

DRAFT

MINUTES
SPECIAL MEETING
Acton Commission on Disabilities (COD)
April 4, 2014

Members Present

Steve Baran, Danny Factor,
Madeleine Harvey, Cindy Patton

Members Absent

Lisa Franklin

Associate Members Absent

Leslie Johnson, Wen Li

Guests

Cindy McCullough, Frank Ramsbottom
Denison Schweppe

Call to Order, 3:06 pm

Application for Variance, 457 Great Road

The Applicants at 457 Great Road (Cindy McCullough and Denison Schweppe) have filed an Application For Variance in regard to 457 Great Road which will be reviewed by the AAB on Monday, April 7th. Mady and Danny attended a site visit along with the applicants and Frank Ramsbottom from the Building Department on April 1, 2014.

Danny summarized the application and site visit, and the applicants also made public comments. The applicants are asking for relief from having to provide vertical access to the second floor of their proposed two floor spa where the applicants will provide massage, facials, body treatment, manicures and pedicures on both floors. There is a hot tub with jets on the second floor, but not on the first floor. At the site visit, the applicants stated that they could deem the upstairs tub 'not for public use'. At today's meeting the applicants stated that they would like to find a way to allow the tub

to be available for public use. Danny also reported that there does not appear to be an area available for accessible parking due to the setback requirements of the Town's zoning ordinance. Danny also reported that AAB Executive Director Tom Hopkins was considering the possibility of recommending at the April 7th AAB meeting that this matter be decided at a formal hearing. Hopkins told Danny that he was considering this option because the applicants began building without a permit and because of other questions that he heard about the application. Hopkins stated that the COD-- within its comments-- could also choose to comment on the matter of whether the issue should go to hearing. The applicants stated that they had applied for at least some permits.

After full discussion and comments from the applicants and Frank Ramsbottom of the Building Department, the COD unanimously approved the following advisory comments which Danny will submit to the AAB:

The Acton COD, in its advisory comments, does not object to the granting of a variance that would waive the requirement to provide vertical access to the second floor, provided the services offered to customers on either floor are identical. This must include either deeming the second floor hot tub as not for public use OR installing a hot tub with the same services on the first floor.

We also advise - in lieu of handicapped parking which is not possible because of zoning restrictions - that the AAB require the applicant to provide valet parking to customers who are unable to walk up the stairs from the parking lot to the entrance, where the customer arrives by car, alone.

A second proposal to not comment on whether the matter should go to formal hearing was approved by a vote of 3-1 with Danny dissenting.

Meeting Adjourned, 4:15 pm

Documents: Application for variance for 457 Great Road and attachments (Docushare)



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Re: Comments on minutes from COD 4/4/14 public hearing [Inbox](#)

☆ [Cindy McCullough](#) <cindy1on1spa@gmail.com>

Thu, Apr 10, 2014 at 4:00 PM

This message may not have been sent by: Cindy McCullough <cindy1on1spa@gmail.com> [Learn more](#) [Report phishing](#)

To: Steve Ledoux <sledoux@acton-ma.gov>

Cc: Commission on Disabilities <COD@acton-ma.gov>, Louis Levine <llevine@dplnlaw.com>, "D. Schweppe" <sldi@verizon.net>

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Hi Steve,

First thank you very much for looking into this matter for us. We greatly appreciate it!

To comment on the COD's minutes from 4/4/14 they are not accurate. The minutes at least do address somewhat what Danny was telling the Board and others present at the public hearing about Tom and how he was upset about the things the Building Department told him including building without a permit and for that reason did not want to make a decision for variance on Monday, April 7th AAB hearing, but move it to a Formal Hearing for a future date. However, this information was not given till later when Mady allowed comments from D. Schweppe and I in regards to what Danny read from the draft of the report on the COD's comments for the AAB. I immediately asked why Danny wanted the COD to request a Formal Hearing. Danny then informed all of us of Tom being upset with the property owners since he was informed by the Building Department that they were building without a permit and Danny reasoned that the COD should too.

I then informed the COD that first of all we did have building permits and the rough plumbing was signed off by the Plumbing inspector, and that we have been delayed since the Fall and it has been a hardship since and we could not afford more delays, so if the AAB was able to grant a variance from the COD's findings/report, then why should the COD create further delays by requesting a Formal Hearing since they would be in favor of a variance by the AAB.

