

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

Mary Elizabeth Héffernan
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Variance Number: 12 081

FROM: ARCHITECTURAL ACCESS BOARD

RE: **Gordon Chevrolet**
171 Great Road
Acton

Date: **4/10/2012**

Enclosed please find the following material regarding the above location:

Application for Variance

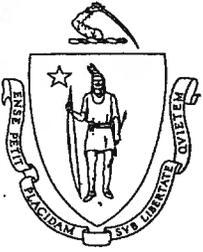
Decision of the Board

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

DOCKET #: 12 - 081

RE: Gordon Chevrolet, 171 Great Road, Acton

1. A request for a variance was filed with the Board by Joseph F. Fournier, Jr. AIA (Applicant) on March 23, 2012. The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

Section:	Description:
25.1	Petitioner seeks relief from having to make temporary office trailer accessible to persons with disabilities and proposes to provide a temporary accessible showroom and offices.

2. The application was heard by the Board as an incoming case on Monday, April 9, 2012

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

GRANT: the variance to Section 25.1 as proposed in the application 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 the variance is for one year only and that alternative the handicapped parking, accessible showroom, office space, and accessible toilet room be provided as shown in the plan submitted by JFF Design, Architects and Planners dated 3/19/12 and numbered as SCH-101

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: April 10, 2012

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Ronald Lang T.H.
Chairperson
ARCHITECTURAL ACCESS BOARD



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Department of Public Safety
Architectural Access Board

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Boston Massachusetts 02108-1618

Phone: 617-727-0660

Fax: 617-727-0665

www.mass.gov/dps

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.

March 20, 2012

Mr. Thomas P Hopkins, Director
MA Architectural Access Board
One Ashburton Place, Room 110
Boston, MA 02108

Re: Temporary Accessibility Request of Variance
Gordon Chevrolet, 171 Great Road, Acton, MA

Dear Mr. Hopkins:

Pursuant to my conversation this afternoon with Mr. Dennis Ring, Acton Building Inspector and upon follow-up with our client; we seek temporary relief from strict compliance with CMR 521 for public access to portable trailers to be used during the renovation of Gordon Chevrolet located at 171 Great Road, Acton, MA. Our intent is to use the trailers to function primarily as a workspace for our sales staff and not for general customer access. We are concerned that during the busy day to day operation, without intention, our staff may err by offering public access to the temporary trailers which are not fit for handicap accessibility. Rather than risk violating accessibility regulations; we request relief from strict compliance to CMR 521 relating to the temporary trailers.

The operational plan during the renovation will locate a partial sales staff in the temporary trailers and the remaining sales staff will function at ground level in the temporary showroom / service reception. We ask for relief from providing handicapped access to the trailers since all dealership services offered to the public is available and primarily offered within the temporary showroom / service reception area at ground level. In addition, we are providing a temporary, fully accessible, public restroom adjacent to the temporary showroom / service reception area which is more convenient, please see attached construction sketch for reference.

Granting relief will not in any way detract from the level of service we offer the public nor our customers. We feel our request for relief is appropriate as a temporary solution and will provide a more positive experience, convenient and accessible solution during our renovation.

If you require additional information or have questions, please contact our office.

Very truly yours,



Joseph F. Fournier, Jr., AIA
JFF Design, Architects

cc. Mr. Dennis Ring
Building Inspector
Town of Acton
472 Main Street
Acton, MA 01720

Mr. Brian Lafferty
Gordon Chevrolet ~ Empire Management
171 Great Road
Acton, MA 01720



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

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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 and photographs) must be submitted via one 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:

Gordon Chevrolet~Empire Management

171 Great Road, Acton, MA 01720

E-mail: brian@myhomeoffice.com

Telephone: 508-527-2000

2. State the name and address of the building/facility:
Gordon Chevrolet~Empire Management

171 Great Road, Acton, MA 01720

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

The existing building functions as an auto dealership with all public functions limited to the ground level. There is a small second floor space for private offices and parts storage.
No public access exists nor is any planned for the renovations proposed.

