Re: "Tangerini's Spring Street Farm, Inc." New Food Establishment Plan Review
received at the Board of Health office 3/28/2006

Dear Mr. and Mrs. Tangerini,

The Board of Health Consulting Food Inspector and Health Director have reviewed your plan and application for a New Food Establishment at the above-mentioned site.

The Food Inspector has concerns regarding the operation and layout of your proposed food establishment, including but not limited to: the extensive menu; amount of adequate food storage area; amount of adequate refrigeration; amount of adequate food prep areas; amount of adequate cooling areas and hot-holding and cold-holding areas; amount of adequate dry storage areas; layout of facilities that prohibit cross-contamination; and lack of adequate hand-washing facilities.

Many of the same concerns were addressed in a letter, dated November 20, 2004 that referred to your last application, entitled "Garden under Glass." While this project was never approved or built, many of the same Food Code compliance issues apply. At that time, the Board of Health staff recommended that you obtain advice from a "restaurant specialist" in order to address concerns over food operations and facility layout, food preparation, storage, and handling. It is recommended for this new project as well.

Please address the following questions and/or comments.

1. Please note Hours of Operation; (clarify 7 days a week?)
2. Please indicate the anticipated volume of food to be served;
3. Indicate the source of your food other than native vegetables;
4. Your extensive menu will require an appropriate storage area for both dry and refrigerated foods; show additional refrigerators, freezers, and dry storage areas.

Please include a plan of how the extensive menu of food will be cooled as well as stored;

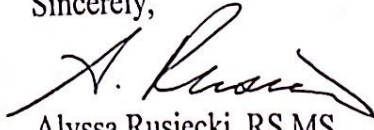
5. All "wood" materials need to be sealed;
6. Please show barriers against cross-contamination between the food prep and baking counters as well as between the food prep and the trash containers; the barriers are not identified on the plan view, nor are any materials specified for the barriers.
7. Picnic tables are shown, while no public restrooms are shown; do you intend to have the public eat on the premises at the picnic tables? Please see the Building Inspector and/or Plumbing Inspector for more information;
8. The plumbing details regarding cross connection protection do not appear to be accurate; please check this with your plumber or the Town Plumbing Inspector may be able to help you revise this matrix;
9. Drainboards are required to be shown at all wash sinks;
10. We could not find the ventilation specifications or plan views of ventilation; although your application notes that it is on the plan.
11. Indicate the name the dumpster maintenance company;
12. Are the front display cases "self-serve?" And what product will be stored there?
13. "Personal belongings" are shown as hanging on hooks in the public area near the coffee center – is this where you intend to have your employees store all of their personal belongings? The application says "existing" and is unclear.
14. In the application, you submitted information about "dressing rooms," yet they are not shown on the plan;
15. Provide a specification "cut" sheet for the existing refrigerator, including the manufacturer's allowable capacity.
16. Please provide a specification of the display cases.
17. At least one new hand sink is required in the new kitchen/food prep area.
18. The mop sink appears to be located inadequately, please note that mops must be hung.
19. Please show the drain boards at the sinks.
20. Please show where the take-out paper and plastic goods will be stored.
21. Please show where the mechanical equipment, i.e. mixers, food processors, etc. will be stored.
22. Please show where the food preparation and pot & pans, and cooling bins will be stored.
23. The dumpster must be shown on an asphalt base.
24. Please show where the cleaning supplies and/or chemicals will be stored.

Please revise your application and/or plans in answer to the above questions and comments. Upon receipt of the revised data, Ms. Kelly and I will be happy to make an appointment to meet with you to review the application and answer any questions you may have.

Please be advised that a copy of the Federal Food Code and the Massachusetts Food Code can be found at <http://vm.cfsan.fda.gov/~dms/fc99-toc.html> and <http://www.state.ma.us/dph/fpp/fpp.htm>. These plans have been reviewed in compliance

with 105 CMR 590.011(A) and FC 8-201.12(E) and 8-303.30. Pre-operational inspections are required under FC 8-203.10.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Rusiecki', written over the printed name.

Alyssa Rusiecki, RS MS
Public Health Director

Cc: file
Building Inspector
Charles Aspinwall
James White, Jr.
Kathleen Lannon
James Imprescia

Charles Tangerini



Laura Tangerini

Alyssa Rusiecki
Health Director
Town of Millis
900 Main Street
Millis, Ma. 02054
January 20, 2005

Dear Ms. Rusiecki,

In reference to your letter of January 14, we are presently working towards making the appropriate changes to our building plans and will re-submit the updated package to your office upon completion.

You may already know that I had an informative conversation with Jim White with specific regards to the kitchen concept and questions 6 and 17 of my letter dated December 8, 2005. We also discussed the movement of air through the structure and how it relates to vector control as well as the cleanability of the ceiling and overhead trusses in the kitchen area. It was a productive conversation and I am sure he would be glad to discuss the particulars of the meeting with you if he has not already. We would appreciate that any additional concerns or comments that the Board of Health has regarding this project be communicated to us as soon as possible so that we can incorporate them into our new building plan. Our new building plan should start taking shape in the next week or two.

Lastly, I have asked our code consultant to look into the bathroom situation we discussed at our last meeting. He will be glad to forward this to you upon review.

Thank you for your continued attention to this project.

Sincerely,

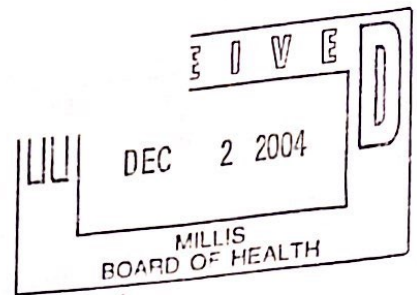
Laura Tangerini
Laura Tangerini
Tangerini's Spring Street Farm, Inc.