Cindy Patton, COD Board Member, then spoke saying she didn't feel it was necessary to request a Formal Hearing and felt that the COD would be agreeable to grant a variance as long as the other items in the report was addressed, mainly the parking and the tub. Cindy then asked how they(the Board) felt and then **motioned for a vote to agree that a Formal Hearing is not necessary and that the request be removed from the report...3** in favor and 1 against.

Therefore, it is of the utmost importance that the report include that the COD voted and approved by majority vote that a Formal Hearing was not necessary and therefore they will not be requesting one.

2. We would like the minutes/report to be corrected to state the above motion and it's results. Based on the bias already mentioned by Danny that were expressed to him by Tom

Hopkins from the AAB before the COD's Public Hearing, we hope you can understand the need to make sure all reports/minutes are accurate. By not offering a complete report of this important vote in the report the AAB may have or may have not altered their decision, but at least it will be corrected for the record and for the upcoming Formal Hearing.

Thank you again for time and assistance.

Best Regards,

Cindy

Cindy McCullough
1 on 1 Self Indulgence Spa
336 Baker Ave - 2nd Floor, Unit #1
West Concord, MA 01742
(978) 369-5100
www.1on1si.com

"Once you find us...you'll never want to leave!"

Quick Reply

- To:** Cindy McCullough <cindy1on1spa@gmail.com>
- To all:** Cindy McCullough <cindy1on1spa@gmail.com>, Steve Ledoux <sledoux@acton-ma.gov>, Commission on Disabilities <COD@acton-ma.gov>, Louis Levine <llevine@dlpnlaw.com>, "D. Schweppe" <sldi@verizon.net>

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are identical. This can be accomplished either by classifying the second floor hot tub as not for public use OR by installing a hot tub with the same services on the first floor.

We also advise --- in lieu of handicapped parking which is not possible because of zoning restrictions---that the AAB require the applicant to provide valet parking to customers who are unable to walk up the stairs from the parking lot to the entrance, in situations where the customer arrives by car, alone.

Danny Factor
Variance Coordinator
Acton Commission on Disabilities

-----Original Message-----
From: Frank Ramsbottom <framsbottom@acton-ma.gov>
To: Daniel Factor <danielfactor@aol.com>
Sent: Thu, Apr 10, 2014 10:47 am

Good morning Danny

Could you send me a copy of what the CoD sent to the AAB regarding 457 Great Road.

Thank You

Frank Ramsbottom
Building Commissioner
Town of Acton, MA
472 Main Street, 01720
Phone # 978-929-6633
Fax # 978-263-9630

Quick Reply

- To:** Danny <danielfactor@aol.com>
- To all:** Danny <danielfactor@aol.com>, framsbottom@acton-ma.gov, mbarbadoro@acton-ma.gov, madyathome@gmail.com

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☆ [Madeleine Harvey](#) <madyathome@gmail.com>

Wed, Apr 9, 2014 at 10:39 AM

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To: Lisa Franklin <lisafranklin58@gmail.com>

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Exchange with Cindy McCullough, 475 Great Road Variance.

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Cindy McCullough [cindy1on1spa@gmail.com](#)

9:45 AM (53 minutes ago)

[ada picnic](#)

to me

[COD \(3\)](#)

Hello Mady,

[immigration](#)

Sorry to bother you, I tried leaving a message at the Town and I did not want to use the COD general email address, but I just wanted to reach out to you directly and let you and the other Board Members from COD, that we did not receive our various on Monday from the Architectural Access Board, but rather there will be a Hearing scheduled for July 7th instead. When our Code Reviewer Norton asked Tom Hopkin's office why, they said it was upon the insistence for a Hearing by a person named Danny from the COD! We are saddened and shocked that Danny would go ahead behind everyone's back and demand a hearing especially when the Board by majority vote voted to not ask for a Hearing. This is unethical behavior and we are beyond upset. This is causing us great distress as it will impact our ability to move forward to complete our construction to move in.

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Our Code Reviewer is still trying to speak with the AAB, but if there is anything your group can do, excluding Danny of course, to speak directly to Tom Hopkins and let him know that Danny's request for a later Hearing was voted down by the COD members, and that the COD supported the variance as noted in the meeting report, D and I would greatly appreciate it.

Thank you in advance for your time and assistance.

Best Regards,

Cindy

Cindy McCullough
1 on 1 Self Indulgence Spa
336 Baker Ave - 2nd Floor, Unit #1
West Concord, MA 01742
(978) 369-5100
[www.1on1si.com](#)

"Once you find us...you'll never want to leave!"

