

ARCHITECTURAL ACCESS BOARD- HEARING PACKET

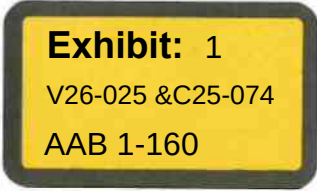
Name	Foglia and Associates Law Offices	Docket #	V 26 - 025
Address	340 Union Avenue	Docket #	C 25 - 074
City	Framingham	Hearing	7/27/2026
Bldg Type		Time of hearing	1:00 PM
Complaint's Name		Plans on file?	
Complaint ?	Variance ?	Request for continuance?	
Jurisdiction:	3.3.4	No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction.	
Building Permits:	292159 August 9 2024 \$87,000		
Assessed Value:	\$220,937		

Exhibit: 1

V26-025 & C25-074

AAB 1-160

Variances to be addressed:

Petitioner seeks relief from: 25.1: All public entrance(s) of a building or tenancy in a building shall be accessible. Public entrances are any entrances that are not solely service entrances, loading entrances, or entrances restricted to employee use only.

On July 7, 2025 the Board received a complaint for the above mentioned address. On November 24, 2025 the First Notice was sent to all parties. On December 3, 2025 the Board received a response from the respondent. (See AAB 140-160)

On December 8, 2025 the Stipulated Order was sent to all appropriate parties. On December 10, 2025 a revised Stipulated Order was sent to all parties. On December 10, 2025 a time extension request was received by the Board. (See AAB 113-139)

Between the end of January and early February 2026 there was correspondence between the compliance officer and respondent. On February 2, 2026 a revised Stipulated Order was sent to all parties. (See AAB 93-112)

On February 10, 2026 the Board received an application for variance for the above referenced address and at the March 9, 2026 meeting the Board found the correct value of the building pursuant to 521 CMR 3.6.1 is \$220,937, 30% of which is \$66,281.28, and as such 521 CMR 3.3.2 has been triggered and continued for more information about how the petitioner will provide compliance per 3.3.2. (See AAB 22-92)

On March 26, 2026 the Board received additional information from the petitioner and at the April 6, 2026 meeting the Board voted to schedule a hearing. In May and June 2026 the Board received additional information from the petitioner. (See AAB 2-21)

Lewis Colten AIA
A R C H I T E C T

9 Vernon Street
Framingham, MA 01701

Phone: 508-596-7220 Fax: 508-820-9708
Electronic Mail: lewcoltenaia@gmail.com

June 24, 2026

By Email

To: Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
William Joyce Executive Director
Molly Griffin ADA Program Coordinator
Victor Machado Compliance Office

Re: 340 Union Ave., Framingham, MA
Application for Variance
Correction and Clarification to Attachment CC , Paragraph B

Dear Sir/Madam:

In the document noted above attached to our variance application, the comment "in the 15 years of operation, this firm has never had a wheelchair handicap individual enter the building."

We have recently discovered that a handicap woman in a motorized wheelchair did in fact enter the building sometime in 2024. It was understood that an appointment was made but without the knowledge of the office staff that she was handicapped.

We understood that she was assisted into the building by staff members and, once inside, found she could not maneuver successfully inside the building. It was unfortunate that the office staff was unaware of her handicap situation as the procedure in this office is that when making an appointment, the client is asked if they are handicapped and if so, the office policy is, as noted in our original statement, the attorney will go to the client's home, hospital, court or jail to accommodate the client.

Should you have any questions, please don't hesitate to contact me.

Sincerely



Lewis Colten AIA, CBO

Cc Michael Foglia Attorney/ Owner

Machado, Victor (DPL)

From: Lewis Colten <lewcoltenaia@gmail.com>
Sent: Friday, June 26, 2026 3:45 PM
To: Joyce, William (DPL); Griffin, Molly (DPL); Machado, Victor (DPL); mfoglia
Subject: 340 Union Ave Framingham, Clarification Letter
Attachments: Scan_0001.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.

Please see attached clarification letter regarding a correction to a comment in our variance application.
Should you have any questions, please feel free to contact me.

Thank you

Lewis Colten AIA
Architect
9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

Lewis Colten AIA

9708

A R C H I T E C T

lewcoltenaia@gmail.com

9 Vernon Street

Framingham, MA 01701

Phone: 508-596-7220 Fax: 508-820-

Electronic Mail:

June 24, 2026

By Email

To: Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
William Joyce Executive Director
Molly Griffin ADA Program Coordinator
Victor Machado Compliance Office

Re: 340 Union Ave., Framingham, MA
Application for Variance
Correction and Clarification to Attachment CC , Paragraph B

Dear Sir/Madam:

In the document noted above attached to our variance application, the comment "in the 15 years of operation, this firm has never had a wheelchair handicap individual enter the building."

We have recently discovered that a handicap woman in a motorized wheelchair did in fact enter the building sometime in 2024. It was understood that an appointment was made but without the knowledge of the office staff that she was handicapped.

We understood that she was assisted into the building by staff members and, once inside, found she could not maneuver successfully inside the building. It was unfortunate that the office staff was unaware of her handicap situation as the procedure in this office is that when making an appointment, the client is asked if they are handicapped and if so, the office policy is, as noted in our original statement, the attorney will go to the client's home, hospital, court or jail to accommodate the client.

Should you have any questions, please don't hesitate to contact me.

Sincerely



Lewis Colten AIA, CBO

Cc Michael Foglia Attorney/ Owner



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

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

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

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

VARIANCE HEARING

Docket Number **V 26 025**

RE: Foglia and Associates Law Offices , 340 Union Avenue , Framingham

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **July 27, 2026** at **1:00 PM**. Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Lewis Colten for modification of or substitution of the following Rules and Regulations: 25.1
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

Chairperson

Date: April 14, 2026

cc: Local Building Inspector
Independent Living Center
Local Disability Commission



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

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

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

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

FIRST AMENDED NOTICE OF ACTION

Docket Number V 26 025

RE: Foglia and Associates Law Offices , 340 Union Avenue , Framingham

On March 26, 2026 the Architectural Access Board received an additional submission from Petitioner
The additional documents were reviewed by the Board on April 6, 2026 At that meeting, the Board
voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	25.1	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: April 14, 2026

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT
Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 5

340 Union Avenue - Variance Application

From Lewis Colten <lewcoltenaia@gmail.com>

Date Fri 5/8/2026 1:52 PM

To Joyce, William (DPL) <William.Joyce@mass.gov>; Machado, Victor (DPL) <Victor.Machado@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; mfoglia <mfoglia@fogliafaw.com>

 1 attachment (810 KB)

Entrance Door and Sign_0001.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.

This is to supplement the variance application with clarification of attachment "D-1" (sign on the entrance door of the building which is too small to read). In this regard, I have attached a photograph of the door with the sign along with an enlarged photograph of the sign itself. As you will note, at the bottom of the sign, it states "Entrance By Appointment only."

Please let me know if I need to forward this forward this to those originally copied with the application.

If you have any questions, please contact me.

Thank you.

Lew

--

Lewis Colten AIA

Architect

9 Vernon Street

Framingham, Massachusetts 01701

Phone: 508-596-7220

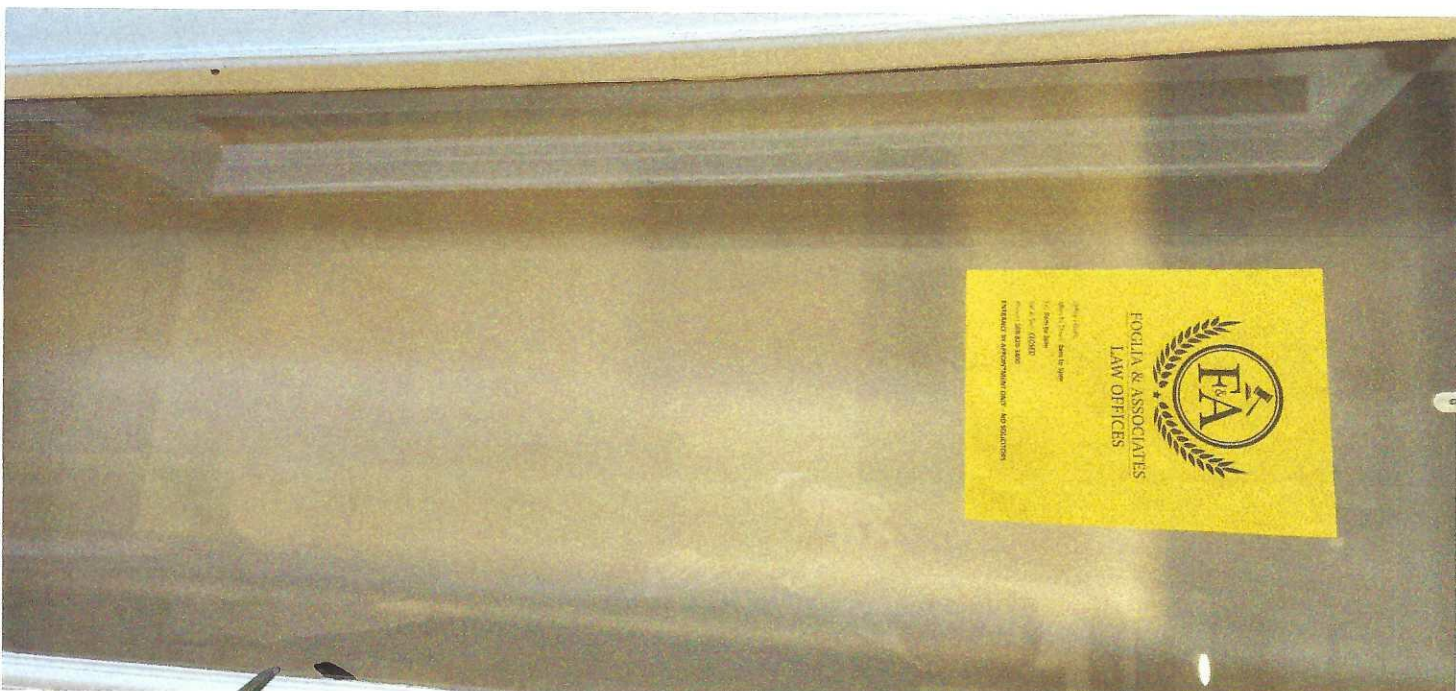
Cell: 508-596-7220

Fax: 508-820-9708

Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If

you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.





FOGLIA & ASSOCIATES LAW OFFICES

Office Hours:

Mon to Thurs: 9am to 5pm

Fri: 9am to 3pm

Sat & Sun: CLOSED

Phone: 508-820-3400

ENTRANCE BY APPOINTMENT ONLY – NO SOLICITORS

AAB 9

Machado, Victor (DPL)

From: Lewis Colten <lewcoltenaia@gmail.com>
Sent: Friday, June 26, 2026 4:47 PM
To: Joyce, William (DPL); Griffin, Molly (DPL); Machado, Victor (DPL)
Cc: mfoglia
Subject: 340 Union Avenue, Framingham
Attachments: Clarification letter.rev_0001.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.

Please disregard my previous email as graphic corrections were necessary.

Sorry for any confusion.

Thank you.

Lew

--

Lewis Colten AIA
Architect
9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

Machado, Victor (DPL)

From: Machado, Victor (DPL)
Sent: Monday, June 29, 2026 6:54 AM
To: mdempsey@mwciil.org
Cc: Machado, Victor (DPL)
Subject: FW: 340 Union Avenue, Framingham
Attachments: Clarification letter.rev_0001.pdf

FYI

Victor Machado
Compliance Officer
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 701-8643

1 Federal Street, 6th Floor, Boston, MA 02118
www.mass.gov/aab

From: Lewis Colten <lewcoltenaia@gmail.com>
Sent: Friday, June 26, 2026 4:47 PM
To: Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Machado, Victor (DPL) <Victor.Machado@mass.gov>
Cc: mfoglia <mfoglia@fogliallaw.com>
Subject: 340 Union Avenue, Framingham

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.

Please disregard my previous email as graphic corrections were necessary.

Sorry for any confusion.

Thank you.

Lew

--

Lewis Colten AIA
Architect

9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

Machado, Victor (DPL)

From: Lewis Colten <lewcoltenaia@gmail.com>
Sent: Friday, June 26, 2026 3:45 PM
To: Joyce, William (DPL); Griffin, Molly (DPL); Machado, Victor (DPL); mfoglia
Subject: 340 Union Ave Framingham, Clarification Letter
Attachments: Scan_0001.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.

Please see attached clarification letter regarding a correction to a comment in our variance application.
Should you have any questions, please feel free to contact me.

Thank you

Lewis Colten AIA
Architect
9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

Lewis Colten AIA

9708

A R C H I T E C T

lewcoltenaia@gmail.com

9 Vernon Street

Framingham, MA 01701

Phone: 508-596-7220 Fax: 508-820-

Electronic Mail:

June 24, 2026

By Email

To: Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
William Joyce Executive Director
Molly Griffin ADA Program Coordinator
Victor Machado Compliance Office

Re: 340 Union Ave., Framingham, MA
Application for Variance
Correction and Clarification to Attachment CC , Paragraph B

Dear Sir/Madam:

In the document noted above attached to our variance application, the comment "in the 15 years of operation, this firm has never had a wheelchair handicap individual enter the building."

We have recently discovered that a handicap woman in a motorized wheelchair did in fact enter the building sometime in 2024. It was understood that an appointment was made but without the knowledge of the office staff that she was handicapped.

We understood that she was assisted into the building by staff members and, once inside, found she could not maneuver successfully inside the building. It was unfortunate that the office staff was unaware of her handicap situation as the procedure in this office is that when making an appointment, the client is asked if they are handicapped and if so, the office policy is, as noted in our original statement, the attorney will go to the client's home, hospital, court or jail to accommodate the client.

Should you have any questions, please don't hesitate to contact me.

Sincerely



Lewis Colten AIA, CBO

Cc Michael Foglia Attorney/ Owner

AAB 14

Machado, Victor (DPL)

From: Machado, Victor (DPL)
Sent: Friday, April 3, 2026 11:16 AM
To: Mark Dempsey
Cc: Machado, Victor (DPL)
Subject: RE: Foglia and Associates Law Offices, 340 Union Avenue, Framingham (V26-025)(C25-074)
Attachments: Admin, V26-025, Foglia and Associates Law Offices, 340 Union Avenue, Framingham.pdf

Here you go

Victor Machado
Compliance Officer
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118
www.mass.gov/aab

From: Mark Dempsey <mdempsey@mwil.org>
Sent: Friday, April 3, 2026 9:14 AM
To: Machado, Victor (DPL) <Victor.Machado@mass.gov>
Subject: Fwd: Foglia and Associates Law Offices, 340 Union Avenue, Framingham (V26-025)(C25-074)

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.

Morning Victor

Could you forward what is being discussed Monday on the complaint / variance C25-074 V26-025

Thank you

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@mwcil.org. Thank you.

----- Original Message -----

Subject:Foglia and Associates Law Offices, 340 Union Avenue, Framingham (V26-025)(C25-074)

Date:2026-04-03 09:00

From:Mark Dempsey <mdempsey@mwcil.org>

To:Molly Griffin <molly.griffin@mass.gov>, William Joyce <william.joyce@mass.gov>

Cc:Sadie Simone <ssimone@mwcil.org>, Catherine Cuddy <FDCCuddy@gmail.com>, David Correia <dcorreia@framinghamma.gov>

Morning AAB,

I see that the Variance V26-025 is on the agenda for Monday. Could you please forward the information that will be discussed.

Thank you

--

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@mwcil.org. Thank you.

340 Union Ave

From Lewis Colten <lewcoltenaia@gmail.com>

Date Thu 3/26/2026 8:56 PM

To Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Machado, Victor (DPL) <Victor.Machado@mass.gov>; mfoglia <mfoglia@fogliaalaw.com>

 1 attachment (1 MB)

Revised area calculations and assessor's sht..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.

Greetings:

Attached is the revised building area calculations presented as , ASSESSMENT EVALUATION and the City's AssessPro,Patriot prop. sheet,

The re-evaluation is based on the adjustments made and the realistic conditions as noted.

The attached documents show that the conditions indicated have the project in compliance with CMR 521 regarding the percentage of the cost of construction of the commercial portion and does not exceeds the 30% of the project per sec, 3.33..

As shown, the percentage of the commercial portion of the building exceeds 66.6% of the entire building, as shown,

this portion is valued at \$292,006.05 against the total value of the building assessed at \$438,183,33 with a difference

of \$146,175.28 exceeding the project cost of \$87,000, thereby being in compliance with CMR 521.

The cost evaluations noted were made with consultations with the office of the city's Assessor's office.

Hopefully this rectifies the issue at hand and we can proceed with the variance process now in place.

Should you have any questions, please feel free to contact me at your convenience.

Sincerely

Lewis Colten AIA, CBO

--

Lewis Colten AIA
Architect

9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

ASSESSMENT EVALUATION - 340 UNION AVE. FRAMINGHAM

DISCRIPT.	TOTAL AREA S.F.	COMMERCIAL	RESIDENTIAL	UNDEPR VALUE
BASEMENT	1540 S.F.	1440 S.F. FIN. OFF. USE @ \$79.79/S.F. = \$114,897.60 100 S.F. UTILITIES @ \$15.96/S.F. = \$1,596.00 TOTAL = \$116,493.60		\$116,493.60
FIRST FLOOR	1744 S.F.	1744 S.F. @ \$79.79 = \$139,153.76		\$139,153.76
FULL BAY 1ST FL.	27 S.F.	27 S.F. @ \$79.79 = \$2,154.33		\$2,154.33
OPEN PORCH 1ST FL.	54 S.F.	54 S.F. @ \$23.94 = \$1,292.76		\$1,292.76
ENCLOSED FINISHED DECK OFFICE 1ST FL.	150 S.F.	150 S.F. @ \$79.79 = \$11,968.50		\$11,968.50
2ND FL. DECK OVER OFFICE FOR OFFICE USE	150 S.F.	150 S.F. @ \$11.97 = \$1,795.50		\$1,795.50
ADDITION 1ST FL. EXIST. 126 S.F. NEW 114 S.F. <u>240 S.F.</u>	240 S.F.	240 S.F. @ \$79.79 = \$19,149.60		\$19,149.60
SECOND FLOOR	1520 S.F.		1520 S.F. @ \$79.79 = \$121,280.80	\$121,280.80
THIRD FLOOR	1520 S.F. <u>-1208 S.F. (UNHABITABLE)</u> 312 S.F.		312 S.F. @ \$79.79 = \$24,894.48	\$24,894.48
	5737 S.F.	\$292,006.05	\$146,175.28	\$438,183.33

TENANT FIT-UP

OFFICE ADDITION

**FOGLIA & ASSOCIATES
LAW OFFICES**

**340 UNION AVENUE
FRAMINGHAM, MA, 01702**

Lewis Colten, AIA
ARCHITECT
3 Union Ave Framingham Mass 01702
508-875-1111

3/26/26

NOTE:

SEE ATTACHED
ASSESSPRO
PATRIOT PROP. SHT.

\$292,006.05
\$438,183.33

= 66.6% COMMERCIAL OR

\$438,183.33 - \$292,006.5 = \$146,177.28

∴ > \$87,000.00 IN CONFORMANCE
WITH CMR 521 SEC. 3.32



AAB 20



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

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

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

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

NOTICE OF ACTION

Docket Number **V 26 025**

RE: Foglia and Associates Law Offices , 340 Union Avenue , Framingham

On February 10, 2026 the Architectural Access Board received an application submitted by Lewis Colten. This application and all attached documentation were reviewed by the Board on March 9, 2026. At that meeting, the Board voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
		FINDS that the correct value of the building pursuant to 521 CMR 3.6.1 is \$220,937, 30% of which is \$66,281.28, and as such 521 CMR 3.3.2 has been triggered.
2	25.1	CONTINUED to request Petitioner provide the Board with: information as to compliance with 521 CMR 3.3.2.

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.

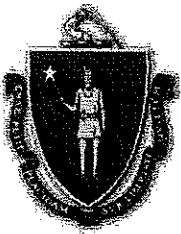
Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: March 10, 2026

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT

Chairperson
ARCHITECTURAL ACCESS BOARD **AAB 22**



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

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

Docket Number

V26-025

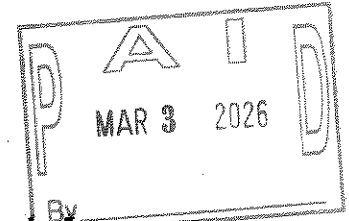
(Office Use Only)

Check # 1219 R-0316439

APPLICATION FOR VARIANCE

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at:
<https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Sign the certification on Page 8.
- 4) If the applicant is not the owner of the building or his or her agent, include a signed letter from the owner granting permission for you to apply for variance.
- 5) Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at:
<https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
(Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 6) Complete the Service Notice included with the Application and sign it.
- 7) Deliver the completed Application and all attachments to the Board via electronic or physical delivery:
 - a. Electronic:
 - i. Applications should be sent via email to william.joyce@mass.gov & molly.griffin@mass.gov.
 - ii. The email submission must have the subject line: Variance Application - <Address>, <City>
 - iii. The application and all attachments must be in .pdf format
 - iv. The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.
 - v. Please submit the \$50 filing fee via check or money order via mail to the mailing address listed above with either a cover letter or, "Variance - <Address>, <City>" in the memo line.
 - b. Physical
 - i. Applications should be sent to the mailing address listed above and must include:
 1. The completed application and all attachments.
 2. A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),



3. The completed and signed Service Notice.
 4. A check or money order in the amount of \$50 dollars, made out to the Commonwealth of Massachusetts.
- ii. Please ensure that all documents included are no larger than 11" x 17".
 - iii. Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.

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

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

Foglia and Associates Law Offices
340 Union Avenue
Framingham, MA 01702

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

Three 40 Union Avenue, LLC
340 Union Avenue
Framingham, MA 01701

E-mail: mfoglia@foglialaw.com

Telephone: 877-675-7207 Ext. 10

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

2-1/2 story wood frame structure with a basement, stone foundation. First floor uses are law offices. Second and half floors above are apartments and the basement is storage for legal documents and utilities. The building is in consideration to go on the Framingham CRI (Critical Resource Inventory of historic structures) along with a number of other buildings on the street. These buildings are of iconic colonial revivalist design or transitional revivalist design.

Framingham Disability Commission
Framingham City Hall
150 Concord Street
Framingham, MA 01702

February 25th, 2026

To whom it may concern,

On February 25th 2026, the Framingham Disability Commission voted to write a letter regarding the variance application for 340 Union Avenue. After reviewing the variance application and discussing, the Commission voted to not support this variance request due to a lack of evidence substantiating their claims.

Sincerely,

Framingham Disability Commission
Catherine Cuddy, Chair
Tyler Terrasi, Vice Chair
Dennis Moran, Treasurer
Susie Santone
Meghan Todd
Michael Higgins
Sheryl Goldstein

340 Union Avenue Framingham C25- and V26-025

From Mark Dempsey <mdempsey@mwil.org>

Date Wed 2/25/2026 1:18 PM

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

Cc Simone, Sadie <ssimone@mwil.org>; Fdcccuddy <fdcccuddy@gmail.com>; Dcorreia <dcorreia@framinghamma.gov>

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.

Honorable Board Members,

The MetroWest Center for Independent Living (MWCIL) would like to go on the record opposing the variance request as written for 340 Union Avenue. Based on the information provided in the variance we now believe the addition should have required full compliance, including door widths within the tenant space (521 CMR Section 26.5), door hardware (521 CMR Section 26.11) and an accessible bathroom (521 CMR Section 30). The following outlines our concerns:

- The tenants utilize a percentage of the total property instead of the square footage to determine value of the space. The building has 4823.55 square feet total. The tenant (Law Office) has 1,744 square feet or 36.16% of the total building space. The building value has a value listed at \$611,000. The tenant space, or 36.16% of the value equals \$220,937.60 and not \$183,331 as listed in the variance. 30% of the value of the tenant space equals \$66,281.28. Construction cost was higher than this amount, full compliance is therefore required.
- The tenants claim of undue cost is not substantiated with estimates for ramps or lifts.
- Tenant notes in the variance request that the halls and doorways would not accommodate mobility devices such as wheelchairs. No evidence is provided in the documentation for "maximum extent feasible", other than noting "it is not possible" due to the "age and layout" and would require extensive alteration. They note that while they serve individuals with disabilities, they provide these services outside the office due to lack of accessibility.

--

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@mwciil.org. Thank you.

FW: Variance Application -- 340 Union Avenue, Framingham, MA 0170- Docket No. C 25 074

From Machado, Victor (DPL) <Victor.Machado@mass.gov>

Date Tue 2/10/2026 8:55 AM

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

Cc Joyce, William (DPL) <William.Joyce@mass.gov>; Machado, Victor (DPL) <Victor.Machado@mass.gov>

 2 attachments (18 MB)

Application for Variance_0001.pdf; Variance Proposal backup - 369 and 371 Grant St..pdf;

Good morning, Molly,

I received a drawing for this variance from Lou and Caroline Connor but it did not seem it was sent to you.

