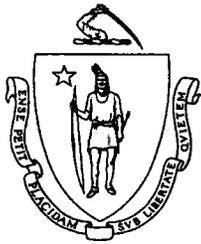


100 NAGOG



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

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

www.mass.gov/dps

FINAL DECISION OF THE ARCHITECTURAL ACCESS BOARD

Date: **August 27, 2013**

Name of Property: **Multi-tenant Building**

Property Address: **100 Nagog Park, Acton**

Docket Number: **V13-152**

Date of Hearing: **August 12, 2013**

Enclosed please find a copy of the decision relative to the above mentioned matter.

Sincerely:

ARCHITECTURAL ACCESS BOARD

By:

Kate Sutton

Kate Sutton, Program Coordinator/Clerk for Proceedings

cc: Local Building Inspector
Local Commission on Disabilities
Local Independent Living Center

new lobby renovation. The existing parking lot was repaved over what was existing. The new walkway from the front of the building was enlarged and resurfaced (approximate 10 feet in width) to create outdoor seating areas.

The existing walkway between the building and the parking lot was in disrepair. Therefore, the walkway was removed and a new walkway was put in the same location. The new walkway is stamped concrete and provided a seating area around the midway flagpole area. One side of the walkway has a cross slope that is greater than 2%, with the most excessive cross slope being 3.72% (as shown on "Exhibit A" (AAB13), although written submittal states that the noncompliant cross slope only exceeds the required 2% by 1.2%).

The resurfaced parking lot has a cross slope at the nine (9) accessible parking spaces (two (2) being van accessible spaces) that exceeds the required 2%, with the largest deviation being approximately 3.45% (as shown on "Exhibit A" (AAB13)).

In order to bring these areas into compliance, it will require ripping up the existing paving and repaving the entire area, at an estimated cost of \$75,000.00. Denoncourt noted that a drop-off area was also contemplated, as well as creating parking directly adjacent to the building sidewalk, but both ideas would be costly and possible not feasible due to required fire lanes. He added that if the spaces were moved closer to the building, there would only be enough room for three (3) accessible parking spaces.

Upon reviewing the submitted documentation and testimony, the Board voted to *grant* the variance for the lack of compliance cross slopes at the accessible parking spaces (521 CMR 23.4.3), based on the fact that the Petitioners had proven that full compliance would be an excessive cost without substantial benefit to persons with disabilities.

The Board also voted to *deny* the variance requested for the noncompliant cross slope areas of the walkway; and *require* that a compliant path of travel from the parking area to the front door, with both written and visual verification of compliance to be received by *December 1, 2013*. The motion is based on the fact that the Petitioners had not proven that the cost of full compliance would be excessive without substantial benefit to persons with disabilities.

Conclusion

After reviewing the matter, the Board voted as follows:

- *GRANT* the variance for the lack of compliance cross slopes at the accessible parking spaces (521 CMR 23.4.3), based on the fact that the Petitioners had proven that full compliance would be an excessive cost without substantial benefit to persons with disabilities.
- *DENY* the variance requested for the noncompliant cross slope areas of the walkway (521 CMR 22.3.1); and *require* that a compliant path of travel from the parking area to the front door, with both written and visual verification of compliance to be received by *December 1, 2013*. The motion is based on the fact that the Petitioners had not proven that the cost of full compliance would be excessive without substantial benefit to persons with disabilities.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of a variance have been met, or the required work has been done, must be submitted to the AAB Office as soon the work is completed and/or on or before any ordered deadlines.

A true copy attest, dated: August 27, 2013

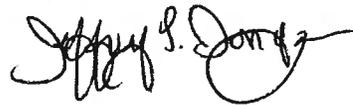
ARCHITECTURAL ACCESS BOARD

By:



Walter White, Chair

Diane McLeod, Vice Chair (not present)



Jeffrey Dougan, Massachusetts Office on Disability Designee

Andrew Bedar, Member (not present)



Raymond Glazier, Executive Office of Elder Affairs Designee



Gerald LeBlanc, Member



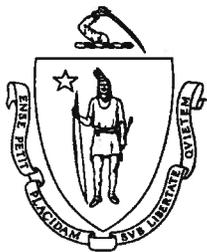
Carol Steinberg, Member



D. Mark Trivett, Member

A complete administrative record is on file at the office of the Architectural Access Board.