*cleanable surfaces
not enough refrigeration
storage*

cc: James White, Millis Board of Health



TOWN OF M_____



Millis Building Department
Building Commissioner
Michael A. Giampietro, C.B.O.
900 Main Street
Millis, Mass. 02054

1-508-376-7044

inspect@millis.net

December 2, 2004

Guzman Architects, Inc.
Jose Guzman
38 Chauncy Street, 11th floor
Boston, Mass. 02111

Dear Jose,

I have reviewed the application, drawings and letter you submitted on behalf of your client, Mr. & Mrs. Charles Tangerini of 139 Spring Street. In your letter dated November 2nd 2004 you have indicated that: "the provisions of 780 CMR do not specifically address code requirements applicable to farm use structure." The Massachusetts Building Code 780 CMR most certainly does address all structures and uses and it is up to the applicant to provide all design criteria to meet the requirements of 780 CMR prior to the issuance of a building permit.

In a permit denial letter that was sent to your client on July 7th 2004 the second bullet indicated exactly what had to be addressed. As of this date bullets 1 and 3 have been addressed however, it is obvious in reviewing your application you have not received a copy of that permit denial letter.

Therefor, the permit application is once again denied and the application returned. For your convenience I have enclosed a copy of the July 7th letter and copies of 521 CMR Architectural Access Board, 3.1 Scope for your files. The original application and a copy of this letter will be sent to the Tangerini's.

Sincerely,

Michael A. Giampietro C.B.O.

c.c. Town Administrator
Board of Health
Mr. & Mrs. Tangerini



TOWN OF MILLIS

License No: 135

BOARD OF HEALTH

508-376-7042

License Type: FOOD SERVICE
Expiration Date: 12/31/2012

TRUE COPY

Business Name: TANGERINI'S SPRING STREET FARM, INC
DBA: TANGERINI'S SPRING STREET FARM, INC
Address: 139 SPRING STREET
MILLIS, MA 02054 USA
City/State/Zip:

This license is granted in conformity with the Statutes and ordinances relating thereto unless sooner suspended or revoked.

Approving Authority

Scott Moles

1-17-12
Date

PLEASE POST IN A CONSPICUOUS PLACE

TOWN OF MILLIS

License No: 135



BOARD OF HEALTH

508-376-7042

License Type: FOOD SERVICE
Expiration Date: 12/31/2012

Business Name: TANGERINI'S SPRING STREET FARM, INC
DBA: TANGERINI'S SPRING STREET FARM, INC
Address: 139 SPRING STREET
MILLIS, MA 02054 USA
City/State/Zip:

This license is granted in conformity with the Statutes and ordinances relating thereto unless sooner suspended or revoked.

Approving Authority

Scott Moles

1-18-12
Date

DUPLICATE FOR TOWN COPY



TOWN OF MILLIS

RECEIVED

JAN 11 2012
6538
MILLIS
BOARD OF HEALTH

Food Establishment Permit Application

(Application must be submitted at least 30 days before the planned opening date, or expiration date of an existing permit)

1) Establishment Name: <u>Tangerini's Spring St Farm, Inc</u>										
2) Establishment Address: <u>139 Spring St.</u>										
3) Established Mailing Address (if different): <u>Millis</u>										
4) Establishment Telephone No.: <u>508-376-5024</u> Fax No.: <u> </u>										
5) Applicant Name & Title: <u>Laura Tangerini, Pres</u>										
6) Applicant Address: <u>139 Spring St, Millis, Ma</u>										
7) Applicant Telephone No.: <u>508-667-7638</u> 24 Hour Emergency No.: <u>508 667-6362</u>										
8) Owner Name & Title (if different from applicant): <u>Same</u>										
9) Owner Address (if different from applicant): <u> </u>										
10) Establishment Owned By:	11) If a corporation or partnership, give name, title and home address of officers or partner.									
☐ An association ☒ A corporation ☐ An individual ☐ A partnership ☐ Other legal entity <u> </u>	<table border="1"><thead><tr><th>Name</th><th>Title</th><th>Home Address</th></tr></thead><tbody><tr><td><u>Laura Tangerini</u></td><td><u>Pres.</u></td><td><u>139 Spring St. Millis</u></td></tr><tr><td><u>Charles Tangerni</u></td><td><u>Clerk</u></td><td><u>"</u></td></tr></tbody></table>	Name	Title	Home Address	<u>Laura Tangerini</u>	<u>Pres.</u>	<u>139 Spring St. Millis</u>	<u>Charles Tangerni</u>	<u>Clerk</u>	<u>"</u>
Name	Title	Home Address								
<u>Laura Tangerini</u>	<u>Pres.</u>	<u>139 Spring St. Millis</u>								
<u>Charles Tangerni</u>	<u>Clerk</u>	<u>"</u>								
12) Person Directly Responsible for Daily Operations (Owner, Person in Charge, Supervisor, Manager etc.)										
Name & Title:	<u>Laura Tangerini, Owner</u>									
Address:	<u>139 Spring St. Millis</u>									
Telephone No.:	<u>508-376-5024</u> Fax: <u> </u>									
Emergency Telephone No.:	<u>508-667-6362</u>									
13) District or Regional Supervisor (if applicable)										
Name & Title:	<u> </u>									
Address:	<u> </u> Fax: <u> </u>									