Best,
Victor

Victor Machado
Compliance Officer
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118
www.mass.gov/aab

From: Lewis Colten <lewcoltenaia@gmail.com>

Sent: Monday, February 9, 2026 5:42 PM

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

Cc: Eric Chartier <echartier@framinghamma.gov>; fdcuddy@gmail.com; mdempsey@mwcil.org; Dcorreia@framinghamma.gov; Machado, Victor (DPL) <Victor.Machado@mass.gov>

Subject: Variance Application -- 340 Union Avenue, Framingham, MA 0170- Docket No. C 25 074

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.

Attached please find Application for Variance regarding the above-stated property.

Thank you.

--

Lewis Colten AIA, CBO
Architect
9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.



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

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

Docket Number

(Office Use Only)

APPLICATION FOR VARIANCE

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at:
<https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Sign the certification on Page 8.
- 4) If the applicant is not the owner of the building or his or her agent, include a signed letter from the owner granting permission for you to apply for variance.
- 5) Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at:
<https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
(Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 6) Complete the Service Notice included with the Application and sign it.
- 7) Deliver the completed Application and all attachments to the Board via electronic or physical delivery:
 - a. Electronic:
 - i. Applications should be sent via email to william.joyce@mass.gov & molly.griffin@mass.gov.
 - ii. The email submission must have the subject line: Variance Application - <Address>, <City>
 - iii. The application and all attachments must be in .pdf format
 - iv. The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.
 - v. Please submit the \$50 filing fee via check or money order via mail to the mailing address listed above with either a cover letter or, "Variance - <Address>, <City>" in the memo line.
 - b. Physical
 - i. Applications should be sent to the mailing address listed above and must include:
 1. The completed application and all attachments.
 2. A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),

3. The completed and signed Service Notice.
 4. A check or money order in the amount of \$50 dollars, made out to the Commonwealth of Massachusetts.
- ii. Please ensure that all documents included are no larger than 11" x 17".
 - iii. Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.

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

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

Foglia and Associates Law Offices
340 Union Avenue
Framingham, MA 01702

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

Three 40 Union Avenue, LLC
340 Union Avenue
Framingham, MA 01701

E-mail: mfoglia@foglialaw.com

Telephone: 877-675-7207 Ext. 10

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

2-1/2 story wood frame structure with a basement, stone foundation. First floor uses are law offices. Second and half floors above are apartments and the basement is storage for legal documents and utilities. The building is in consideration to go on the Framingham CRI (Critical Resource Inventory of historic structures) along with a number of other buildings on the street. These buildings are of iconic colonial revivalist design or transitional revivalist design.

4. Total square footage of the building/facility: 4,823.55

Per floor: 1ST FL. = 1,744, 2ND FL. = 1,520, 3RD FL. 447

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

5. What was the original year of construction for the building/facility: 1902 ?

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

☒

New Construction

☒

Addition

☒

Reconstruction/Remodeling/Alteration

☐

Change of Use

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

The work consisted of changing a front porch to an enclosed addition (a total of 66.5 sq. ft.). The work included new siding, new windows, renovation of the existing roof balcony and renovation of the reception, secretarial workstation and waiting area. Existing stone entry stairway was repaired and replaced to its original condition done as a field condition that required repairs.

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

FRAMINGHAM CRI

(In which registry?)

CULTURAL RESOURCES INVENTORY

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 ☐ 25.1 ☒

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>
292159	8/9/24	\$ 87,000.00

(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:

\$ 0.00 ALL WORK WAS COMPLETED 3/28/25 SEE AS.

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

If yes, state the date it was issued: THE BUILDING WAS ALREADY OCCUPIED AND NO ADDITIONAL CERTIFICATE OF OCCUPANCY IS REQUIRED.

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 except for current 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: \$ 611,000.00

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: All work has been completed.

16.

Please list specific technical sections, not 521 CMR 3.

Request #1

Section(s) for which you are seeking relief: 3.3.4Are you seeking temporary relief: ☐ Yes * ☒ No

Types of Attachments for this Request:

☐ Floor/Site Plans, ☒ Cost Estimates,☒ Photographs, ☐ Test Drawings,☒ Other(s): See list of attachments

If yes, what date do you propose to be in compliance by: _____?

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

*We are seeking permanent relief and dismissal of the complaint.

SEE ATTACHMENT AA & ATTACHMENT I

Request #2

Section(s) for which you are seeking relief: 25.1Are you seeking temporary relief: ☐ Yes * ☒ No

Types of Attachments for this Request:

☒ Floor/Site Plans, ☒ Cost Estimates,☒ Photographs, ☐ Test Drawings,☒ Other(s): see list of attachments

If yes, what date do you propose to be in compliance by: _____?

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

*We are seeking permanent relief and dismissal of the complaint.

SEE ATTACHMENT BB & ATTACHMENT I

Request #3

Section(s) for which you are seeking relief: Relief not Req.

Are you seeking temporary relief: ☐ Yes ☒ No

If yes, what date do you propose to be in compliance by: _____?

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

In anticipation of questions that the Board may have, we have analyzed potential alternatives, all of which have been found to be not feasible.

SEE ATTACHMENT CC & ATTACHMENT I

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: NONE

Are you seeking temporary relief: ☐ Yes ☐ No

If yes, what date do you propose to be in compliance by: N/A?

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):

RELIEF NOT REQUESTED.

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:

Lewis Colten AIA & Associates
Lewis Colten, Architect
9 Vernon Street
Framingham, MA 01701

E-mail: lewcoltenaia@gmail.com

Telephone: 508-596-7220

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

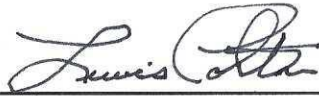
Eric Chartier, Inspector
Framingham Inspectional Services
150 Concord Street, Room 203
Framingham, MA 01702

E-mail: echartier@framinghamma.gov

Telephone: 508-523-5500

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

Date: 2/9/26



Signature of owner or authorized agent *(required)*

PLEASE PRINT:

Lewis Colten, Authorized Agent

Name

Lewis Colten AIA & Associates

Organization (If Applicable)

9 Vernon Street

Address

Address 2 (optional)

Framingham

MA

01701

City/Town

State

Zip Code

lewcoltenaia@gmail.com

E-mail

508-596-7220

Telephone

SERVICE NOTICE

I, Lewis Colten, as Authorized Agent
 (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	Eric Chartier, Inspector 150 Concord Street, Rm. 203 Framingham, MA 01702	Email: echartier@Framinghamma.gov	2/9/26
2 Local Commission on Disability (If Applicable)	Catherine Cuddy, Chair Framingham Disability Commission 150 Concord Street Framingham, MA 01702	Email: fdccuddy@gmail.com	2/9/26
3 Independent Living Center	Mark Dempsey, IL Coordinator Metro West Cntr. for Independent Liv. One Clarks Hill, Suite 200 Framingham, MA 01702	Email: mdempsey@mwcil.org	2/9/26



Signature

2/9/26

Date

Copies also sent by e-mail to:

William Joyce [william.joyce@mass.gov]
 Executive Director
 Architectural Access Board

Victor Machado [victor.machado@mass.gov]
 Compliance Office
 Architectural Access Board

Molly Griffin [molly.griffin@mass.gov]
 ADA Program Coordinator
 Architectural Access Board

David Correia, ADA Coordinator
 [dcorreia@framinghamma.gov]
 City of Framingham

LIST OF ATTACHMENTS

- Ⓐ Request No. 1
- Ⓑ Request No. 2
- Ⓒ Additional Considerations
- Ⓐ₁ Phase one construction documents, sheets Ⓐ₁, Ⓐ₂, Ⓐ₃ and Ⓐ₄ dated 4/29/24.
- Ⓐ₅ Final Construction Control Document.
- Ⓑ₁ Photo of original existing conditions attached to submitted complaint.
- Ⓑ₂ Photo of original existing conditions showing clearer view.
- Ⓑ₃ Photo of present condition after construction.
- Note: It was brought to our attention that the reconstruction differed from the original construction. As can be observed, the replacement is exactly the same as the original.
- Ⓑ₄ Photo of front door with signage
- Ⓒ₁ Drawing: "Handicap Accessibility Variance," dated 1/27/26.
- Ⓓ₁ Entry sign, buzzard and notice, "Entry by Appointment."
- Ⓔ₁ Assessor's 2024 appraisal at the time of permitting for \$808,400.
- Ⓔ₂ Assessor's 2026 appraisal after construction completed for \$897,300.
- Ⓕ₁ Permit application, dated 7/19/22, for construction, denial for submission to ZBA for variance.
- Ⓕ₂ Decision of variance approval from the ZBA dated 9/13/23.
- Ⓕ₃ Copy of contractor's construction agreement to owner, dated 9/9/24, for \$87,000, initialed.
- Ⓕ₄ Permit information from Framingham Building Department of 8/9/24 for permit for \$85,000.
- Ⓖ₁ Owner's authorization letter for Lewis Colten's representation for the variance application.
- Ⓕ₁ ADA Section 36.402 Alterations.
- Ⓕ₂ 521 CMR 5.1: Definitions – Alterations defines ordinary repairs as not alterations.
- Ⓘ Final Statement.

ATTACHMENT AA

3.3.4

REQUEST NO. 1

The entirety of the existing building has remained as is with no alterations to the interior. Changes were made to the exterior envelope of the building, which focused on an exterior porch enclosed and had an addition added to, thereby creating one enlarged room essentially for an enlarged secretarial work area, a receptionist area and a waiting room. There was no decreasing of accessibility or of diminishing accessibility due to the alteration and addition of this work. Accessibility to the existing space was always limited due to the configuration of the building and its already limitation of the existing construction (See Attachment (C₁)) i.e., interior corridors, and access to this enlarged room from other locations is less than an acceptable width for wheelchairs (3'-0" or less) and doorways through loadbearing walls that are 2'-6" wide, minus 2" for door thickness, leaving a clear width of 28" (less than acceptable access) and inaccessible route to this space, other than the front door, as noted, for a means of egress. The design and construction of this alteration is in full compliance with CMR 780 and all applicable codes. (Refer to Attachments (A₁), (A₂), (A₃) and (A₄).) Existing conditions identifying the inaccessible conditions throughout the entire facility, which, in order to correct, would require extensive and excess costs to accomplish. See Attachments (H₁) and (H₂).)

ATTACHMENT BB

25.1

REQUEST NO. 2

During construction of the addition to the existing porch, the contractor noted that the front stairs subsurface support system had deteriorated to the point of being unsafe. The new adjacent construction had disturbed the stability of the existing stairs and platform and was a threat to the existing deck above. Furthermore, the instability of the stair foundation caused the stone stairs and platform to crack and the reposition of stones, other than the original position, could be in violation of the state statute of CRM 780 and life safety (NFPA 101) for the proper riser and run for treads and risers. It is my understanding that the contractor pointed this out to the assigned building inspector, Eric Chartier, and, together, they decided it would be acceptable to replace the stone stairs and platform and create a more stable foundation if it were put back in the same way it was originally. So, within the course of ordinary repairs, the contractor proceeded with the repairs, which were made to replicate the original stairs and platform. Albeit, the intention of 25.1 is that should an entrance (not noting the stairs) be altered, it must be done to meet accessibility. In this case, the intention was to repair, make safer and more stable, without any intention of diminishing accessibility, with the understanding that beyond the stairs and landing, the building was not accessible. In accordance with section 5.1 of 521 CMR Alterations (see Attachment (H₂)), alterations not requiring a building permit (with the consent of the building inspector), are considered "ordinary repairs" as defined in 780 CMR: The State Building Code, and therefore are not alterations. See Attachments (B₁), (B₂) and (B₃) (photos of existing before and after construction).

ATTACHMENT CC

ADDITIONAL CONSIDERATIONS.

A) ADA Section 36.402C, Alterations. To the maximum extent feasible

The extent of the alteration to the building was limited to an alteration of an existing porch and addition of 66.65 sq. ft., for the purposes of much needed office support space. The addition allowed for a reception area, secretarial support and a waiting area. The limited amount of area allowed was established by the city's setback area a maximum allowable FAR (floor area ratio). We had submitted for a variance from the city's Zoning Board of Appeals (see Attachment (F₁)) and were granted a variance (see Attachment (F₂)). The building was being used to the maximum for usable space to serve this building operation and required some expansion to better serve for its intended use and that maximum expansion was only allowed in size, as noted able. Due to the age and physical layout of this structure, wheelchair handicap accessibility is not possible because it would require extensive alterations to the interior of the building, as corridors are too narrow, doorways are too narrow and existing toilet rooms are too small and expansion of same is not feasible because the space is not available.

Getting access into the building from all of the existing entrances would require modifications to the existing exterior bearing walls because of the narrowness of the entrances. In addition, it would be very difficult in getting lifts or ramps installed and the expense could exceed the cost of the entire project. All of these other existing entrances are located at working spaces, which would cause the elimination of the present use of these working areas and relocation of these working areas is not possible due to lack of space.

The front entry door has its own particular issue as described in Attachment (BB). Accessibility for those using crutches or for the visual or hearing impaired are accommodated by the use of handrails and any other appropriate means of assistance.

B) Limited yet accommodating conditions.

The existing use of this facility is law offices that cater to criminal law and personal injury. It must be emphasized that there are no public walk-in clients coming into the front door of this office from the street. Clients are admitted only by appointment. There is a camera, doorbell and a sign on the exterior wall. See Attachment B₄ noting access by "appointment only." In the 15 years of operation, this firm has never had a wheelchair handicap individual enter this building for the reasons previously noted. But this does not limit service to their firm's clients. Criminal law clients are visited by attorneys in jail or in court or by appointment. If they are so handicapped as not to be able to access the office, the attorneys visit them at an appropriate location. This also goes for physically injured clients, which is always the cause for a visitation of an attorney at the hospital or their home.

There is a basement which might be thought of as a remote location, however, use of that area would not be permissible due to Mass. Building Code 780 CMR as the ceiling height is only 6'-4" and the Code requires a height of at least 7'-4" for occupancy. This space is used for storage of legal records and utilities.

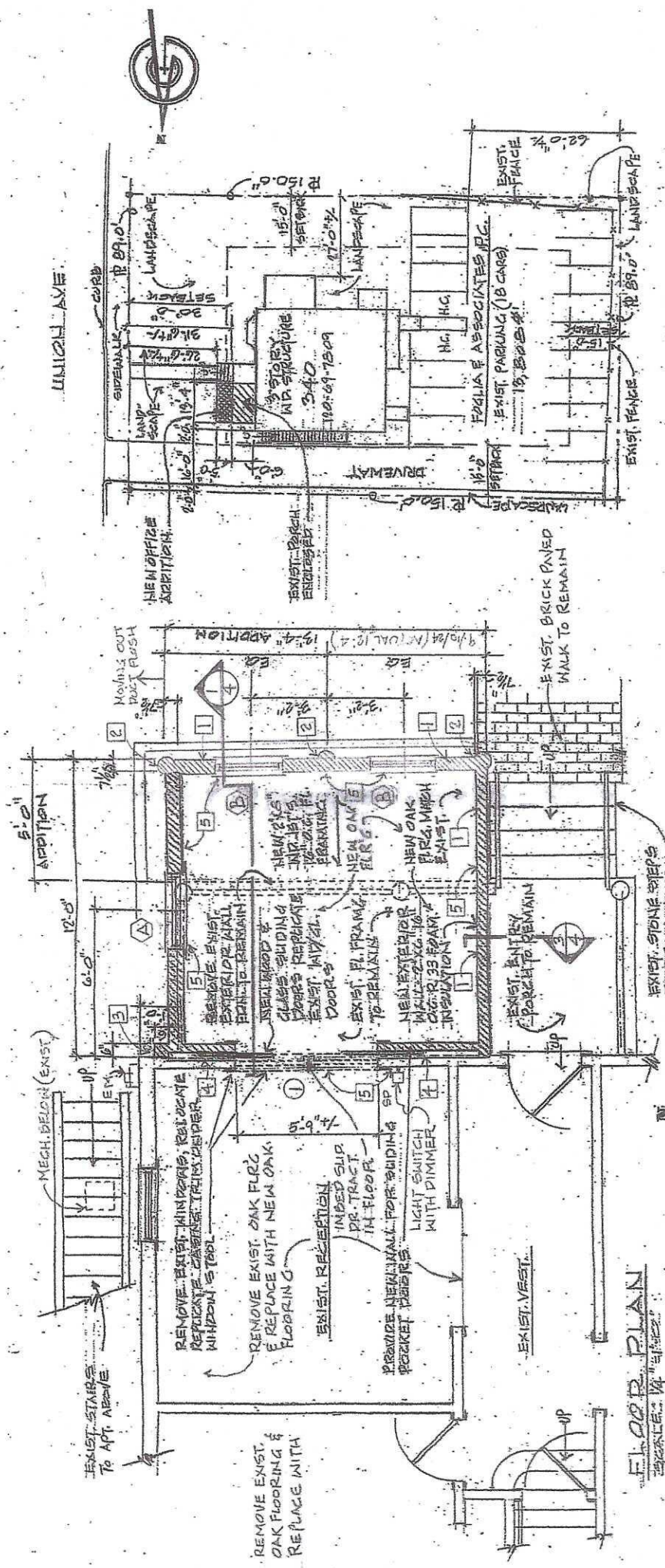
Another location which might be considered is the addition as fully described above. This space is for the receptionist, secretarial staff and waiting room. Because all cases of these attorneys are private, secure and personal, it is not feasible to use an open waiting area in which to discuss or review with clients their personal cases.

C) Review of Alternatives.

As discussed, the difficulties of removing the repaired front steps and providing a substitute would be:

1. Provide an exterior stair lift. The cost of this would almost match the cost of the entire project. Furthermore, getting the lift to the stair landing would still not gain wheelchair access to the building because there is a 3-1/4" high threshold to get over, therefore, requiring demolishing the entire porch landing causing an impact to the addition's structure as well as affecting the structure of the roof deck above. This would cause significant costs and have a negative impact on the structure of the addition.
2. Provide a ramp to a newly constructed platform with changes the structure as noted above. Further consideration for a ramp would be to necessitate a 38'-0" long ramp with a 5'-0" mid-point landing and clear 5'-0" x 5'-0" landing top and bottom of the ramp. The ramp width would be 4'-0" wide. All in all, the area of a ramp would be a 51'-0" long switch back, taking up to over 200 square feet. The front lawn is landscaped with plantings, trees, bushes, hedges and walkway. The total area is a little over 700 sq. ft. The ramp and walkway would require 415 sq. ft., thus leaving only around 285 sq. ft. left over and destroying all mature landscaping. Needless to say, the ramp cost would be excessive. In addition, there is an additional wheelchair obstacles as there is a 4" high step from the city sidewalk to the property walkway as well as a 4" high curb from the driveway curb from the driveway to the property walkway. See attached drawing (Attachment C₁).
3. Providing wheelchair or handicap access to the existing doorways at the sides or rear of the building would also be a hardship because:
 - a) There is not adequate space for the installation of a ramp; and
 - b) Once having gotten to the platform, there is a 3" sill and the access door is only 30" wide and the space directly inside the door is the secretarial workspace. In addition, once inside, the doorway maneuverability is limited due to narrow corridors and narrow doorways. The cost of this alternative would be considerable and the structural alterations to bearing walls would cause a loss of structural integrity to the building. See ADA, Section II, Alterations, Sec. 35.151(b), attached hereto as Attachment H₁.

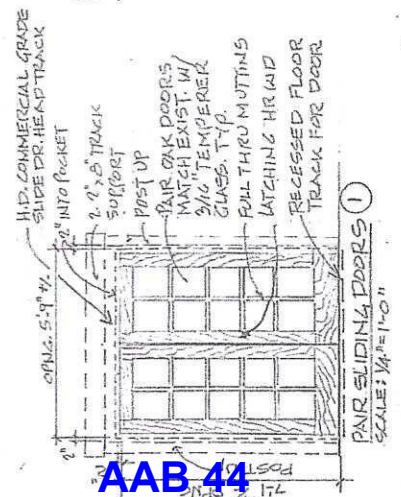
A1



PHASE ONE	
TENANT FIT-UP	
OFFICE ADDITION	
FOGLIA & ASSOCIATES LAW OFFICES	
340 UNION AVENUE FRAMINGHAM, MA, 01702	
Date: 4/23/24	1
Lewis Colten AIA ARCHITECT 1000 Main Street, Framingham, MA 01702	

SITE PLAN
 1" = 30'-0"
 0' 0" 10' 20' 30'

FLOOR PLAN
 SCALE: 1/4" = 1'-0"



AAB 44

[illegible]

Lot Size: 0.317 acres = 13,808 sf. **Required:** 6,000 sf.

of Coverage:	Maximum:	20%	=	2,761.0 sf.
	Existing:	12.6%	=	1,739.8 sf.
	Proposed:	13.1%	=	1,810.6 sf.

Frontage:	Existing:	89'-0"	Required: 65'-0"
Setback:	Front:	23'-6"	Required: 30'-0"
	Side Left:	18'-0"	Required: 15'-0"
	Side Right:	27'-0" +/-	Required: 15'-0"
	Rear:	62'-0" +/-	Required: 15'-0"

Building Footprint = 1,744 sf.

FAR Floor Area Ratio:	Existing:	.395
	Proposed:	.399
	Required:	.32

Minimum Landscape:	Required:	20%
	Provided:	26.72%

Minimum Height:	Required:	3/40
	Provided:	3/30,75

Parking:

Residential: 1 units @ 2 ea. = 2.0
Professional Office 1,744 sf. @
150 sf. per occupant = 11.6

**NOTE: THIS PROJECT AS PRESENTED
HAS BEEN APPROVED BY THE**

FRAMINGHAM ZONING BOARD OF
APPEALS, CASE 23-18, DATE OF DECISION,
SEPTEMBER 13, 2023. REGISTERED, CITY
CLERKS OFFICE 2023, SEPT.27 A 919

Required:	13 or 14
Provided:	18

PHASE ONE

TENANT FIT-UP

OFFICE ADDITION

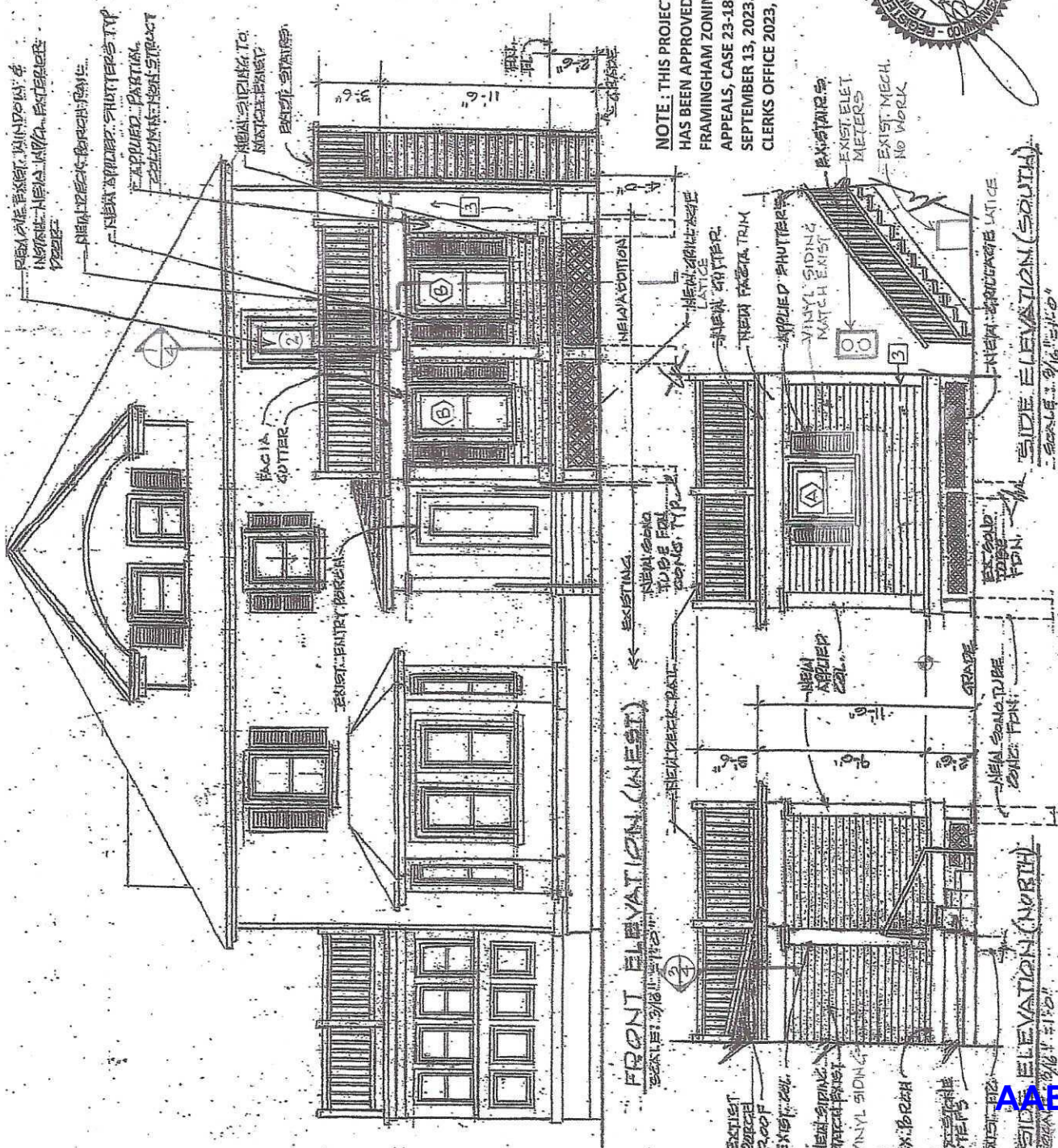
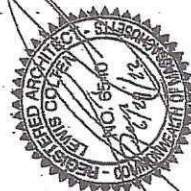
**FOGLIA & ASSOCIATES
LAW OFFICES**

40 UNION AVENUE
FRAMINGHAM, MA. 01702

22-63-0
Serial 129739
Davidson

ewig Cohen, AIA
R O H J T H G F
Urban Wood International Glass Systems
a leading manufacturer of specialty glass products

SHEET 2



EXTERIOR BEARING WALL. 2" x 6" WOOD STUDS, 16" O.C. WITH ZIP BRD SHEATHING. CLAPBOARD EXTERIOR FINISH (MATCH EXISTING) AND 1/2" INTERIOR GWB. EXTERIOR FINISH CLAPBOARD (MATCH EXISTING STEEL AND MATERIAL). SPRAY FOAM INSULATION IN WALL CAVITY EQUIVANT TO R30.