This constitutes a final order of the Architectural Access Board entered pursuant to G.L. c. 30A. Any aggrieved person may appeal this decision to the Superior Court of the Commonwealth of Massachusetts pursuant to Section 14 of G.L. c.30A. Any appeal must be filed in court no later than thirty (30) days of receipt of this decision.



The Commonwealth of Massachusetts
Department of Public Safety

Architectural Access Board
One Ashbunton 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

November 29, 2013

Michael Kunz
Maugel Architects
200 Ayer Road
Harvard, MA 01451

Re: Notice of Amended Decision of the Board; Multi-tenant Building, 100 Nagog Park, Acton; Docket Number V13-152

Dear Mr. Kunz,

On November 22, 2013, the Architectural Access Board ("Board") received your e-mail submittal to Thomas Hopkins, Executive Director of the Board, seeking an extension to the previously ordered December 1, 2013 deadline for the completion of the path of travel from the parking area to the front entrance door. Your letter attached to the e-mail noted that "due to lack of tenant interest in the building, and with weather delays the walk will not be completed by December 1, 2013."

The Board reviewed your submittal during an administrative discussion at their November 25, 2013 meeting and voted as follows:

- GRANT the extension and require that the work to create an accessible path of travel from the parking area to the building front entrance is started upon the execution of a lease for one or more tenant spaces within the building, and completed prior to the occupancy of the building. The Petitioners are required to notify the Board when a lease has been executed, and the required work has been completed.

ARCHITECTURAL ACCESS BOARD

By:

Walter White, Chair

Diane McLeod, Vice Chair



Andrew Bedar, Member



Myra Berloff, Director of Massachusetts
Office on Disability



Raymond Glazier, Executive Office of Elder
Affairs Designee

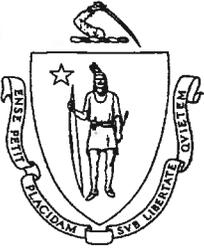


Carol Steinberg, Member

D. Mark Trivett, Member (not present)

A complete administrative record is on file at the office of the Architectural Access Board.

cc: Local Building Inspector
Local Disability Commission
Local Independent Center



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

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number V 13 152

FROM: ARCHITECTURAL ACCESS BOARD

RE: 100 Nagog
100 Nagog Park
Acton

Date: 6/19/2013

Enclosed please find the following material regarding the above location:

Application for Variance

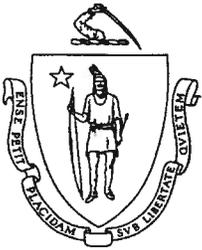
Decision of the Board

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.



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 13 152

NOTICE OF ACTION

RE: 100 Nagog' 100 Nagog Park

1. A request for a variance was filed with the Board by Michael Kunz (Applicant) on May 28, 2013. The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

Section:	Description:
22.3.1	Petitioner seeks relief from 2% cross slope in an isolated area where the new accessible sidewalk will connect to the existing parking lot.
23.4.1	Petitioner seeks relief from the 2% cross slope for the existing accessible parking spaces which have been repaved.

2. The application was heard by the Board as an incoming case on Monday, June 17, 2013

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

The Board voted to schedule a hearing on your variance request. Your notice of hearing is enclosed.

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: June 19, 2013

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White CH.
Chairperson
ARCHITECTURAL ACCESS BOARD



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

VARIANCE HEARING

RE: 100 Nagog , 100 Nagog Park , Acton

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **August 12, 2013** at **3:00 P.M.** at One Ashburton Place, 21st Floor, Boston, MA 02108.