Food Establishment Information

14) Water Source: <u>Town</u>		15) Sewage disposal: <u>Town</u>	
DEP Public Water Supply No: (if applicable)			
16) Days and Hours of Operation: <u>Mon - 9pm.</u>		17) No. of Food Employees: <u>6 part time seasonal</u>	
18) Name of Person In Charge Certified in Food Protection Management: <i>Required as of 10/1/2001 in accordance with 105 CMR 590.003(A) Please attach copy of certificate</i>			
19) Person Trained in Anti-Choking Procedures (if 25 seats or more): ☐ Yes ☒ No			
20) Location: (check one) ☒ Permanent Structure ☐ Mobile		22) Establishment Type (check all that apply) ☐ Retail (Sq. Ft.) ☐ Food Service- (24 Seats) ☒ Food Service- Takeout ☐ Food Service-Institution (Meals/Day) Other (Describe)	
21) Length of Permit: (check one) ☐ Annual ☒ Seasonal/Dates: <u>5/1/2012 to 10/31/2012</u> ☐ Temporary Dates/Time:		☐ Caterer ☐ Food Delivery ☐ Residential Kitchen for Bed and Breakfast Home ☐ Residential Kitchen for Bed and Breakfast Establishments ☐ Frozen Dessert Manufacturer	
23) Food Operations: (check all that apply):		Definitions: PHF- potentially hazardous food (time/temperature controls required) Non-PHF- non-potentially hazardous food (no time/temperature controls required) RTE- ready-to-eat foods (Ex. Sandwiches, salads, muffins which need no further processing)	
☐ Sale of Commercially Pre-Packaged Non-PHFs	☐ PHF Cooked To Order	☐ Hot PHF Cooked and Cooled or Hot Held for More Than a Single Meal Service.	
☐ Sale of Commercially Pre-Packaged PHFs	☒ Preparation Of PHFs For Hot And Cold Holding For Single Meal Service.	☐ PHF and RTE Foods Prepared For Highly Susceptible Population Facility	
☐ Delivery of Packaged PHFs	☐ Sale of Raw Animal Foods Intended to be prepared by Consumer	☐ Vacuum packaging/Cook Chill	
☐ Reheating of Commercially Processed Foods For Service Within 4 Hours.	☐ Customer Self-Service	☐ Use of Process Requiring A Variance And/Or HACCP Plan (including bare hand contact alternative, time as public health control)	
☐ Customer Self-Service Of Non-PHF and Non-Perishable Foods Only.	☐ Ice Manufactured and Packaged for Retail Sale	☐ Offers Raw Or Undercooked Food of Animal Origin.	
☐ Preparations of Non-PHFs	☐ Juice Manufactured and Packaged for Retail Sale	☐ Prepares Food/Single Meals for Catered Events or Institutional Food Service	
Other (Describe):		To be completed by the Board of Health Total Permit Fee: _____ Payment is due with application	

I, the undersigned, attest to the accuracy of the information provided in this application and I affirm that the food establishment operation will comply with 105 CMR 590.000 and all other applicable law. I have been instructed by the board of health on how to obtain copies of 105 CMR 590.000 and the federal Food Code.

24) Signature of Applicant: Laura Tanageri

Pursuant to MGL Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid state taxes required under law.

25) Social Security Number or Federal ID: 04-3110914

26) Signature of Individual or Corporate Name: L Tanageri Spring St. Farm, Inc.

Spring Menu

- Ginger pickled beet salad with feta cheese, pepitas and orange ginger dressing
- Strawberry salad with feta cheese, radish, sugar snap peas and white balsamic vinaigrette
- Hummus wrap with German slaw
- Spring flatbread with kale pesto, ricotta, mozzarella and spinach
- Turkey club with maple smoked cheddar
- Buttermilk fried chicken sandwich with spring slaw, smoked chili cheddar and spicy aioli
- Classic cheese flatbread
- Spring quesadilla with grilled spring onions, spinach, cannellini beans, garlic scapes and cheddar cheese
- Hummus platter with seasonal vegetables

Summer Menu #1

- Thai peanut salad with carrots, cucumbers, bell peppers, broccoli and crushed peanuts
- Blueberry salad with feta, walnuts and balsamic vinaigrette
- Grilled chipotle chicken wrap with corn, black beans, bell peppers red onions, queso fresco, salad greens and chipotle honey vinaigrette
- Hummus wrap with carrot harissa slaw and mixed greens
- Ruben sandwich – classic ruben on rye bread with swiss cheese, sauerkraut and Russian dressing
- Summer vegetable flatbread with corn, zucchini, tomatoes, bell peppers and mozzarella cheese
- Cheddar cheese and tomato pesto quesadilla
- Classic cheese flatbread
- Hummus platter with seasonal vegetables
- Salsa platter with tortilla chips

Specials

- Grilled Wedge Salad with tomatoes, red onions, chorizo sausage and gorgonzola
- Corn Chowder
- Tomato Soup

Summer Menu #2

- Mexican chopped salad with corn, black beans, bell peppers, red onions, queso fresco and chipotle honey vinaigrette
- Caprese salad with local mozzarella and balsamic dressing
- Greek grilled chicken wrap with tzatziki sauce, red onions, tomatoes, lettuce and feta cheese
- Black bean and corn quesadilla with cheddar cheese
- Falafel sandwich with tomato, cucumber, hummus, red onions and carrots
- Classic cheese flatbread

- Corn chowder
- BLT with basil pesto and mixed greens
- Potato flatbread with chorizo sausage
- Hummus platter with seasonal vegetables
- Salsa platter with tortilla chips

Specials

- Peach, bacon, red onion and mozzarella flatbread
- Buffalo chicken sandwich with house made hot sauce and local blue cheese
- Gazpacho
- Panzanella salad

Fall Menu

- Apple cheddar salad with candied walnuts and maple vinaigrette
- Sweet potato salad with pepitas, dried cranberries, shaved brussels sprouts and pumpkin dressing
- Pork (or Chicken) Bahn Mi sandwich with pickled carrots, cucumbers and daikon radish
- Turkey sandwich with apples, bacon, cheddar cheese, cranberry mayo and pumpkin spread
- Vegetarian chili
- Harvest quesadilla with apples, cheddar cheese and pumpkin sage spread
- Classic cheese flatbread
- Sweet potato, ricotta and arugula flatbread
- Hummus platter with seasonal vegetables
- Salsa platter with tortilla chips

Specials

- Gypsy soup
- Buffalo chicken quesadilla
- Goat cheese, caramelized onions and basil flatbread





MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR



EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

WILLIAM JOYCE
EXECUTIVE DIRECTOR,
ARCHITECTURAL ACCESS BOARD

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

1000 Washington St., Suite 710 Boston MA 02118
V: 617-727-0660 www.mass.gov/aab Fax: 617-979-5459

FIRST AMENDED NOTICE OF ACTION

Docket Number V 22 042

RE: **Tangerini's Spring Street Farm , 139 Spring Street , Millis**

On March 21, 2023 the Architectural Access Board received an additional submission from Petitioner
The additional documents were reviewed by the Board on March 27, 2023 At that meeting, the Board
voted as follows:

#	Section	Result
1	20.2	GRANTED until <u>April 1, 2024</u> as proposed on the condition that: route plans are provided to the Board for its review prior to the start of construction, and Petitioner provides the Board with semiannual status reports with the first report to be received not later than <u>June 1, 2023</u> .
2	30.1	GRANTED until <u>April 1, 2026</u> as proposed on the condition that: dimensioned floor plans of the accessible toilet room are provided to the Board for its review prior to the start of construction two accessible portable toilets are provided and located on an accessible route (loose pack surfaces such as gravel cannot be part of an accessible route), and Petitioner provides the Board with semiannual status reports with the first report to be received not later than <u>June 1, 2023</u> .

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 30, 2023

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT
Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 45

Souders, Bradley (DPL)

From: Linda Chiarizio <tangerinifarm@gmail.com>
Sent: Tuesday, March 21, 2023 10:27 AM
To: Joyce, William (DPL); Souders, Bradley (DPL)
Cc: rfogarty@millisma.gov; David Correia
Subject: Variance Amendment - V 22-042
Attachments: MAAB amended application for variance.pdf; porta-potty location.pdf; Estimate_1782_from_CJW_Landscaping.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.

Hi,

Please see the attached Variance Amendment Application for docket number V 22-042. There are additional photo, sketch, and quote attachments as well. Please note, an additional email will be sent with a pdf for the MAAB compliant ramp, the file was too large to be included in this email.

Thank you,

Linda & Steve Chiarizio
Tangerini's Farm



CJW Landscaping
PO Box 101
Millis, MA 02054



ADDRESS

Tangerini Farm
139 Spring St
Millis, Ma. 02054

Estimate 1782

DATE 03/10/2023

DATE	DESCRIPTION	AMOUNT
	ADA Compliant ramp installation with block retaining wall Base soils excavated down 18" and disposed of Existing stone wall removed and disposed of Granite step removed and reset in new location 62 Sq. ft of wall block delivered and installed to specs discussed Wall cap delivered and installed with masonry adhesive Wall backfilled with 3/4" washed stone compacted every 3" for structural support and proper drainage. 1" of 3/8" trap stone installed and screeded at correct pitch for pavers to be laid on and drain properly. 116 Square feet of pavers delivered and installed to specs discussed with customer. Poly sand installed in joints to prevent weeds and to provide structural support. Pavers compacted with poly pad to ensure stability and no settling. Gator edging installed along the edges of pavers to prevent settling., 1 @ \$7,948.00	7,948.00

TOTAL \$7,948.00

Accepted By

Accepted Date

On balances of 30 days or over we will compute a finance charge of 3% per month.

AAB 48

	Commonwealth of Massachusetts Division of Occupational Licensure Office of Public Safety and Inspections Architectural Access Board 1000 Washington St., Suite 710 • Boston • MA • 02118 V: 617-727-0660 • www.mass.gov/aab	Docket Number (Office Use Only)
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AMENDED APPLICATION FOR VARIANCE

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at:
<https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Sign the certification on Page 6.
- 4) Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at: <https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
 (Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 5) Complete the Service Notice included with the Application and sign it.
- 6) Deliver the completed Application and all attachments to the Board via electronic or physical delivery:
 - a. Electronic:
 - i. Applications should be sent via email to william.joyce@mass.gov & bradley.souders@mass.gov.
 - ii. The email submission must have the subject line: Variance Amendment - <Docket Number>
 - iii. The application and all attachments must be in .pdf format
 - iv. The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.
 - b. Physical
 - i. Applications should be sent to the mailing address listed above and must include:
 1. The completed application and all attachments.
 2. A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),
 3. The completed and signed Service Notice.
 - ii. Please ensure that all documents included are no larger than 11" x 17".

III. Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

1. State the name and address of the building/facility:

Tangerini's Spring Street Farm, Inc.

139 Spring Street

Millis, MA 02054

2. What is the docket number of the existing variance V_22-042_____

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

As previously stated in our original application, last year we were blindsided by the fact that our (recently purchased) business was not currently completely in compliance with the MAAB. In 2017 there was a substantial building improvement done on the property. In 2019 when we purchased the business we viewed permits, engineering plans, occupancy permits, and more regarding the new construction done in 2017. Based on everything we found there was no reason to believe there were any compliance issues. Two MAAB compliance issues came to light last spring and unfortunately appear to have been overlooked in the 2017 building project. Because of this, we have spent the last year seeking legal counsel and meeting with several town and state officials regarding our property. In the last year, we have worked extensively with David Correia and other representatives from Metro West Center for Independent Living, our town officials, and our towns ADA Coordinator, Karen Bouret DeMarzo, to come up with the best plan to amend the current compliance issues.

Becoming completely MAAB compliant is of the utmost importance to us. However, being relatively new business owners, we did not anticipate running into this devastating of a financial burden so soon after purchasing the business, not to mention all of the financial struggles due to COVID-19. Aside from the fact that we are relatively new business owners, with a substantial amount of debt from purchasing the business, we are, first and foremost, a fruit and vegetable farm. We're a 65-acre fruit and vegetable farm and the bulk of our income comes from that. Our cafe, which these variances relate to, accounts for a very small portion of added revenue. In the past year we have closed and locked our one working restroom, rented two standard porta-potties and one ADA compliant porta-potty, designed a handicap

accessible area where these portable restrooms are situated so all guests can access them properly, and redesigned one of our upper patio areas to better accommodate our guests.