APPLIED PARTIAL, ORNAMENTAL, COLUMN COVER. REUSE EXISTING OR REPLACE WITH NEW TO MATCH EXISTING.

BOX OUT WALL, WITH MATCHING ADJACENT CONSTRUCTION TO SUIT
EXTENSION OF POCKET DOOR CAVITY, WEATHERPROOF AND
WATERPROOF AS REQUIRED.

PROVIDE NEW POCKET BETWEEN EXISTING WALL AND NEWLY CONSTRUCTED WOOD STUD WALL, 2" x 3" at 12 O.C., MEETING ALL REQUIREMENTS FOR INSTALLATION AND SUPPORT OF SLIDING POCKET DOOR HARDWARE.

NEW WOOD BASE BOARD, WINDOW OR DOOR TRIM. REPAIR OR RPLACE TO MATCH EXISTING, FINISH AND WOOD MATERIAL TO MATCH EXISTING.

RECESSED CAN LED LIGHT FIXTURES 6" DIA., LOCATE AS SHOWN.

NEW BOXED IN CEILING COFFERS APPLIED TO CEILING. REFER TO COFFER
DETAIL 7, SHEET 1, PHASE 2. MATCH MATERIAL, DETAIL AND FINISH.

PRESSURE TREATED, WOOD DECK PALLETS. SET ON TOP OF H.P. PROTECTION PAD FOR EPDM RUBBER ROOFING PROTECTION. 2" x 3" PRESSURE TREATED SLEEPERS, AS SHOWN, WITH AZEK FLOOR BOARDS, AS SHOWN. SEE DETAIL.

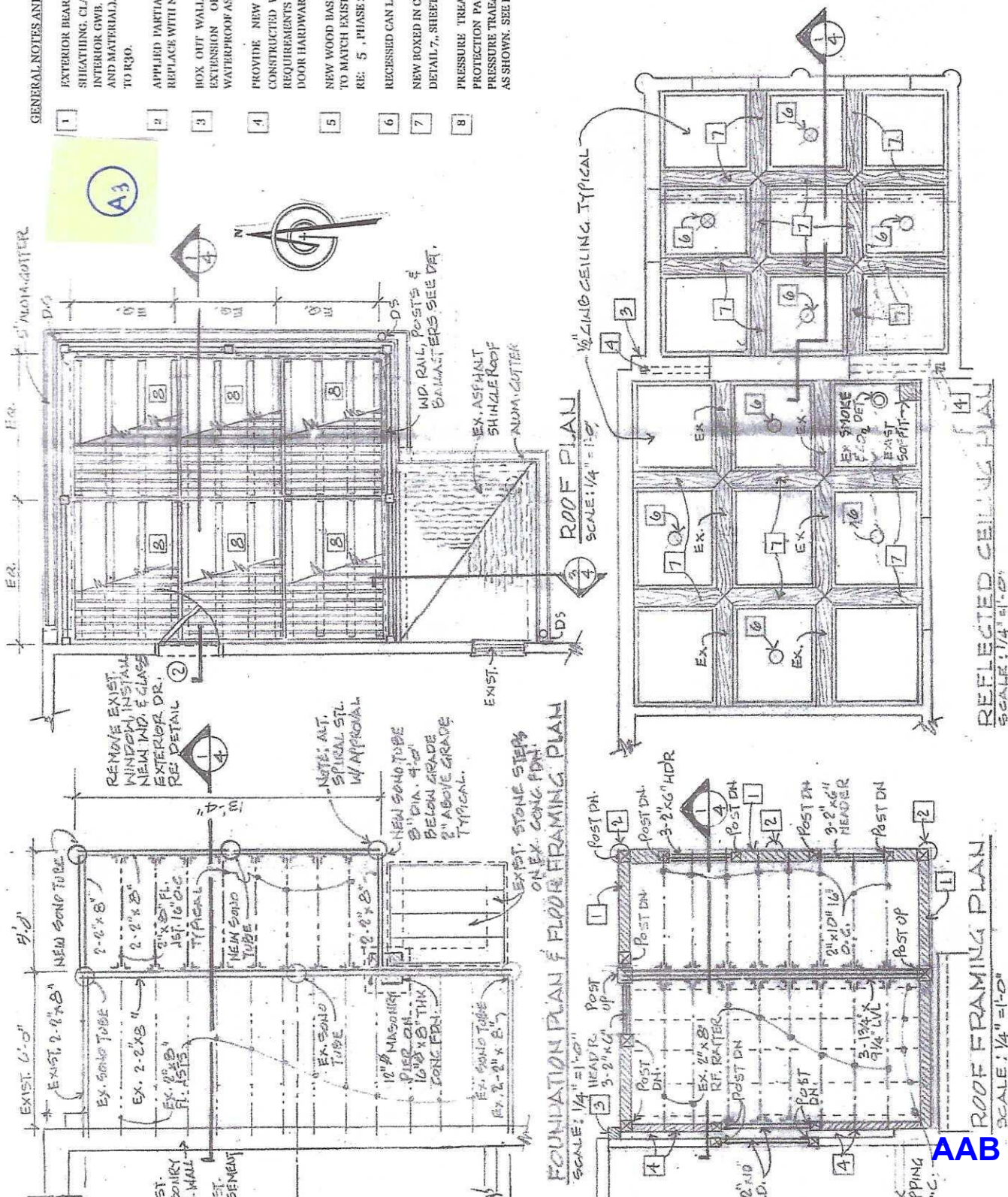
**PHASE ONE
TENANT FIT-UP
OFFICE ADDITION**

340 UNION AVENUE
FRAMINGHAM, MA, 01702

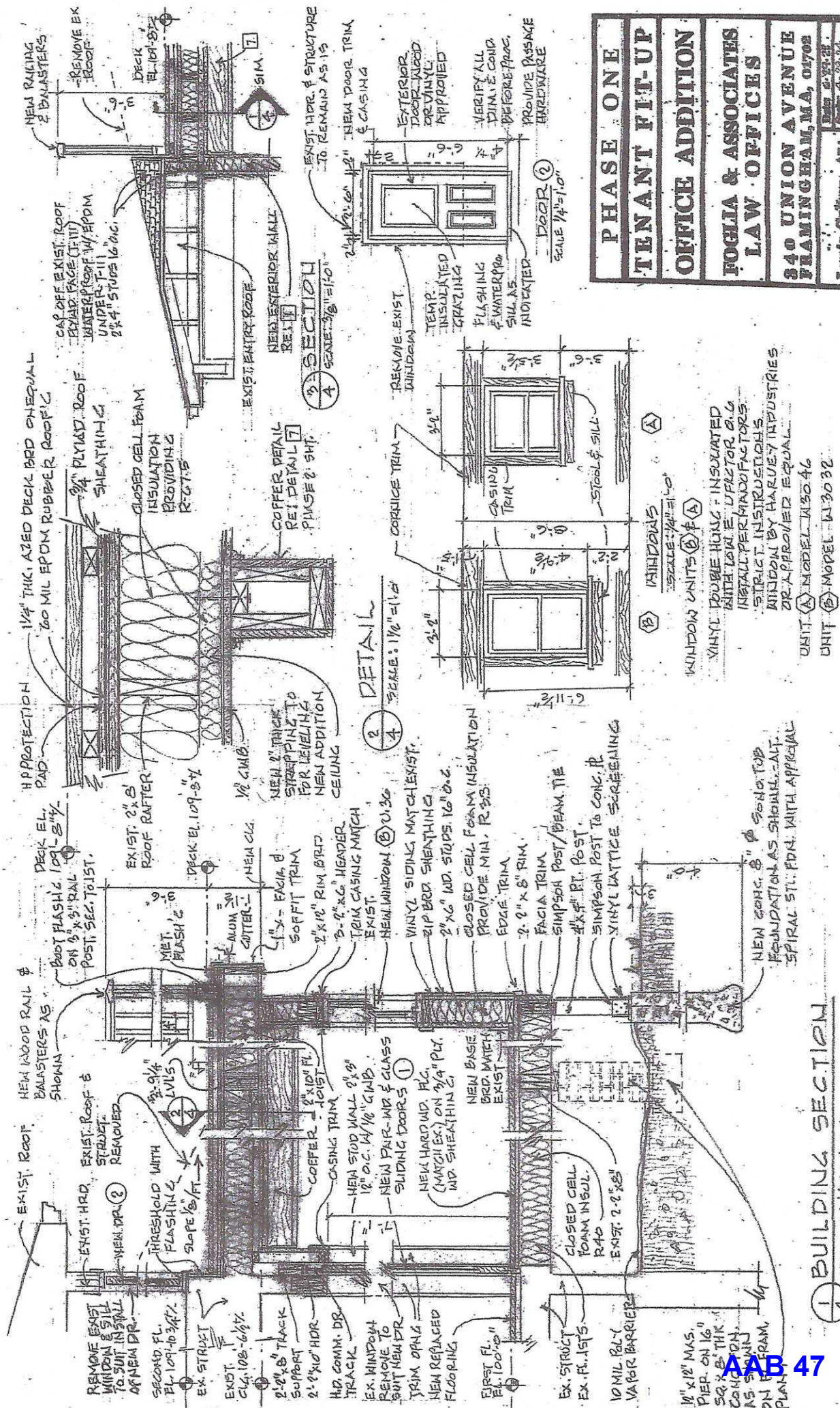
Lewis' Column AIA
 A R C H I T E C T
 1000 North Avenue
 New York, N.Y. 10022
 Tel. (212) 696-1000
 Fax (212) 696-1001
 E-mail: lewis@lewis.com
 Website: www.lewis.com

Project: AIA
 Date: 1/1/2000
 Revision: 1
 Sheet: 3

SHEET 3



44



PHASE ONE
TENANT FIT-UP
OFFICE ADDITION
FOGLIA & ASSOCIATES
LAW OFFICES

340 UNION AVENUE
FRAMINGHAM, MA, 01702

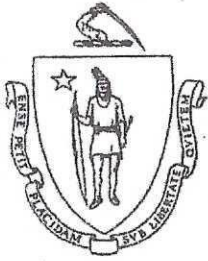
Order 6-28-28
Scales 4-23-64
Machine

Sheet 4

Lewis, Cullen, AIA
ARCHITECT
2000 JAMES HANCOCK DRIVE
FRAMINGHAM, MASSACHUSETTS 01702

④ BUILDING SECTION
SCALE: 1/8" = 1'-0"

AAB 47



Final Construction Control Document

To be submitted at completion of construction by a

Registered Design Professional

for work per the tenth edition of the

Massachusetts State Building Code, 780 CMR, Section 107

A5

Project Title: 340 Union Avenue, Framingham, MA 01702 Phase 1 and 2

Date: March 28, 2025

Property Address: 340 Union Avenue, Framingham, MA 01702

Permit No. 242159

Project: Check (x) one or both as applicable: ☒ New construction ☒ Existing Construction

Project description: Project description: The existing building had a 66.65 square foot addition added to an existing porch. The project was presented to the Framingham Planning Board, Case No. 23-18 and approved for set back and FAR. All work proposed and submitted for permit has been completed in accordance with the construction documents, with no appreciable changes. However, there were minor changes from the permit application, which included changing the exterior wood stairs to stone. With regard to interior modifications, as noted on the construction documents, there were no changes. As indicated on the drawing, the exterior soffit is shown to have a 5" extension from the face of the building and extended with an aluminum gutter attached to the fascia, which is permissible in accordance with the Framingham Zoning By-Laws up to 2'-0". New windows, added as shown, new balcony, with railing, as shown; new siding to match existing, as shown; some interior recessed lighting, as shown, new interior flooring, as shown; and painting as required.

I, Lewis Colten, MA Registration Number: 6540 Expiration date: 8/31/25, am a *registered design professional*, and I have prepared or directly supervised the preparation of all design plans, computations and specifications concerning:

☒ Architectural
☐ Fire Protection

☒ Structural
☒ Electrical (minor)

Mechanical Plumbing

for the above named project. I, or my designee, have performed the necessary professional services and was present at the construction site on a regular and periodic basis. To the best of my knowledge, information, and belief the work proceeded in accordance with the requirements of 780 CMR and the design documents approved as part of the building permit and that I or my designee:

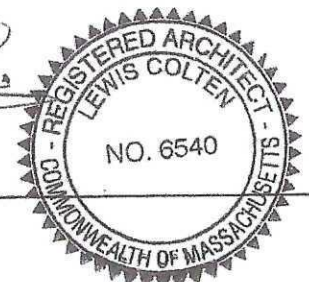
1. Have reviewed, for conformance to this code and the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the construction documents.
2. Have performed the duties for registered design professionals in 780 CMR Chapter 17, as applicable.
3. Have been present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine if the work was performed in a manner consistent with the construction documents and this code.

Nothing in this document relieves the contractor of its responsibility regarding the provisions of 780 CMR 107.

Enter in the space to the right a "wet" or electronic signature and seal:

Phone number: (508) 596-7220

Email: lewcoltenaia@gmail.com



Building Official Use Only

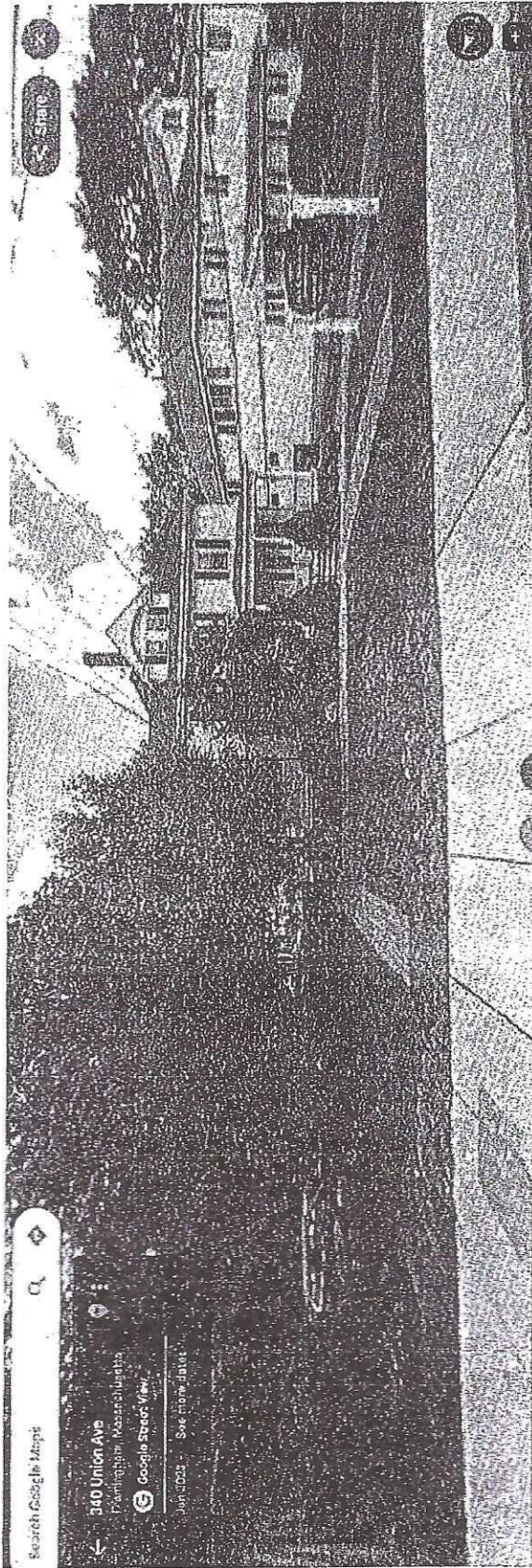
Building Official Name:

Permit No.:

Date:

AAB 48

PHOTO FROM COMPLAINT



B2

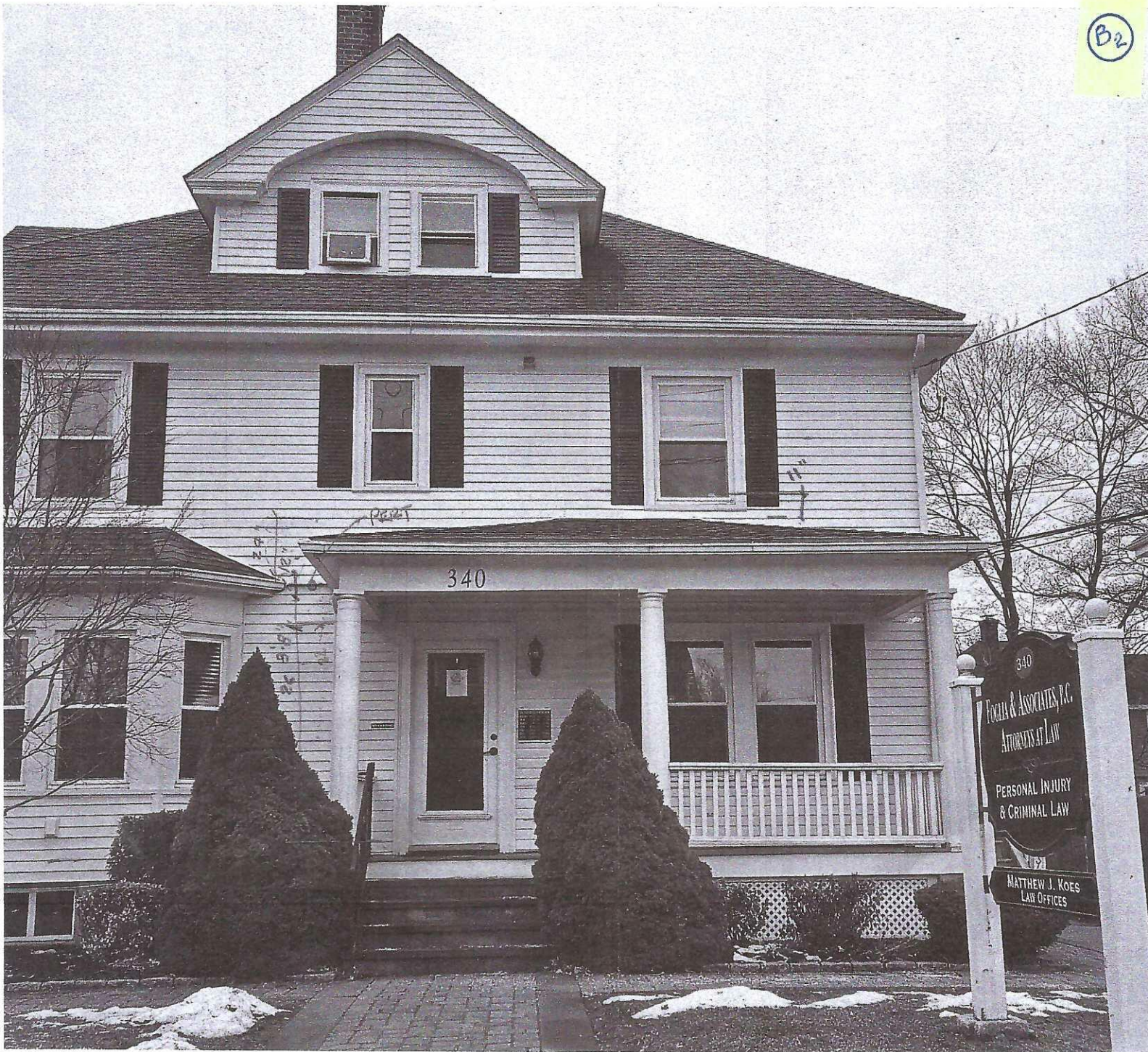


PHOTO PRIOR TO CONSTRUCTION

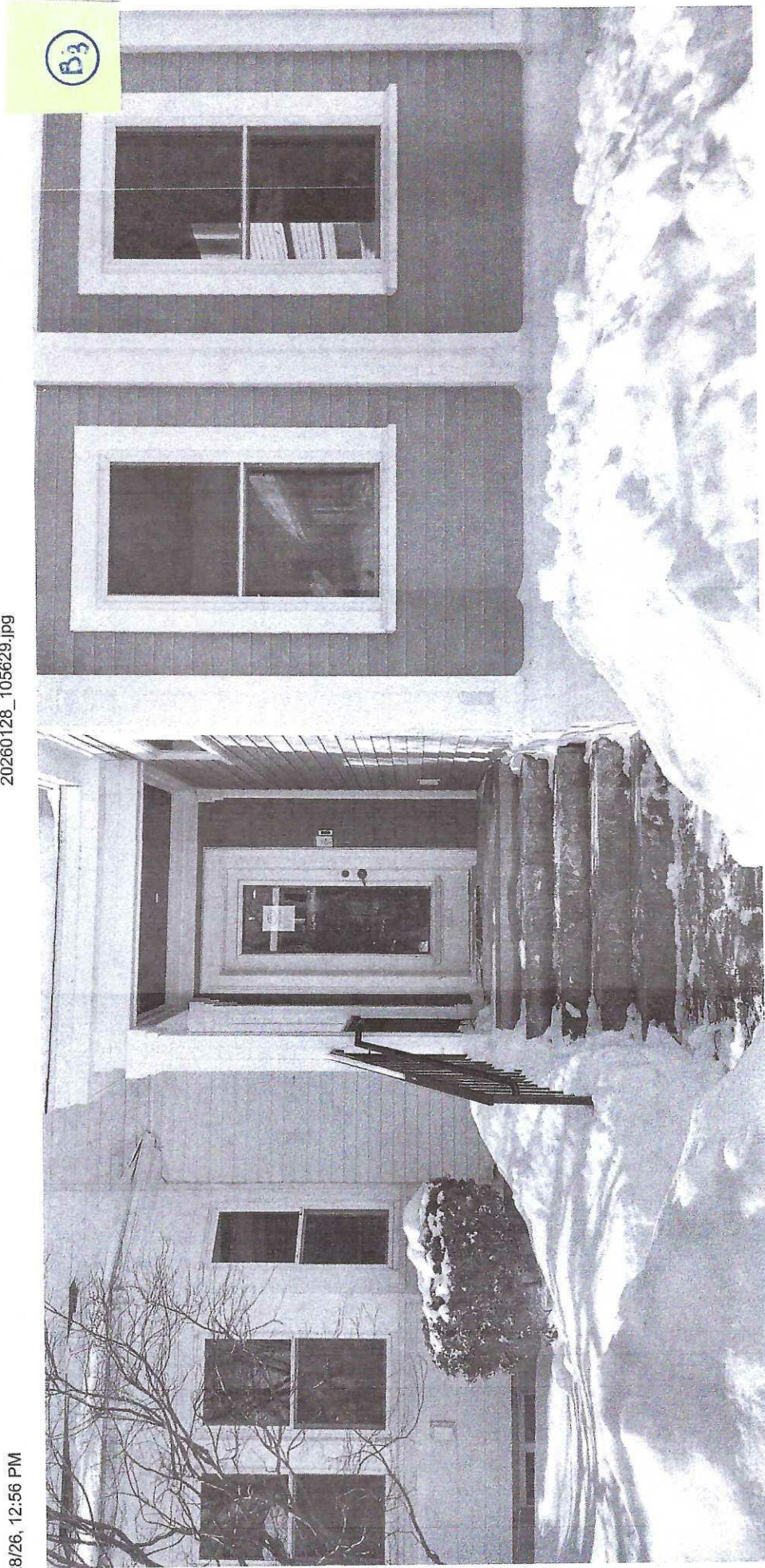
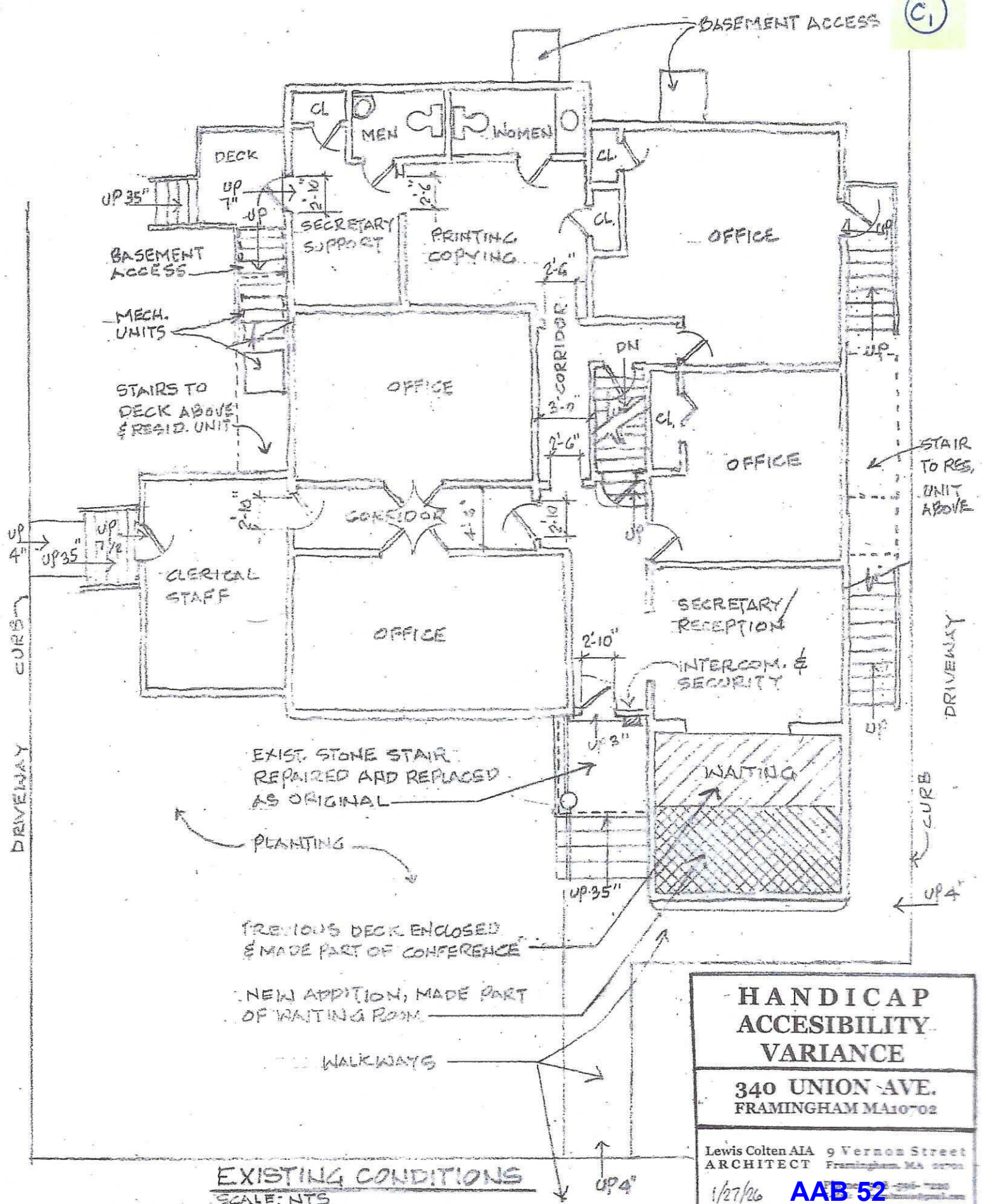


PHOTO AFTER COMPLETION

AAB 51

C1



HANDICAP ACCESSIBILITY VARIANCE
340 UNION AVE. FRAMINGHAM MA 01002
Lewis Colten AIA 9 Vernon Street ARCHITECT Framingham, MA 01002
1/27/26 AAB 52

EXISTING CONDITIONS
SCALE: NTS

UNION AVE.



