

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

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number V 13 123

FROM: ARCHITECTURAL ACCESS BOARD

RE: Spring Hill Residential
419 Great Road
Acton

Date: 5/9/2013

Enclosed please find the following material regarding the above location:

___ Application for Variance

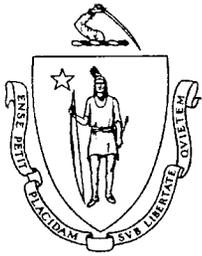
___ Decision of the Board w/conditions

___ Notice of Hearing

___ Correspondence

___ Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.



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NOTICE OF ACTION

RE: Spring Hill Residential' 419 Great Road, Acton
1. A request for a variance was filed with the Board by Scott Burnham (Applicant) on May 2, 2013
The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

Table with 2 columns: Section and Description. Row 1: 24.2.1, Petitioner seeks relief to a number of spot areas on a newly constructed ramp that have slopes exceeding the maximum allowance of 1:12 (8.3%). Row 2: 23.4.3, Petitioner seeks relief for the slope of the two HP parking spaces located at the bottom of the ramp and its entry point.

2. The application was heard by the Board as an incoming case on Monday, May 6, 2013

3. After reviewing all materials submitted to the Board, the Board voted as follows:

GRANT: the variance to Section 24.2.1 as proposed in the application submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has been proven in this case.

GRANT: the variance request to Section 23.4.3 as proposed in the application submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has been proven in this case and on the condition that both handicapped parking spaces are maintained at the entry point to the ramp and a fully compliant van accessible parking space is provided across from the ramp entry point as proposed, for a total of 3 HP parking spaces.

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: May 9, 2013

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White T.H.
Chairperson
ARCHITECTURAL ACCESS BOARD



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Docket Number

(Office Use Only)

REQUEST FOR ADJUDICATORY HEARING

RE: _____
Name and address of building as appearing on application for variance

I, _____, do hereby request that the Architectural Access Board
conduct an informal Adjudicatory Hearing in accordance with the provisions of 801 CMR Rule 1.02 et.
seq. as I am aggrieved by the decision of the Board with respect to Section(s) _____
of the Rules and Regulations of the Architectural Access Board, 521 CMR.

I understand that I may request such a hearing within **thirty (30) days** of receipt of the Notice of Action.

Date: _____

Signature

PLEASE PRINT:

Name

Address

City/Town State Zip Code

E-mail

Telephone

PLEASE NOTE:

This form must be received by the Board within thirty (30) days after receipt of the Notice of Action.



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Docket Number

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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, photographs and the completed "Service Notice") must be submitted to all parties via 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:

SPRING HILL @ ACTON LLC BARBARA TYRELL
181 WELLS AVE NEWTON, MA 02459
 E-mail: barbara@UNIVERSALMGT.COM
 Telephone: 617-965-9100

2. State the name and address of the building/facility:
SPRINGHILL @ ACTON - 419 GREAT RD ACTON, MA 01720

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):
18 UNIT APARTMENT 3 STORY 6 UNITS PER FLOOR

4. Total square footage of the building: 13,725 Per floor: 4575
a. total square footage of tenant space (if applicable): _____

5. Check the work performed or to be performed:
 New Construction _____ Addition
 Reconstruction/Remodeling/Alteration _____ Change of Use

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):
BUILD NEW 18 UNIT APARTMENT BLD ON EXISTING FND

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
<u>24.2.1</u>	<u>RAMPs - FOR SLOPE OF RAMP EXCEEDING 8.3%</u>
<u>23.4.2</u>	<u>PARKING SPACE FOR SLOPE EXCEEDING 2%</u>

8. Is the building historically significant? yes no. If no, go to number 9.
8a. 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 registered historic district
 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.