Unfortunately, due to the financial requirements that these projects pose on our business we are requesting additional time so that we can be in a better financial situation to properly make the upgrades that this requires.

We're currently working with Cam Wenzel from CJW Landscaping on an ADA compliant ramp for our outdoor patio seating. We looked at a number of different options for ramps and entrances to our patio. In an attempt to become compliant but also keep our flow similar to the way it currently is, CJW Landscaping has come up with a solution using pavers and stones to properly slope the ramp. This will allow for ADA compliant ramp access to our outside patio seating for our restaurant as well as continuation of the current aesthetic appeal of the outdoor area. There will also be a maintenance plan for the pavers in place.

Determining the best course of action for establishing permanent MAAB compliant restroom facilities has proved to be significantly more challenging. Aside from the new structure built in 2017 (which doesn't have restrooms), all of our other buildings on-site are from the early to mid-1800's some of them with historical significance. These are not presently open to the public but could potentially be if given the proper renovations. Many have not been properly maintained over the years and are requiring structural work. In the last year, we had a gentleman come out who restores old barns. He confirmed what we had assumed, that either building would need to be completely gutted, fixed structurally, and in some cases whole sections would need to be rebuilt before we could even consider adding restrooms. Obviously, this would be a significant financial burden and thus we decided to wait on requesting engineered plans and a full quote work-up on how this would be accomplished.

We have decided to go a completely different route and have recently started working with Matt Parabolicoli from Site Elements on the design of a new, self-contained structure exclusively for restrooms. This would allow everyone to have easy access to clean, up-to-date facilities on our property. We are currently in the beginning stages of quoting and engineering of this project. We will need to work with our APR and The Trustees of Reservation (both of which hold conservation restrictions on our property), to determine the location of this structure. Due to the significant financial cost of this project, the multi-organization work that this will require, and the required time for planning and building we are requesting an extended time variance for this work.

4. a. Has the Board's Jurisdiction changed since your original application: Yes ☐ No ☒
- b. If Yes, which section of the Board's Jurisdiction (*see Section 3 of the Board's Regulations*) has now been triggered?

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

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

Permit # **Date of Issuance** **Value of Work**

(Use additional sheets if necessary.)

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

Handicap Accessible Ramp - \$7,948.00 New Restroom Facilities – TBD

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

\$507,300.00

Is the assessment at 100%? Yes

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

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

Quoting and planning



9.

Request #1	Types of Attachments for this Request: ☐ Floor/Site Plans, ☒ Cost Estimates, ☒ Photographs, ☒ Test Drawings, ☐ Other(s): _____
Section(s) for which you are seeking relief: <u>MAAB Complaint Ramp</u>	
Are you seeking temporary relief ☒ Yes ☐ No	
If yes, when do you propose to be in compliance by: <u>April 1, 2024</u>	
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): Please see additional pages.	

Request #2	Types of Attachments for this Request: ☐ Floor/Site Plans, ☐ Cost Estimates, ☒ Photographs, ☐ Test Drawings, ☐ Other(s): _____
Section(s) for which you are seeking relief: <u>MAAB</u>	
Are you seeking temporary relief ☒ Yes ☐ No	
If yes, when do you propose to be in compliance by: <u>April 1, 2026</u>	
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): Please see additional pages.	

Request #3

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: _____

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

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

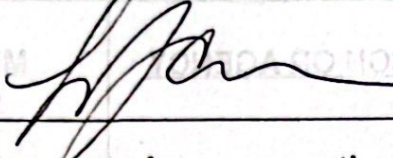
Types of Attachments for this Request:

☐ 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>).

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

Date: 3-21-2023


Signature of owner or authorized agent (required)

PLEASE PRINT:

Linda Chiarizio

Name

Tangerini's Spring Street Farm, Inc

Organization (If Applicable)

139 Spring Street

Address

Address 2 (optional)

Millis MA 02054

City/Town

State

Zip Code

tangerinifarm@gmail.com

E-mail

978-906-3230

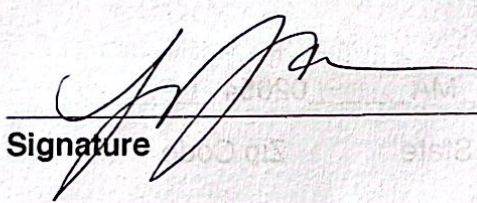
Telephone

SERVICE NOTICE

I, Linda Chiarizio, as Self
(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	Robert Fogarty rfogarty@millisma.gov	email	
2 Local Commission on Disability (If Applicable)	N/A		
3 Independent Living Center	David Correia dcorreia@mwcil.org	email	


Signature

3-21-2023
Date

Request #1

We are seeking temporary relief for 1 year in order to complete the MAAB compliant ramp for access to our patio seating. Due to the weather, ground conditions, and financial cost, we do not think this project will be completed by April 1st, 2023, when our current variance expires. The project will be moving on and being scheduled as soon as the weather allows and permitting is approved. This project will be completed by April 1st, 2024. In the meantime, if we open the patio for dine-in seating prior to the ramp being built, we will continue with our seating arrangement that was previously mentioned in our original variance.

Request #2

We are seeking temporary relief for 3 years in order to complete the MAAB compliant restrooms. We have weighed out a number of different options and settled on building a brand new, self-contained structure exclusively for restrooms. We have started working with Matt Parabolicoli from Site Elements. We don't have a hard quote at the moment, but Matt did say that this project will be well over \$100,000.00. We're now in the process of working with a plumber, building department, board of health, and architect to determine how many restrooms we will be putting in. After that, we will be working with the APR and The Trustees of Reservations to determine where, based on their conservation restrictions, we are able to put this facility. This new facility will allow everyone to have easy access to clean, up-to-date facilities. At the moment we have built a location that is easy access for all of our customers where we have placed an ADA compliant porta-potty, two standard porta-potties, and a hand washing station. We are a seasonally operating business that is open from May 1st through Thanksgiving. The ADA compliant porta-potty is in that location year-round, but the other standard porta-potties are removed when we are closed in the winter and placed back in that location in April. We've attached a picture of where the porta-potty is placed. This picture is just the ADA compliant porta-potty. The two-standard porta-potties are placed directly to the left of the ADA compliant porta-potty. These porta-potties and the handwashing station are cleaned twice a week by CPR (Clean Portable Restrooms) during the main season from May 1st through Thanksgiving. This porta-potty location will remain as described until the new, self-contained restroom structure is built and open for use. Due to the significant financial cost of this project, the multi-organization work that this will require, and the required time for planning and building we are requesting an extended time variance for this work.