FRONT DOOR SECURITY ENTRANCE

AAB 53



HOME

SEARCH

SUMMARY

INTERIOR

EXTERIOR

SALES

ABOUT

Card 1 of 1

Location 340 UNION AVE

Property Account Number
F 676708 2929897

Parcel ID 120-69-7809-000

Old Parcel ID 100/025.0 --

Current Property Mailing Address

Owner THREE 40 UNION AVE, LLC

City FRAMINGHAM

State MA

Zip 01702

Zoning P

Address 340 UNION AVE

Current Property Sales Information

Sale Date 4/9/2009

Sale Price 520,000

Legal Reference 52550-366

Grantor(Seller) GRONTZOS, ATHANASIOS

Current Property Assessment

Year 2024

Land Area 0.317 acres

Card 1 Value

Building Value 564,900

Xtra Features Value 7,000

Land Value 236,500

Total Value 808,400

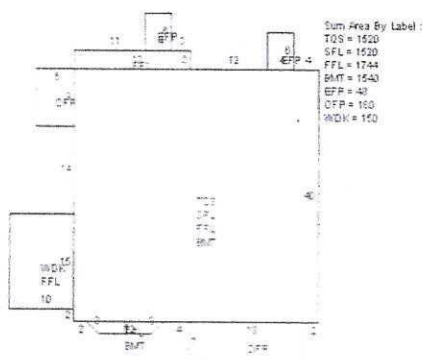
Narrative Description

This property contains 0.317 acres of land mainly classified as MULTIUSE-RES with a(n) N/A style building, built about 1902 , having N/A exterior and N/A roof cover, with 3 unit(s), 8 total room(s), 4 total bedroom(s), 2 total bath(s), 1 total half bath(s), 0 total 3/4 bath(s).

Legal Description

100/025.0-0047-0006.0

Property Images



AAB 54



340 UNION AVE

Location 340 UNION AVE

Mblu 120/ 69/ 7809/ 1

Acct# 758

Owner THREE 40 UNION AVE, LLC

PBN

Total Market Value \$897,300

Appraisal \$897,300

PID 758

Building Count 1

Current Value

Appraisal

Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2026	\$611,100	\$0	\$8,100	\$278,100	\$897,300

Assessment

Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2026	\$611,100	\$0	\$8,100	\$278,100	\$897,300

Owner of Record

Owner THREE 40 UNION AVE, LLC
Co-Owner
Address 340 UNION AVE
FRAMINGHAM, MA 01702

Sale Price \$520,000
Certificate
Book & Page 52550/0366
Sale Date 04/09/2009
Instrument 1Y

Ownership History

Ownership History

Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
THREE 40 UNION AVE, LLC	\$520,000		52550/0366	1Y	04/09/2009

BUILDING VALUE 611,100 X 30% = 183,331
COST OF CONSTRUCTION 87,000
LESS THAN \$100,000 AND
LESS THAN 30%

Building Information

Building 1 : Section 1

Year Built: 1902
Living Area: 4,404
Replacement Cost: \$848,480
Building Percent Good: 69

Building Photo

Building Photo

(<https://images.vgsi.com/photos/framingham/0075/340%20Union>)

AAB 55

DENIAL

RECEIVED

F1



City of Framingham, Building Department

150 Concord Street, Room 203
Framingham, MA 01702
p. 508-532-5500 f. 508-532-5795



Building Permit Application for any Building other than a One- or Two-Family Dwelling

(This Section For Official Use Only)

Building Permit Number: _____ Date Issued: _____ Building Official: _____

SECTION 1: LOCATION (Please indicate Block # and Lot # for locations for which a street address is not available.)

340 UNION ST
No. and Street
MICHAEL FELICA
Name of tenant/owner

SECTION 2: PROPOSED WORK

Edition of MA State Code used _____ If New Construction check here ☐ or check all that apply in the two rows below

Existing Building ☒ Repair ☐ Alteration ☐ Addition ☒ Demolition ☐ (Please fill out and submit Appendix 1.)

Change of Use _____ Change of Occupancy _____ Other ☐ Specify: _____

Are building plans and/or construction documents being supplied as part of this permit application? Yes ☒ No ☐
Is an Independent Structural Engineering Peer Review required? Yes ☐ No ☒

Brief Description of Proposed Work: ENCLOSING PORCH AND ADDITION TO
PORCH FOR ADDED OFFICE SPACE. 66.65' P' ADDITION

SECTION 3: COMPLETE THIS SECTION IF EXISTING BUILDING UNDERGOING RENOVATION, ADDITION, OR CHANGE IN USE OR OCCUPANCY

Check here if an Existing Building Investigation and Evaluation is enclosed (See 780 CMR 34) ☐

Existing Use Group(s): PROFESSIONAL OFFICE Proposed Use Group(s): P

SECTION 4: BUILDING HEIGHT AND AREA

	Existing	Proposed
No. of Floors/Stories (include basement levels) & Area Per Floor (sq. ft.)	1744 4 STORIES	1810 4 STORIES
Total Area (sq. ft.) and Total Height (ft.)		

SECTION 5: USE GROUP (Check as applicable)

A: Assembly A-1 ☐ A-2 ☐ Nightclub ☐ A-3 ☐ A-4 ☐ A-5 ☐ B: Business ☒ E: Educational ☐
F: Factory F-1 ☐ F-2 ☐ H: High Hazard H-1 ☐ H-2 ☐ H-3 ☐ H-4 ☐ H-5 ☐
I: Institutional I-1 ☐ I-2 ☐ I-3 ☐ I-4 ☐ M: Mercantile ☐ R: Residential R-1 ☐ R-2 ☐ R-3 ☐ R-4 ☐
S: Storage S-1 ☐ S-2 ☐ U: Utility ☐ Special Use ☐ and please describe below:

Special Use _____

SECTION 6: CONSTRUCTION TYPE (Check as applicable)

IA ☐ IB ☐ IIA ☐ IIB ☐ IIIA ☐ IIIB ☐ IV ☐ VA ☐ VB ☒

SECTION 7: SITE INFORMATION (refer to 780 CMR 111.0 for details on each item)

Water Supply: Public ☒ Private ☐	Flood Zone Information: Check if outside Flood Zone ☒ or identify Zone: _____	Sewage Disposal: Indicate municipal ☒ or on site system ☐	Trench Permit: Yes ☐ No ☒	Debris Removal: Yes ☒ No ☐
Railroad right-of-way: Not Applicable ☒ or Consent to Build enclosed ☐		Hazards to Air Navigation: Is Structure within airport approach area? Yes ☐ or No ☒		Historic District? Yes ☐ No ☒

☐ FFD ☐ B.O.H. ☒ ZBA ☐ FHC
☐ CON. COMM. ☐ PLAN BD ☐ DPW-ENG

PERMIT PICK-UP CONTACT: _____
PHONE: _____
E-MAIL: _____

AAB 56

SECTION 8: PROPERTY OWNER AUTHORIZATION

Name and Address of Property Owner

MICHAEL FOGLIA 340 UNION AVE FRAMINGHAM, MA 01702
Name (Print) No. and Street City/Town Zip

MANAGER/OWNER 508-820-3400 508-370-7793 MFAGLIA@FOGLIALAW.COM
Title Telephone No. (business) Telephone No. (cell) e-mail address

If applicable, the property owner hereby authorizes

LEWIS COLTEN 9 VERNON ST FRAMINGHAM MA 01701
Name Street Address City/Town State Zip

to act on the property owner's behalf, in all matters relative to work authorized by this building permit application.

SECTION 9: CONSTRUCTION CONTROL AND CONTRACTOR

9.1 Registered Professional Responsible for Construction Control

LEWIS COLTEN 508-596-7220 LEWCOLTENAIAC@MAIL.COM 6540
Name (Registrant) Telephone No. e-mail address Registration Number
9 VERNON ST. FRAMINGHAM MA 01701 ARCH 8/31/22
Street Address City/Town State Zip Discipline Expiration Date

9.2 General Contractor

N/A
Company Name

Name of Person Responsible for Construction License No. and Type if Applicable

Street Address City/Town State Zip

Telephone No. (business) Telephone No. (cell) e-mail address

SECTION 10: CONSTRUCTION COSTS AND PERMIT FEE

BUILDING PERMIT FEE WILL BE AMENDED (IF NECESSARY) TO INCLUDE ACTUAL CONSTRUCTION COSTS BEFORE A PERMANENT OCCUPANCY WILL BE ISSUED. SEE FORM A1AG702703. N/A

Item	Estimated Costs: (Labor and Materials)	Official Use Only (\$100.00 Minimum)
1. Building	\$	(a) Building Permit Fee Multipliers \$15.00/\$1000.
2. Electrical	\$	(b) Estimated Total Cost (6)
3. Plumbing	\$	Building Permit Fee (a) x (b)
4. Mechanical (HVAC)	\$	
5. Fire Protection	\$	Check Number
6. Total Cost = (1+2+3+4+5)	\$	

SECTION 11: SIGNATURE OF BUILDING PERMIT APPLICANT

I hereby certify that I am the owner's agent / contractor for the property listed above and that all the information above, and plans and specifications submitted are correct and that all work pursuant thereto shall comply with all applicable provisions of the Commonwealth of Massachusetts Statutes, Building Code, and Town of Framingham Zoning By-Laws. The following is subscribed to and executed by me under the Pains and Penalties of Perjury.

LEWIS COLTEN ARCHITECT 508-596-7220 7/19/22
Please print and sign name Title Telephone No. Date
9 VERNON ST. FRAMINGHAM MA 01701
Street Address City/Town State Zip

DENIAL FOR ZONING BOARD OF APPEALS:

PER SECTION: I, D, 8, 6

Addition proposed within front setback
Increase pre-existing non-conforming floor area ratio
Extension of pre-existing non-conforming commercial structure; finding from ZBA required

DATE

7/25/22

BUILDING COMMISSIONER

AAB 57

CITY OF FRAMINGHAM
ZONING BOARD OF APPEALS
150 CONCORD ST RM 121
FRAMINGHAM, MA 01702

CITY OF FRAMINGHAM
CITY CLERK'S OFFICE

2023 SEP 27 A 9:19

BOARD OF APPEALS CASE NO. 23-18

PETITION OF MICHAEL FOGLIA

DATE OF DECISION: SEPTEMBER 13, 2023

1. Application

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) on the Application of MICHAEL FOGLIA (hereinafter the Applicant), for property located at 340 UNION AVENUE. This Decision is in response to a Petition for a Finding to extend an enclosed porch by five feet within the front set-back, increase of pre-existing, non-conforming floor area ratio, of lawful, pre-existing, non-conforming commercial structure as required by the Zoning Ordinance (hereinafter the Application).

2. Applicant & Property Owner

Michael Foglia
340 Union Ave
Framingham, MA 01702

Three 40 Union Ave, LLC
340 Union Ave
Framingham, MA 01702

3. Location

Property is located at 340 Union Avenue and identified by Assessors' Parcel ID 120-69-7809-000 (hereinafter the Site).

4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on September 13, 2023 the Board voted to GRANT the requested FINDING by a unanimous vote in favor of the petition of three (3) members sitting on the Application. The record of the vote is stated as follows:

STEPHEN MELTZER	YES
HEATHER O'DONNELL	YES
EDWARD COSGROVE	YES

5. Proceedings

The Application was received by the Board on August 2, 2023 pursuant to M.G.L. c. 40A, §6, and the Framingham Zoning By-Law. The Application was considered by the Board at a duly noticed public hearing of the Board on September 13, 2023 at 7:00 P.M. in the Blumer Community Room of the Memorial Building. Board Members Stephen Meltzer, Heather O'Donnell, Edward Cosgrove were present throughout the proceedings. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

Dedicated to excellence in public service.

The Applicant's representative, Attorney David Click, was present and explained that they were looking to expand the front porch by extending a portion of it by 5' and enclosing that area. The existing entry porch will remain. The existing front setback is 28.3'; the request is for 23.5'. They also need relief from Floor Area Ratio. The existing is .344%; proposed is .349%, which is equivalent to one half of one percent. The use of the addition will be as office space. The basement is not usable as office space, as they have had repeated problems with sewer backup. The proposal would add 67SF to the building, allowing for storage on the first floor, instead of in the basement.

Mr. Colten commented that considering the neighborhood, this proposal would not look out of place, as it will be less intrusive than other setbacks on the surrounding streets.

Mr. Svirsky asked about the use of the property, noting that mixed use is not permitted in a Professional zone. Mr. Meltzer commented that the existing residential use was surely the original use of the building and therefore would be considered pre-existing non-conforming.

Richard Perry, owner of 357 Union Avenue, was present at the hearing and offered his full support, noting that the subject property is very well maintained and an asset to the neighborhood.

6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

- 6.1 Application for Hearing before the Zoning Board of Appeals filed with the City Clerk on August 15, 2023.
 - 6.1.1 Filing fee in the amount of \$1,200.00.
 - 6.1.2 Supplemental Information Memo prepared by Nealon, Nealon & Click, 85 Main St, Suite 101, Hopkinton, MA 01748, received with application.
 - 6.1.3 Application filed with the Building Official for a permit to extend and enclose a porch by five feet for an addition, on a pre-existing nonconforming commercial structure dated July 19, 2023.
 - 6.1.4 "Plot Plan, Proposed Variance, Parcel ID 120-89-7809, 340 Union Street, Framingham, MA;" Prepared Hawk Consulting, Inc. 3 Lackey Dam Road, Douglas, MA 01516; Stamped and signed by Timothy R. Callahan, PLS; Dated 7/12/22.
 - 6.1.5 "Tenant Fit-Up, Office Addition, Foglia & Associates Law Offices;" Sheets 1 and 2, Plans and Elevations; Prepared, stamped, and signed by Lewis Colton, AIA Architect, 9 Vernon St, Framingham, MA 01701; Dated 6-29-22, Revision 5-9-23.

Exhibits 6.1.4 and 6.1.5 shall be hereinafter referred to as the "Plans."

7 Findings and Conclusions

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

- 7.1 The property is located within the Professional (P) zoning district.
- 7.2 On July 19, 2023, the Building Official denied the Application for a permit to build an addition to a nonconforming structure under Section I.C of the Zoning By-Law.

- 7.3 On August 15, 2023, the Application was filed with the City Clerk for Hearing before the Zoning Board of Appeals for the purpose of obtaining a Finding pursuant to the Ordinance and M.G.L. c. 40A, §6.
- 7.4 Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on August 29 and September 5, 2023 and mailed to all parties-in-interest, as defined by M.G.L. c. 40A, §11.
- 7.5 A Finding is necessary because the proposed addition will further encroach into the front setback by five feet and the floor area ratio will increase by .005%. The existing use of the building will remain. The existing building is to be considered pre-existing non-conforming regarding setback, floor area ratio, and use.
- 7.6 M.G.L. c. 40A, §6 applies to pre-existing, nonconforming uses or structures and requires a Finding when the nonconforming structure is extended or altered in such a way that the extension does not at all affect the nonconformity. The Board finds that the proposed addition will not increase the nonconforming nature of the structure, and that it will not be substantially more detrimental to the area than the existing structure.
- 7.7 The Board grants this Application with the following condition:
- 7.7.1 The addition shall be located and constructed as shown on the Plans.
- 7.7.2 This Decision applies only to the granted Findings. Other approvals or permits required by the By-Law, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 7.7.3 If the rights authorized by this Finding are not exercised within three years of the date of the filing of this Decision with the City Clerk, said Finding shall lapse. If construction or substantial use has not commenced within this three-year period, the Applicant may request an extension by submitting a written Application to the Board which contains an explanation of good cause for the failure to exercise the rights of this Finding.
- 7.8 This Decision shall be recorded at (as appropriate) the Middlesex South District Registry of Deeds or District of the Land Court prior to the issuance of a Building Permit. A copy of the recorded or filed Decision certified by the Registry, and notification by the owner of the recording, including recording information, shall be furnished to the Board and the Building Official.
- 7.9 The terms, conditions and provisions of this Decision shall run with the land and shall be binding upon the Applicant, its successors in interest and assigns, and shall be enforceable by the City of Framingham.

8 Appeals

Appeals, if any, shall be made pursuant to M.G.L. c. 40A, §17 and shall be filed within twenty (20) days after the date of filing this Decision with the City Clerk.

ZONING BOARD OF APPEALS

By: _____

Stephen Meltzer, Chairman

Dedicated to excellence in public service.

Contract Agreement

T&J Concepts and Construction LLC henceforth known as "Builder," and **340 Union Avenue LLC**, henceforth known as "Client," are entering into this Contract today **9/9/2024** for the purposes of establishing the provisions of the construction of office addition, located at **340 Union Avenue, Framingham MA 01702**

Client agrees to the following scope of work to be performed by the Builder:

Site Work

Prepare site to install foundation for office addition.

Structural/Exterior

Install foundation according to plans/code
 Frame & Install office addition according to plans/code
 Install roof according to plans/code
 Install siding according to plans/code Install insulation of office addition according to plans/code

Interior

Install sheetrock, tape and mud
 Plaster
 Paint
 Install hardwood flooring to match existing

Notes:

This contract is based on the architect plans dated 04/29/2024 provided by Lewis Colten AIA Architect.

Services. Builder shall coordinate all labor, materials, equipment, tools, construction equipment and machinery, transportation, and other facilities and services necessary for the proper execution and completion of the office addition. The work shall be done substantially in conformance with the plans and specifications that have been initialed or signed by each party.

Permits. The Builder shall be responsible for obtaining and keeping in good standing any required approvals for the Plans and any required construction or other permits. Notwithstanding the foregoing the Owner shall be responsible for all costs in relation to such approvals or permits.

Commencement of the Work. Builder shall commence the Services within 14 Calendar days of receipt of all applicable license and permits and the down payment.

This price includes demolition, excavation, foundation, framing, siding, roofing, sheetrock, Plaster, windows & doors, cabinets, and painting. Yard will be left clear of all debris and clean. Architect fees are not included in this price. A tentative product list will be provided and all prices are based on those or similar products. More expensive products will result in change orders. Special permits are not included in this price

Total: \$87,000.00

AAB 61

· Client agrees to the contract, with the agreed price of:

Eighty-Seven Thousand Dollars

· Client agrees to pay Builder according to the following plan:

Payments #1 - \$26,100.00 To start the project and order the materials to start the project

Payment #2 - \$26,100.00 To Continue on to phase 2. (Siding, Roofing, insulation,
Electrical work)

Payment #3 - \$31,100.00 To sheetrock, floors and paint

Payment #4 - \$3,700.00 when project is finished and

signed off by city officials

- Client agrees that if payment is not made according to the above plan, Builder has the right to stop all work until such time as payments have been brought current
- Client understands that if changes are necessary during current construction, the Builder will provide the Client with a change order, and the Client will be responsible for the additional incurred costs of the agreed upon changes.
- Builder will be responsible for all materials and equipment necessary for the completion of the job, which the Builder agrees were included in the estimate, or were added with the changes listed above.
- Builder agrees that any delays and/or changes not agreed to in this document must be discussed with the client before work is to continue.
- Builder may use subcontractors with the understanding that payment to the subcontractors is the sole responsibility of the Builder.
- Builder agrees to hold an insurance policy, which will cover equipment, materials and all employees and/or subcontractors.
- Builder agrees to obtain all necessary permits for the construction, the costs of which will be the builder's responsibility.
- Builder agrees that it will remove all debris, equipment, materials, etc. from the location upon completion of the construction.

Invalidity or unenforceability of one or more provisions of this agreement shall not affect any other provision of this agreement.

This contract is subject to the laws and regulations of the state of **Massachusetts**.


T&J Concepts and Construction LLC.
MA HIC#211799
MA CSL# CS-109197

Date

Client Signature

Date

F4

PERMIT INFORMATION FOR 340 UNION AVE**BUILDING PERMIT INFORMATION**

PERMIT NUMBER	BLD242159
APPLIED	AUGUST 09, 2024
STATUS	CLOSED
NAME	TOM LAN
TOTAL COST	\$85,000.00
PERMIT FEE	\$1,275.00
DESCRIPTION	MAKE ALTERATIONS AND ADDITION PER THE ATTACHED PLANS.

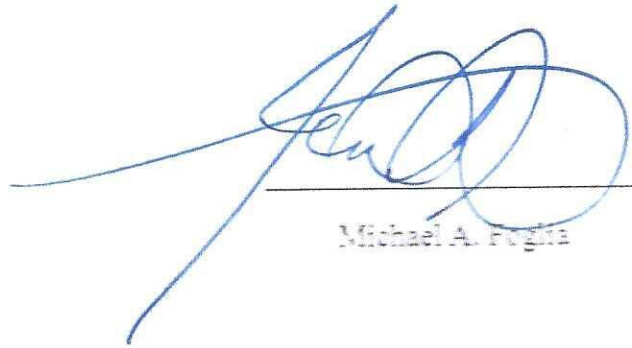
Permit information is maintained by the issuing department.
Please contact the Building and Wire Department with any questions.



I Michael Foglia, owner of 340 Union Ave LLC, hereby authorize Lewis Colten, AIA Architect, to represent the interests of 340 Union Ave LLC relative to all matters and hearings concerning handicap disability.

Date

Jan 16 2024



Michael A. Foglia

ADA**§ 36.402 Alterations.**

(H)

(a) General.

(1) Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. (2) An alteration is deemed to be undertaken after January 26, 1992, if the physical alteration of the property begins after that date.

(b) Alteration. For the purposes of this part, an alteration is a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any part thereof.