Madeleine Harvey [madyathome@gmail.com](#)

10:20 AM (18 minutes ago)

to Cindy

Hi, Cindy.

Thank you for sharing your concerns. I didn't know the outcome of this AAB meeting, and am quite surprised by what you've written.

Obviously you've shared this in confidence, but since the COD committee has two co-chairs rather than just a single chairperson, it is incumbent upon me to discuss these matters with her (Lisa Franklin).

Lisa has been on the committee since its inception, and knows pretty much everyone involved in issues pertaining to the Town of Acton. She will look into it, which is probably good, since she is an "outsider" in this case, who didn't participate in the site visit nor the special meeting.

I just got off the phone with her and she is going to do some follow up, and I will keep you posted, Cindy.

Best,
Mady

Cindy McCullough

10:26 AM (13 minutes ago)

to me

Hi Mady,

Thank you for getting back to me as well as reaching out to Lisa so quickly. I greatly appreciate all of your assistance! :-)

Best Regards,

Cindy

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West Concord, MA 01742
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www.1on1si.com

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To: Madeleine Harvey <madyathome@gmail.com>

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Wed, Apr 9, 2014 at 2:04 PM

☆ **Madeleine Harvey** <madyathome@gmail.com>

To: Cindy McCullough <cindy1on1spa@gmail.com>, Lisa Franklin <lisafranklin58@gmail.com>

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Dear Cindy,

We were very concerned about your complaint regarding the 475 Great Road variance, and have investigated it thoroughly.

Commissioner Tom Hopkins of AAB assures us that the *only* correspondence he has had regarding your variance application was the receipt of the COD Commission's recommendations from the meeting we had on Friday, April 4th. You should have received a copy of that from Danny. They reflect our vote at the meeting.

Tom said he had no interactions with Danny or any other COD member since our meeting and that email.

He also assured us that his office would *not* participate in any ex-parte deliberations.

Perhaps you were confused about the process of variance and did not realize that the COD is only able to provide comment on the variance applications, but that the final decision is always up to the Architectural Access Board, whether or not they agree with us.

Tom Hopkins also said that in the years he has worked with COD, he has always found Danny's behavior to be above reproach.

If you would like to know more about the variance procedure and the COD's role, please call my co-chair, who has many years of experience with this: Lisa Franklin, [978-263-2579](tel:978-263-2579).

Thanks.

Mady & Lisa

Madeleine Harvey
Lisa Franklin

Quick Reply

To: Madeleine Harvey <madyathome@gmail.com>

To all: Madeleine Harvey <madyathome@gmail.com>, Cindy McCullough <cindy1on1spa@gmail.com>

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475 Great Road, follow-up [Inbox](#)

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Wed, Apr 9, 2014 at 2:04 PM

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☆ **Madeleine Harvey** <madyathome@gmail.com>

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To: Cindy McCullough <cindy1on1spa@gmail.com>, Lisa Franklin <lisafranklin58@gmail.com>

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Dear Cindy,

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If you would like to know more about the variance procedure and the COD's role, please call my co-chair, who has many years of experience with this: Lisa Franklin, [978-263-2579](tel:978-263-2579).

Thanks.

Mady & Lisa

Madeleine Harvey
Lisa Franklin

Quick Reply

- To:** Madeleine Harvey <madyathome@gmail.com>
- To all:** Madeleine Harvey <madyathome@gmail.com>, Cindy McCullough <cindy1on1spa@gmail.com>

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☆ [Danny](#) <danielfactor@aol.com>

Thu, Apr 10, 2014 at 11:50 AM

[All Mail](#)

To: framsbottom@acton-ma.gov, mbarbadoro@acton-ma.gov

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Cc: lisafranklin58@gmail.com, madyathome@gmail.com

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Frank,

Labels

Below are the advisory comments which the COD sent to the AAB re: 457 Great Road, which you requested earlier this morning.

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I also just informed Mark Barbadoro by phone that these comments were emailed to both Tom Hopkins and the COD shell on 4/5 at 10:27 p.m, and it is my understanding that the Building Department is on the COD e-mail shell, hence you should already have a copy of these comments.

However, as I told Mark, I am happy to resend them. See below.

