



Martha's Vineyard Transportation Services

Box 1086 • Oak Bluffs • Massachusetts 02557



Waterfront Dockage

September 1, 2017

Martha's Vineyard Commission
Attn: Adam Turner/Paul Foley
PO Box 1447
Oak Bluffs, MA 02557



RE: Dockside Inn DRI non-compliance

Dear Gentlemen,

As a local resident and business owner for over 20 years here in Oak Bluffs, I feel compelled to inform you of the detrimental and negative impact the current owners of the Dockside Inn are propagating onto our local B-2 district in our historic North Bluff area.

The current owners of the Dockside Inn have bullied and manipulated local and Commonwealth authorities, at first onset illegally, but now temporarily, to operate an additional for-profit business at their existing property that already has been specially permitted by the Commission. But what is not common knowledge, is that they have been out of compliance, for years, regarding Massachusetts Regulations 152 CMR 8.00 Transient Lodging Facilities, 521 CMR 20.00 Accessible Route, and 521 CMR 23.00 Parking and Passenger Loading Zones, among other related codes for their property.

Below is a description of the Massachusetts Department of Public Safety Architectural Board Code of Massachusetts Regulations(CMR) that shows the Dockside Inn property is not in compliance with accessibility related codes pertaining to Commonwealth law(parking, accesses routes, access space):

521 CMR 8.00 Transient Lodging Facilities:

8.4.5 *Sleeping Accommodations* for persons who are deaf or hard of hearing. In all *transient lodging* facilities, additional *accessible* sleeping rooms and suites with accommodations for persons who are deaf or hard of hearing shall be provided in conformance with the table below. These rooms and suites shall comply with the requirements of **521 CMR 8.6, Sleeping Accommodations**.

<u>Number of Rooms</u>	<u>Accessible Equipment Provided</u>
5 to 25	1
26 to 50	2

508 693-4681 • 508 693-1555 • 508 693-0058





Martha's Vineyard Transportation Services

Box 1086 • Oak Bluffs • Massachusetts 02557



Waterfront Dockage

Page 2

51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

Thus, each of the designated room(s) must have accessible spaces and accessible routes:

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

8.5.8 *Accessible spaces:* Where provided as part of an *accessible* unit, sleeping room, or suite, the following spaces shall be *accessible* and shall be on an *accessible route*:

- the living area;
- the dining area;
- at least one sleeping area;
- at least one *bathroom*;
- if only half baths are provided, at least one *half bath*;
- carports, garages or parking spaces; and
- patios, terraces, and balconies

This is also more clearly defined by:

521 CMR 20.00: **ACCESSIBLE ROUTE**

20.1 GENERAL

An *accessible route* shall provide a continuous unobstructed path connecting *accessible spaces* and *elements* inside and outside a *facility*. *Accessible routes* may include but are not limited to *walks*, *halls*,

508 693-4681 • 508 693-1555 • 508 693-0058





Martha's Vineyard Transportation Services

Box 1086 • Oak Bluffs • Massachusetts 02557



Waterfront Dockage

Page 3

corridors, aisles, skywalks, and tunnels. *Accessible routes* may not include stairs, steps, or escalators, even if the stairs and steps are required to be *accessible* under 521 CMR

20.2 LOCATION

Within the boundary of the *site*, an *accessible route(s)* shall be provided from *accessible* parking, *accessible* passenger loading zones, and public streets or *sidewalks* to the *accessible building entrance* they serve. The *accessible route(s)* shall coincide with the route for the general public.

20.2.1 At least one *accessible route* shall connect *accessible buildings, facilities, elements* and *spaces* that are on the same *site*.

20.11.2 The exit discharge shall provide a continuous path of travel from an *exit* to a public way by means of a *walkway* or a *ramp*.

a. Where public ways are further than 100 feet from an exit, exterior *areas of rescue assistance* complying with 20.12.2 may be constructed along the exit discharge located no closer than 100 feet from the building.

b. in buildings where the grade at the level of exit discharge prohibits construction of either a *walkway* or a *ramp*, a portion of an exterior exit balcony located immediately adjacent to an emergency exit complying with 521 CMR 20.12.2 may be constructed as an *area of rescue assistance*.

Furthermore, they are required to abide by:

521 CMR 8.3 PARKING SPACES

Where parking is provided, it shall comply or be capable of complying with the provisions of **521 CMR 23.2, Number through 521 CMR 23.8**(attached)

521 CMR 23.00 Parking and Passenger Loading Zones

23.7 PASSENGER LOADING ZONE

If passenger loading zones are provided, at least one of them shall comply with the following:

23.7.1 Wherever a passenger loading zone or parking area is provided, an *accessible route* to an *accessible entrance* is required.