SEE ATTACHED SHEET

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? 6/25/12
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:
\$1,500,000
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? NO
12a. If yes, state the dates that permits were issued and the estimated cost of construction for each permit: _____

13. Has a certificate of occupancy been issued for the facility? NO - LOOKING FOR
If yes, state the date: 4/30/13

14. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? _____ yes 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: NOT ASSESSED
Is the assessment at 100%? _____ YET
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: 95%

Department of Public Safety Architectural Access Board
Application for Variance

Question # 9. – Answer for 24.2.1 slope of ramp exceeding 8.3%

I am asking for relief from 24.2.1 slope of ramp exceeding 8.3%. As shown on the attached I have installed a ramp with a 20' slope, a landing, and another 20' slope. There is currently a 40" difference in height from start to finish (20" each between the landing). There are a few high spots, as indicated on the sketch, where the concrete must have set up a bit high. I was forced to keep my overall height as close to the 40" maximum as possible due to the fact we are tying into an existing parking lot. If I were to raise the lowest part of the ramp to give me some leeway on the max 8.3% it would have increased my problem tying into the existing parking lot grades. By attempting to keep the slope of the new ramp at the max 8.3% I'm able to tie into the existing parking lot at an acceptable grade. My lateral grades all fall below the 2% acceptable margin.

- I feel grinding the current high spots could be counterproductive to fixing the issue by creating a lateral problem that I don't have. Grinding could also create an aesthetic issue with the new ramp.
- Tearing out the ramp and repouring would cost approx \$7,500.00. I would still need to attempt to keep the same 8.3% to meet my existing grades at the parking lot, and the pure nature of the concrete base might produce the same anomalies.

Question # 9. – Answer for 23.4.2 slope of parking space exceeding 2%

I am asking for relief of 23.4.2 slope of parking space exceeding 2%. We have constructed a new access ramp and are tying the end of the ramp to the existing parking lot. Due to existing grading of the existing parking lot and the constraints on the new ramp slope, decreasing the existing parking lot slope of 6% +/- is not feasible. If we were to decrease the existing parking lot slope it would have increased the slope of the ramp which is already maxed out at 8.3%.

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:

MARBOUS T FISHMAN
675 MASS AVE CAMBRIDGE MA
E-mail: RON@MARBOUSandfishman.com
Telephone: 617-492-0200

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

MARK BARBADORO
472 MAIN ST ACTON MA 01720
E-mail: mbarbadoro@acton-ma.gov
Telephone:

Date: 4/25/13



Signature of owner or authorized agent

PLEASE PRINT:

SCOTT BURNHAM - Burnham Construction Co. Inc

Name

36 GRAPEVINE RD

Address

Groverton MA 01930

City/Town

State

Zip Code

sburnham@burnhamconstruction.com

E-mail

978-423-2015

Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, SCOTT BURNHAM, as AGENT
 for the Petitioner SPRINGHILL @ ACTON LLC submit a
 variance application filed with the Massachusetts Architectural Access Board on APRIL 25
 20 13.

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	ELIZABETH FRANKLIN - CHAIR COMMISSION ON DISABILITY TOWN HALL 472 MAIN STREET ACTON MA 01720	HAND DELIVER	5.2.13
2	METRO WEST CENTER FOR INDEPENDENT LIVING 280 IRVING STREET, FRAMMINGHAM, MA 01702	FED EX	5.3.13
3	ACTON BUILDING DEPARTMENT 422 MAIN ST ACTON MA 01720	HAND DELIVER	5.2.13

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

[Signature]

Signature: Appellant or Petitioner

On the April 25th Day of April 20 13
 PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

[Signature]

(Type or Print the Name of the Appellant)