Souders, Bradley (DPL)

From: Souders, Bradley (DPL)
Sent: Tuesday, March 29, 2022 12:54 PM
To: 'tangerinifarm@gmail.com'
Subject: Tangerini's Spring Street Farm, 139 Spring Street, Millis (V22-042) - Notice of Action
Attachments: Tangerini's Spring Street Farm, 139 Spring Street, Millis (V22-042) - Notice of Action.pdf

Good afternoon,

Attached please find an electronic copy of results of the Board's recent review of the above referenced case. If you require a paper copy of this Notice or Decision, you may contact me to request one, but be aware that the delivery of physical copies may be delayed.

If you are aggrieved by the attached decision please review the following information concerning your right to [appeal this decision](#).

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

Best,

Bradley Souders
Office Support Specialist II
[Architectural Access Board](#)
Office of Public Safety and Inspections
Division of Occupational Licensure
1000 Washington Street, Suite 710
Boston, MA 02118
O: 617-826-5256
M: 857-289-5276



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALLY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

EDWARD A. PALLESCHI
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EXECUTIVE DIRECTOR,
ARCHITECTURAL ACCESS BOARD

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

1000 Washington St., Suite 710 Boston MA 02118
V: 617-727-0660 www.mass.gov/aab Fax: 617-979-5459

NOTICE OF ACTION

Docket Number **V 22 042**

RE: Tangerini's Spring Street Farm , 139 Spring Street , Millis

On March 11, 2022 the Architectural Access Board received an application submitted by Linda Chiarizio .
This application and all attached documentation were reviewed by the Board on March 28, 2022 .
At that meeting, the Board voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	20.2	GRANTED until <u>April 1, 2023</u> as proposed on the condition that: route plans are provided to the Board for its review prior to the start of construction.
2	30.1	GRANTED until <u>April 1, 2023</u> as proposed on the condition that: dimensioned floor plans of the accessible toilet room are provided to the Board for its review prior to the start of construction, and the accessible portable toilet is located on an accessible route (loose pack surfaces such as gravel cannot be part of an accessible route).

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 29, 2022

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 59

Souders, Bradley (DPL)

From: Linda Chiarizio <tangerinifarm@gmail.com>
Sent: Friday, March 11, 2022 4:46 PM
To: Joyce, William (DPL); Souders, Bradley (DPL)
Cc: Spooner, Paul; mgiampietro@millisma.gov
Subject: Variance Application - 139 Spring Street, Millis
Attachments: MAAB Application for Variance.pdf; AAB Application for Variance Attachment.pdf; Chiarizio SITE PLAN 02-02-22.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.

Hi,

Please find the attached documents regarding the variance application for 139 Spring Street in Millis. Please let me know if there is anything else that you need from me. The \$50 check for the filing fee has been placed in the mail today.

Thank you,

Linda Chiarizio
Tangerini's Farm
978-906-3230





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:

Tangerini's Spring Street Farm, Inc
139 Spring Street
Millis, MA 02054

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

Steven & Linda Chiarizio
139 Spring Street
Millis, MA 02054

E-mail: tangerinifarm@gmail.com

Telephone: 781-368-3020 or 978-906-3230

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

Tangerini's Farm is a 65-acre fruit and vegetable farm with a private residence for the owners, farm stand, utility barns, greenhouses, and commercial kitchen which serves a farm-to-table restaurant located on-site. The farm stand and other buildings that are accessible to the public are handicap accessible with the exception of the bathroom and split-level patio, both of which will be mentioned in this variance request. The main use of the facility is as a working fruit and vegetable farm. Our farm stand has 2 floors, both of which are accessible from ground level however, the main floor is the only one that is used by the general public. The other activity on the property is in regards to the farm-to-table restaurant. There is a split-level outdoor patio used for seating for the restaurant. The building in question was built in 2017.

4. Total square footage of the building/facility: 8,550
Per floor: see notes

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

5. What was the original year of construction for the building/facility: 2017?

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):

It has very recently come to our knowledge that there are areas of our property and buildings that are not currently in compliance with the MAAB. Due to the seasonal nature of our business we are requesting a time-variance for these items. We are not yet submitting proposed architectural designs and quotes for the permanent solutions but are in the process of procuring them. The split-level patio was constructed in 2017 with wheelchair access to the top level only. Due to the design of the stone dining area and the proximity of the building to the dining area, at the moment we are unaware if a permanent ramp can be installed. However, we are in the process of working with an architect and contractor to determine the feasibility of this. In the interim, we are will be reserving all of our seating on our top patio for guests with handicaps. There will be more information on this on page 5 of this application.

We have also recently become aware of the MAAB regulations in regards to our restroom facility. Based on what we have learned, all of these things should have been addressed and brought up to code in 2017, when the building improvements were being made. Unfortunately, we did not own the property at the time and we

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:
Not yet determined _____

12. Has a certificate of occupancy been issued for the facility? ☒ Yes ☐ No
If yes, state the date it was issued: 2017

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: 378,500.00

Is the assessment at 100%? ☒ Yes ☐ No

If not, what is the town's current assessment ratio? 0%

15. State the phase of design or construction of the facility as of the date of this application:
Construction was completed in 2017. Construction for necessary improvements is in the beginning stages of design.

