



*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](http://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 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:

Town of Acton, 472 Main Street, Acton MA 01720 c/o Doug Halley, Health Director

E-mail: dhalley@acton-ma.gov

Telephone: 978-929-6632

2. State the name and address of the building/facility:  
Open foundation at the end of Wheeler Lane, Acton MA 01720

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):  
Historical (1732) stone foundation for the Thomas Wheeler, Jr dwelling house at the Wheeler Farm and Mill complex

4. Total square footage of the building: Approx. 20 x 30 (600 sq ft) Per floor: n/a  
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):  
Stairs to be built down into open foundation to provide access

7. State each section of the Architectural Access Board's Regulations for which a variance is being requested:  
7a. Check appropriate regulations: n/a  
 1996 Regulations  2002 Regulations  2006 Regulations

| SECTION NUMBER      | LOCATION OR DESCRIPTION   |
|---------------------|---|
| <u>521 CMR 25.1</u> | <u>All public entrance(s) of a building or tenancy in a building shall be accessible.</u> |
| _____               | _____   |
| _____               | _____   |
| _____               | _____   |

8. Is the building historically significant? n/a 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.  
Foundation is being restored as part of the Trail Through Time Project. Stairs are needed to maintain foundation and stone floor. Accessible entrance is not practical given the size of the foundation and the lack of electricity at the site. The presence of additional historic stone features that would be disturbed if made more accessible.

|      |  |
|------|--|
| 10.  | Has a building permit been applied for? <u>Yes</u>   |
|      | Has a building permit been issued? <u>No</u>   |
| 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:<br><u>\$450.00</u>  |
| 11a. | If a building permit has not been issued, state the anticipated construction cost:<br>_____  |
| 12.  | Have any other building permits been issued within the past 36 months? <u>n/a</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? <u>n/a</u>  |
|      | 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 <u>X</u> no   |
| 15.  | State the actual assessed valuation of the <b>BUILDING ONLY</b> , as recorded in the <b>Assessor's Office</b> of the municipality in which the building is located: <u>n/a</u> |
|      | Is the assessment at 100%? <u>n/a</u>  |
|      | 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: n/a

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:

n/a

E-mail:

Telephone:

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: framsbottom@acton-ma.gov

Telephone: 978-929-6633

Date: 10/17/2011

Signature of owner or authorized agent

**PLEASE PRINT:**

Doug Halley

Name

472 Main Street

Address

Acton,

MA

01720

City/Town

State

Zip Code

dhalley@acton-ma.gov

E-mail

978-929-6632

Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION  
SERVICE NOTICE**

I, Doug Halley, as representative  
for the Petitioner Town of Acton submit a  
variance application filed with the Massachusetts Architectural Access Board on October 17  
20 11.

**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 | Building Commissioner, Frank Ramsbottom            | certified mail           | 10/21/2011             |
|   | 472 Main Street, Acton MA 01720                    |                          |                        |
| 2 | Lisa Franklin, Acton Commission on Disability      | certified mail           | 10/21/2011             |
|   | Unit 6A 68 Windsor Avenue, Acton MA 01720          |                          |                        |
| 3 |  |                          |                        |
|   |  |                          |                        |

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

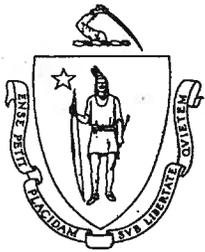
  
Signature: Appellant or Petitioner

On the 21<sup>st</sup> Day of October 20 11  
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Doug Halley  
(Type or Print the Name of the Appellant)

  
NOTARY PUBLIC

2-2-2012  
MY COMMISSION EXPIRES



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Department of Public Safety

Architectural Access Board  
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Mary Elizabeth Heffernan  
Secretary

Thomas G. Gatzunis, P.E.  
Commissioner

Thomas P. Hopkins  
Director

TO: Local Building Inspector  
Local Disability Commission  
Independent Living Center

Variance Number: 11 216

FROM: ARCHITECTURAL ACCESS BOARD

RE: **Wheeler Farm and Mill Complex**  
**Wheeler Lane (at the end)**  
**Acton**

Date: **11/3/2011**

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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Thomas G. Gatzunis, P.E.  
 Commissioner

Thomas P. Hopkins  
 Director

**NOTICE OF ACTION**

**DOCKET #: 11 - 216**

**RE: Wheeler Farm and Mill Complex, Wheeler Lane (at the end)**

**Acton**

1. A request for a variance was filed with the Board by Doug Halley (Applicant) on October 25, 2011. The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

| <u>Section:</u> | <u>Description:</u>  |
|-----------------|--|
| 20.1            | Petitioner proposes to build a set of stairs into a cellar hole. This is an Eagle Scout Project. |

2. The application was heard by the Board as an incoming case on Monday, October 31, 2011

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

**GRANT:** the variance to Section 20.1 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 and on the condition that:

- the project, construction of stair system into an old 1732 cellar hole must fully comply with 521 CMR Section 27 et al.
- a video/CD with narrative of the area including the historical aspects of the site, must be created so that persons with disabilities who choose to investigate the significance of the history of the area may do so via the alternate method. The video/CD and narrative must be made available via notification on the towns web site.
- the petitioner must provide digital photographs of the area where the stair is to be constructed as well as the surrounding area.
- upon completion of the project, photographs of the completed stairs must be submitted to the Board for its files.

**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.**

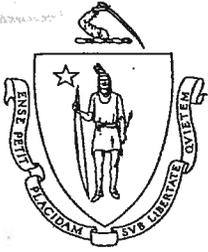
Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: November 3, 2011

cc: Local Disability Commission  
 Local Building Inspector  
 Independent Living Center

*Donald Lang TH.*  
 Chairperson  
 ARCHITECTURAL ACCESS BOARD





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Thomas G. Gatzunis, P.E.  
Commissioner

Thomas P. Hopkins  
Director

TO: Local Building Inspector  
Local Disability Commission  
Independent Living Center

Docket Number V 12 214

FROM: ARCHITECTURAL ACCESS BOARD

RE: Old High School Commons  
433 Massachusetts Avenue  
Acton

Date: 8/29/2012

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 Number V 12 214

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Secretary

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Commissioner

Thomas P. Hopkins  
Director

**RE: Old High School Commons, 433 Massachusetts Avenue**

**Acton**

1. A request for a variance was filed with the Board by William Lipchitz, Agent (Applicant) on August 7, 2012. The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

| Section: | Description:             |
|----------|--------------------------|
| 22.3     | Walkway running slope    |
| 24.2     | Slope and rise for ramps |
| 24.4     | Landings                 |

2. The application was heard by the Board as an incoming case on Monday, August 27, 2012

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

**GRANT:** the variances request to Sections 22.3, 24.2 and 24.4 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.

**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: August 29, 2012

cc: Local Disability Commission  
Local Building Inspector  
Independent Living Center

*Donald Lang T.H.*  
Chairperson  
ARCHITECTURAL ACCESS BOARD