This hearing is upon an application for variance filed by: Michael Kunz for modification of or substitution of the following Rules and Regulations: See application`
A copy of the request is available for public inspection during regular business hours.

You should be aware that the burden of proof is upon the applicant requesting a variance to prove that compliance is either: 1. technologically infeasible or; 2. the cost of compliance is excessive without substantial benefit to a person with a disability.

This hearing will be conducted in accordance with the procedures set forth in M.G.L., c. 30A, and 801 CMR 1.02, the Informal/Fair Hearings Rules. At the hearing, each party may be represented by counsel, may present evidence and may cross examine opposing witnesses.

Also, please note that all attendees will be asked to turn off all cell phones and pagers while the Board is in session.

ARCHITECTURAL ACCESS BOARD

Date: June 19, 2013

Walter White T.H.

Chairperson

cc: Local Building Inspector
Independent Living Center
Local Disability Commission







Project:
MINUTEMAN RIDGE POOL HOUSE
 CAPTAIN BROWNS LANE
 ACTON, MASSACHUSETTS

Design-Science

Architecture - Space Planning - Interior Design - Landscape Architecture
 Land Planning - Project Management - Development Consultation

Architect Design-Science 200 Baker Avenue Concord, MA 01742 Contact: Andy Schenck Andy@designscience.com	Seal-Signature
Consultant	Seal-Signature

KITCHEN ELEVATION

CHANGES: REBRILLAT, REFINISH 2 (OR EQUAL), PLASTIC LAMINATE ON CABINETS, WHITE ISLAND COULDS ON THESE CABINETS, PLASTIC LAMINATE ON COUNTER TOP AND BACKSPLASH, KNOBS/PULLS.

