

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, STEPHEN P. STEINBERG, as MANAGER

for the Petitioner PATRIOT SQUARE CONDOMINIUM TRUST submit a
variance application filed with the Massachusetts Architectural Access Board on _____
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	FRANK RAMSBOTTOM ACTON BUILDING COMMISSIONER 472 MAIN ST. ACTON, MA 01780	Delivered by HAND	
2	ACTON COMMISSION ON DISABILITIES 472 MAIN ST, ACTON, MA 01780	" "	
3	Bill Hemming, EXEC. DIR. L. INDEPENDENT LIVING CTR 60 TEMPLE PLACE, 5TH FL BOSTON, MA 02111	Fed X	

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

Stephen P. Steinberg
Signature: Appellant or Petitioner

On the 30TH Day of JULY 2013
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

STEPHEN P. STEINBERG
(Type or Print the Name of the Appellant)

Susan Ann Williams
NOTARY PUBLIC

 **SUSAN ANN WILLIAMS**
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
May 20, 2016
MY COMMISSION EXPIRES

179 Great Rd

Patriot Square Condominium Trust

**P.O. Box 2350
69 Great Road
Acton, MA 01720**

**(978) 263-2989
FAX (978) 263-0403
actonmgt@verizon.net**

July 30, 2013

Architectural Access Board
One Ashburton Place, Room 1310
Boston, MA 02108-1618

Boston, MA

Re: Request for Variance at Patriot Square, 179 Great Road, Acton, MA 01720

Dear Members of the Board:

This building is an office building of about 30,000 square feet of floor space, constructed approximately thirty-five years ago.

Existing Conditions.

The existing conditions include a single accessible access point on the western side of the building, marked on the enclosed Plan as "Existing Accessible Point."

Across from the Existing Accessible Point described above are the original accessible parking spaces, marked on the enclosed Plan as "Existing Accessible Spaces," and photographed in Picture # 1.

Current Work.

The sidewalks serving the building are constructed of pavers, which have decomposed and are being replaced with poured concrete sidewalks.

We have improved the accessibility of the building in three ways as part of this construction.

1. We have added a complying ramp at the western side, marked on the Plan as "New Ramp #1," and photographed in Picture # 2.

2. We have added a second complying ramp at the eastern side, marked on the Plan as "New Ramp #2," and photographed in Picture # 3

3. We have demolished the barrier between the Existing Accessible Spaces and the building on the western side in order to shorten the distance between the handicap parking and the building entry. This is marked on the Plan as "Removal of Curbing," and photographed in Picture # 4.

Request for Variance.

The front of the building has two ramps, marked on the Plan as "Non-Complying Ramp #1" and Non-Complying Ramp #2." These are photographed in Pictures #5 and #6.

They are non-complying because the short distance between the sidewalk and the parking lot curb does not allow for complying slopes.

Based on the construction of complying New Ramp #1 and New Ramp #2, we respectfully request that Non-Complying Ramp #1 and Non-Complying Ramp #2 remain unaltered.

Additional Accessible Spaces.

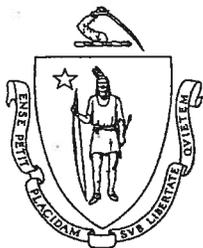
We are happy to comply with the location and number of accessible spaces required by the Acton Building Department.

Thank you for your assistance and consideration.

Sincerely,



Stephen P. Steinberg
Manager of Patriot Square Condominium Trust



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

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Docket Number V 13 227

NOTICE OF ACTION

RE: Sidewalk, 179 Great Road

1. A request for a variance was filed with the Board by Acton Patriot Square (Applicant) on August 1, 2013. The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

<u>Section:</u>	<u>Description:</u>
24.1	Petitioner seeks relief for the slope of existing ramps #1 and #2 as shown on the exhibits submitted.

2. The application was heard by the Board as an incoming case on Monday, August 26, 2013

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

GRANT: the variance relief to 521 CMR Section 24 for the existing ramps #1 and #2 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 petitioner provide the two (2) items requested by the Acton Disability Commission as outlined in a August 26, 2013 email to the Board. The Commission's email is enclosed.

Photographs of the completed work are required to be submitted to the Board upon completion, so that the file can be properly closed.

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 28, 2013

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White T.H.
Chairperson
ARCHITECTURAL ACCESS BOARD

Hopkins, Thomas (DPS)

From: Danielfactor@aol.com
Sent: Monday, August 26, 2013 4:59 AM
To: Hopkins, Thomas (DPS)
Cc: cod@acton-ma.gov; s.b.baran@comcast.net; lesliej961@verizon.net; mbarbadoro@acton-ma.gov; actonmgt@verizon.net
Subject: Acton COD Comments Re: 179 Great Road

Dear Mr. Hopkins,

Below are our advisory comments in regard to the Application for Variance for 179 Great Road.

Two members of the COD conducted a site visit of the premises. Along the side of the building in which vehicles enter from Great Road, the applicant has asked for a variance to allow two short ramps leading to individual business entrances to remain, which both exceed the allowable steepness, and can only be accessed from the parking lot by stepping onto a curb, several inches up from the parking lot surface. At both corners along the same side of the building are two longer compliant ramps which lead to the same sidewalk and business entrances which the short ramps lead to.

It was the unanimous opinion of the COD that the applicant's variance request to allow the two short ramps to remain should be allowed, so long as the applicant: 1) Adds a HP parking spot next to one of the longer ramps on this same (Great Road) side of the building; 2) Installs signage alerting individuals along the Great Road side that there is a fully accessible entrance and parking at the main entrance, which is located on the Northwest side of the building.

The COD supports allowing the variance with these two conditions because 1) The two longer ramps along the Great Road side allows individuals good access to the businesses along this side of the building via their individual entrances (these same businesses are also accessible via the building's main entrance on the Northwest Side of the building) 2) All the businesses in the building are easily reached from the aforementioned fully accessible main entrance which has ample HP parking, however it is only with proper signage that an individual entering from Great Road can be aware as to where this most accessible and main entrance is.

Sincerely,

Danny Factor
Acton Commission on Disabilities
(978)835-5788.