Request #1 Section(s) for which you are seeking relief: <u>Split-Level Patio</u> Are you seeking temporary relief ☒ Yes ☐ No If yes, when do you propose to be in compliance by: <u>April 2023</u> ? 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 split-level patio is used for dining seating for our farm-to-table restaurant. Wheelchair access is currently available at the top level of the patio but not to the bottom level. To access the bottom level there are two steps (totaling 15" in height), a landing area, and then one step (totaling 6" in height). We are a seasonal business that operates from May 1st through Thanksgiving. In order to procure the architectural designs, hire contractors and complete the work we will be well into our season. Not to mention, to install a permanent ramp, considerable stonework will need to be done and we may need to remove dining area in order to properly comply with the space needed for a permanent ramp. We are requesting temporary relief so that we can operate our business and allow us time to compile the necessary plans to construct a permanent. (See attachment for more).	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: <u>Bathroom</u> Are you seeking temporary relief ☒ Yes ☐ No If yes, when do you propose to be in compliance by: <u>April 2023</u> ? 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 business currently has one regular restroom and one portable toilet. It has come to our attention that the restroom is not large enough to meet ADA regulations. It appears as if this should have been rectified in 2017 when there was a large building improvement done on-property. Unfortunately, we did not own the business at that time and cannot say why the improvements didn't trigger full ADA compliance. We are seeking temporary relief in order to allow us the necessary time to make upgrades to the restroom so that it is in complete compliance with ADA regulations. (See attachment for additional information).	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, when do you propose to be in compliance by: _____?

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

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

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

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:

Tricia Kendall
60 Pleasant Street 10C
Ashland, MA 01721

E-mail: tricia@triciakendall.com

Telephone: 617-513-8996

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

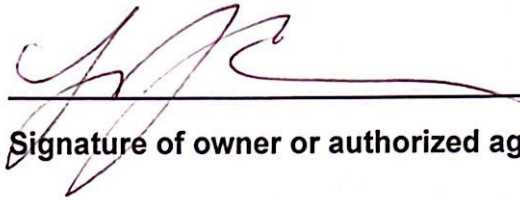
Michael Giampietro
900 Main Street, Room 129
Millis, MA 02054

E-mail: mgiampietro@millisma.gov

Telephone: 508-376-7044

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

Date: 03-11-2022


Signature of owner or authorized agent (required)

PLEASE PRINT:

Linda Chiarizio

Name

Tangerini's Spring Street Farm, Inc

Organization (If Applicable)

139 Spring Street

Address

Address 2 (optional)

Millis MA 02054

City/Town

State

Zip Code

tangerinifarm@gmail.com

E-mail

978-906-3230

Telephone

SERVICE NOTICE

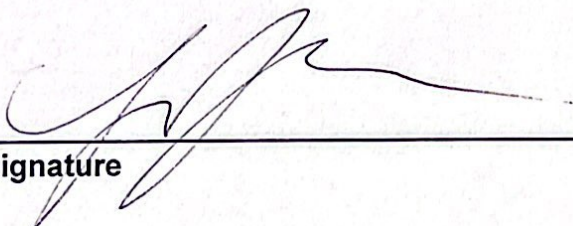
Linda Chiarizio

Applicant

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	Michael Giampietro	Email	03-11-2022
2 Local Commission on Disability (If Applicable)	N/A		
3 Independent Living Center	Paul Spooner	Email	03-11-2022



Signature

03-11-2022

Date

Question #3

Tangerini's Farm is a 65-acre fruit and vegetable farm with a private residence for the owners, farm stand, utility barns, greenhouses, and commercial kitchen which serves a farm-to-table restaurant located on-site. The farm stand and other buildings that are accessible to the public are handicap accessible except for the bathroom and split-level patio, both of which will be mentioned in this variance request. The main use of the facility is as a working fruit and vegetable farm. Our farm stand has 2 floors, both of which are accessible from ground level however, the main floor is the only one that is used by the general public. The other activity on the property is regarding the farm-to-table restaurant. There is a split-level outdoor patio used for seating for the restaurant. The utility barns and house were built in the 1800's and the building and site work in question was constructed in 2017.

Question #4.

The total square footage of publicly accessible space is 8,550 square feet. That consists of the main floor of our farm stand, the main floor of one barn (where the bathroom access is), retail greenhouse space, and our split-level patio. Top level of patio is 600 square feet and bottom level of patio is 2000 square feet.

Question #7

It has very recently come to our knowledge that there are areas of our property and buildings that are not currently in compliance with the MAAB. Due to the seasonal nature of our business, we are requesting a time-variance for these items. We are not yet submitting proposed architectural designs and quotes for the permanent solutions but are in the process of procuring them. The split-level patio was constructed in 2017 with wheelchair access to the top level only. Due to the design of the stone dining area and the proximity of the building to the dining area, at the moment we are unaware if a permanent ramp can be installed. However, we are in the process of working with an architect and contractor to determine the feasibility of this. In the interim, we are planning to have deployable ramps with handrails accessible anytime they are needed. There will be more information on this on page 5 of this application.

We have also recently become aware of the MAAB regulations regarding our restroom facility. Based on what we have learned, all these things should have been addressed and brought up to code in 2017, when the building improvements were being made. Unfortunately, we did not own the property at the time, and we cannot speak on why it was built out of code and full compliance was not followed. We are in the process of working with an architect and contractor to determine the necessary steps needed for the restroom on-site. In the interim we are proposing closing the restroom to public access, allowing employee access only, and placing MAAB compliant portable restrooms on-site.

Request #1

The split-level patio is used for dining seating for our farm-to-table restaurant. Wheelchair access is currently available at the top level of the patio but not to the bottom level. To access the bottom level there are two steps (totaling 15" in height), a landing area, and then one step (totaling 6" in height). We are a seasonal business that operates from May 1st through Thanksgiving. In order to procure the architectural designs, hire contractors and complete the work we will be well into our season. Not to mention, to install a permanent ramp, considerable stonework will need to be done and we may need to remove dining area in order to properly comply with the space needed for a permanent ramp. We are requesting temporary relief so that we can operate our business and allow us time to compile the necessary plans to construct a permanent ramp. In the interim we will be reserving the top patio seating for guests with handicaps.