Thanks,

Danny

-----Original Message-----

From: [Danielfactor](mailto:Danielfactor@aol.com) <Danielfactor@aol.com>

To: [thomas.hopkins](mailto:thomas.hopkins@state.ma.us) <thomas.hopkins@state.ma.us>

Cc: [cod](mailto:cod@acton-ma.gov) <cod@acton-ma.gov>; [cindy1on1spa](mailto:cindy1on1spa@gmail.com) <cindy1on1spa@gmail.com>

Sent: Sat, Apr 5, 2014 10:27 pm

Subject: Acton COD's Advisory Comments re: 457 Great Road

Dear Mr. Hopkins,

This email contains the Acton COD's advisory comments in regard to the Application For Variance for 457 Great Road.

Our COD conducted a site visit on March 31st and held a public meeting on April 4th. The site visit and public meeting were attended by the both the applicants and Frank Ramsbottom from the Acton Building Department. Both the applicants and Mr. Ramsbottom commented at the April 4th meeting.

The comments submitted by the Acton COD Advisory Comments are as follows:

The Acton COD, in it's advisory comments, does not object to the granting of a variance that would waive the requirement to provide vertical access to the second floor, provided the services offered to customers on either floor

Hopkins from the AAB before the COD's Public Hearing, we hope you can understand the need to make sure all reports/minutes are accurate. By not offering a complete report of this important vote in the report the AAB may have or may have not altered their decision, but at least it will be corrected for the record and for the upcoming Formal Hearing.

Thank you again for time and assistance.

Best Regards,

Cindy

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Quick Reply

- To:** Cindy McCullough <cindy1on1spa@gmail.com>
- To all:** Cindy McCullough <cindy1on1spa@gmail.com>, Steve Ledoux <sledoux@acton-ma.gov>, Commission on Disabilities <COD@acton-ma.gov>, Louis Levine <llevine@dlpnlaw.com>, "D. Schweppe" <sldi@verizon.net>

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From: Mark Barbadoro <mbarbadoro@acton-ma.gov>
Subject: **457 Great Road Acton MA**
Date: November 4, 2013 11:35:06 AM EST
To: "remmer.consulting@verizon.net" <remmer.consulting@verizon.net>

Norton,

It was good to speak with you today. Per our conversation I have included the building permit/site plan/board of appeals history for 457 great road.

Assessors field card states the single family home built in 1774

Building permits:

- 1960 Build a detached garage #925
- 1968 Storage? #3216
- 1970 Convert shed to living space #3925
- 1978 Reroof #6243
- 1981 Woodstove #8963
- 1982 Repairs? #7902
- 1985 Woodstove #8963
- 1998 Roof #16063
- 2001 Demolish Garage #17580
- 2012 Repair two chimneys #12-170
- 2013 siding plaster ceiling #13-0683

Board of appeals/site plan special permits

- BOA 1992 build a single family home(not the building in question) 92-17
- SPSP 2001 to allow business /residential use of building 10/17/00-374
- BOA 2003 put a sign within the allowed setbacks

I cannot find the required Building permit application to change the use of the property. I cannot find the new occupancy certificate which would have been required to change the use of the building.

See 6th edition building code sections 110.1 and 120.2

Based on the current evidence do you agree that the building will need a building permit and occupancy certificate for a change of use? Since no change of use was granted do you agree that 521 CMR change of use is applicable?

Respectfully,

Mark Barbadoro,
Building Inspector
PH 978-929-6633

----- Forwarded message -----

From: **Elevator Engineering, Inc.** <gmullen@elevatorengineering.com>
Date: Mon, Feb 24, 2014 at 6:01 PM
Subject: Elevator 457 Great Rd Acton
To: cindy.lonlspa@gmail.com
Cc: sales@elevatorengineering.com

Cindy,

Per our conversation today these are the preliminary elevator specs. for your building:

Floors: 2
Travel: Approx. 10 feet
Duty: Passenger
Power: 220 VAC 60Hz
Doors: Front & rear openings, 36" center open
Capacity: 2500 Lbs. (Minimum to meet current codes)
Cab: Laminate walls & car door, eggcrate hung ceiling, stainless door jambs, 1 stainless handrail.

