



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:

Minuteman Ridge Homeowners Association, Inc. _____

P.O. Box 2159 _____

Acton, MA 01720 _____

E-mail: ismith@cranberryhill.com _____

Telephone: 781-572-1100 _____

2. State the name and address of the building/facility:
Minuteman Ridge Pool Bathhouse
9 Rear Captain Brown's Lane, Acton, MA 01720
3. Describe the facility (i.e. number of floors, type of functions, use, etc.):
Single-story, Semi-Public Pool Bathhouse as required under 105 CMR 435 containing guard room, Men's & Women's restroom and storage room.
4. Total square footage of the building: 325 sf building with 450 sf covered area (canopy)
 a. total square footage of tenant space (if applicable): N/A
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):
Renovation of existing pool house which includes two restrooms, a guard room and a storage room.
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>19.2.1.b</u>	<u>Access Device -1 yr time variance requested for lifting device</u>
<u>19.6.2</u>	<u>Accessible Table – 1 year time variance requested</u>
<u>19.2.2</u>	<u>Path of Travel – 10 year time variance requested for</u> <u>Accessible route to and around kiddie pool</u>
<u>20.2</u>	<u>Location-Van accessible space in lieu of access to public way</u>
<u>20.9</u>	<u>Accessible Route - Cross Slope exceeds 2%</u>
<u>20.10</u>	<u>Accessible Route - Change in levels along accessible route</u>
<u>24.4.1</u>	<u>Accessible Route – Level Landings for 60" minimum</u>
<u>26.11.2</u>	<u>Door handle – Gate handle is above 48" to protect children</u> <u>from entering pool area</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.

Many MMR residents are elderly and/or on fixed incomes. In order to pay for the Pool Bathhouse renovations, Minuteman Ridge Homeowners Association has increased its annual dues over the next two years to the maximum as allowed in the MMR Bylaws and has put all their capital reserve toward the bathhouse project. Since the Association was formed in 1965, this type of a two-year maximum dues increase is unprecedented.

<u>19.2.1.b</u>	<u>Access Device- Portable lifting device \$6,000</u>
<u>19.6.2</u>	<u>Accessible Table – \$1,600 for 8' Accessible Table</u>
<u>19.2.2</u>	<u>To provide an accessible route to and around the kiddie pool would cost between \$7,000 (route) to \$25,000 (replace)</u>
<u>20.2</u>	<u>Grade change from public way to building is to great</u>
<u>20.9; 20.10; 24.4.1</u>	<u>In order to construct an accessible route with 60" level landing and slope and cross slope under 2% would require the asphalt pavement to be torn up and replaced in the parking lot. Parking area covers the leaching field which is made of obsolete, delicate Orangeburg pipe. To build accessible route would cost between \$25,000 - \$75,000</u>
<u>26.11.2</u>	<u>The recently-installed door handle to the chain-link gate is installed above 48" consistent with Massachusetts Law to prevent children under 8 years old to access. If the swimming pool is open, there is always a lifeguard on-duty in order to open the gate.</u>

10. Has a building permit been applied for? <u>Yes</u> Has a building permit been issued? <u>Yes</u> 10a. If a building permit has been issued, what date was it issued? <u>November 14, 2013</u> 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: <u>Total renovation costs (including electrical and plumbing) will be \$94,000</u> 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? <u>No</u> 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
 If yes, state the date: _____
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: Under \$100,000
 Is the assessment at 100%? Assessor's opinion
 If not, what is the town's current assessment ratio? 100%

16. State the phase of design or construction of the facility as of the date of this application: Commenced construction 11-18-13
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:
Andrew Loverud, MA Registration Number 7395
 E-mail: Andy@DesignScienceInc.com
 Telephone: 978-369-6565
18. State the name and address of the building inspector responsible for overseeing this project:
Mark Barbadoro, Building Inspector, 472 Main Street, Acton, MA 01720
 E-mail: mbarbadoro@acton-gov.com
 Telephone: 978-929-2633

Date: 11-22-13



 Signature of owner or authorized agent

PLEASE PRINT:

Lawrence P. Smith, President MMRHOA
 Name

4 Captain Forbush Lane
 Address

Acton, MA 01720
 City/Town State Zip Code

lsmith@cranberryhill.com
 E-mail

781-572-1100
 Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, Lawrence P. Smith, as agent _____

for the Petitioner Minuteman Ridge Homeowners Association, Inc. submit a
variance application filed with the Massachusetts Architectural Access Board on November 22, 2013.

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	Mark Barbadoro, Acton Building Department 472 Main Street, Acton, MA 01720	Via Fedex	11- 25 -13
2	Lisa Franklin, Commission on Disabilities 472 Main Street, Acton, MA 01720	Via Fedex	11- 25 -13
3	Paul Spooner, Metro West Center for Independent Living 280 Irving Street, Framingham, MA 01702	Via Fedex	11- 25 -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: Appellant or Petitioner _____

On the 22nd Day of November 20 13
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Lawrence P. Smith
(Type or Print the Name of the Appellant)

Hilda Landry
NOTARY PUBLIC

March 7 2019
MY COMMISSION EXPIRES