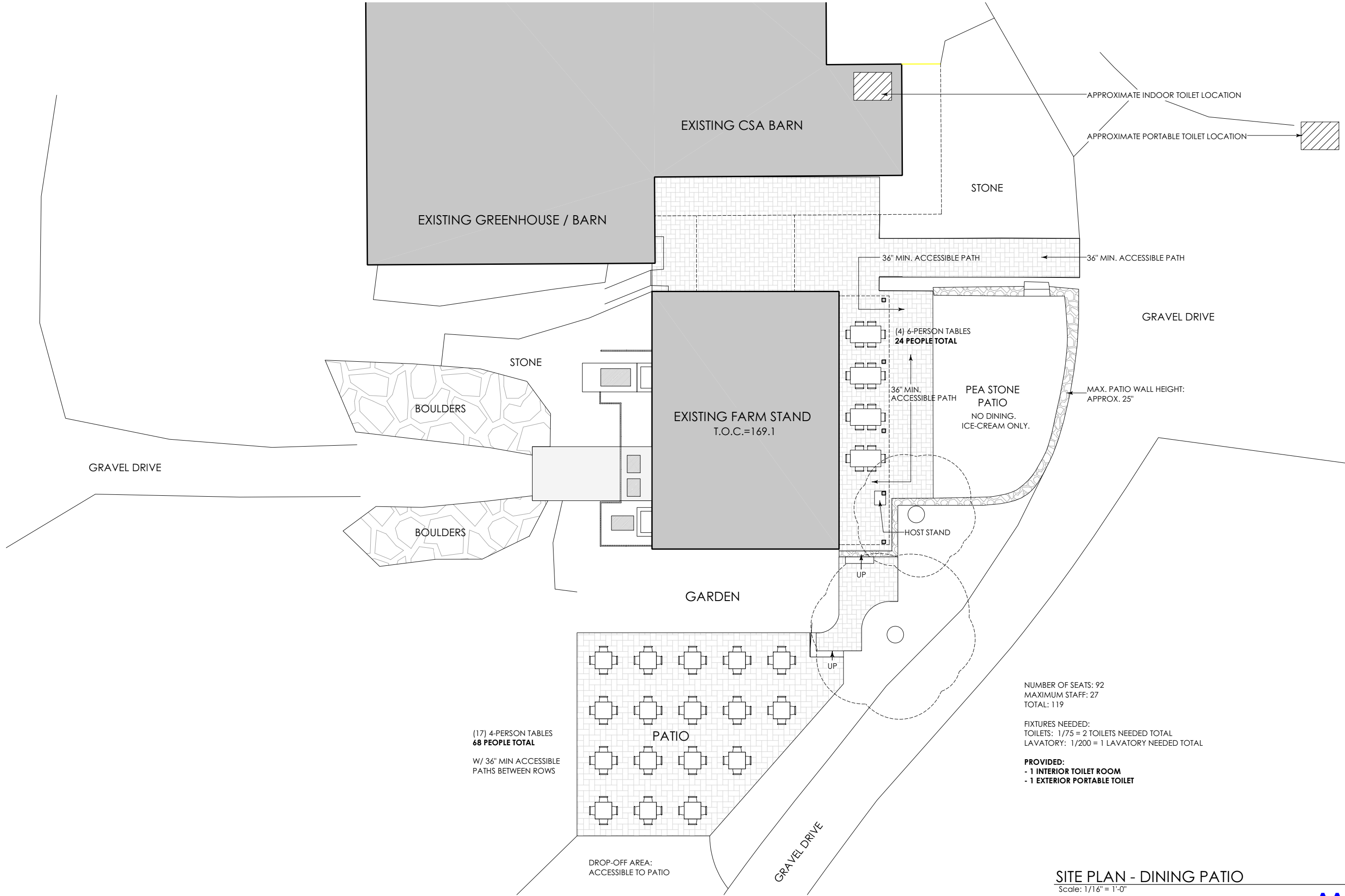
Over the next few months, we will work to establish plans on a permanent ramp with the instillation to begin in November of 2022 with a completion date of April 2023 or sooner. Ideally this work would have been done in 2017 when the building and patio was being constructed but unfortunately, we did not own the business at that time and do not know why it was constructed out of code.

Architectural designs that are being submitted were designed without the wheelchair ramp. New plans are being drawn up to incorporate a ramp. These designs are being submitted to show proximity of stone patio to building and to show the area of the top patio that will be designated for handicap seating until the permanent ramp is completed.

Request #2

The business currently has one regular restroom and one portable toilet. It has come to our attention that the restroom is not large enough to meet ADA regulations. It appears as if this should have been rectified in 2017 when there was a large building improvement done on-property. Unfortunately, we did not own the business at that time and cannot say why the improvements didn't trigger full ADA compliance. We are seeking temporary relief in order to allow us the necessary time to make upgrades to the restroom so that it is in complete compliance with ADA regulations. It is our intention to begin work on that as soon as possible. However, since we are scheduled to open May 1st, we are asking for temporary relief in the event that these upgrades are not completed by May 1st. If the restroom does not meet ADA regulations by May 1st, we will close the restroom to the public and allow employee access ONLY. We will also provide a regular portable toilet, an ADA compliant portable toilet, and a handwash sink in a handicap accessible area. We currently work with Clean Portable Restrooms and have already spoken with them regarding obtaining the necessary portable toilets and hand sink.

In bathroom remodel, bathroom will be expanded to allow necessary space in the bathroom, appropriate handrails will be installed where needed, and sink will be moved to allow for proper access.



SITE PLAN - DINING PATIO
Scale: 1/16" = 1'-0"

Date:	Description:
01-17-22	Existing 1

Date:
2/2/2022

Sheet:

A1