

*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](http://www.mass.gov/dps)

Docket Number

(Office Use Only)

**APPLICATION FOR VARIANCE**

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.

**PLEASE ENCLOSE:**

- 1) A filing fee of \$50.00 (Check/Money Order) made payable to the "Commonwealth of Massachusetts" and all supporting documentation (e.g. plans in 11" x 17" format, photographs, etc.). In addition, the complete package (including plans and photographs) must be submitted via one compact disc.
  - 2) If you are a tenant seeking variance(s), a letter from the owner of the building authorizing you to apply on his or her behalf is required.
  - 3) The completed "Service Notice" form provided at the end of this application certifying that a copy of your *complete application* has been received by the Local Building Inspector, Local Disability Commission (if applicable), and Local Independent Living Center for the city/town that the property in question resides in. A list of the local entities can be found by calling the Architectural Access Board Office or the Local City/Town Clerk. For a list of the Local Independent Living Centers you can either call the Architectural Access Board Office or visit the Massachusetts Statewide Independent Living Council website at <http://www.masilc.org/membership/cils>.
1. State the name and address of the owner of the building/facility:  
Exchange Hall LLC, Glenn Berger, 2 School Street, Acton, MA 01720  
Email: info@exchangehall.com  
Telephone: 978-263-8500
  2. State the name and address of the building/facility:  
Exchange Hall, 2 School Street, Acton, MA 01720

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):
- Exchange Hall has four floors, two of which are at grade, and tucked into a hill. The site is on a slope of approx. 10 ft from front to back (south to north). The ground floor is office space accessible from the south only. Due to the land contour and the historic details, the first floor is accessible at grade only from the north. The first floor has a grand balcony and deck on the south and west sides that prevent access without changing the historic nature of the building. The first floor is occupied by attorney's offices and other offices. The plans show two handicap accessible bathrooms, egress, and accessible aisles throughout the floor. The north entrance is close to grade and with a small change in grade will be accessible. The third and fourth floors which include the Victorian Room, office space, and The Ballroom are not accessible without an elevator. Except for the impact on the use of The Ballroom and the balcony inside The Ballroom, the LULA seems like an almost viable choice for future accessibility. Because of the current economic climate we are forced to complete the building in stages. The current project is the first floor and ground floor, which will meet all of 521CMR.

At this time I would like to request variances for the rest of the building.

The time variance request is for design development, financing, and construction to meet 521CMR requirements for access to the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Two solutions have been investigated that have significant cost and impact including:

4) Option 1:

If a LULA is installed for access from the 1<sup>st</sup> floor to the 3<sup>rd</sup> floor there will be a limitation in the vertical travel of less than 27 ft. The LULA will not be able to service the ground floor, the balcony in the 3<sup>rd</sup> floor ballroom, or the attic. The LULA would eliminate two income producing rooms on the 2<sup>nd</sup> floor. It would also impact the use of the hall balcony and eliminate the original stair access to the attic. The LULA would eliminate all necessary storage for large items related to the primary use and income of the hall. New storage space would significantly impact the historic appearance and function of the hall. In the event the LULA is required by AAB and approved by the Mass Historical Commission, space for the LULA has been reserved on the 1<sup>st</sup> floor. The estimated cost of the LULA is approximately \$142,000, which is beyond the current income stream of Exchange Hall.

A quote for the LULA (equipment only) is provided at \$52,000. The additional cost of remodeling the three lobbys, where the LULA could stop, would add an additional \$50,000. We would also need four accessible bathrooms and the associated work for an additional cost of \$40,000. Plans are included which show the space where a LULA could be installed in the future, the space is marked and reserved on the plans. The plan to restore the building to create an active community gathering place is continuing.

Had the parking needs been met, the Site Plan Special Permit (documents included) would have generated the necessary income to cover the cost of accessibility. Because of the economic downturn and our inability to procure additional parking the Site Plan Special Permit had to be abandoned. The Ballroom and Victorian Room is open only when there is available public parking off-site, or for small functions where our limited 10 available on-site spaces can accommodate the needs during the weekday when the commuter lots are full.

Option 2:

Considering a full height elevator for Exchange Hall requires an addition on the north side of the building which would exceed \$450,000. The elevator alone is \$150,000. A four story addition of approximately 1800 sq ft @ \$100 per ft is estimated at \$180,000. Plus the renovation cost to meet AAB requirements for the accompanying space to include bathrooms and meet 521CMR would add \$120,000. The current income of the building would not support the expense of a full size commercial elevator. The addition is referenced on the site plans dated January 11, 2007.