(1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility. (2) If existing elements, spaces, or common areas are altered, then each such altered element, space, or area shall comply with the applicable provisions of appendix A to this part.

(c) *To the maximum extent feasible.* The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

521 CMR 5.00: DEFINITIONS

5.1 GENERAL

As used in 521 CMR, the following words shall have the meaning set forth in 521 CMR 5.00 unless the context otherwise requires.

ACCESS AISLE: An *accessible* pedestrian space between elements such as parking spaces, seating, or desks that provides clearances complying with 521 CMR.

ACCESSIBLE: A *site, building, facility* or portion thereof that complies with 521 CMR and that can be approached, entered, and used by *persons with disabilities*. When the term "*accessible*" is used, it shall mean both physical and communication accessible unless otherwise noted in 521 CMR.

ACCESSIBLE ELEMENT: An element complying with 521 CMR that can be used by *persons with disabilities* (for example, telephone, controls, appliances, equipment and the like).

ACCESSIBLE ROUTE: A continuous, unobstructed path connecting all *accessible* elements and spaces within or between *buildings* or *facilities*. Interior *accessible routes* may include corridors, floors, *ramps*, elevators, lifts, and *clear floor space* at fixtures. Exterior *accessible routes* may include parking, *access aisles*, *curb cuts*, crosswalks at vehicular ways, *walks*, *ramps*, and lifts.

ACCESSIBLE SPACE: Space that complies with 521 CMR and that can be used by *persons with disabilities*.

ADAPTABILITY: The ability of certain *building* spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of persons with or without disabilities or with different types or degrees of disability.

ADAPTABLE: Can readily be made *accessible* to, functional for, and safe for use by *persons with disabilities* without *structural change*.

ADDITION: An extension or increase in floor area or height of a *building* or structure.

ADMINISTRATIVE AUTHORITY: A governmental agency that adopts or enforces regulations for the design, construction, or alteration of *buildings* and *facilities*.

ALTERATIONS: A change or modification of a *building* or structure, or portion thereof, that requires a building permit. Alterations shall include but not be limited to: *remodeling*, renovation, rehabilitation, *reconstruction*, historic restoration, changes or rearrangements in the plan configuration of walls and full height partitions, and any *repairs* which require a building permit. *Ordinary repairs as defined in 780 CMR: The State Building Code are not alterations.*

AREA OF RESCUE ASSISTANCE: An area, which has direct access to an exit or an area adjacent to an exit discharge, where people who are unable to use stairs or are unable to travel more than 100 feet to a public way may remain temporarily in safety to await further instructions or assistance during emergency evacuation.



Lewis Colten AIA
A R C H I T E C T

9 Vernon Street
Framingham, MA 01701

Phone: 508-596-7220 Fax: 508-820-9708
Electronic Mail: lewcoltenaia@gmail.com

February 9, 2026

FINAL STATEMENT

When the construction of this project was completed by the end of 2025, it was assumed that all was in order and compliant in all respects. The building department inspector, Eric Chartier, wanted an acceptance of work performed. After 2 years of being highly scrutinized—going through Planning Board Review, and Zoning Board of Appeals variance procedures (see Attachment F 2: Decision of Variance Approval), and construction inspections on a regular basis--the phase of design review, construction, issuance of the Final Construction Control Document (Attachment A₅), the project was finally completed. Needless to say, there was a surprise when notified of the complaint for noncompliance with MAAB CMR 521. The first item noted was Section 3.34 – That alterations shall not decrease accessibility. Based on the limited interior work, as shown on the construction drawings (see Attachments A₁, A₂, A₃, A₄ and AA). The nature of an existing 124-year old building showing that altering the existing conditions, as indicated on Attachment C₁, is consistent with CMR 521 and ADA Section 36.402 Alterations, as infeasible. See Attachment H₁.

The complaint notes MAAB CMR 521, Sec. 25.1 having to deal with the alterations of the existing entry steps. It was noted that the alteration changed the configuration of the steps and number of treads and risers. The explanation is noted on Attachments BB and C₁. It goes without saying, the contractor was trying to rectify an unacceptable deteriorating condition, made it better, put it back the way it was originally and seeing it met all CMR 780 requirements with the local inspector's agreement. The consequences of changing the entire access was not considered and numerous alternatives were reviewed and found to be infeasible. Refer to Attachment CC.

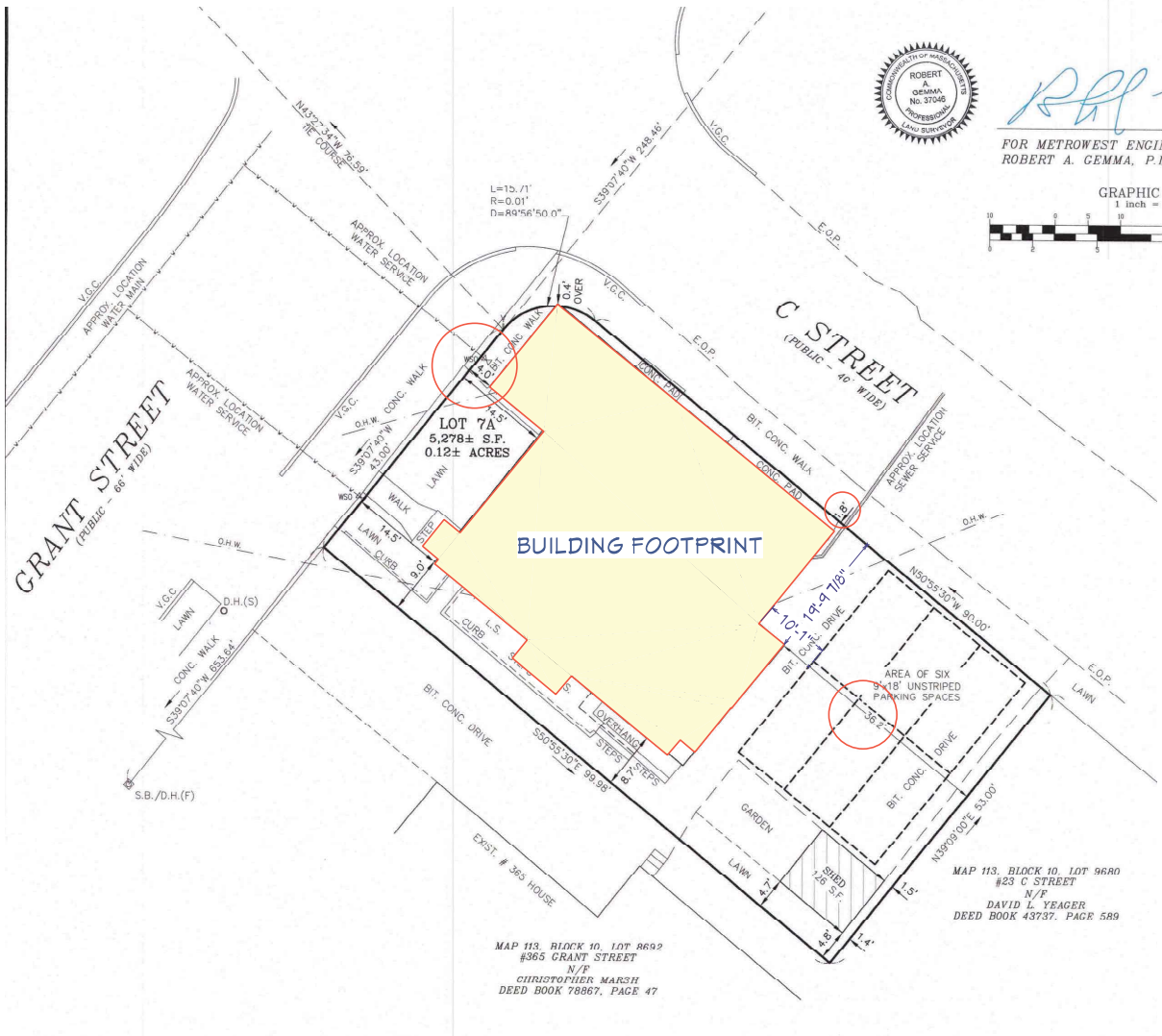
The final completion of the stairs was admirable insofar as it was an identical replication but looking new. Finally, being well aware of making the best effort to accommodate the handicap with remote visitation and exploring alternate means of getting into the building, we came to the realization that these alternatives, other than off site visitation, were **infeasible**. Therefore, we are asking that our variance request be granted.

Respectfully submitted,

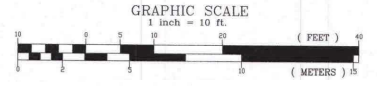
Lewis Colten AIA, CBO



AAB 68



Robert A. Gemma
 FOR METROWEST ENGINEERING, INC. DATE
 ROBERT A. GEMMA, P.L.S. # 37046



PROJECT NAME:
 Condominium Documents:
 367-369 GRANT ST
CONDOMINIUM
 367-369 GRANT ST
 FRAMINGHAM, MA

ACROPOLIS
 DESIGN CONSULTANTS
 774-262-3187
 5 Brussels St, Building "A" Rear,
 Second Floor,
 Worcester, MA, 01610
 (774) 243-6161
 dennis@acropolisdesign.org



REVISION TABLE		
NO.	DATE	DESCRIPTION

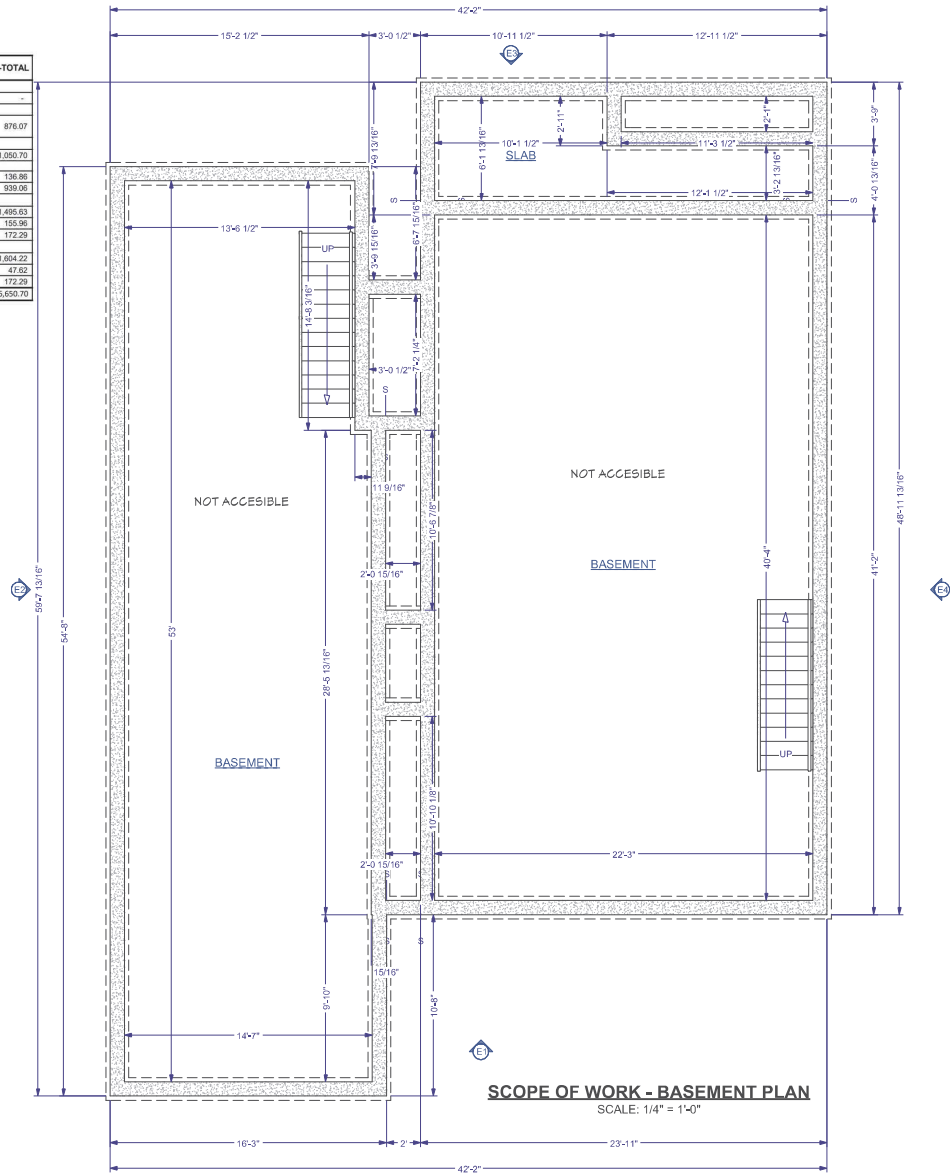
WORKING TITLE:
SITE PLAN

DATE: 22-072
 BY: RH/SM/DE
 AS NOTED: 2/6/2026
 SHEET NUMBER:

L-1

BUILDING SPACE SUMMARY - APPROX. UNIT SIZE (SF)

LEVELS	BASEMENT	UNIT 1	UNIT 2	UNIT 3	COMMON AREA	SUB-TOTAL
BASEMENT						
STORAGE					-	-
COMMON AREA					-	-
STORAGE COMMERCIAL UNIT	876.07				876.07	876.07
FIRST FLOOR						
UNIT 1		1,050.70				1,050.70
COMMON AREA		939.06				939.06
COMMERCIAL UNIT		136.86			136.86	136.86
DECK EGRESS PATH		939.06			-	939.06
SECOND FLOOR						
UNIT 2			1,495.63			1,495.63
COMMON AREA			155.96		155.96	155.96
DECK EGRESS PATH			172.29		172.29	172.29
THIRD FLOOR						
UNIT 3				1,604.22		1,604.22
COMMON AREA				47.62	47.62	47.62
DECK EGRESS PATH				172.29	172.29	172.29
TOTALS	876.07	3,062.68	1,823.88	1,824.13	1,361.09	6,850.70



PROJECT NAME:
Condominium Documents:
357-369 GRANT ST
CONDOMINIUM
367-369 GRANT ST
FRAMINGHAM, MA

ACROPOLIS
DESIGN CONSULTANTS
774-262-3187
5 Brussels St, Building "A" Rear,
Second Floor,
Worcester, MA, 01610
(774) 243-6161
info@acropolisdesign.org

dimensions
Architecture / Design
500 Park St
Framingham, MA 01901
Phone: (508) 886-9005
Email: info@dimensions.com

REVISION TABLE
NO. DATE DESCRIPTION

11/25/2025

SCOPE OF WORK -
BASEMENT PLAN

22-072 RH/SM/DED
AS NOTED 2/6/2026
SHEET NUMBER:

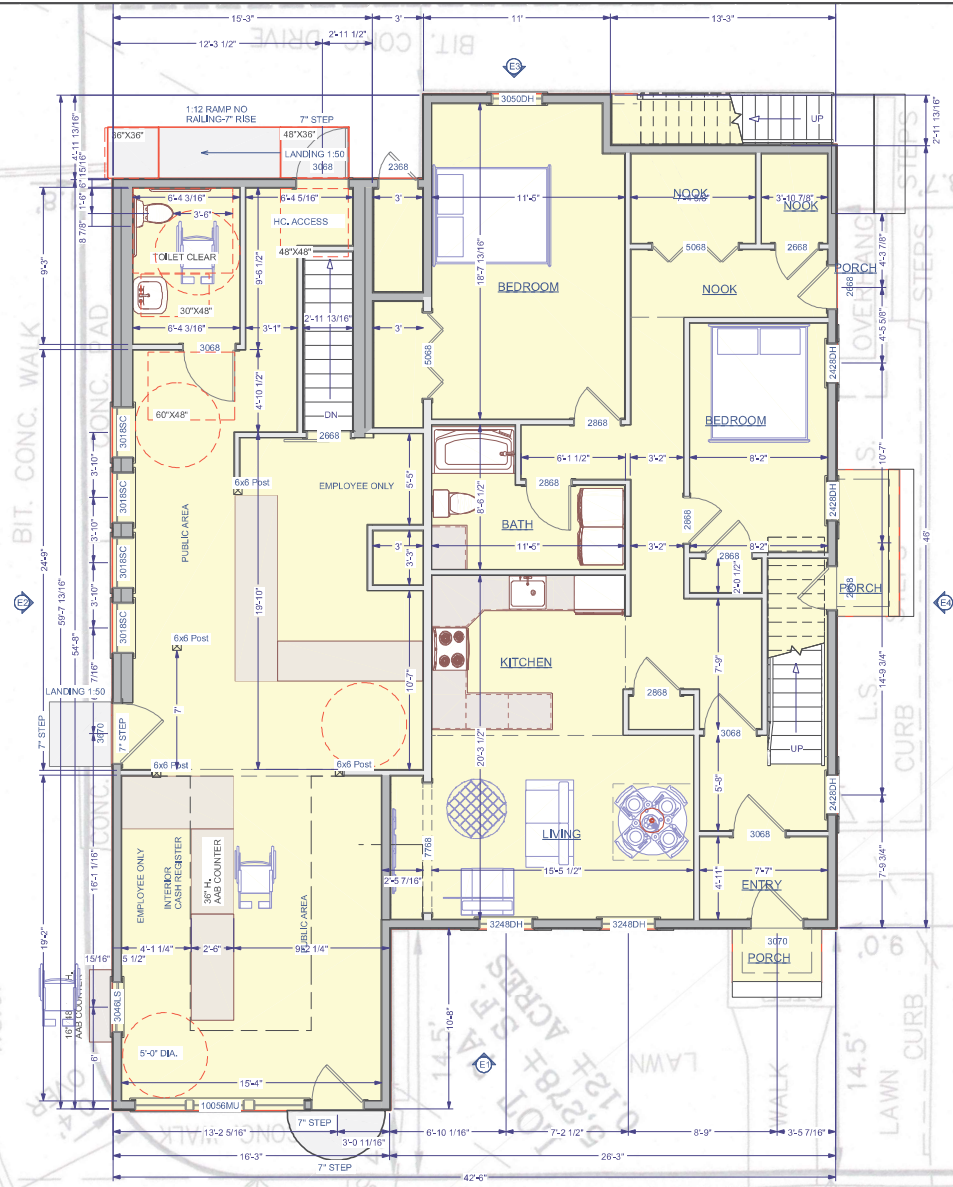
A-1

APPROX. LOCATION
SEWER SERVICE

C STREET
(PUBLIC - 40' WIDE)

E.O.P.

V.G.C.



SCOPE OF WORK - FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

PROJECT NAME:
Condominium Documents:
357-369 GRANT ST
CONDOMINIUM
357-369 GRANT ST
FRAMINGHAM, MA

ACROPOLIS
DESIGN CONSULTANTS
774-262-3187
5 Brussels St, Building "A" Rear,
Second Floor,
Worcester, MA, 01610
(774) 243-6161
info@acropolisdesigngroup.com

dimensions
P.C.
507 Park St
Worcester, MA 01609
Phone: (508) 855-9555
Email: info@dimensionspc.com

REVISION TABLE		
NO.	DATE	DESCRIPTION

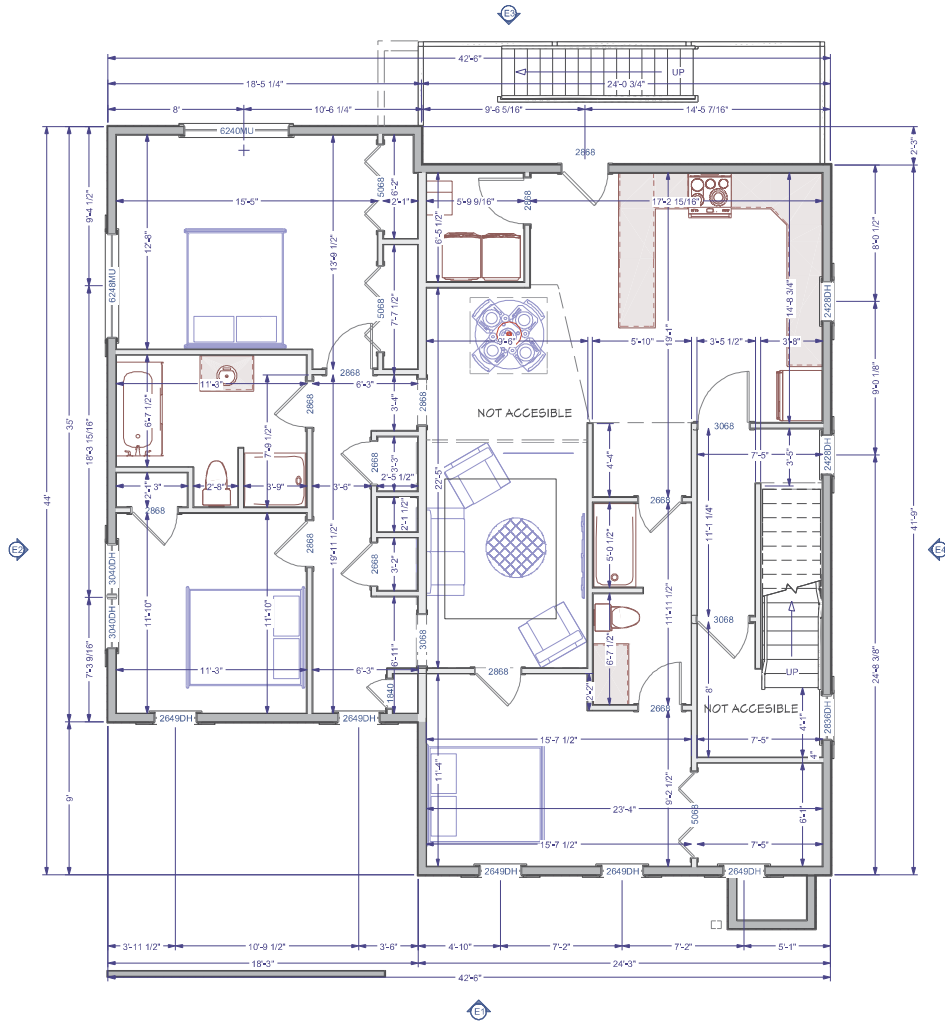
SCOPE OF WORK -
FIRST FLOOR PLAN

22-072 RH/SM/DED
AS NOTED 2/6/2026
SHEET NUMBER:

A-2

NOTES:

1. ALL SMOKE & CARBON MONOXIDE DETECTORS TO BE HARD WIRED AND OF THE "PHOTOELECTRIC" TYPE AS PER CODE.
2. NEW LIFE SENSOR THROUGHOUT THE BUILDING.
3. EXISTING SENSORS TO BE REMOVE AND REPLACE FOR NEW ONES TIED INTO THE SAME HARDWIRE SYSTEM AS THE NEW ADDITION.
4. ALL BATHROOM SHALL HAVE FAN/ LIGHTS VENTED TO EXTERIOR AS PER CODE.
5. DIMENSIONS ARE FROM FACE TO FACE OF STUD
6. KITCHEN HOOD M1503.4 SIZE - MAKEUP AIR REQUIRED IF ABOVE 400 CFM



PROJECT NAME:
Condominium Documents:
357-369 GRANT ST
CONDOMINIUM
357-369 GRANT ST
FRAMINGHAM, MA

ACROPOLIS
DESIGN CONSULTANTS
774-262-3187
5 Brussels St, Building "A" Rear,
Second Floor,
Worcester, MA, 01610
(774) 243-6161
dennis@acropolisdesign.org



REVISION TABLE	
NO.	DATE DESCRIPTION



SCOPE OF WORK -
2ND FLOOR PLAN

22-072 RH/SM/DED
AS NOTED 2/6/2026
SHEET NUMBER:

A-3

Machado, Victor (DPL)

From: Lewis Colten <lewcoltenaia@gmail.com>
Sent: Friday, March 27, 2026 1:39 PM
To: Griffin, Molly (DPL)
Cc: Joyce, William (DPL); Machado, Victor (DPL); mfoglia
Subject: Re: 340 Union Ave

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

Hello Molly

You are welcome.
Lew

On Fri, Mar 27, 2026 at 8:34 AM Griffin, Molly (DPL) <Molly.Griffin@mass.gov> wrote:
Hi Lewis,

Confirming receipt.

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: Lewis Colten <lewcoltenaia@gmail.com>
Sent: Thursday, March 26, 2026 8:52 PM
To: Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Machado, Victor (DPL) <Victor.Machado@mass.gov>; mfoglia <mfoglia@fogliafaw.com>
Subject: 340 Union Ave

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.

Greetings:

Attached is the revised building area calculations presented as , ASSESSMENT EVALUATION and the City's AssessPro,Patriot prop. sheet,

The re-evaluation is based on the adjustments made and the realistic conditions as noted.

The attached documents show that the conditions indicated have the project in compliance with CMR 521 regarding the percentage of the cost of construction of the commercial portion and does not exceeds the 30%

of the project per sec, 3.33..

As shown, the percentage of the commercial portion of the building exceeds 66.6% of the entire building, as shown,

this portion is valued at \$292,006.05 against the total value of the building assessed at \$438,183,33 with a difference

of \$146,175.28 exceeding the project cost of \$87,000, thereby being in compliance with CMR 521.

The cost evaluations noted were made with consultations with the office of the city's Assessor's office.

Hopefully this rectifies the issue at hand and we can proceed with the variance process now in place.

