

Deval L. Patrick  
Governor

Andrea J. Cabral  
Secretary

*The Commonwealth of Massachusetts*  
*Department of Public Safety*

*Architectural Access Board*  
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Thomas G. Gatzunis, P.E.  
Commissioner

Thomas P. Hopkins  
Director

October 8, 2013

Glenn Berger  
Exchange Hall  
2 School Street  
Acton, MA 01720

**Re: Notice of Amended Decision of the Board; Exchange Hall, 2 School Street, Acton;  
Docket Number V11-110**

Dear Mr. Berger,

On July 28, 2013, the Architectural Access Board ("Board") received your e-mail to Thomas Hopkins, Executive Director of the Board, which included photographs of doors which had been corrected, as well as a request for additional time to bring Door #201 and the second floor toilet room into compliance with the applicable sections of 521 CMR. Your e-mail stated that you had used all of your available financing to bring the other items into compliance and therefore needed time to accrue the necessary funds to complete these two outstanding noncompliant issues. The e-mail also requested that a variance be granted for the lack of access to the existing third floor stage. Your e-mail noted that the addition of a ramp and handrails to the stage would have a travel length of approximately 19 feet at a slope of 8% by 5 feet wide with a 5 foot by 5 foot platform at the left side of the stage. The request was based on the fact that a compliant ramp would be an excessive cost without substantial benefit to persons with disabilities. The e-mail also noted that the accessible parking at the northwest portion of the building would be striped by August 8, 2013; whereas the south parking area is located on an existing paved area with a noncompliant cross slope of 3% and 6%. Your e-mail noted that you were seeking a variance for this south parking area and the noncompliant slopes.

The Board reviewed the submitted documentation during an administrative discussion at their regularly scheduled September 23, 2013 meeting and voted as follows:

- *ACCEPT* the submittal of pictures of doors as being compliant with outstanding portion of the March 25, 2013 order of the Board.

- *GRANT* a time variance to *July 1, 2014* for the second floor toilet room and the adjacent door (Door #201) to be brought into compliance with the applicable requirements of 521 CMR. Therefore, both written and visual verification of compliance with said requirements shall be received by the Board on or before the *July 1, 2014* deadline. The motion is based on the fact that the Petitioners have proven that the cost of full compliance at this time would be excessive without substantial benefit to persons with disabilities.
- *GRANT* the variance for the slope of the south parking accessible parking spaces to remain as is, based on the fact that the Petitioner had proven that the cost of full compliance would be excessive without substantial benefit to persons with disabilities.
- *REQUIRE* that the Petitioners submit a signed affidavit that the stage will not be used by members of the public or anyone other than a paid employee of the building, with signage to be posted at the stage stating as such. The Board requires that the affidavit and picture of the posted signage shall be received by the Board no later than *October 18, 2013*. (Based on a conversation between Hopkins and Berger, this matter will be reviewed once again at the October 7, 2013 meeting.)

On October 7, 2013, the Board again reviewed the matter of the lack of access to the stage. The Board reviewed the testimony of Mr. Hopkins regarding your wish to maintain the ability to use the stage when needed, based on the fact that people can be accommodated and that the installation of access to the stage would take a good portion of the room (19 foot ramp plus 5 foot by 5 foot platform) and would diminish the historic nature of the building. After some discussion during their administrative review, the Board voted as follows:

- Although the Board appreciates everything that has been done to upgrade the accessibility within the building, they would like to see access to the stage; therefore, the Board *REAFFIRMS* the requirement that the Petitioners shall submit a signed affidavit that the stage will not be used by members of the public or anyone other than a paid employee of the building, with signage to be posted at the stage stating as such; or submit information (plans, cost estimates, and proposed timeframe for completion) regarding the use of a portable lift/ramp, with all materials to be received by the Board no later than *October 18, 2013*.

**ARCHITECTURAL ACCESS BOARD**

By:




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Walter White, Chair

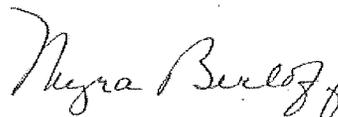
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Diane McLeod, Vice Chair (not present)




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Andrew Bedar, Member




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Myra Berloff, Director of Massachusetts  
Office on Disability

*Raymond Glazier*

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Raymond Glazier, Executive Office of Elder  
Affairs Designee

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Gerald LeBlanc, Member (not present)

*Carol Steinberg*

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Carol Steinberg, Member

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D. Mark Trivett, Member (not present)

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

cc: Local Building Inspector  
Local Disability Commission  
Independent Living Center