There is not enough parking for full occupancy at all times of the week. The assessed value of the building is \$314,000. The expense to make Exchange Hall fully accessible is hard to justify given the current value, limited parking, and difficulty getting financing. If a much smaller addition with a LULA and entrance were planned, with variances for existing bathrooms, the expense would be somewhere between \$142,000 and \$450,000. We continue to search for options that are within Exchange Hall's ability to finance while preserving the historic character of both the interior and exterior of the building. *3 stories*

At this time I do not have a solution to full compliance of 521 CMR for the 2<sup>nd</sup> and 3<sup>rd</sup> floors of Exchange Hall. I respectfully request a time variance in order to develop an affordable solution that fits the needs and historic character of Exchange Hall.

Per floor: ground - 2020 sq ft, first and second - 2400 sq ft, third - 2700 sq ft, *< 3000 sq ft*  
total 9520 sq ft *PER STORY*  
a. total square footage of tenant space (if applicable): 7695 sq ft

5. Check the work performed or to be performed:

New Construction       Addition *28.12 limited*  
 Reconstruction/Remodeling/Alteration       Change of Use First floor *PHOTO P116*

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary): The first floor is being converted from woodshop to offices. Plans and photos are enclosed.

7. State each section of the Architectural Access Board's Regulations for which a variance is being requested:

7a. Check appropriate regulations:  
 1996 Regulations       2002 Regulations       2006 Regulations

**SECTION NUMBER                      LOCATION OR DESCRIPTION**

- All the following requests for variances are for the 2<sup>nd</sup> and 3<sup>rd</sup> floors , balcony and attic
- 521 CMR 26.00: Doors and doorways
- 521 CMR 27.00: Stairs
- 521 CMR 28.00: Elevators
- 521 CMR 30.00: Public toilet room
- 521 CMR 41.00: Signage

Time variance-

8. Is the building historically significant?  X  yes \_\_\_\_\_ no. If no, go to number 9.

8a. If yes, check one of the following and indicate date of listing:

- \_\_\_\_\_ National Historic Landmark  
 1986  Listed individually on the National Register of Historic Places  
 X  Located in registered historic district  
 X  Listed in the State Register of Historic Places  
\_\_\_\_\_ Eligible for listing

8b. If you checked any of the above **and** your variance request is based upon the historical significance of the building, you *must* provide a letter of determination from the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

9. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

10. Has a building permit been applied for?  yes

Has a building permit been issued?  yes

10a. If a building permit has been issued, what date was it issued?  March 11, 2011

10b. If work has been completed, state the date the building permit was issued for said work: \_\_\_\_\_

11. State the estimated cost of construction as stated on the above building permit:

\$75,000.

11a. If a building permit has not been issued, state the anticipated construction cost:

\_\_\_\_\_

12. Have any other building permits been issued within the past 36 months?  yes

12a. If yes, state the dates that permits were issued and the estimated cost of construction for each permit:  March 2008 - \$100,000.

13. Has a certificate of occupancy been issued for the facility?  Yes, partial 2<sup>rd</sup> & 3<sup>rd</sup> floors

If yes, state the date:  December, 2009

14. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? \_\_\_\_\_ yes  X  no

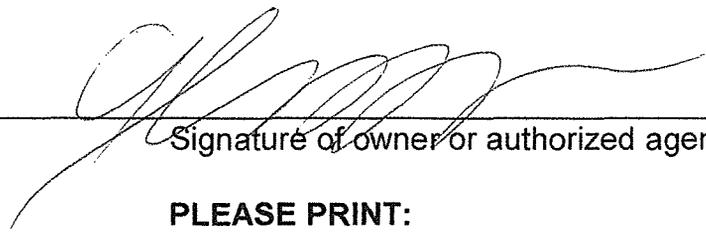
15. State the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located: \$314,000

Is the assessment at 100%?  Yes

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

16. State the phase of design or construction of the facility as of the date of this application:  
First floor construction ready for AAB approval and occupancy.
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:  
Glenn Berger, owner of Exchange Hall and Acton Woodworks, Inc. is doing the design and construction. Acton Woodworks, Inc. is a design build company located at 2 School Street, Acton, MA 01720, [info@actonwoodworks.com](mailto:info@actonwoodworks.com), telephone 978-263-0222.  
First floor plans are stamped by a licensed structural engineer, Kanyo Lala, 4 West Road, Acton, MA 01720.
18. State the name and address of the building inspector responsible for overseeing this project:  
Frank Ramsbottom, Acton Building Commissioner, 472 Main Street, Acton, MA 01720  
[framsbottom@acton-ma.gov](mailto:framsbottom@acton-ma.gov), telephone 978-264-9632.