Should you have any questions, please feel free to contact me at your convenience.

Sincerely

Lewis Colten AIA, CBO

--

Lewis Colten AIA

Architect

9 Vernon Street

Framingham, Massachusetts 01701

Phone: 508-596-7220

Cell: 508-596-7220

Fax: 508-820-9708

Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If

you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

--

Lewis Colten AIA
Architect
9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

ASSESSMENT EVALUATION - 340 UNION AVE. FRAMINGHAM

DISCRIPT.	TOTAL AREA S.F.	COMMERCIAL	RESIDENTIAL	UNDEPR VALUE
BASEMENT	1540 S.F.	1440 S.F. FIN. OFF. USE @ \$79.79/S.F. = \$114,897.60 100 S.F. UTILITIES @ \$15.96/S.F. = \$1,596.00 TOTAL = \$116,493.60		\$116,493.60
FIRST FLOOR	1744 S.F.	1744 S.F. @ \$79.79 = \$139,153.76		\$139,153.76
FULL BAY 1ST FL.	27 S.F.	27 S.F. @ \$79.79 = \$2,154.33		\$2,154.33
OPEN PORCH 1ST FL.	54 S.F.	54 S.F. @ \$23.94 = \$1,292.76		\$1,292.76
ENCLOSED FINISHED DECK OFFICE 1ST FL.	150 S.F.	150 S.F. @ \$79.79 = \$11,968.50		\$11,968.50
2ND FL. DECK OVER OFFICE FOR OFFICE USE	150 S.F.	150 S.F. @ \$11.97 = \$1,795.50		\$1,795.50
ADDITION 1ST FL. EXIST. 126 S.F. NEW 114 S.F. <u>240 S.F.</u>	240 S.F.	240 S.F. @ \$79.79 = \$19,149.60		\$19,149.60
SECOND FLOOR	1520 S.F.		1520 S.F. @ \$79.79 = \$121,280.80	\$121,280.80
THIRD FLOOR	1520 S.F. <u>-1208 S.F. (UNHABITABLE)</u> 312 S.F.		312 S.F. @ \$79.79 = \$24,894.48	\$24,894.48
	5737 S.F.	\$292,006.05	\$146,175.28	\$438,183.33

TENANT FIT-UP

OFFICE ADDITION

**FOGLIA & ASSOCIATES
LAW OFFICES**

**340 UNION AVENUE
FRAMINGHAM, MA, 01702**

Lewis Colten, AIA
ARCHITECT
3 Union Street Framingham Mass 01702
Tel: 508-875-1100

3/26/26

NOTE:

SEE ATTACHED
ASSESSPRO
PATRIOT PROP. SHT.

\$292,006.05
\$438,183.33

= 66.6% COMMERCIAL OR

\$438,183.33 - \$292,006.5 = \$146,177.28

∴ > \$87,000.00 IN CONFORMANCE
WITH CMR 521 SEC. 3.32



AAB 76

USPS TRACKING#

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

9590 9402 9449 5069 3118 27

MAR 19 2026

United States
Postal Service

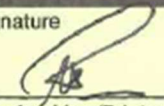
• Sender: Please print your name, address, and ZIP+4® in this box®

AAB

Division of Occupational Licensure
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 0211-2012

025-074
Strip Orders
Rev 2
Mixed Used
Framingham

Run 3/2

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: 25-074 THREE 40 UNION AVE, LLC MICHAEL FOGLIA, MGR 340 UNION AVE FRAMINGHAM, MA 01702 9590 9402 9449 5069 3118 27 2. Article Number (Transfer from service label) 7010 1870 0001 4990 2610	A. Signature X  ☐ Agent ☒ Addressee B. Received by (Printed Name) C. Date of Delivery 2/5/26 D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

AAB 78

340 UNION AVE

Location 340 UNION AVE

Mblu 120/ 69/ 7809/ /

Acct# 758

Owner THREE 40 UNION AVE, LLC

PBN

Total Market Value \$897,300

Appraisal \$897,300

PID 758

Building Count 1

Current Value

Appraisal					
Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2026	\$611,100	\$0	\$8,100	\$278,100	\$897,300
Assessment					
Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2026	\$611,100	\$0	\$8,100	\$278,100	\$897,300

Owner of Record

Owner THREE 40 UNION AVE, LLC
Co-Owner
Address 340 UNION AVE
 FRAMINGHAM, MA 01702

Sale Price	\$520,000
Certificate	
Book & Page	52550/0366
Sale Date	04/09/2009
Instrument	1Y

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
THREE 40 UNION AVE, LLC	\$520,000		52550/0366	1Y	04/09/2009

Building Information

Building 1 : Section 1

Year Built:	1902
Living Area:	4,404
Replacement Cost:	\$848,480
Building Percent Good:	69

Building Photo

 Building Photo

(<https://images.vgsi.com/photos/framinghamPhotos#photo#0075/340%20Unic>)

AAB 79

Less Depreciation: \$585,500

Living Units	3
Addtn Kitchen Rating	None
AddlBathRating	None

Building 1 : Section 2

Year Built:	2024
Living Area:	156
Replacement Cost:	\$25,581
Building Percent Good:	100
Replacement Cost	
Less Depreciation:	\$25,600

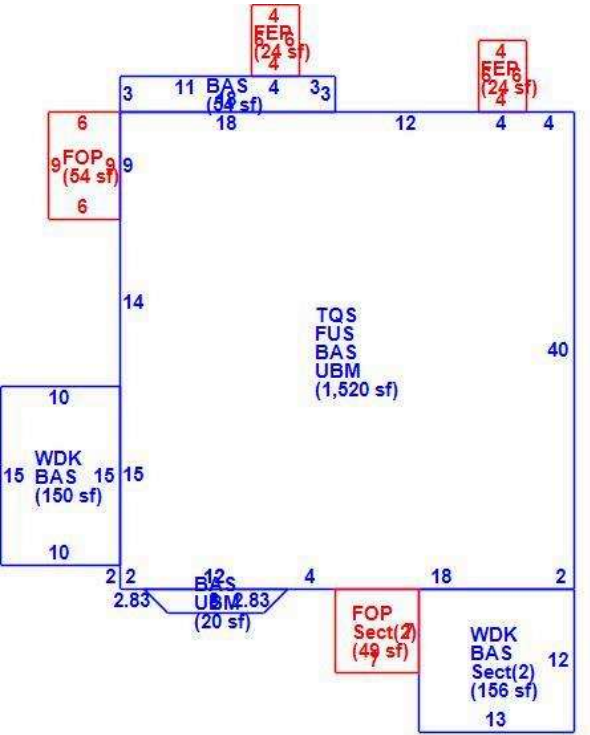
Building Attributes : Section 2 of 2	
Field	Description
Type	Mixed Use
Model	Residential
Grade	Good
Stories	2
Foundation	Concrete
Ext Wall 1	Vinyl
Ext Wall 2	
Roof Structure	Flat
Roof Cover	Asphalt
Int Wall 1	Average
Int Wall 2	
Int Floor 1	Average
Int Floor 2	
Heat Fuel	Gas
Heat Type	Forced H/W
AC Percent	0
Bedrooms	
Full Baths	
Half Baths	
Extra Fixtures	0
Total Rooms	1
Full Bath Rating	
Kitchen Rating	
Kitchens	
Fireplace Rating	Average
WS Flue Rating	Average
Electric	Typical
Insulation	Typical
AddlHalfBathRating	N

Building Photo

 Building Photo

<https://images.vgsi.com/photos/framinghammaPhotos///0075/340%20Unic>

Building Layout



(ParcelSketch.ashx?pid=758&bid=758)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	Base Floor	156	156
FOP	Open Porch	49	0
WDK	Wood Deck	156	0
		361	156

Fireplace(s)	0
Bsmt Garage	0
WS Flues	0
Heat Type 2	
Frame	Wood
Solar Hot Water	No
Central Vac	No
Addl Half Bath	
Living Units	3
Addtn Kitchen Rating	None
AddlBathRating	None

Extra Features

Extra Features				<u>Legend</u>
Code	Description	Size	Value	Bldg #
XFAPT	Apartment	1520.00 UNITS	\$0	1
XFAPT	Apartment	1520.00 UNITS	\$0	1

Land

Land Use		Land Line Valuation	
Use Code	0130	Size (Acres)	0.32
Description	MULTIUSE-RES	Frontage	
Zone	P	Depth	
Neighborhood	30	Total Market Land	\$278,100
Alt Land Appr	No	Appraised Value	\$278,100
Category			

Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVEMENT-ASPHALT			5000.00 S.F.	\$8,100	1

Valuation History

Appraisal					
Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2025	\$571,100	\$0	\$8,100	\$264,900	\$844,100
2024	\$564,900	\$0	\$7,000	\$236,500	\$808,400
2023	\$470,500	\$0	\$7,000	\$211,100	\$688,600
2022	\$459,800	\$0	\$6,400	\$191,600	\$657,800

Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2025	\$571,100	\$0	\$8,100	\$264,900	\$844,100
2024	\$564,900	\$0	\$7,000	\$236,500	\$808,400
2023	\$470,500	\$0	\$7,000	\$211,100	\$688,600
2022	\$459,800	\$0	\$6,400	\$191,600	\$657,800

(c) 2026 Vision Government Solutions, Inc. All rights reserved.

Machado, Victor (DPL)

From: Mark Dempsey <mdempsey@mwciil.org>
Sent: Wednesday, February 25, 2026 1:18 PM
To: Joyce, William (DPL); Griffin, Molly (DPL); Machado, Victor (DPL)
Cc: Simone, Sadie; Fdcccuddy; Dcorreia
Subject: 340 Union Avenue Framingham C25- and V26-025

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.

Honorable Board Members,

The MetroWest Center for Independent Living (MWCIL) would like to go on the record opposing the variance request as written for 340 Union Avenue. Based on the information provided in the variance we now believe the addition should have required full compliance, including door widths within the tenant space (521 CMR Section 26.5), door hardware (521 CMR Section 26.11) and an accessible bathroom (521 CMR Section 30). The following outlines our concerns:

- The tenants utilize a percentage of the total property instead of the square footage to determine value of the space. The building has 4823.55 square feet total. The tenant (Law Office) has 1,744 square feet or 36.16% of the total building space. The building value has a value listed at \$611,000. The tenant space, or 36.16% of the value equals \$220,937.60 and not \$183,331 as listed in the variance. 30% of the value of the tenant space equals \$66,281.28. Construction cost was higher than this amount, full compliance is therefore required.
- The tenants claim of undue cost is not substantiated with estimates for ramps or lifts.
- Tenant notes in the variance request that the halls and doorways would not accommodate mobility devices such as wheelchairs. No evidence is provided in the documentation for "maximum extent feasible", other than noting "it is not possible" due to the "age and layout" and would require extensive alteration. They note that while they serve individuals with disabilities, they provide these services outside the office due to lack of accessibility.

--

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@mwciil.org. Thank you.

Machado, Victor (DPL)

From: Machado, Victor (DPL)
Sent: Thursday, January 29, 2026 4:26 PM
To: Lewis Colten
Cc: mfoglia; Machado, Victor (DPL)
Subject: RE: C25-074 Mixed Used, 340 Union Avenue, Framingham
Attachments: Form-AAB-Variance-Application.pdf

Dear Mr. Colten,

I am writing to follow up regarding whether your office intends to file an application for a variance pursuant to the Massachusetts Architectural Access Board (MAAB) regulations, 521 CMR, for the property located at 340 Union Avenue, Framingham.

The stipulated order establishes a filing deadline of February 2, 2026. If the Law Office intends to proceed with the variance request, please find the attached application for your use.

I look forward to your response and confirmation of your intent.

Sincerely,
Victor

Victor Machado
Compliance Officer
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118
www.mass.gov/aab

From: Lewis Colten <lewcoltenaia@gmail.com>
Sent: Wednesday, December 10, 2025 2:04 PM
To: Machado, Victor (DPL) <Victor.Machado@mass.gov>
Subject: Re: C25-074 Mixed Used, 340 Union Avenue, Framingham

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

Hello Victor

Thank you for your attention to this matter' appreciate the extension.

Lew

Lewis Colten AIA
Architect
9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

On Wed, Dec 10, 2025, 1:13 PM Machado, Victor (DPL) <Victor.Machado@mass.gov> wrote:

Hello,

Attached is the copy of the **Stipulated Revised Order** issued by the **Architectural Access Board** regarding accessibility concerns at:

Case Number & Location Address:

C25-074 Mixed Used, [340 Union Avenue, Framingham](#)

This email is intended to keep all relevant parties informed.

Regards,

Victor

Victor Machado

Compliance Officer I

He/Him/His

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

E: victor.machado@mass.gov

P: (617) 727-0660

[1 Federal Street, 6th Floor, Boston, MA 02118](#)

www.mass.gov/aab



Machado, Victor (DPL)

From: Lewis Colten <lewcoltenaia@gmail.com>
Sent: Friday, January 30, 2026 4:55 PM
To: Machado, Victor (DPL)
Subject: Re: 340 Union Avenue, Framingham - Application for a Variance / Docket No. C 25 074

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 Victor:

Thank you. Beware of ice and try not to go for a high olympic score.

Lew

On Fri, Jan 30, 2026 at 4:48 PM Machado, Victor (DPL) <Victor.Machado@mass.gov> wrote:

Lew,

Hope you a speedy recovery and I will extend. I will email you a revised stipulated order.

Best,

Victor

Victor Machado

Compliance Officer

He/Him/His

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

E: victor.machado@mass.gov

P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118

www.mass.gov/aab

From: Lewis Colten <lewcoltenaia@gmail.com>

Sent: Friday, January 30, 2026 4:45 PM

To: Machado, Victor (DPL) <Victor.Machado@mass.gov>

Cc: mfoglia <mfoglia@fogliolaw.com>

Subject: 340 Union Avenue, Framingham - Application for a Variance / Docket No. C 25 074

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.

Dear Mr. Machado;

As per our conversation, I am requesting an extension in which to submit our application for a variance for medical reasons.

As I explained, unfortunately, I had an accident yesterday in which I took a serious fall on the ice.

It appears that I fractured or broke my arm and wrist and may have injured my back.

There could be serious implications to my back injury because I am scheduled for a back operation on February 10.

I am scheduling doctors' appointments to determine the extent of these injuries.

Based on the uncertainty of these injuries, I am requesting an additional 30-day extension in which to submit our appeal material.

As I explained, I am fairly complete on the variance application, however, my current condition due to my injuries and the

uncertainty of medical appointments and procedures is the cause of my request for an extension.

Should I be able to complete the work sooner, I will do so.

Thank you for your understanding.

Lewis Colten AIA, CBO

--

Lewis Colten AIA
Architect
9 Vernon Street
Framingham, Massachusetts 01701

Phone: 508-596-7220

Cell: 508-596-7220

Fax: 508-820-9708

Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

--

Lewis Colten AIA
Architect

9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

Machado, Victor (DPL)

From: Machado, Victor (DPL)
Sent: Monday, February 2, 2026 10:33 AM
Cc: Machado, Victor (DPL)
Subject: C25-074 Mixed Used, 340 Union Avenue, Framingham
Attachments: C25-074 Stipulated Order-Revised2.pdf

Hello,

Attached is the copy of the revised **Stipulated Order** issued by the **Architectural Access Board** regarding accessibility concerns at:

Case Number & Location Address:
C25-074 Mixed Used, 340 Union Avenue, Framingham

This email is intended to keep all relevant parties informed.

Regards,
Victor

Victor Machado
Compliance Officer
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118
www.mass.gov/aab





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., Suite 600
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

Docket Number **C25 074**

RE: Mixed Used
340 Union Avenue
Framingham

DATE: 2/2/2026

Enclosed please find a copy of the following material regarding the complaint against the above location:

- | | |
|--|--|
| ☐ First Notice | ☒ Stipulated Order |
| ☐ Second Notice | ☐ Letter of Meeting |
| ☐ Notice of Hearing | ☐ Application for Variance |
| ☐ Correspondence | ☐ Decision of the Board |

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 94



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., Suite 600
Boston, Massachusetts 02110

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

STIPULATED ORDER

Docket Number **C 25 074**

RE: Mixed Used , 340 Union Avenue , Framingham

A complaint was filed with the Architectural Access Board regarding alleged violations of its Rules and Regulations with respect to the above premises.

By letter of December 3, 2025 , THREE 40 UNION , MICHAEL FOGLIA, MGR , submitted the following statement in response to the complaint filed:

The Board acknowledges receipt of your correspondence dated December 3, 2025.

Please be advised that, pursuant to the authority of the Architectural Access Board, you are required to submit a completed Application for Variance in no more than 90 days from the date of the First Notice received.

The Board adopts this plan as it's own order, with compliance to be achieved by **March 2, 2026**

You are required to notify Compliance Officer Victor Machado, in writing, to victor.machado@mass.gov, within five (5) days of the completion date, indicating whether or not the variance has been completed and submitted.

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 adjudicatory hearing form. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final order and the appeal process is through Superior Court.

Date: February 2, 2026

cc: Complainant
Local Building Inspector
Disability Commission
Independent Living Center

ARCHITECTURAL ACCESS BOARD

Chairperson

USPS TRACKING #



BOSTON MA 02110

DEC 22 2025 17 L

9590 9402 9559 5121 9118 93



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

BLC
12/22

United States
Postal Service

Division of Occupational Licensure

One Federal Street, Suite 600

Boston, MA 02110

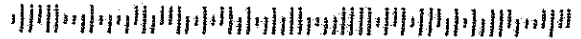
ATTN: _____

DEC 22 2025

AAB

C25-074
Stop Order
Mixed Used
Framingham

Per



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Addressee Addressed to:

THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702



9590 9402 9559 5121 9118 93

9589 0710 5270 3419 9533 46

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

12/15/25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☒ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

AAB 97

DEC 12 2025

Lewis Colten AIA
ARCHITECT

9 Vernon Street
Framingham, MA 01701

Phone: 508-596-7220 Fax: 508-820-9708
Electronic Mail: lewcoltenaia@gmail.com

December 10, 2025

Via U.S. Mail and E-Mail [Victor.machado@mass.gov]

RECEIVED

DEC 16 2025

AAB

Mr. Victor Machado
Compliance Officer
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110

Re: 340 Union Avenue, Framingham, MA 01701
Docket No. C 25 074

Dear Mr. Machado:

As per my conversation with William Joyce this morning (who instructed me to send this letter to you), I am herewith requesting an extension of the 30-day time requirement for our submission for a variance in this matter.

Based on my recent acquisition of the complaint regarding this project, I am requesting additional time to file for a variance until February 2, 2026.

The extension is needed to provide drawings and documentation, as necessary, to establish the foundation for our variance request.

Please advise as to your decision as soon as possible.

Thank you.

Sincerely,



Lewis Colten AIA, CBO

cc (by E-Mail): William Joyce, AAB Executive Director
Michael A. Foglia, Esq.

AAB 98

LEWIS COLTEN & ASSOC.
9 VERNON ST.
FRAMINGHAM, MA 01701



BOSTON MA 020
10 DEC 2025 PM 6 L

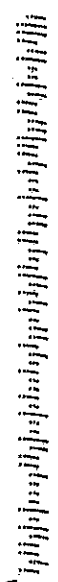
MR. VICTOR MACHADO
COMPLIANCE OFFICER
ARCHITECTURAL ACCESS BOARD
1 FEDERAL STREET, SUITE 600
BOSTON, MA 02110

RECEIVED
DEC 16 2025
AAB

Handwritten signature: ALEX

DEC 12 2025

02110-201250



USPS TRACKING#

BOSTON MA 020



12 DEC 2025 17 L



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

9590 9402 9559 5121 9117 32

United States
Postal Service

DEC 16 2025

Division of Occupational Licensure

One Federal Street, Suite 600

Boston, MA 02110

ATTN:

DEC 15 2025

AAB

*C25-074
St. Order
Mixed Used
Framingham*

10201250



AAB 100

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702



9590 9402 9559 5121 9117 32

9589 0710 5270 3419 9536 36

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

12-11-25

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

AAB 101

Machado, Victor (DPL)

From: Lewis Colten <lewcoltenaia@gmail.com>
Sent: Wednesday, December 10, 2025 1:03 PM
To: Machado, Victor (DPL)
Cc: Joyce, William (DPL); mfoglia
Subject: 340 Union Avenue, Framingham - Docket No. C 25 074
Attachments: V. Machado Letter_0001.pdf

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

Hello Victor:

As per our telephone conversation, I am attaching our request for an extension of time to file for a variance in the above-stated matter.

Thank you for your attention to this matter.

Lew

--

Lewis Colten AIA
Architect
9 Vernon Street
Framingham, Massachusetts 01701
Phone: 508-596-7220
Cell: 508-596-7220
Fax: 508-820-9708
Email: lewcoltenaia@gmail.com

The sender of this confidential communication intends it to be privileged pursuant to applicable law. The sender of this message intends it only for the use of the individual or entity to which it is addressed and this message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 508-596-7220 and destroy any and all contents. Thank you.

Machado, Victor (DPL)

From: Machado, Victor (DPL)
Sent: Wednesday, December 10, 2025 1:13 PM
Cc: Machado, Victor (DPL)
Subject: C25-074 Mixed Used, 340 Union Avenue, Framingham
Attachments: C25-074 Stipulated Order-Revised.pdf

Hello,

Attached is the copy of the **Stipulated Revised Order** issued by the **Architectural Access Board** regarding accessibility concerns at:

Case Number & Location Address:
C25-074 Mixed Used, 340 Union Avenue, Framingham

This email is intended to keep all relevant parties informed.

Regards,
Victor

Victor Machado
Compliance Officer I
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118
www.mass.gov/aab





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., Suite 600
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: THREE 40 UNION AVE, LLC MICHAEL
FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

Docket Number **C25 074**

RE: Mixed Used
340 Union Avenue
Framingham

DATE: 12/10/2025

Enclosed please find a copy of the following material regarding the complaint against the above location:

- | | |
|--|--|
| ☐ First Notice | ☒ Stipulated Order |
| ☐ Second Notice | ☐ Letter of Meeting |
| ☐ Notice of Hearing | ☐ Application for Variance |
| ☐ Correspondence | ☐ Decision of the Board |

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 104



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., Suite 600
Boston, Massachusetts 02110

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

STIPULATED ORDER

Docket Number **C 25 074**

RE: Mixed Used , 340 Union Avenue , Framingham

A complaint was filed with the Architectural Access Board regarding alleged violations of its Rules and Regulations with respect to the above premises.

By letter of December 3, 2025 , THREE 40 UNION , MICHAEL FOGLIA, MGR , submitted the following statement in response to the complaint filed:

The Board acknowledges receipt of your correspondence dated December 3, 2025.

Please be advised that, pursuant to the authority of the Architectural Access Board, you are required to submit a completed Application for Variance in no more than 60 days from the date of the First Notice received.

The Board adopts this plan as it's own order, with compliance to be achieved by **February 2, 2026**

You are required to notify Compliance Officer Victor Machado, in writing, to victor.machado@mass.gov, within five (5) days of the completion date, indicating whether or not the variance has been completed and submitted.

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 adjudicatory hearing form. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final order and the appeal process is through Superior Court.

Date: December 10, 2025

cc: Complainant
Local Building Inspector
Disability Commission
Independent Living Center

ARCHITECTURAL ACCESS BOARD

Chairperson

Lewis Colten AIA

A R C H I T E C T

9 Vernon Street

Framingham, MA 01701

Phone: 508-596-7220 Fax: 508-820-9708

Electronic Mail: lewcoltenaia@gmail.com

December 10, 2025

Via U.S. Mail and E-Mail [Victor.machado@mass.gov]

Mr. Victor Machado
Compliance Officer
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110

Re: 340 Union Avenue, Framingham, MA 01701
Docket No. C 25 074

Dear Mr. Machado:

As per my conversation with William Joyce this morning (who instructed me to send this letter to you), I am herewith requesting an extension of the 30-day time requirement for our submission for a variance in this matter.

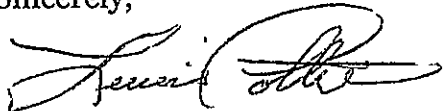
Based on my recent acquisition of the complaint regarding this project, I am requesting additional time to file for a variance until February 2, 2026.

The extension is needed to provide drawings and documentation, as necessary, to establish the foundation for our variance request.

Please advise as to your decision as soon as possible.

Thank you.

Sincerely,



Lewis Colten AIA, CBO

cc (by E-Mail): William Joyce, AAB Executive Director
Michael A. Foglia, Esq.

Lewis Colten AIA

A R C H I T E C T

9 Vernon Street

Framingham, MA 01701

Phone: 508-596-7220 Fax: 508-820-9708

Electronic Mail: lewcoltenaia@gmail.com

December 10, 2025

Via U.S. Mail and E-Mail [Victor.machado@mass.gov]

Mr. Victor Machado
Compliance Officer
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110

Re: 340 Union Avenue, Framingham, MA 01701
Docket No. C 25 074

Dear Mr. Machado:

As per my conversation with William Joyce this morning (who instructed me to send this letter to you), I am herewith requesting an extension of the 30-day time requirement for our submission for a variance in this matter.