4. Total square footage of the building: 38,240 SF Per floor: 30,325 1st floor
a. total square footage of tenant space (if applicable): N/A 7,915 2nd floor

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):
The existing showroom is proposed to be replaced and the sales and operational spaces renovated as part of the corporate facilities upgrade. Public access areas are to be improved as part of the overall renovation.

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>25.1</u>	<u>Temporary office trailers during construction renovation.</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </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.

Our intent is to use the trailers to function primarily as a workspace for our sales staff and not for general customer access. We are concerned that during the busy day to day operation, without intention, our staff may err by offering public access to the temporary trailers which are not fit for handicap accessibility. Rather than risk violating accessibility regulations; we request relief from strict compliance to 521 CMR relating to the temporary trailers.

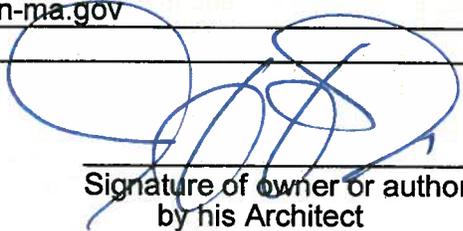
10. Has a building permit been applied for? YES
Has a building permit been issued? PENDING
10a. If a building permit has been issued, what date was it issued? _____
10b. If work has been completed, state the date the building permit was issued for said work: _____
11. State the estimated cost of construction as stated on the above building permit:
\$1,700,000
11a. If a building permit has not been issued, state the anticipated construction cost:
\$1,700,000
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? YES~EXISTING FACILITY
If yes, state the date: 1968
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: \$1,536,900
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: CONSTRUCTION BIDDING & PLANNING

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:
Joseph F. Fournier, Jr., AIA dba JFF Design, Architects
24 Warwick Avenue, Waltham, MA 02452
E-mail: Joe@jffdesign.com
Telephone: 781-899-6908

18. State the name and address of the building inspector responsible for overseeing this project:
Dennis Ring, Building Inspector
Town of Acton Building Department, 472 Main Street, Acton, MA 01720
E-mail: building@acton-ma.gov
Telephone: 978-929-6633

Date: 3/21/2012



Signature of owner or authorized agent
by his Architect

PLEASE PRINT:

Joseph F Fournier, Jr., AIA dba JFF Design, Architects

Name

24 Warwick Avenue

Address

Waltham MA 02452

City/Town State Zip Code

Joe@jffdesign.com

E-mail

781-899-6908

Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, Joseph F. Fournier, Jr., AIA, as Architect
for the Petitioner Mr. Brian Lafferty, Gordon Chevrolet~Empire Management submit a
variance application filed with the Massachusetts Architectural Access Board on March 21,
20 12.

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	Massachusetts Architectural Access Board	Federal Express	3/22/2012
	One Ashburton Place, Room 110, Boston, MA attn. Thomas Hopkins, Director		
2	Town of Acton Building Department	by hand	3/22/2012
	472 Main Street, Acton, MA 01720 attn. Dennis Ring, Building Inspector		
3	Town of Acton Commission on Disabilities 472 Main Street, Acton, MA 01720 attn. Ms. Elizabeth Franklin, Chair	by hand	3/22/2012
4	Boston Center for Independent Living 60 Temple Place, 5th Floor, Boston, MA 02111-1324 attn. Karen	Federal Express	3/22/2012

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

Signature: [Handwritten Signature] Appellant or Petitioner

On the 22nd Day of March 20 12
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Joseph F. Fournier JR AIA
(Type or Print the Name of the Appellant)

[Handwritten Signature]
NOTARY PUBLIC

CHRISTINE KYDD
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 16, 2014
MY COMMISSION EXPIRES

