

The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board
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Commissioner

Thomas P. Hopkins
Director

FINAL DECISION OF THE ARCHITECTURAL ACCESS BOARD

Date: September 14, 2010
Name of Property: Office Building
Property Address: 535-537 Massachusetts Avenue, Acton, MA
Docket Number: V10-123
Date of Hearing: August 23, 2010

Enclosed please find a copy of the decision relative to the above mentioned matter.

Sincerely:

ARCHITECTURAL ACCESS BOARD

By:

Kate Sutton

Kate Sutton, Program Coordinator/Clerk for Proceedings

cc: Local Building Inspector
Local Commission on Disabilities
Local Independent Living Center

Exhibits

- Exhibit 1: Board Packet, AAB1-32, including all correspondence and plans submitted by Petitioner.
Exhibit 2: August 17, 2010 e-mail from Paul Spooner, Executive Director of Metro West Center for Independent Living.

Facts

The Variance Hearing was held on August 23, 2010 and based on the credited testimony of the witness, and the documents submitted, the Board finds the following facts:

- 1) The building in question is an existing three-story house that is being renovated, expanded and converted into offices, for a portion of the first floor and the entire second and third floor. In addition, the basement/lower level and a portion of the first floor will be converted into mercantile use.
- 2) The building is built into a hill, with three stories above grade and the lower level below grade and a level change of 9 feet between the front and rear entrances to the building. The front entrance is at street level with Massachusetts Avenue, but the rear entrance to the building is approximately 9 feet lower at the level of a parking lot that spans several separate building lots. The lower level businesses are accessible from the lower level parking lot and the first floor tenant spaces are accessible from the street level and adjacent on-street parking. The Petitioners have requested that the Town of Acton designate an on-street parking space at the front of the building for those requiring accessible parking that will be coming to the main level of the building in question. (Exhibit 1).
- 3) The building is a total of 4,890 square feet with 1,606 square feet at the lower level, 1,684 square feet at the first floor, 950 square feet at the second floor, and 650 square feet at the third floor. (Exhibit 1).
- 4) The project in question includes altering the existing building and expanding it by relocating an existing rear wing to the west side of the house, and then connecting the relocated wing with the main house via a new connection link. The project for the existing building will include upgrading interior finishes and an improved exit stair enclosure. (Exhibit 1).
- 5) There will be a flight of stairs between the front and rear of the site, but a ramp is not proposed at this location, as a ramp would be required to be in excess of 118 feet long, which would take up the majority of the lot. The other option of an installation of a vertical lift to create access between the front and rear of the site would be an estimated cost of \$20,000-30,000.00, which would not include the continued cost of maintenance for an exterior lift in an area where it would be subject to misuse and vandalism. The installation of an interior elevator would cost significantly more than that of the exterior vertical wheelchair lift and is not financially feasible at an estimated cost of \$137,222.00. There is no internal stair within the building between the lower level and first floor. (Exhibit 1).
- 6) There will be a common conference room at the first floor, available to all tenants of the building to allow for meetings with members of the public who are unable to access the upper level offices. (Exhibit 1).
- 7) The second phase of the project will be the construction of a new office building directly adjacent to the parcel of land in question, which will connect to the existing building, therefore making the first floor accessible from the rear parking lot behind the newly connected building. (Exhibit 1 and Testimony of Rosenfeld).

Analysis

The Board's jurisdiction is established pursuant to 521 CMR 3.3.2 which requires that, "[i]f the work performed, including the exempted work, amounts to 30% or more of the *full and fair cash value* (see **521 CMR**

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of a variance have been met, or the required work has been done, must be submitted to the AAB Office as soon the work is completed.

A true copy attest, dated: September 14, 2010

ARCHITECTURAL ACCESS BOARD

By:



Donald Lang, Chairman

Diane McLeod, Vice Chair (not present)

Jeffrey Dougan, Massachusetts Office
on Disability Designee (opposed)

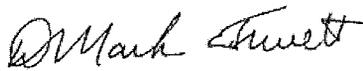


Richard Flippin, Executive Office of
Elder Affairs Designee



Gerald LeBlanc, Member

Carol Steinberg, Member (not present)



D. Mark Trivett, Member

Walter White, Executive Office of Public
Safety Designee (not present)

This constitutes a final order of the Architectural Access Board entered pursuant to G.L. c. 30A. Any aggrieved person may appeal this decision to the Superior Court of the Commonwealth of Massachusetts pursuant to Section 14 of G.L. c.30A. Any appeal must be filed in court no later than thirty (30) days of receipt of this decision.

A complete administrative record is on file at the office of the Architectural Access Board.