Preliminary cost to Install: \$ 65,000

The inside hoistway dimension to install this elevator is 8'-4" wide x 6'-10" deep. As we discussed you will probably need to install the elevator on the outside of the building, the approx. minimum space necessary to do this is 10' wide x 8' deep depending on how you construct the hoistway and lobbies. An architect will be needed to design this elevator to fit with your building considering all the latest codes. The above quote does not include designing or constructing the hoistway, construction is also additional and done by a general contractor. All necessary information for your architect for the elevator can be found on our website: www.elevatorengineering.com...Look under "new elevators" then "Passenger front and rear opening specifications" and "work by purchaser and/or other trades"...

If you need help selecting an architect or contractor call me we can put you in touch with some great people we work with.

Hope this helps and good luck with your project.

Sincerely,

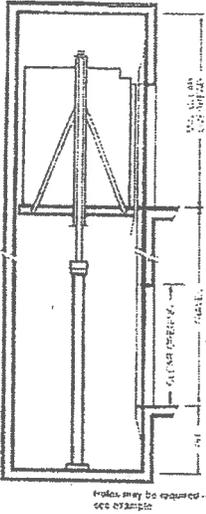
Geoffrey Mullen
Elevator Engineering, Inc.

Hydraulic Elevator Sales and Service
6 Ledge Rock Way Unit # 8
Acton, MA 01720
(978)635-1774 Office
(978)635-1777 Fax
Email:gmullen@elevatorengineering.com

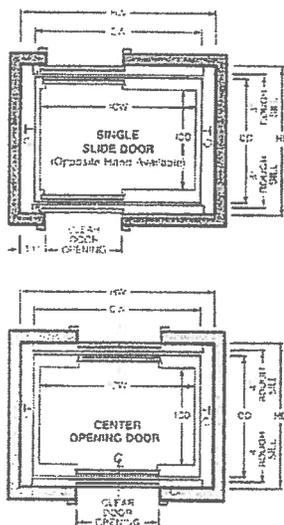
PASSENGER Holeless • Single Stage
Cuel Jack • Front & Rear Opening



This technical data is intended for preliminary planning. We have attempted to include the basic data that you will require to start working on a project. For a more detailed specification or custom installation please contact your local Canton Elevator Representative or contact us directly.



- Pit depth = 4'-0" min. is standard
 - Min. clear overhead required (based on 8'-0" high cab)
 - For up to 100 FPM = 11'-4"
 - For 100 FPM and over = 12'-4"
 - If available overhead clearance is less than above, cab height can be reduced accordingly up to 30% maximum.
 - Total no. heavy weight required for load to clear under cab is:
 - For up to 100 FPM (2) x (FL to FL travel) + 2 x 6"
 - For 100 FPM and over (2) x (FL to FL travel) + 3 x 6"
 - If total no. heavy weight is not sufficient (2) below can be provided to make up required clearance. In this case, add an additional 8" to required height.
 - For up to 100 FPM = add 3'-0" in head of 2" x 4"
 - For 100 FPM and over = add 4'-0" in head of 3" x 6"
 - If "open" hoist are provided (to allow unit to be used at bottom of shaft) - do not add head and 6"
 - Note that clear overhead is measured to the most protruding member.
- For example:
 FL to FL travel in shaft = 50'-0"
 125 FPM (2) x 50' = 125' x 2 = 250'
 250' + 12' = 262' (required clearance)
- | Available | Required |
|---------------|------------------------------|
| Travel 16'-0" | 12' Travel = 12'-0" = 24'-0" |
| 2" x 4" | Clear 100 FPM = 4'-0" |
| 3" x 6" | Required = 3'-0" |
| 12'-0" | Available = 12'-0" |
| 30'-0" | Hoist head = 3'-0" |
| | 2" x 4" hoist head = 2'-0" |
| | Hoist top required = 2'-0" |



- NOTES:**
1. All door supports for all fasteners are required at an even interval (space) in the maximum clearance. Clearance is shown with the level of door closed. Maximum recommended door weight is 100 lbs. and should be factored in back of final shaft blocks. Must be fixed with proper attached inserts to provide final support.
 2. If 1 and 2 are not clearances shown are in minimum and maximum required and door exceeds 10' (rules 10' up).
 3. A pit bottom may be required and depth exceeds 10' (rules 10' up).
 4. If notes are required (rules 12' required travel in pit floor at regular intervals to be shown in the shaft) after cables are set - to clear shaft in provided 24" clearance (rule 12' travel required door with concrete pad at bottom to clear at each unit's minimum pit).
 5. Top of hoist must be visible in shaft with 24" minimum clearance.
 6. A 150V cable is required in pit.
 7. Hoist drum (2) x 6" required (minimum) after average installation. Minimum cable diameter is not available.