Date: 5/18/11

  
\_\_\_\_\_  
Signature of owner or authorized agent

**PLEASE PRINT:**

**Glenn Berger**  
2 School Street  
Acton, MA 01720  
[info@exchangehall.com](mailto:info@exchangehall.com)  
978-263-8500 office  
978-835-9866 cell

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION  
SERVICE NOTICE**

I, Glenn Berger, as Owner of Exchange Hall, 2, School St., Acton, MA, 01720

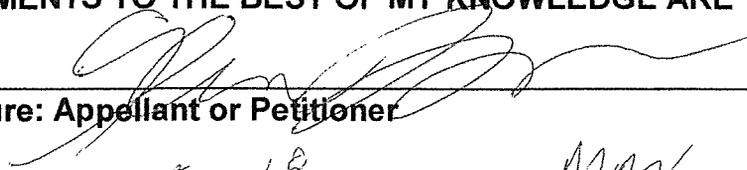
for the Petitioner same submit a variance application filed with the Massachusetts

Architectural Access Board on 5-18-2011

**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:**

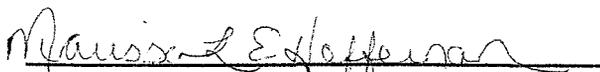
	<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>	<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1	Local Disability Commission Elizabeth Franklin 68 Windsor Ave., Acton, MA 01720 978263-2579	CERTIFIED MAIL	5/18/11
2	Boston Center for Independent Living Bill Henning, Executive Director 60 Temple Place 5 <sup>th</sup> floor Boston, MA	CERTIFIED MAIL	5/18/11
3	Frank Ramsbottom 472 Main Street Acton, MA 01720	Hand	5/18/11

**AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.**

Signature:   
Appellant or Petitioner

On the 18 Day of MAY 20 11  
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

GLENN BERGER  
(Type or Print the Name of the Appellant)

  
NOTARY PUBLIC

My Commission Expires November 25, 2016

**MY COMMISSION EXPIRES**

Quote #: 11759 - 02  
Date: 10/20/2010  
Expiration Date 12/19/2010

*File  
Vertical  
LIFT*



Project Name: Exchange Hall  
Address: 2 School Street  
Acton, MA 01720

### Quotation/Agreement

## Limited Use Limited Application (LULA) Elevator

#### I. Summary:

This Quotation/Agreement represents our offer to supply and install the equipment and scope of work outlined in the following material and equipment descriptions or the complete scope of work described in section n/a of the project plans and specifications. Compliance with plans, specifications and drawings is agreed, with exceptions, if any, as listed in paragraph IX below.

#### II. Location In Building:

Building Interior

#### III. Materials To Be Provided:

One (1) Limited Use Limited Application (LULA) Elevator for barrier free access only, according to the following equipment specifications:

#### Equipment Specification

Capacity	1400 lb	Pit Depth	35"
Travel	25' Maximum	Machine Room	Adjacent at Lowest Landing Behind Support Wall
Speed	30 FPM Nominal	Keyed Car Controls	Not Included
Stops	3	Keyed Call Stations	Not Included
Top Prop	Not Included	Battery Lowering	Standard
Pit Prop	Not Included	Manual Lowering	Standard
Car Size	42" x 60"	Emergency Telephone	ADA Auto Dial Hands Free Phone Included
Car Type	Same Side Entry	Telephone Box	Stainless Steel
Drive	1:2 Roped Hydraulic	Car Position Indicators	Car Position and Directional Indicators
Landing Entrances	Two-speed Sliding	Hall Position Indicators	Hall Arrival Gongs and Directional Indicators
Special Door Type	N/A	Warranty	1 Year Parts, 1 Year Labor
Car Entrances	Two-speed Sliding	Extended Warranty	Not Included
Car Trim	Stainless Steel Finish	Preventative Maintenance Plan	Quotation available upon request
Cab Finish	TBA		
Cab Grab Rail	Stainless Steel Finish		
Car Lighting	Two Recessed Pot Style Lights		
Car Emergency Lighting	Included		

Please see Addendum A for optional items if included in this quotation/agreement.