LEGEND

1	EXISTING ONE STORY CONCRETE/STEEL FRAME BUILDING AUTOMOTIVE DEALERSHIP/GARAGE
2	PROPOSED BUILDING MODIFICATION
3	TEMPORARY JOB TRAILER
4	TEMPORARY OFFICE TRAILER
5	75' FRONT YARD SETBACK
6	30' SIDE YARD SETBACK
7	30' PARKING SETBACK
8	BIT. CONC.
9	BCW
10	VGC
11	EOP
12	CP
13	CD
14	KT
15	OD
16	GU
17	N
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EXISTING ONE STORY
CONCRETE/STEEL FRAME BUILDING
AUTOMOTIVE DEALERSHIP/GARAGE
FFE=143.95

#171

PROPOSED
BUILDING
MODIFICATION

TEMPORARY
OFFICE TRAILER

TEMPORARY
JOB TRAILER

75' FRONT YARD SETBACK

BIT. CONC.

30' PARKING SETBACK

EOP

GREAT ROAD

BCW

VGC

BCW

VGC

EOP
SIDE YARD SETBACK

10' EOP

30'4"

39'0"

44'0"

EOP

WATERMAN DESIGN ASSOCIATES, INC.
31 Park Main Street
Watertown, MA 02158
Tel: 617.924.1400
www.watermandesign.com

NO.	DATE	DESCRIPTION
1	01/11/11	ISSUED FOR PERMIT
2	01/11/11	ISSUED FOR PERMIT
3	01/11/11	ISSUED FOR PERMIT
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100	01/11/11	ISSUED FOR PERMIT

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www.watermandesign.com



EMPIRE MANAGEMENT CORPORATION
171 Orange Road
Acton, MA

EMPIRE MANAGEMENT CORPORATION
171 Orange Road
Acton, MA

TEMPORARY TRAILER LOCATION PLAN
COLONIAL CHEVROLET

171 Orange Road
Acton, MA
Middlesex County
NOT FOR CONSTRUCTION

DATE:	01/11/11	SCALE:	AS SHOWN
DRAWN BY:	WATERMAN	CHECKED BY:	WATERMAN
PROJECT NO.:	11111111	DATE:	01/11/11
DESCRIPTION:	TEMPORARY TRAILER	SCALE:	AS SHOWN

C4.03

Subj: **AAB submittal, 171 Great Road, Acton MA**
Date: 3/22/2012 3:46:39 P.M. Eastern Daylight Time
From: joe@jffdesign.com
To: building@acton-ma.gov
CC: brian@myhomeoffice.com, cod@acton-ma.gov, Thomas.Hopkins@state.ma.us

Gentlepersons:

Attached, please find the trailer location sketch missing from the AAB sketch per our discussion today. It should be inserted behind my letter to Mr. Hopkins and before our SK-101 for continuity. I am including Ms. Franklin in this email for the same purpose...thank you for passing this information to the local Commission on Disabilities. I hope to hear the outcome of the hearing Monday or soon afterward. I assume Mr. Hopkins will notify you as well.

Our package to the state and Boston Center for Independent Living will be Fed Ex'd this afternoon for Friday morning delivery.

Mr. Hopkins,

Please disregard the attachment. Your package will include this sheet. I simply thought to keep you in the communication loop. Our package has been hand delivered to the Acton authorities today.

Thank you again to all for your continued cooperation.

Regards,
Joe Fournier

Joseph F. Fournier, Jr., AIA



JFF Design, Architects

24 Warwick Avenue
Waltham, MA 02452

P 781-899-6908

F 781-899-3050

alternate email: jffdesign@comcast.net

~Look for us in "Boston Home Spring 2012" Edition, Insider Section~

~We are exhibiting for our 15th year @ NE Home Show, Seaport, Boston (Feb 23-26)~

~ Builder / Architect Magazine Feb 2011 Edition showcases our recent project completion in Bonnet Shores, Narragansett, Rhode Island~

~Good Design should not be confused with Overdevelopment!! ~

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