23.00: PARKING AND PASSENGER LOADING ZONES

23.7.2 Passenger loading zones shall provide an *access aisle* at least 60 inches (60" = 1524mm) wide and 20 feet (20' = 6096mm) long, adjacent and parallel to the vehicle pull-up space.

508 693-4681 • 508 693-1555 • 508 693-0058





Page 4

Martha's Vineyard Transportation Services

Box 1086 • Oak Bluffs • Massachusetts 02557



Waterfront Dockage

In summary, there are multiple CMR violations that not only show they are out of compliance, but also limit and hinder what can be presented to governing officials to be in compliance. The suggestion of transforming the property adjacent to Pasque Ave into possible two/three parallel parking spaces cannot, by law, be provided. From structure to curb, the area measures 13 feet by 47 feet. The current frontage of 13 feet (which was specially permitted from 20 feet to the existing 13 feet by the 1988 DRI), this does not allow for any Town setbacks. Additionally, an accessible route/space would need 16 feet space for this area to be deemed in compliance.

The direct impact of this additional business, and their buses, has added unwarranted vehicle congestion in one of our Island's most pedestrian-traveled streets (Circuit Avenue Extension). Furthermore, since they ignore the Town mandate to park only on their property, they are loading and unloading passengers directly on North Bluff Lane and Circuit Avenue Extension. As a renter of an abutting building, this negatively influences those unfamiliar with local traffic patterns to block, stop, walk, and/or park on Circuit Avenue Extension, thus exacerbating what is an already highly overcrowded public way. As a local neighbor, I am aghast as to how brazen their disregard is to allow the endangerment of people of all ages the need to step directly into traffic to avoid their buses congesting our intersections for their profit.

As I have observed since May 24, 2017, these buses do not utilize their own private parking because their existing hotel customers are already exploiting this limited area. Additionally, the fire egress, at the rear of the building, is being utilized as a parking space, which appears to be a fire hazard, but is ignored on a daily basis. Finally, they have already been issued additional special parking permits, from the Town, for the North Bluff area, showing an existing overflow onto town property for their guests. The addition of buses to their property parking is absurd and unwarranted.

These additional and pre-existing non-compliance violations are going unimpeded. I am reaching out to you and the Commission to plead for enforcement and not allow these owners to simply modify what the Commission worked so hard for in the past.

Warm Regards,

Scott Dario

(508)560-7829

508 693-4681 • 508 693-1555 • 508 693-0058



The Official Website of the Office of Consumer Affairs & Business Regulation (OCABR)

Consumer Affairs and Business Regulation

[Home](#) > [Agencies](#) > [Agencies and Divisions](#) > [Division of Professional Licensure](#) > [Architectural Access Board](#)

Architectural Access Board

For news and updates, please visit our **AAB News** section below.

Please note AAB Rules and Regulations posted on this website are now the most recent edition of 521 CMR.

The Architectural Access Board (AAB) is a regulatory agency within the Massachusetts Office of Public Safety. Its legislative mandate states that it shall develop and enforce regulations designed to make public buildings accessible to, functional for, and safe for use by persons with disabilities.

To carry out the board's mandate, the "Rules and Regulations", which appear in the code of Massachusetts Regulations as 521 CMR 1.00, have been developed and amended. These regulations are incorporated in the Massachusetts building code as a "specialized code", making them enforceable by all local and state building inspectors, as well as by the Board itself.

These regulations are designed to provide full and free use of buildings and facilities so that persons with disabilities may have the education, employment, living and recreational opportunities necessary to be as self-sufficient as possible and to assume full responsibilities as citizens.

The Board consists of nine members: the Secretary of Public Safety or his/her designee; the Secretary of Elder Affairs or his/her designee; the Director of the Office on Disability or his/her designee; and six members appointed by the Governor in consultation with the Secretary of Public Safety from lists submitted by the director of the Office on Disability. Six of the appointed members are selected after consultation with advocacy groups in behalf of persons with disabilities. The governor, secretary and director shall exercise their best efforts to ensure at least two members are registered architects. The chairperson shall be elected annually by the members.

The authority of the AAB is triggered by any construction, renovation, remodeling, or alteration of a public building or facility, or a change in use of building from private to public.