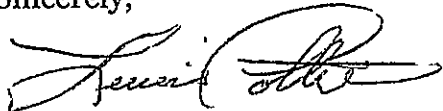
Based on my recent acquisition of the complaint regarding this project, I am requesting additional time to file for a variance until February 2, 2026.

The extension is needed to provide drawings and documentation, as necessary, to establish the foundation for our variance request.

Please advise as to your decision as soon as possible.

Thank you.

Sincerely,



Lewis Colten AIA, CBO

cc (by E-Mail): William Joyce, AAB Executive Director
Michael A. Foglia, Esq.

AAB 107

Machado, Victor (DPL)

From: Machado, Victor (DPL)
Sent: Wednesday, December 10, 2025 12:56 PM
To: 'Lewis Colten'
Cc: mfoglia; Machado, Victor (DPL)
Subject: C25-074 Mixed Used, 340 Union Avenue, Framingham
Attachments: 340 Union Avenue Framingham complaint_Redacted.pdf

Hello Louis,

Please find attached redacted complainant form. Upon receipt of your request to extend the variance filing deadline, I will issue a revised stipulated order extending the due date to February 2, 2026.

Best regards,
Victor

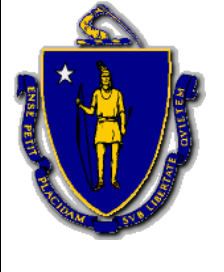
Victor Machado
Compliance Officer I
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118

www.mass.gov/aab



	Commonwealth of Massachusetts Division of Occupational Licensure Office of Public Safety and Inspections Architectural Access Board 1 Federal St., Suite 0600 • Boston • MA • 02110-2012 V: 617-727-0660 • www.mass.gov/aab	Docket Number _____ (Office Use Only)
--	--	---

GENERAL BUILDING COMPLAINT FORM

**PLEASE BE ADVISED THAT THIS FORM IS A MATTER OF PUBLIC RECORD AND
WILL BE DISCLOSED UPON REQUEST.**

1. What is the name and address of the building believed to be in violation of the Rules and Regulations of this Board?

Building Name or Description:

2 story Mixed use Commercial & residential

Street Address:

340 Union Avenue

City/Town:

Framingham, MA 01702

2. Does it appear that the building was recently constructed or renovated? Yes
3. What date were you most recently at the building? July 7, 2025
4. How many floors? 2

5. Please describe the violation(s) as clearly as possible. Include information on the nature of the violation, the location of the violation within the building or site, and any other information you feel might be relevant. **The Board's staff also recommends you include photographs of the violation if possible.** (Please use additional sheets if necessary):

The recent work included the removal and replacement of the stairs and landing at the front entrance. Pictures from 2023 and 2025 are attached.

6. Name and address of person/organization filing this complaint (if organization is filing, please provide the Board with the name of a contact person) **(required)**:

Name: [REDACTED] _____

Mailing Address:

[REDACTED] _____
[REDACTED] _____

E-mail: [REDACTED] _____

Telephone: [REDACTED] _____

7. Would you like to receive communication from the Board electronically or via US Mail?

Email: ☒ Regular Mail: ☐

8. Individual Signature **(required)**: ✓ [REDACTED]

Date: 7/7/25

OPTIONAL INFORMATION

The following information is optional, and your complaint will be processed regardless of whether the information is provided. **However, you should be aware that the less information that is provided, the longer it will take this office to process your complaint.**

- a. Name and address of the building owner or manager:

Name: Michael Foglia, Manager

Mailing Address:

340 Union Avenue LLC

340 Union Avenue

Framingham, MA 01702

- b. The Board only considers complaints with respect to buildings which are:
- 1.) constructed by the state, city or town, and construction, reconstruction, alteration or remodeling occurred after December of 1968; or
 - 2.) privately financed buildings that are open to or used by the public and construction, reconstruction, alteration or remodeling occurred after June 10, 1975.
- c. Do you have reason to believe the element(s) subject to this complaint have been recently renovated?

Yes: ☒ No: ☐

If you answered yes, please indicate the date and extent of the work below, and if possible attach a copy of the associated building permit to this complaint.

Permit Number BLD242159 for alterations and addition
permit issued August 9, 2024

Continued on Next Page

2.) Do you have reason to believe that in any continuous 3-year period the spending on construction, reconstruction, alteration, or remodeling was more than:

\$100,000

No

30% of the building's assessed value

No

If you answered yes, please indicate the date and extent of the work below, and if possible attach a copy of the associated building permit to this complaint.

Permit BLD242159 issued August 9, 2024 for addition and alterations

Assessed value of the building only (do not include the value of the land):

\$571,100

If possible, please attach a copy of the property card to your complaint.

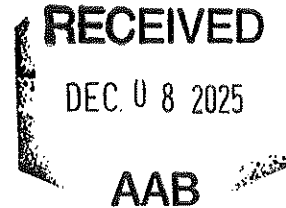
FOGLIA ASSOCIATES, P.C.

COUNSELLORS AT LAW
A PROFESSIONAL CORPORATION

DEC 08 2025

December 3, 2025

Victor Machado
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110



RE: Docket Number C 25 074

Dear Mr. Machado,

Enclosed please find the forms noticing our request pursuant to 521CMR 5 with respect to 340 Union Ave LLC.

If you have any questions, please contact me via email at mfoglia@fogliaw.com

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael A. Foglia", written over a horizontal line.

Michael A. Foglia, Esquire
BBO # 551729
Foglia & Associates, P.C.
340 Union Avenue
Framingham, MA 01702
Tel: 508-820-3400

ma
Enclosures

	Commonwealth of Massachusetts Division of Occupational Licensure Office of Public Safety and Inspections Architectural Access Board 1 Federal St., Suite 600 • Boston • MA • 02110 V: 617-727-0660 • www.mass.gov/aab	Docket Number C25-074 (Office Use Only)
---	--	--

You have received this Notice because the Board has received information indicating that an element or elements of the building or facility you own is or are not in compliance with 521 CMR. This process is designed to provide you with a reasonable opportunity to correct any outstanding violations. Please complete both sides of this form and return it to:

Victor Machado
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110
Email: Victor.Machado@mass.gov

Electronic Copies of this form are available at the Board's website (<http://www.mass.gov/aab>) if you wish to submit it via email. If you have any questions, please contact the Board's staff via telephone at [617-727-0660](tel:617-727-0660) during normal business hours (9am – 5pm Mon-Fri). Please note that failure to return this document in a timely manner will result in the issuance of a Second Notice, and continued failure to address the items cited may result in fines of up to \$1,000 per day per violation among other legal remedies.

Please check ONE of the boxes below and return this form within 14 days of receipt of the First Notice:

- ☐ I have enclosed a plan to correct the violation(s), including a date for when I expect the work to be complete. I am aware that this plan will need to be approved by the Compliance Officer.
- ☐ I require additional time to prepare a plan to correct the cited violation(s), I have attached an explanation for why I require this additional time, including the specific amount of additional time I am requesting (which cannot exceed 90 days from the date of receipt of this Notice), and am aware that the Compliance Officer is not obligated to grant this additional time.
- ☒ I believe that correcting the violation(s) cited in the First Notice is impracticable (as defined in 521 CMR 5) and will be submitting a completed Application for Variance in no more than 30 days from the date I received the First Notice.
- ☐ I believe that the element(s) cited in the First Notice are not in violation of 521 CMR and I have attached a detailed explanation showing why they are in compliance or not otherwise subject to 521 CMR, including specific references to the applicable code sections.
- ☐ I am neither the legal owner of the building/facility nor their employee or agent.

(Signature)

(Date)

Communications Preference

Please Select one:

☒ I want to receive all further documents regarding this case

electronically at the following **email address**:

MFoglia@FogliaLaw.Com

☐ I want to receive all further documents regarding this case via

certified mail at the following **mailing address**:



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., Suite 600
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

Docket Number **C 25 074**

RE: Mixed Used
340 Union Avenue
Framingham

DATE: 11/24/2025

Enclosed please find a copy of the following material regarding the complaint against the above location:

- | | |
|--|---|
| ☒ First Notice | ☐ Stipulated Order |
| ☐ Second Notice | ☐ Letter of Meeting |
| ☐ Notice of Hearing | ☐ Application for Variance |
| ☐ Correspondence | ☐ Decision of the Board |

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 116



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., Suite 600
Boston, Massachusetts 02110

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

November 24, 2025

Docket Number C25 074

THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

RE: Mixed Used 340 Union Avenue, Framingham

Dear Sir/Madam

Upon information received by the Architectural Access Board, the facility referenced above has been reported to violate M.G.L. c. 22, § 13A and the Rules and Regulations (521 CMR) promulgated thereunder. Reported violations, include the following items:

Section: Reported violation:

3.3.4	No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction.
25.1	All public entrance(s) of a building or tenancy in a building shall be accessible. Complainant reports the recent work included the removal and replacement of the stairs and landing at the front entrance. (Picture enclosed)

Under Massachusetts law, the Board is authorized to take legal action against violators of its regulations, including but not limited to, an application for a court order preventing the further use of an offending facility. The Board also has the authority to impose fines of up to \$1,000.00 per day, per violation, for willful noncompliance with its regulations.

You are requested to notify this Board, in writing, of the steps you have taken or plan to take to comply with the current regulations. Please note the current sections may be different from the sections that are cited above. Unless the Board receives such notification within 14 days of receipt of this letter, it will take necessary legal action to enforce its regulations as set forth above. If you have any questions, you may contact this office.

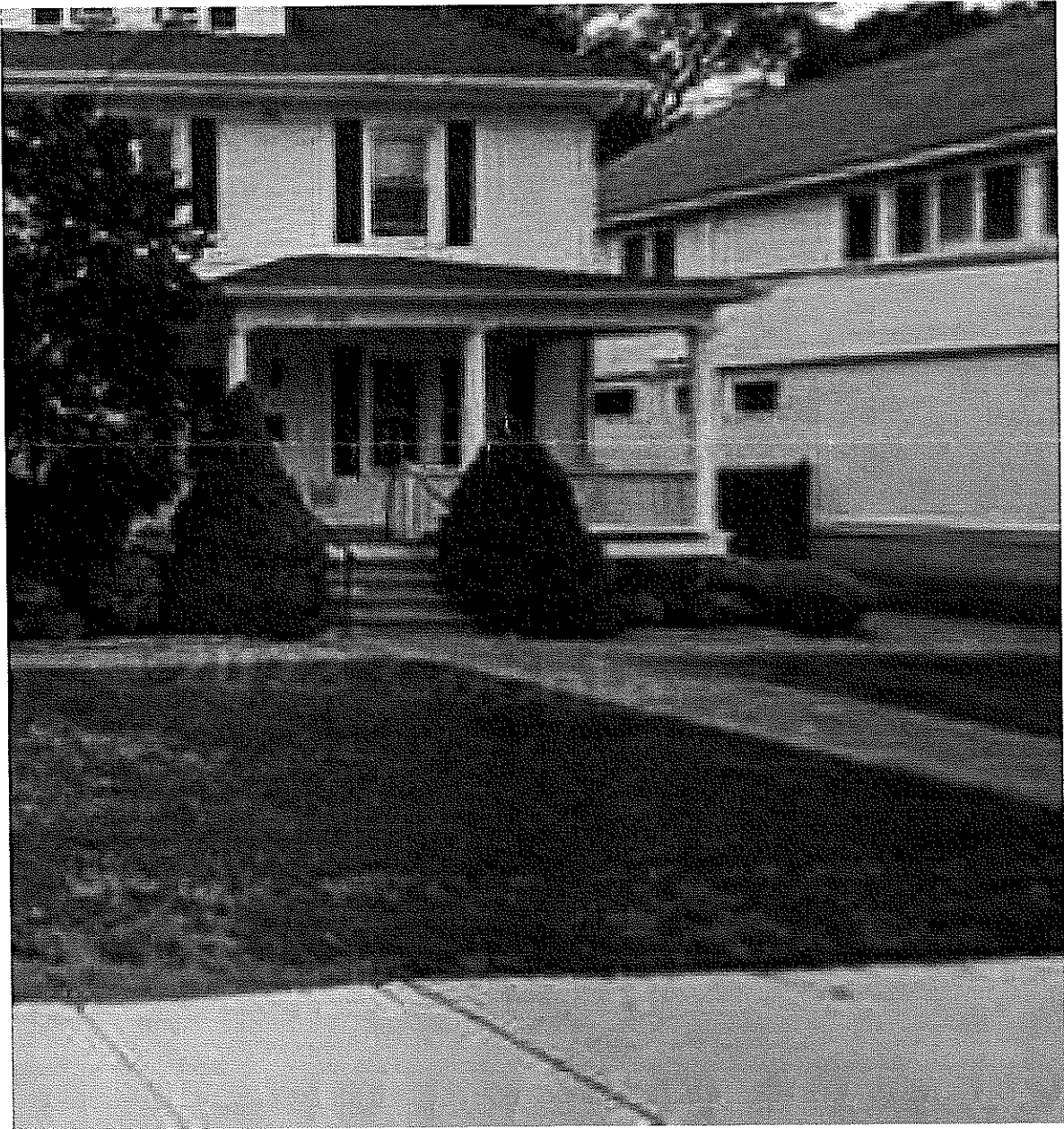
cc: Local Building Inspector
Local Disability Commission
Independent Living Center
Complainant

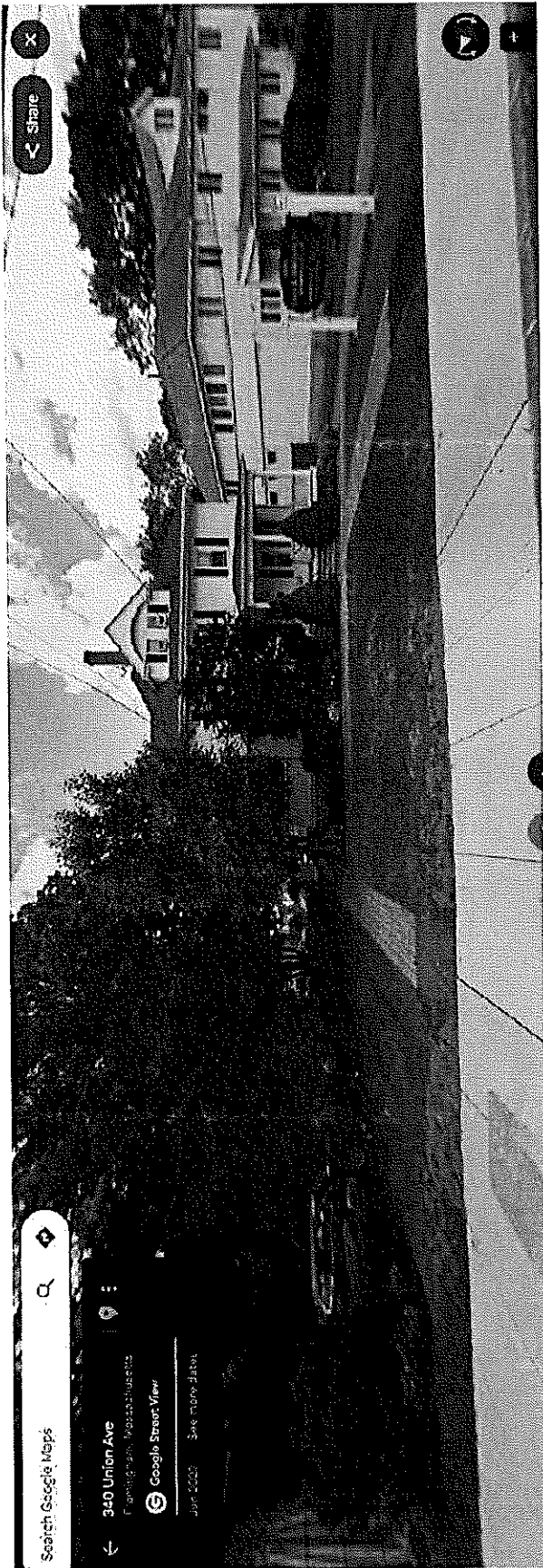
Sincerely,


Dawn Guarriello
Chairperson

AAB 117







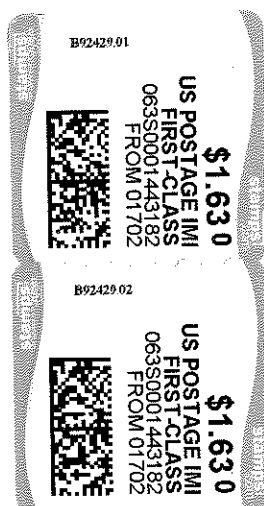
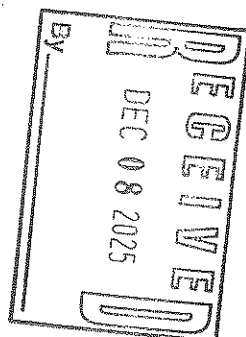
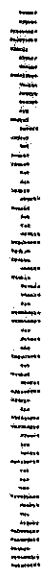
FOGLIA ASSOCIATES, P.C.

COUNSELLORS AT LAW
A PROFESSIONAL CORPORATION
340 Union Avenue • Framingham, MA 01702

RECEIVED
DEC 08 2025
AAB

Victor Machado
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110

0211082012 0020



AAB 121

USPS TRACKING#



2 DEC 2025 PM 9 L

9590 9402 9559 5121 9106 50

RECEIVED

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

DEC 08 2025

United States
Postal Service

Division of Occupational Licensure

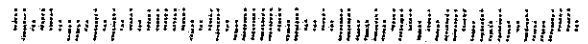
One Federal Street, Suite 600

Boston, MA 02110

ATTN:

AAB

C25-074
FIRST
MIXED USED
FRAMIN



AAB 122

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

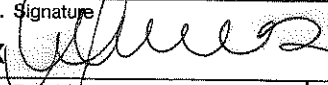


9590 9402 9559 5121 9106 50

2. Article Number (Transfer from service label)

7010 1870 0001 4990 9749

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X  ☐ Agent
☒ Addressee

B. Received by (Printed Name)**C. Date of Delivery**

12/2/25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☒ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

Machado, Victor (DPL)

From: mfoglia@foglialaw.com
Sent: Monday, December 8, 2025 1:16 PM
To: Machado, Victor (DPL)
Cc: 'Lewis Colten'
Subject: RE: C25-074 Mixed Used, 340 Union Avenue, Framingham

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

Good morning Mr. Machado,
Thank you for the update.
Mike Foglia

From: Machado, Victor (DPL) <Victor.Machado@mass.gov>
Sent: Monday, December 8, 2025 12:18 PM
Cc: Machado, Victor (DPL) <Victor.Machado@mass.gov>
Subject: C25-074 Mixed Used, 340 Union Avenue, Framingham

Hello,

Attached is the copy of the **Stipulated Order** issued by the **Architectural Access Board** regarding accessibility concerns at:

Case Number:
C25-074

Location Address:
Mixed Used, 340 Union Avenue, Framingham

This email is intended to keep all relevant parties informed.

Regards,
Victor

Victor Machado
Compliance Officer I
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118

www.mass.gov/aab

Machado, Victor (DPL)

From: Machado, Victor (DPL)
Sent: Monday, December 8, 2025 12:18 PM
Cc: Machado, Victor (DPL)
Subject: C25-074 Mixed Used, 340 Union Avenue, Framingham
Attachments: C25-074 Stipulated Order.pdf

Hello,

Attached is the copy of the **Stipulated Order** issued by the **Architectural Access Board** regarding accessibility concerns at:

Case Number:
C25-074

Location Address:
Mixed Used, 340 Union Avenue, Framingham

This email is intended to keep all relevant parties informed.

Regards,
Victor

Victor Machado
Compliance Officer I
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118
www.mass.gov/aab



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., Suite 600
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: THREE 40 UNION AVE, LLC MICHAEL
FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

Docket Number **C25 074**

RE: Mixed Used
340 Union Avenue
Framingham

DATE: 12/8/2025

Enclosed please find a copy of the following material regarding the complaint against the above location:

- | | |
|--|--|
| ☐ First Notice | ☒ Stipulated Order |
| ☐ Second Notice | ☐ Letter of Meeting |
| ☐ Notice of Hearing | ☐ Application for Variance |
| ☐ Correspondence | ☐ Decision of the Board |

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 127



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., Suite 600
Boston, Massachusetts 02110

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

STIPULATED ORDER

Docket Number **C 25 074**

RE: Mixed Used , 340 Union Avenue , Framingham

A complaint was filed with the Architectural Access Board regarding alleged violations of its Rules and Regulations with respect to the above premises.

By letter of December 3, 2025 , THREE 40 UNION , Framingham ,
submitted the following statement in response to the complaint filed:

The Board acknowledges receipt of your correspondence dated December 3, 2025.

Please be advised that, pursuant to the authority of the Architectural Access Board, you are required to submit a completed Application for Variance in no more than 30 days from the date of the First Notice received.

The Board adopts this plan as it's own order, with compliance to be achieved by **January 2, 2026**

You are required to notify Compliance Officer Victor Machado, in writing, to victor.machado@mass.gov, within five (5) days of the completion date, indicating whether or not the variance has been completed and submitted.

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 adjudicatory hearing form. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final order and the appeal process is through Superior Court.

Date: December 8, 2025

cc: Complainant
Local Building Inspector
Disability Commission
Independent Living Center

ARCHITECTURAL ACCESS BOARD

Dawn Guerville (VP) (VMJ)

Chairperson

Machado, Victor (DPL)

From: admin@fogliafaw.com
Sent: Thursday, December 4, 2025 11:19 AM
To: Machado, Victor (DPL)
Subject: RE: Docket Number C 25 074
Attachments: FORMS - RE 521CMR 5.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.

Dear Mr. Machado,

Enclosed please find the forms noticing our request pursuant to 521CMR 5 with respect to 340 Union Ave LLC.

If you have any questions, please contact me via email at mfoglia@fogliafaw.com

Thank you for your attention to this matter.

Best Regards,

MARIANGELA PEREIRA

Legal Assistant of Michael A. Foglia, Esquire
Foglia & Associates, P.C.
340 Union Avenue
Framingham, MA 01702
Phone: 508-820-3400
Fax: 508-820-3311
VISIT US AT www.FogliaLaw.com
INSTAGRAM: fogliaandassociates



FOGLIA & ASSOCIATES
LAW OFFICES

CONFIDENTIALITY NOTICE: This message is being sent by an attorney, and is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is

proprietary, privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately and delete all copies of it.

FOGLIA ASSOCIATES, P.C.

COUNSELLORS AT LAW
A PROFESSIONAL CORPORATION

December 3, 2025

**Victor Machado
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110**

RE: Docket Number C 25 074

Dear Mr. Machado,

Enclosed please find the forms noticing our request pursuant to 521CMR 5 with respect to 340 Union Ave LLC.

If you have any questions, please contact me via email at mfoglia@fogliaw.com

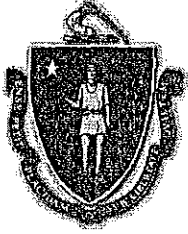
Thank you for your attention to this matter.

Respectfully,



Michael A. Foglia, Esquire
BBO # 551729
Foglia & Associates, P.C.
340 Union Avenue
Framingham, MA 01702
Tel: 508-820-3400

ma
Enclosures



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

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

Docket Number
C25-074

(Office Use Only)

You have received this Notice because the Board has received information indicating that an element or elements of the building or facility you own is or are not in compliance with 521 CMR. This process is designed to provide you with a reasonable opportunity to correct any outstanding violations. Please complete both sides of this form and return it to:

Victor Machado
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110
Email: Victor.Machado@mass.gov

Electronic Copies of this form are available at the Board's website (<http://www.mass.gov/aab>) if you wish to submit it via email. If you have any questions, please contact the Board's staff via telephone at [617-727-0660](tel:617-727-0660) during normal business hours (9am – 5pm Mon-Fri). Please note that failure to return this document in a timely manner will result in the issuance of a Second Notice, and continued failure to address the items cited may result in fines of up to \$1,000 per day per violation among other legal remedies.

Please check ONE of the boxes below and return this form within 14 days of receipt of the First Notice:

- ☐ I have enclosed a plan to correct the violation(s), including a date for when I expect the work to be complete. I am aware that this plan will need to be approved by the Compliance Officer.
- ☐ I require additional time to prepare a plan to correct the cited violation(s), I have attached an explanation for why I require this additional time, including the specific amount of additional time I am requesting (which cannot exceed 90 days from the date of receipt of this Notice), and am aware that the Compliance Officer is not obligated to grant this additional time.
- ☒ I believe that correcting the violation(s) cited in the First Notice is impracticable (as defined in 521 CMR 5) and will be submitting a completed Application for Variance in no more than 30 days from the date I received the First Notice.
- ☐ I believe that the element(s) cited in the First Notice are not in violation of 521 CMR and I have attached a detailed explanation showing why they are in compliance or not otherwise subject to 521 CMR, including specific references to the applicable code sections.
- ☐ I am neither the legal owner of the building/facility nor their employee or agent.