#### IV. Labor To Be Provided:

All labor and incidental materials necessary for the delivery, set-up, installation, adjusting, inspecting, testing and delivery to the owner of the complete lift system at a location in the building prepared by others.

#### V. Quotation Amount: \$52,835.00

If applicable, state sales tax has been included in the quotation amount.

Quote #: 11759 - 02  
Date: 10/20/2010  
Expiration Date 12/19/2010



Project Name: Exchange Hall  
Address: 2 School Street  
Acton, MA 01720

**VI. Terms:**

For a description of the schedule of values/payments, please see Addendum A.

Materials which are not accepted upon an attempt to deliver will be stored and scheduled for re-delivery at the owner's expense. Invoices are payable upon presentation. Title to all equipment shall remain with Garaventa USA, Inc. until all invoices are paid in full.

Customer agrees to bear all costs of collection of overdue invoiced amounts, including any agent/attorney's fees incident thereto.

Upon acceptance of this quotation/agreement, and unless otherwise specified in contract documents, a cancellation fee will apply if this agreement is canceled by the customer prior to the fabrication of the equipment. The amount of the cancellation fee will be (10) percent of the proposal price (less installation, taxes and freight charges) or actual costs, whichever is greater. Cancellation after the equipment has been fabricated and offered for delivery will be subject to a cancellation fee equal to the full contract value less installation labor.

Quoted price includes installation by qualified and licensed technicians during normal working hours as scheduled with the owner in advance. 'Open Shop' labor rules apply.

**VII. Delivery:**

In accordance with the project phasing schedule, but not earlier than 7-8 weeks from approval of submittals or shop drawings. Shop drawings may be expected within 2 weeks of acceptance by all parties of this proposal or other form of contract/purchase order. These time estimates are provided for planning purposes only and do not represent a contractual obligation or commitment.

**VIII. Comments/Conditions:**

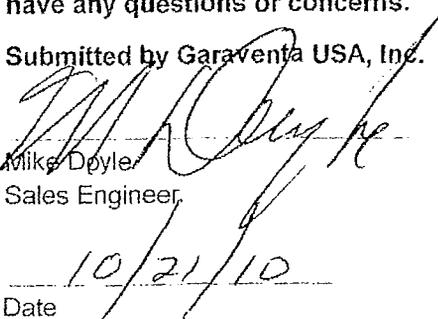
Please see Garaventa USA work required by other forces included in this agreement. All modifications, electrical support and construction required to facilitate the installation of the lift is the responsibility of other forces. Approval for variances are the responsibility of the building owner and authorized representative.

**IX. Project Exceptions:**

For project exceptions specific to this quotation/agreement, please see Addendum A. Extra care and increased maintenance frequencies are recommended for lifts with entrances opening to the exterior of buildings. Security of these entrances is a concern and must be addressed by the building owners.

**Thank you for your interest in the Garaventa line of products and services. Please contact me directly if you have any questions or concerns.**

Submitted by Garaventa USA, Inc.

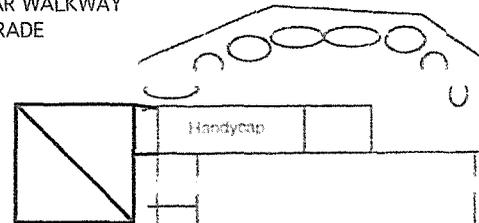
  
Mike Doyle  
Sales Engineer

Date 10/21/10

Exchange Hall  
Handicap parking plan  
4-11-11

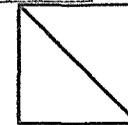
HANDICAP ACCESS  
THROUGH REAR WALKWAY  
AT GRADE

VAN HANDICAP  
PARKING 16'X 16'  
HANDICAP PARKING SIGN  
FIRST FLOOR ENTRANCE  
521CMR



EXCHANGE HALL  
2 SCHOOL STREET

VAN HANDICAP  
PARKING 16'X 16'  
HANDICAP PARKING SIGN  
GROUND FLOOR ENTRANCE  
AT GRADE



Ft 27

Tree

School Street

10'