Public buildings are buildings constructed by the Commonwealth or any political subdivision thereof with public funds and open to public use, as well as privately financed buildings that are open to and used by the public.

The nine member Board meets every other Monday to hear requests for variances by building owners and others responsible for complying with the regulations and to hear complaints about buildings that are believed to be in violation of the AAB regulations. In order for the Board to grant a variance, compliance must be proven to be impracticable. Impracticability is defined as being either "technologically infeasible" or the "cost of compliance is excessive without any substantial benefit to persons with disability."

All hearings on complaints and variance requests are conducted in accordance with the [Massachusetts Administrative Procedures Act, Chapter 30A](#), and are open to the public.

The Board also has the authority, after a further hearing, to impose fines of up to \$1,000 per violation for each day of noncompliance that the Board finds was without justification.

Current members of the Board are:

Walter White	Executive Office of Public Safety and Security Designee, Chairman
Vacant	Member, Vice Chair
Raymond Glazier	Executive Office of Elder Affairs Designee
David D'Arcangelo	Office on Disability Director
Jane Hardin	Member
Andrew Bedar	Registered Architect
George Delegas	Registered Architect
Dawn Guarriello	Registered Architect
Patricia Mendez	Registered Architect

The AAB staff members are:

Thomas P. Hopkins	Director
Karen Brann	Program Coordinator
William Joyce	Compliance Officer



The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board

One Ashburton Place, Room 1310
Boston Massachusetts 02108-1618

Phone: 617-727-0660

Fax: 617-727-0665

www.mass.gov/dps

Docket Number

(Office Use Only)

PARKING LOT COMPLAINT FORM
Section 23, 521 CMR

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

1. Location of the parking lot believed to be in violation of the Rules and Regulations:
Name:

Address:

City/Town:

2. Name and address of owner of the parking lot (if known):

3. What is the total number of parking spaces in the lot? _____ How many lots? _____

4. Date when the parking lot was last repainted? _____

5. Are any handicapped spaces currently provided? _____ yes _____ no. If you answered no, go to #7. If you answered yes, check the following items which you believe are in violation:

_____ Van accessible space is not provided. (Section 23.2.2)

_____ Handicapped parking spaces are not the closest spaces in the lot to the accessible entrance. (Section 23.3.1)

- _____ An accessible passenger drop-off area is not provided within 100 feet of an accessible entrance, when handicapped parking spaces are located more than 200 feet from an accessible entrance. (Section 23.3.3)
- _____ Handicapped parking space is less than 8 feet wide, plus the access aisle. (Section 23.4.1)
- _____ Handicapped parking space is not level and does not have a uniform, paved or hard packed smooth surface. (Section 23.4.4)
- _____ Handicapped parking spaces are not marked by high contrast painted lines or delineation. (Section 23.4.5)
- _____ Access aisle adjacent to handicapped parking space is less 5 feet wide. (Section 23.4.6b)
- _____ Access aisles are not level. They are not clearly marked by means of diagonal stripes. (Section 23.4.6e)
- _____ Van accessible space does not have a sign designating it as "Van Accessible." (Section 23.4.7e)
- _____ Van accessible spaces are less than 8 feet wide. (Section 23.4.7d)
- _____ Access aisle of 8 feet is not provided at van accessible space. (Section 23.4.7e)
- _____ Where sidewalks are provided at handicapped parking spaces, a curb cut is not installed at the access aisle of each handicapped parking space or pair of spaces. (Section 23.5)
- _____ Handicapped parking space is not identified by a sign indicating that it is reserved:
 - _____ A sign is not located at the head of each space. (Section 23.6.1)
 - _____ The sign is more than 10 feet away. (Section 23.6.1)
 - _____ The sign does not show an international symbol of accessibility. (Section 23.6.2)
 - _____ The sign is not set between 5 feet and 8 feet to the top of the sign. (Section 23.6.4)
- _____ Accessible route to an accessible entrance is not provided wherever passenger loading zone or parking area is provided. (Section 23.7.1)
- _____ Passenger loading zones do not provide an access aisle at least 60 inches wide, adjacent and parallel to the vehicle space. (Section 23.7.2)
- _____ A minimum of 8 feet, 2 inches of vertical clearance is not provided at van accessible spaces and accessible passenger loading zones, and along at least one vehicle access route to such areas from site entrances and exits. (Section 23.4.7a)
- _____ Valet parking does not provide a passenger loading zone located on an accessible route to the entrance. (Section 23.8)