- MACHINE ROOM**
- An area 5' 0" x 7' 0" x 3'-0" high is usually required for simple installation, with 3'-0" wide door minimum for access.
 - Recommended location is adjacent to elevator hoistway at the top landing. However, it can be located in location of any size - if necessary.
 - Adequate heating and ventilation to meet code requirements must be provided.

- Speeds available in 100-400
- Contact factory for more information

DIMENSIONS	CAPACITY					
	1500#	2000#	2500#	3000#	3500#	4000#
HW	6'-2"	7'-4"	8'-4"	8'-4"	8'-4"	9'-4"
HD	6'-0 1/2"	6'-0 1/2"	6'-0 1/2"	7'-1 1/2"	7'-9 1/2"	7'-9 1/2"
CW	4'-10"	6'-0"	7'-0"	7'-0"	7'-0"	8'-0"
CD	5'-9"	5'-9"	5'-9"	8'-1"	8'-9"	8'-9"
ICW	4'-8"	5'-8"	6'-8"	6'-8"	6'-8"	7'-8"
ICD	4'-4"	4'-4"	4'-4"	4'-8"	8'-4"	5'-4"
CLEAR DOOR OPENING	2'-8"	3'-0"	2'-6"	3'-8"	3'-6"	4'-0"

* Car size and weight can be modified by 1/2 consistent weight. 1500# car complies with NEH recommendations for min. size car to accommodate wheelchair. 2000# car complies with NEH recommendations for up to accommodate wheelchair. 2500# and larger cars comply with NEH recommendations for car to accommodate ambulance size structure when equipped with a rigid side door.



From: Mark Barbadoro <mbarbadoro@acton-ma.gov>
Subject: **457 Great Road Acton MA**
Date: November 4, 2013 11:35:06 AM EST
To: "remmer.consulting@verizon.net" <remmer.consulting@verizon.net>

Norton,

It was good to speak with you today. Per our conversation I have included the building permit/site plan/board of appeals history for 457 great road.

Assessors field card states the single family home built in 1774

Building permits:

- 1960 Build a detached garage #925
- 1968 Storage? #3216
- 1970 Convert shed to living space #3925
- 1978 Reroof #6243
- 1981 Woodstove #8963
- 1982 Repairs? #7902
- 1985 Woodstove #8963
- 1998 Roof #16063
- 2001 Demolish Garage #17580
- 2012 Repair two chimneys #12-170
- 2013 siding plaster ceiling #13-0683

Board of appeals/site plan special permits

- BOA 1992 build a single family home(not the building in question) 92-17
- SPSP 2001 to allow business /residential use of building 10/17/00-374
- BOA 2003 put a sign within the allowed setbacks

I cannot find the required Building permit application to change the use of the property. I cannot find the new occupancy certificate which would have been required to change the use of the building.

See 6th edition building code sections 110.1 and 120.2

Based on the current evidence do you agree that the building will need a building permit and occupancy certificate for a change of use? Since no change of use was granted do you agree that 521 CMR change of use is applicable?

Respectfully,

Mark Barbadoro,
Building Inspector
PH 978-929-6633

----- Forwarded message -----

From: **Elevator Engineering, Inc.** <gmullen@elevatorengineering.com>
Date: Mon, Feb 24, 2014 at 6:01 PM
Subject: Elevator 457 Great Rd Acton
To: cindy1on1spa@gmail.com
Cc: sales@elevatorengineering.com

Cindy,

Per our conversation today these are the preliminary elevator specs. for your building:

Floors: 2
Travel: Approx. 10 feet
Duty: Passenger
Power: 220 VAC 60Hz
Doors: Front & rear openings, 36" center open
Capacity: 2500 Lbs. (Minimum to meet current codes)
Cab: Laminate walls & car door, eggcrate hung ceiling, stainless door jambs, 1 stainless handrail.

Preliminary cost to Install: \$ 65,000

The inside hoistway dimension to install this elevator is 8'-4" wide x 6'-10" deep. As we discussed you will probably need to install the elevator on the outside of the building, the approx. minimum space necessary to do this is 10' wide x 8' deep depending on how you construct the hoistway and lobbies. An architect will be needed to design this elevator to fit with your building considering all the latest codes. The above quote does not include designing or constructing the hoistway, construction is also additional and done by a general contractor. All necessary information for your architect for the elevator can be found on our website: www.elevatorengineering.com...Look under "new elevators" then "Passenger front and rear opening specifications" and "work by purchaser and/or other trades"...