[Signature]
 NOTARY PUBLIC

10/26/14
 MY COMMISSION EXPIRES



SPRINGHILL COMMONS

419 GREAT RD

4/2/13

ALTON, MA

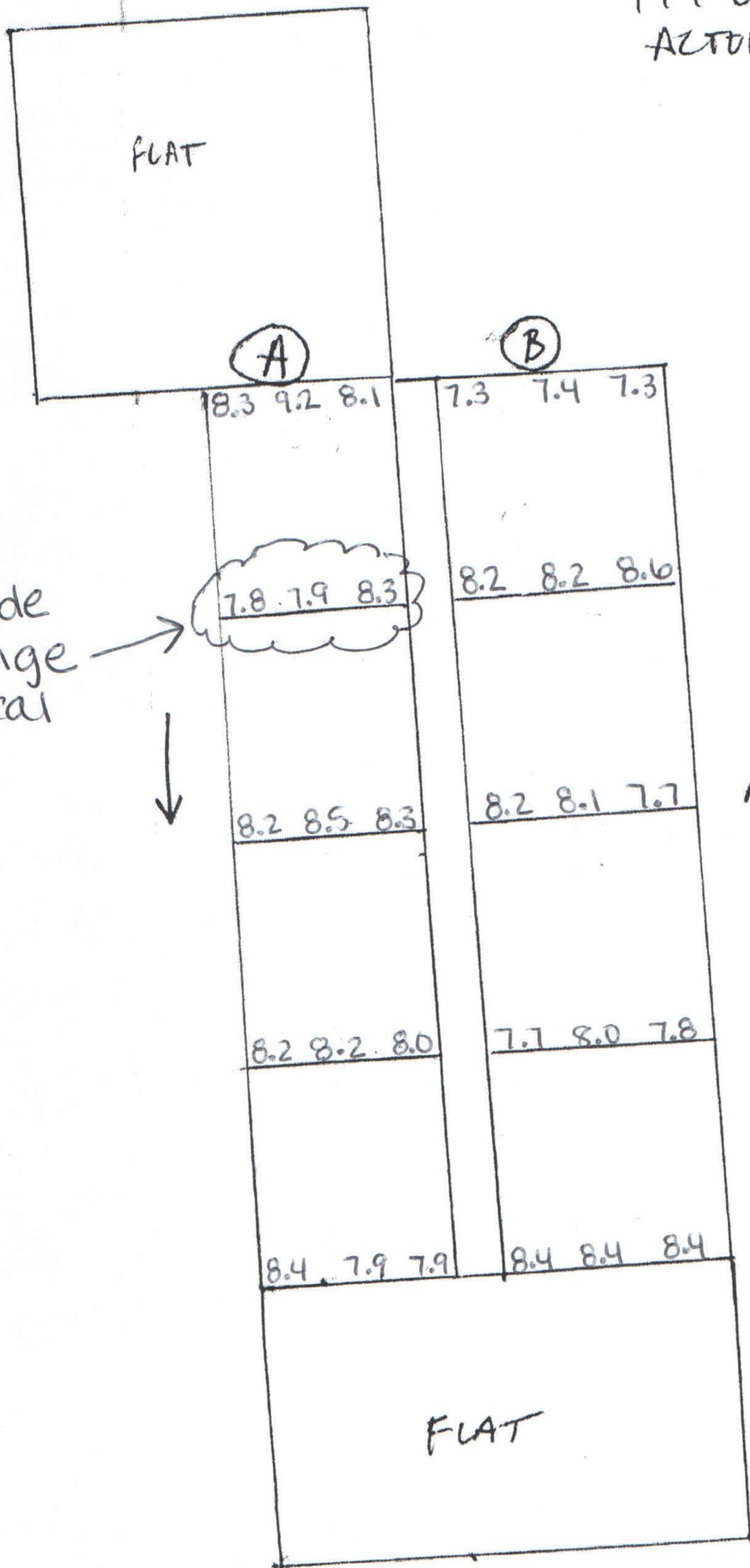
W
A
R
Y

STAIR

FLAT

PARKING
LOT

% grade
change
typical



(A)

(B)

8.3 9.2 8.1

7.3 7.4 7.3

7.8 7.9 8.3

8.2 8.2 8.6

8.2 8.5 8.3

8.2 8.1 7.7

8.2 8.2 8.0

7.7 8.0 7.8

8.4 7.9 7.9

8.4 8.4 8.4

20'-0"

2' LEVEL PLACED ON EACH
SIDE OF CONTROL JOINT
CONTROL JOINTS 5-0 O.C.