(Signature)

(Date)

Communications Preference

Please Select one:

☒ I want to receive all further documents regarding this case

electronically at the following **email address**:

MFoglia@FogliaLaw.Com

☐ I want to receive all further documents regarding this case via

certified mail at the following **mailing address**:



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., Suite 600
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

Docket Number **C 25 074**

RE: Mixed Used
340 Union Avenue
Framingham

DATE: 11/24/2025

Enclosed please find a copy of the following material regarding the complaint against the above location:

- | | |
|--|---|
| ☒ First Notice | ☐ Stipulated Order |
| ☐ Second Notice | ☐ Letter of Meeting |
| ☐ Notice of Hearing | ☐ Application for Variance |
| ☐ Correspondence | ☐ Decision of the Board |

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 134



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., Suite 600
Boston, Massachusetts 02110

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

November 24, 2025

Docket Number C25 074

THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

RE: Mixed Used 340 Union Avenue , Framingham

Dear Sir/Madam

Upon information received by the Architectural Access Board, the facility referenced above has been reported to violate M.G.L. c. 22, § 13A and the Rules and Regulations (521 CMR) promulgated thereunder. Reported violations, include the following items:

Section: Reported violation:

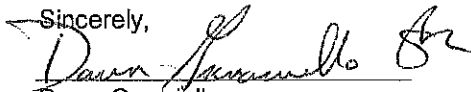
3.3.4	No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction.
25.1	All public entrance(s) of a building or tenancy in a building shall be accessible. Complainant reports that the recent work included the removal and replacement of the stairs and landing at the front entrance. (Picture enclosed)

Under Massachusetts law, the Board is authorized to take legal action against violators of its regulations, including but not limited to, an application for a court order preventing the further use of an offending facility. The Board also has the authority to impose fines of up to \$1,000.00 per day, per violation, for willful noncompliance with its regulations.

You are requested to notify this Board, in writing, of the steps you have taken or plan to take to comply with the current regulations. Please note the current sections may be different from the sections that are cited above. Unless the Board receives such notification within 14 days of receipt of this letter, it will take necessary legal action to enforce its regulations as set forth above. If you have any questions, you may contact this office.

cc: Local Building Inspector
Local Disability Commission
Independent Living Center
Complainant

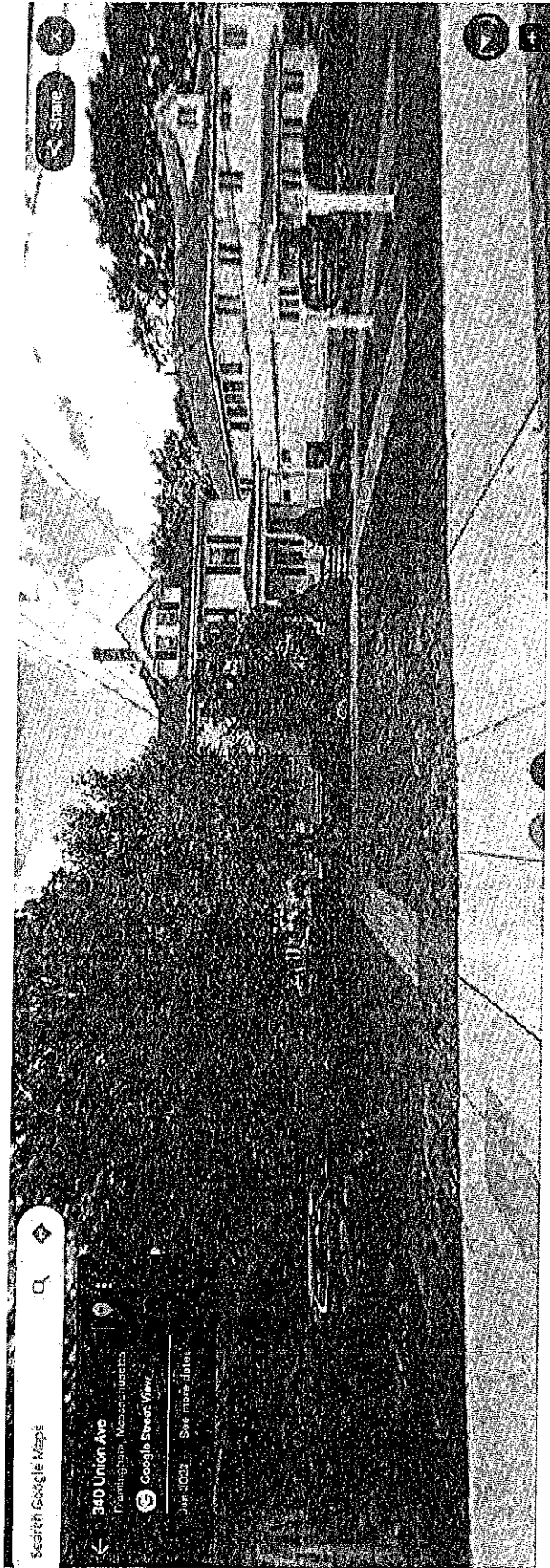
Sincerely,


Dawn Guarriello

Chairperson







FOGLIA ASSOCIATES, P.C.

COUNSELLORS AT LAW
A PROFESSIONAL CORPORATION
340 UNION AVENUE • FRAMINGHAM, MA 01702

**Victor Machado
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110**

C25-074 Mixed Used, 340 Union Avenue, Framingham

From Machado, Victor (DPL) <Victor.Machado@mass.gov>

Date Mon 11/24/2025 10:32 AM

Cc Machado, Victor (DPL) <Victor.Machado@mass.gov>

Bcc fdccuddy@gmail.com <fdccuddy@gmail.com>; dcorreia@framinghamma.gov
<dcorreia@framinghamma.gov>; mdempsey@mwil.org <mdempsey@mwil.org>; ssimone@mwil.org
<ssimone@mwil.org>; fbray@framinghamma.gov <fbray@framinghamma.gov>; mat@framinghamma.gov
<mat@framinghamma.gov>

 1 attachment (1 MB)

C25-074 First Notice.pdf;

Hello,

Attached is the copy of the **First Notice** mailed out by the **Architectural Access Board** regarding accessibility concerns at:

Case Number:

C25-074

Location Address:

Mixed Used, 340 Union Avenue, Framingham

This email is intended to keep all relevant parties informed.

Regards,
Victor

Victor Machado

Compliance Officer I

He/Him/His

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

E: victor.machado@mass.gov

P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118

www.mass.gov/aab



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., Suite 600
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

Docket Number **C 25 074**

RE: Mixed Used
340 Union Avenue
Framingham

DATE: 11/24/2025

Enclosed please find a copy of the following material regarding the complaint against the above location:

- | | |
|--|---|
| ☒ First Notice | ☐ Stipulated Order |
| ☐ Second Notice | ☐ Letter of Meeting |
| ☐ Notice of Hearing | ☐ Application for Variance |
| ☐ Correspondence | ☐ Decision of the Board |

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 141



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., Suite 600
Boston, Massachusetts 02110

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

November 24, 2025

Docket Number C25 074

THREE 40 UNION AVE, LLC
MICHAEL FOGLIA, MGR
340 UNION AVE
FRAMINGHAM, MA 01702

RE: Mixed Used 340 Union Avenue , Framingham

Dear Sir/Madam

Upon information received by the Architectural Access Board, the facility referenced above has been reported to violate M.G.L. c. 22, § 13A and the Rules and Regulations (521 CMR) promulgated thereunder. Reported violations, include the following items:

Section: Reported violation:

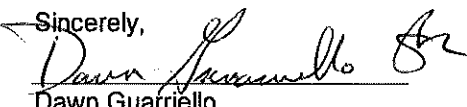
3.3.4	No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction.
25.1	All public entrance(s) of a building or tenancy in a building shall be accessible. Complainant reports that the recent work included the removal and replacement of the stairs and landing at the front entrance. (Picture enclosed)

Under Massachusetts law, the Board is authorized to take legal action against violators of its regulations, including but not limited to, an application for a court order preventing the further use of an offending facility. The Board also has the authority to impose fines of up to \$1,000.00 per day, per violation, for willful noncompliance with its regulations.

You are requested to notify this Board, in writing, of the steps you have taken or plan to take to comply with the current regulations. Please note the current sections may be different from the sections that are cited above. Unless the Board receives such notification within 14 days of receipt of this letter, it will take necessary legal action to enforce its regulations as set forth above. If you have any questions, you may contact this office.

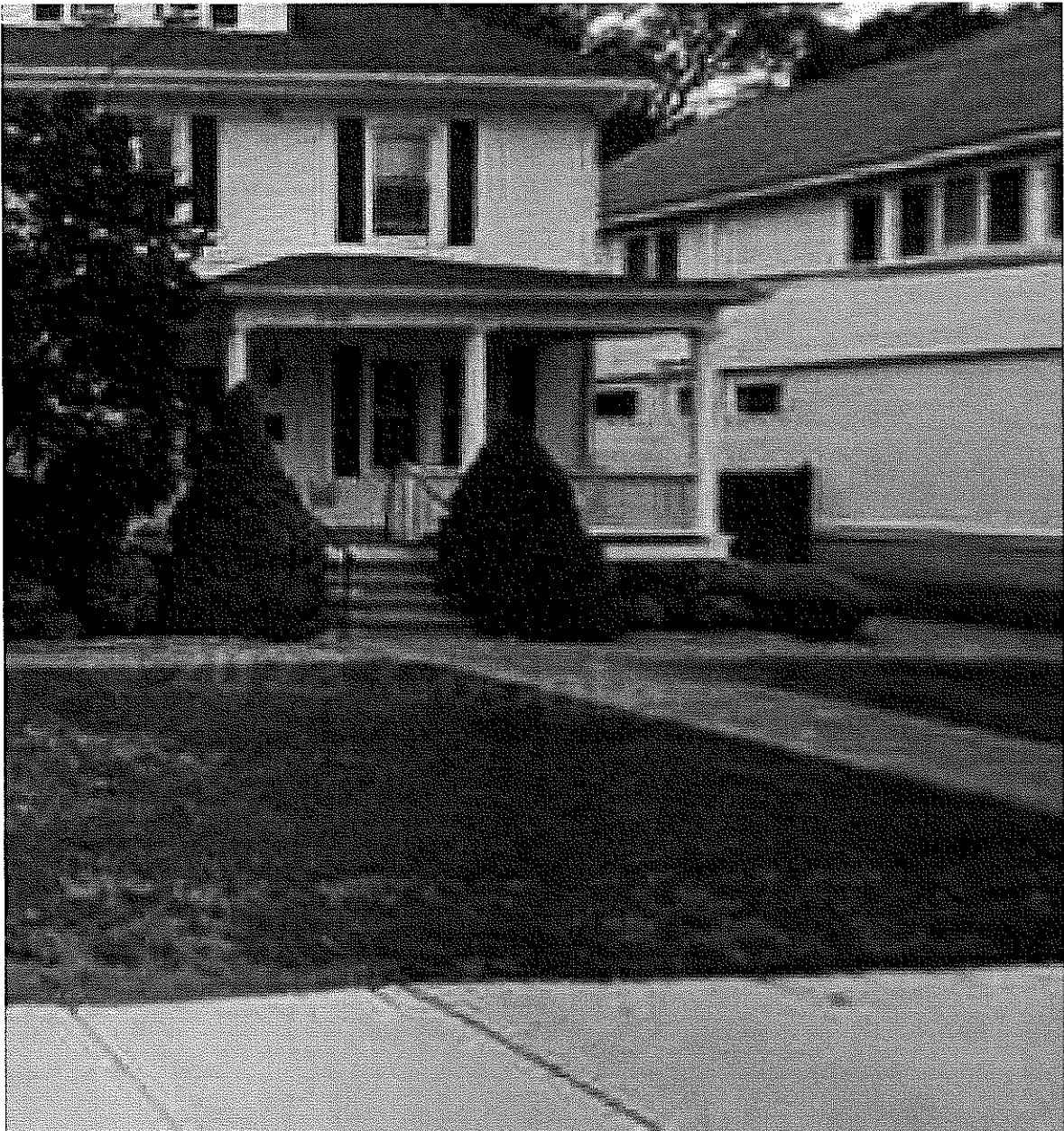
cc: Local Building Inspector
Local Disability Commission
Independent Living Center
Complainant

Sincerely,

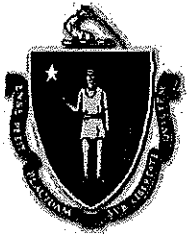

Dawn Guarriello
Chairperson

AAB 142









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

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

Docket Number
C25-074

(Office Use Only)

You have received this Notice because the Board has received information indicating that an element or elements of the building or facility you own is or are not in compliance with 521 CMR. This process is designed to provide you with a reasonable opportunity to correct any outstanding violations. Please complete both sides of this form and return it to:

Victor Machado
Architectural Access Board
1 Federal Street, Suite 600
Boston, MA 02110
Email: Victor.Machado@mass.gov

Electronic Copies of this form are available at the Board's website (<http://www.mass.gov/aab>) if you wish to submit it via email. If you have any questions, please contact the Board's staff via telephone at [617-727-0660](tel:617-727-0660) during normal business hours (9am – 5pm Mon-Fri). Please note that failure to return this document in a timely manner will result in the issuance of a Second Notice, and continued failure to address the items cited may result in fines of up to \$1,000 per day per violation among other legal remedies.

Please check ONE of the boxes below and return this form within 14 days of receipt of the First Notice:

- ☐ I have enclosed a plan to correct the violation(s), including a date for when I expect the work to be complete. I am aware that this plan will need to be approved by the Compliance Officer.
- ☐ I require additional time to prepare a plan to correct the cited violation(s), I have attached an explanation for why I require this additional time, including the specific amount of additional time I am requesting (which cannot exceed 90 days from the date of receipt of this Notice), and am aware that the Compliance Officer is not obligated to grant this additional time.
- ☐ I believe that correcting the violation(s) cited in the First Notice is impracticable (as defined in 521 CMR 5) and will be submitting a completed Application for Variance in no more than 30 days from the date I received the First Notice.
- ☐ I believe that the element(s) cited in the First Notice are not in violation of 521 CMR and I have attached a detailed explanation showing why they are in compliance or not otherwise subject to 521 CMR, including specific references to the applicable code sections.
- ☐ I am neither the legal owner of the building/facility nor their employee or agent.

(Signature)

(Date)

Communications Preference

Please Select one:

☐ I want to receive all further documents regarding this case

electronically at the following **email address**:

☐ I want to receive all further documents regarding this case via

certified mail at the following **mailing address**:

Machado, Victor (DPL)

From: Mark Dempsey <mdempsey@mwciil.org>
Sent: Thursday, October 30, 2025 2:57 PM
To: Machado, Victor (DPL)
Subject: Fwd: 340 Union Ave photo of facade
Attachments: facade july 2025.jpg

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.

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@mwciil.org. Thank you.

----- Original Message -----

Subject:340 Union Ave photo of facade
Date:2025-07-14 12:48
From:Mark Dempsey <mdempsey@mwciil.org>
To:Arelyn Benitez <Arelyn.Benitez@mass.gov>

Attached is a photo of the facade

--

Mark Dempsey
Independent Living Coordinator
MetroWest Center for Independent Living
One Clarks Hill, Suite 200
Framingham, MA 01702
508-875-7853 x145 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@mwcil.org. Thank you.

Machado, Victor (DPL)

From: Mark Dempsey <mdempsey@mwciil.org>
Sent: Thursday, October 30, 2025 2:56 PM
To: Machado, Victor (DPL)
Subject: Fwd: 340 Union Avenue Framingham - complaint
Attachments: 340 union ave property cadr.pdf; 340 Union Avenue Framingham 2023 and 2025.docx; 340 Union Avenue Framingham complaint.pdf; Building Permit 242159.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.

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@mwciil.org. Thank you.

----- Original Message -----

Subject: 340 Union Avenue Framingham - complaint
Date: 2025-07-14 12:47
From: Mark Dempsey <mdempsey@mwciil.org>
To: Arelyn Benitez <Arelyn.Benitez@mass.gov>
Cc: Sadie Simone <:ssimone@mwciil.org>

Afternoon Arelyn,

Attached is a complaint for the lack of an accessible entrance. Work was done on all elements of the entry way, stairs landing etc.

An accessible entrance is required under 3.3.1(a)

Please let me know the docket number when one is assigned

--

Mark Dempsey
Independent Living Coordinator
MetroWest Center for Independent Living
One Clarks Hill, Suite 200
Framingham, MA 01702
508-875-7853 x145 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@mwcil.org. Thank you.



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

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

V: 617-727-0660 • www.mass.gov/aab

Docket Number

(Office Use Only)

GENERAL BUILDING COMPLAINT FORM

**PLEASE BE ADVISED THAT THIS FORM IS A MATTER OF PUBLIC RECORD AND
WILL BE DISCLOSED UPON REQUEST.**

1. What is the name and address of the building believed to be in violation of the Rules and Regulations of this Board?

Building Name or Description:

2 story Mixed use Commercial & residential

Street Address:

340 Union Avenue

City/Town:

Framingham, MA 01702

2. Does it appear that the building was recently constructed or renovated? Yes
3. What date were you most recently at the building? July 7, 2025
4. How many floors? 2

5. Please describe the violation(s) as clearly as possible. Include information on the nature of the violation, the location of the violation within the building or site, and any other information you feel might be relevant. **The Board's staff also recommends you include photographs of the violation if possible.** (Please use additional sheets if necessary):

The recent work included the removal and replacement of the stairs and landing at the front entrance. Pictures from 2023 and 2025 are attached.

6. Name and address of person/organization filing this complaint (if organization is filing, please provide the Board with the name of a contact person) (required):

Name: Mark Dempsey, IL Coordinator

Mailing Address:

One Clarks Hill, Suite 200

Framingham, MA 01702

E-mail: mdempsey@mwciil.org

Telephone: 508-875-7853

7. Would you like to receive communication from the Board electronically or via US Mail?

Email: ☒ Regular Mail: ☐

8. Individual Signature (required):

Date: 7/7/25



OPTIONAL INFORMATION

The following information is optional, and your complaint will be processed regardless of whether the information is provided. **However, you should be aware that the less information that is provided, the longer it will take this office to process your complaint.**

a. Name and address of the building owner or manager:

Name: Michael Foglia, Manager

Mailing Address:

340 Union Avenue LLC

340 Union Avenue

Framingham, MA 01702

b. The Board only considers complaints with respect to buildings which are:

1.) constructed by the state, city or town, and construction, reconstruction, alteration or remodeling occurred after December of 1968; or

2.) privately financed buildings that are open to or used by the public and construction, reconstruction, alteration or remodeling occurred after June 10, 1975.

c. Do you have reason to believe the element(s) subject to this complaint have been recently renovated?

Yes: ☒ No: ☐

If you answered yes, please indicate the date and extent of the work below, and if possible attach a copy of the associated building permit to this complaint.

Permit Number BLD242159 for alterations and addition

permit issued August 9, 2024

Continued on Next Page

2.) Do you have reason to believe that in any continuous 3-year period the spending on construction, reconstruction, alteration, or remodeling was more than:

\$100,000

No

30% of the building's assessed value

No

If you answered yes, please indicate the date and extent of the work below, and if possible attach a copy of the associated building permit to this complaint.

Permit BLD242159 issued August 9, 2024 for addition and alterations

Assessed value of the building only (do not include the value of the land):

\$571,100

If possible, please attach a copy of the property card to your complaint.

PERMIT INFORMATION FOR 340 UNION AVE**BUILDING PERMIT INFORMATION**

PERMIT NUMBER	BLD242159
APPLIED	AUGUST 09, 2024
STATUS	ISSUED
NAME	TOM LAN
TOTAL COST	\$85,000.00
PERMIT FEE	\$1,275.00
DESCRIPTION	MAKE ALTERATIONS AND ADDITION PER THE ATTACHED PLANS.

Permit information is maintained by the issuing department.
Please contact the Building and Wire Department with any questions.

340 UNION AVE

Location 340 UNION AVE

Mblu 120/ 69/ 7809/ /

Acct# 758

Owner THREE 40 UNION AVE, LLC

PBN

Assessment \$844,100

Appraisal \$844,100

PID 758

Building Count 1

Current Value

Appraisal					
Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2025	\$571,100	\$0	\$8,100	\$264,900	\$844,100
Assessment					
Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2025	\$571,100	\$0	\$8,100	\$264,900	\$844,100

Owner of Record

Owner	THREE 40 UNION AVE, LLC	Sale Price	\$520,000
Co-Owner		Certificate	
Address	340 UNION AVE	Book & Page	52550/0366
	FRAMINGHAM, MA 01702	Sale Date	04/09/2009
		Instrument	1Y

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
THREE 40 UNION AVE, LLC	\$520,000		52550/0366	1Y	04/09/2009

Building Information

Building 1 : Section 1

Year Built:	1902
Living Area:	4,404
Replacement Cost:	\$827,644
Building Percent Good:	69

Replacement Cost
Less Depreciation: \$571,100

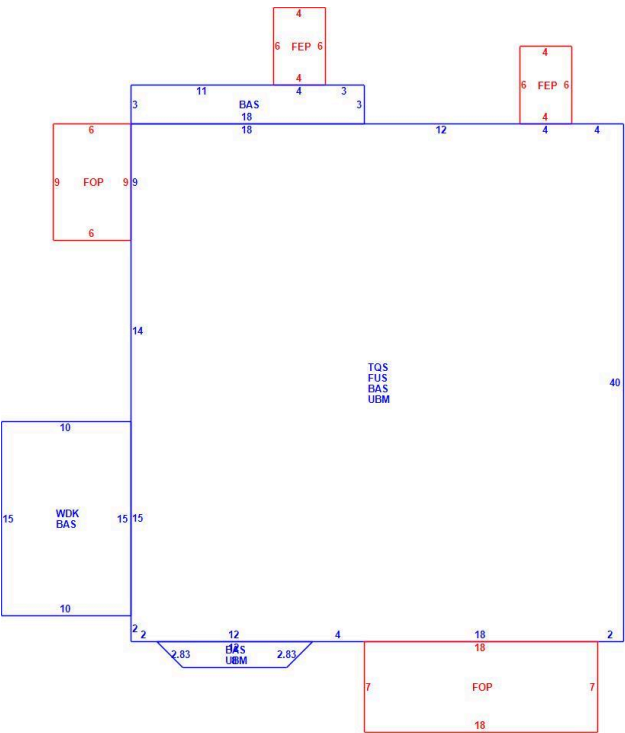
Building Attributes	
Field	Description
Type	Mixed Use
Model	Residential
Grade	Good
Stories	2
Foundation	Brk/Stn
Ext Wall 1	Vinyl
Ext Wall 2	
Roof Structure	Hip
Roof Cover	Asphalt
Int Wall 1	Average
Int Wall 2	
Int Floor 1	Average
Int Floor 2	
Heat Fuel	Gas
Heat Type	Forced H/W
AC Percent	0
Bedrooms	4
Full Baths	2
Half Baths	1
Extra Fixtures	0
Total Rooms	8
Full Bath Rating	Good
Kitchen Rating	Good
Kitchens	2
% Sprinkler	
Secondary Floor %	
Fireplace Rating	Average
WS Flue Rating	Average
Electric	Typical
Insulation	Typical
AddlHalfBathRating	N
Fireplace(s)	0
2nd Ext Wall %	
ThreeQtrBathRating	
Bsmt Garage	0
WS Flues	0
Heat Type 2	

Building Photo



(<https://images.vgsi.com/photos/framinghamPhotos/\0\758001.JPG>)

Building Layout



([ParcelSketch.ashx?pid=758&bid=758](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	Base Floor	1,744	1,744
FUS	Finished Upper Story	1,520	1,520
TQS	Three Quarter Story	1,520	1,140
FEP	Enclosed Porch	48	0
FOP	Open Porch	180	0
UBM	Basement	1,540	0
WDK	Wood Deck	150	0
		6,702	4,404

Num Heat Systems	1
% Heated	100
Avg Ht/FL	8
Frame	Wood
Bsmt Floor	Concrete
Total # Units	3
2nd Int Wall %	
Solar Hot Water	No
Central Vac	No
2nd % Heated	0
Addl Half Bath	

Extra Features

Extra Features				<u>Legend</u>
Code	Description	Size	Value	Bldg #
XFAPT	Apartment	1520.00 UNITS	\$0	1
XFAPT	Apartment	1520.00 UNITS	\$0	1

Land

Land Use

Use Code 0130
Description MULTIUSE-RES
Zone P
Neighborhood 30
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.32
Frontage
Depth
Land \$264,900
Appraised Value \$264,900

Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVEMENT-ASPHALT			5000.00 S.F.	\$8,100	1

Valuation History

Appraisal					
Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2024	\$564,900	\$0	\$7,000	\$236,500	\$808,400
2023	\$470,500	\$0	\$7,000	\$211,100	\$688,600
2022	\$459,800	\$0	\$6,400	\$191,600	\$657,800

Assessment					
Valuation Year	Building	Extra Features	Outbuildings	Land	Total

2024	\$564,900	\$0	\$7,000	\$236,500	\$808,400
2023	\$470,500	\$0	\$7,000	\$211,100	\$688,600
2022	\$459,800	\$0	\$6,400	\$191,600	\$657,800

(c) 2025 Vision Government Solutions, Inc. All rights reserved.