If you need help selecting an architect or contractor call me we can put you in touch with some great people we work with.

Hope this helps and good luck with your project.

Sincerely,

Geoffrey Mullen
Elevator Engineering, Inc.

Hydraulic Elevator Sales and Service
6 Ledge Rock Way Unit # 8
Acton, MA 01720
(978)635-1774 Office
(978)635-1777 Fax
Email:gmullen@elevatorengineering.com

3/3/2014



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)

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:

1 on 1 Self Indulgence, Inc. Cindy McCullough/D.Schweppe; 1 on 1 Self Indulgence, Inc.
336 Baker Ave, 2nd Floor, Concord, MA 01742
E-mail: sldi@verizon.net
Telephone: 978-371-2831; 978-369-5100

2. State the name and address of the building/facility:

457 Great Road, Acton, MA 01720

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

Existing 2- story wood frame building originally constructed as a single family home. Now occupied on the first floor by offices and residential on the second floor.

4. Total square footage of the building: 3,134 s.f. : Per floor: 1st: 1545 s.f.; 2nd 1,589 s.f.
a. total square footage of tenant space (if applicable): 3,134 s.f.

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): See Attached Sheets

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
3.4	Second Floor of existing residential building
20	Accessible Route/entrance to second floor
5.1	Impracticability/Accessible route to second floor
_____	_____
_____	_____

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 Sheets

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? 09/30/2013
10b. If work has been completed, state the date the building permit was issued for said work: Work not completed

11. State the estimated cost of construction as stated on the above building permit: \$32,000 including: Building [\$13,000], Electrical [\$5,000], Plumbing [\$14,000].

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?
Chimney Repair in 2012; Siding, Plaster Ceiling 2013.
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?
If yes, state the date:
The Building Official states that none has been issued that he can determine from the records.

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: \$198,000
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:

Work has been designed and some work carried out including siding, windows and gutters

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:

Steve Hurley, Janovsky Hurley Architects, 37 Walnut Street, Wellesley Hills, MA 02481

E-mail: Steven Hurley <steven@jha-arch.com>

Telephone: 781-489-6540 x 101

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

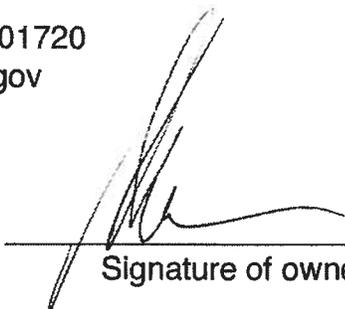
Frank Ramsbottom

472 Main Street, Acton, MA 01720

E-mail: building@acton-ma.gov

Telephone: 978-929-6633

Date: March 19, 2014



Signature of owner or authorized agent

PLEASE PRINT:

Norton S. Remmer
Name

18 John Street Place
Worcester, MA 01609

E-mail: remmer.consulting@verizon.net

Telephone: 508-756-2777

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, Norton S. Remmer, as consultant/representative for the Petitioner:

1 on 1 Self Indulgence, Inc. Cindy McCullough/D.Schweppe; 1 on 1 Self Indulgence, Inc.

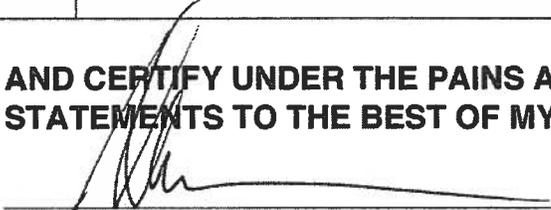
336 Baker Ave, 2nd Floor, Concord, MA 01742

submit a variance application filed with the Massachusetts Architectural Access Board on 03/19/14

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	Frank Ramsbottom 472 Main St, Acton, MA 01720	Certified mail	03/19/14
2	Elizabeth Franklin, Commission on Disability, 472 Main Street, Acton 01720	Certified mail	03/19/14
3	MetroWest Center for Independent Living 280 Irving Street, Framingham, MA 01702	Certified mail	03/19/14

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 19 Day of MARCH 2014 PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Norton S. Remmer

(Type or Print the Name of the Appellant)


NOTARY PUBLIC Jonathan Finkelstein

MAY 4, 2018
MY COMMISSION EXPIRES