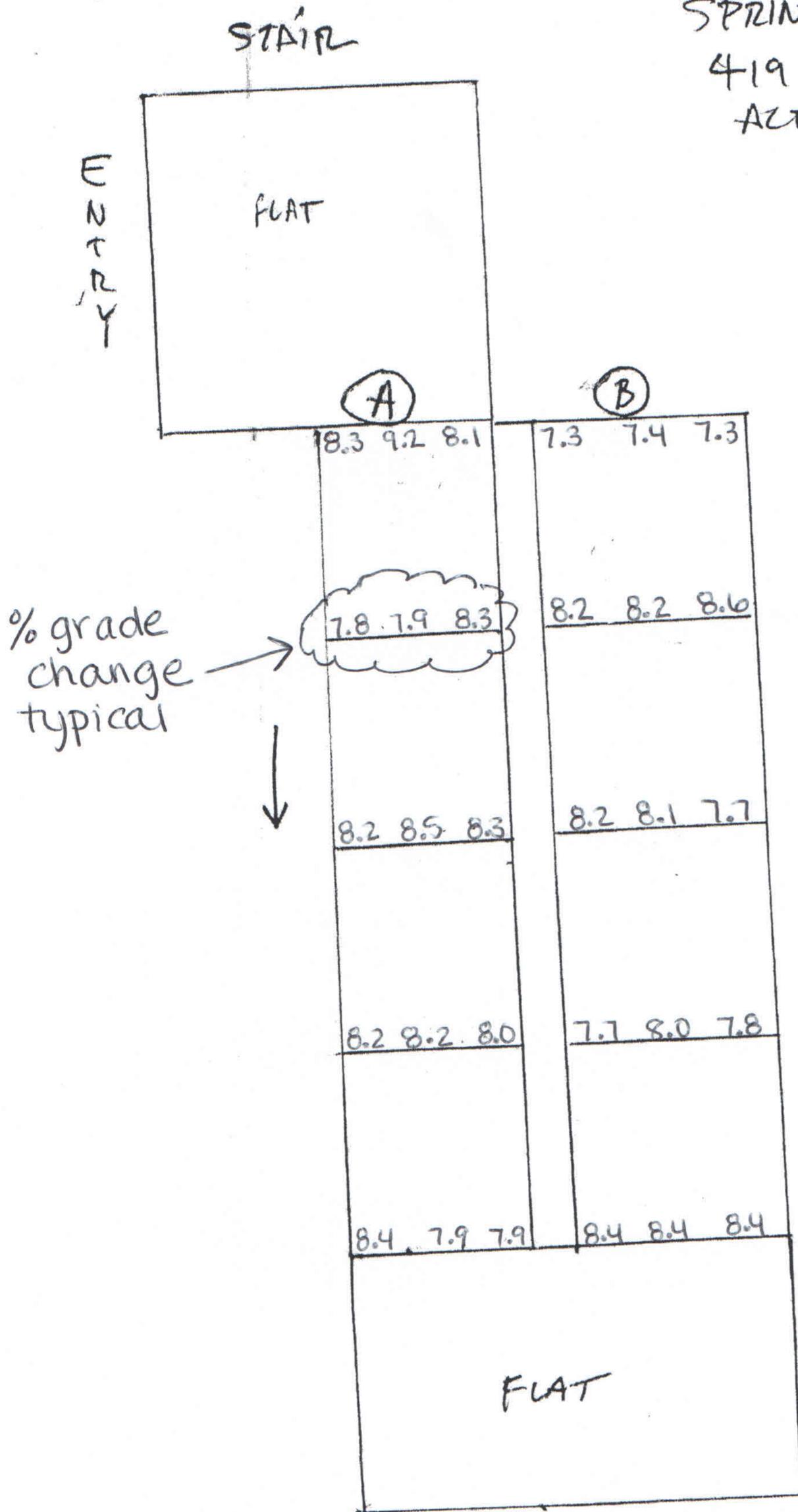
GRADE CHANGE FROM (A) to (B)
40"

SPRINGHILL COMMONS

419 GREAT RD
ALTON, MA

4/2/13

PARKING
LOT.



GRADE CHANGE FROM (A) TO (B)
40"