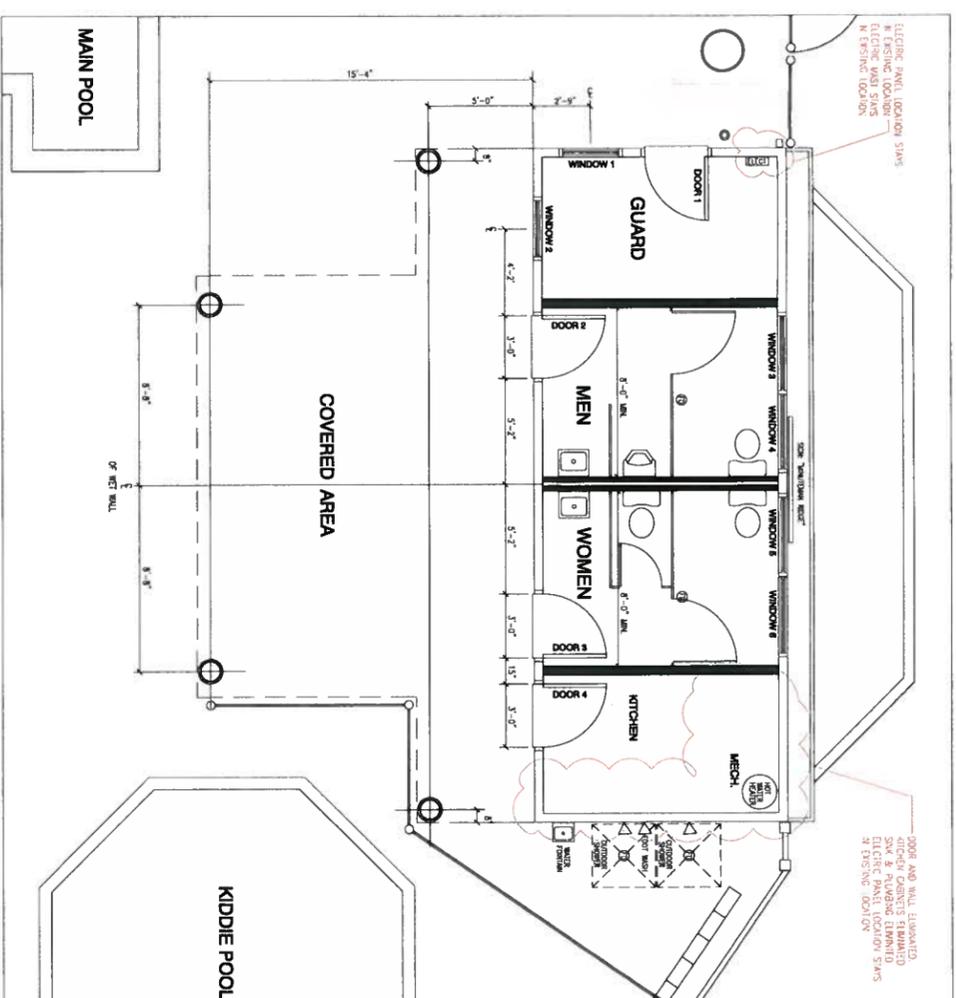
Revisions

No.	Date	Description

Sheet Title
**FOUNDATION PLAN
 SLAB PLAN
 FLOOR PLAN
 DOOR & WINDOW SCHED.
 KITCHEN ELEVATION**

Orientation - Scale - Date
 SEPTEMBER 6, 2013

Sheet Number
A-4



DOOR SCHEDULE

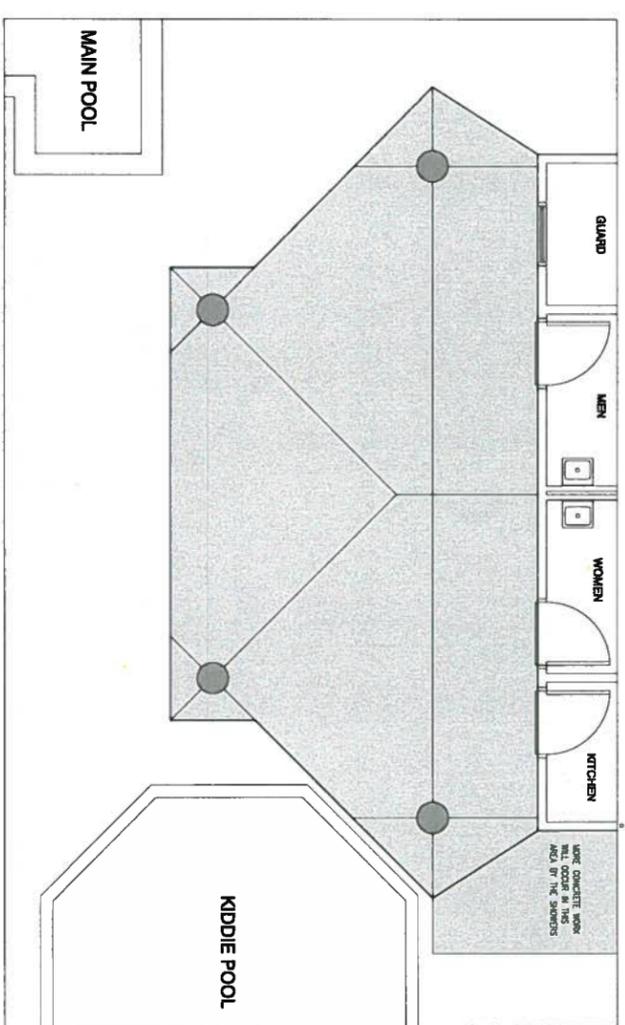
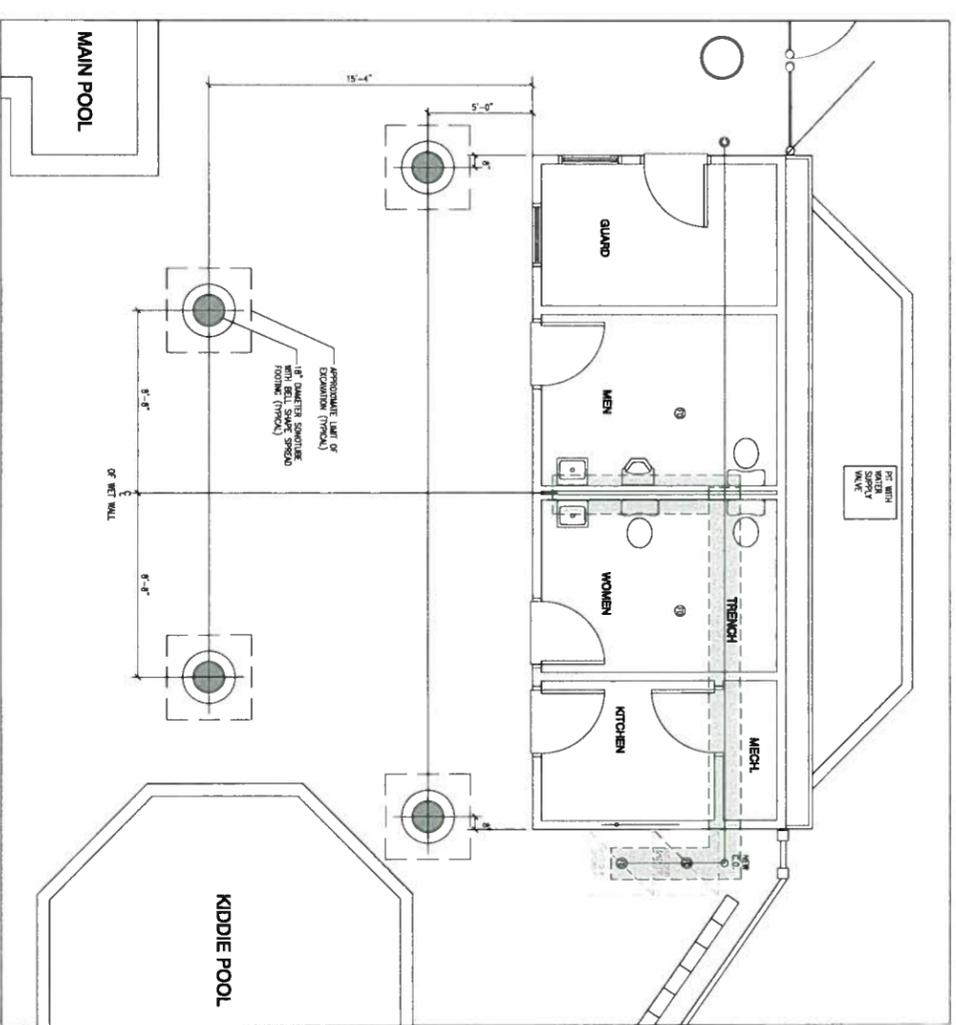
DOOR	DOOR TYPE	3	TRENCH	FLOOR STOP	CLOSED	FOSS/PULL/DOOR PARTS	ISOLATED	LOCKED
1	A	YES	YES	YES	YES	YES	YES	YES
2	B	YES	YES	YES	YES	YES	YES	YES
3	C	YES	YES	YES	YES	YES	YES	YES
4	D	YES	YES	YES	YES	YES	YES	YES
5	E	YES	YES	YES	YES	YES	YES	YES

DOOR TYPE A: THERMA-TRIL, PG-262, 2'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES
 DOOR TYPE B: THERMA-TRIL, PG-210, 3'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES
 DOOR TYPE C: THERMA-TRIL, PG-210, 3'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES
 DOOR TYPE D: THERMA-TRIL, PG-210, 3'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES
 DOOR TYPE E: THERMA-TRIL, PG-210, 3'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES

PRODUCTS
 DOOR TYPE A: THERMA-TRIL, PG-262, 2'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES
 DOOR TYPE B: THERMA-TRIL, PG-210, 3'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES
 DOOR TYPE C: THERMA-TRIL, PG-210, 3'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES
 DOOR TYPE D: THERMA-TRIL, PG-210, 3'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES
 DOOR TYPE E: THERMA-TRIL, PG-210, 3'-0" x 6'-6", PRE-FINISH, SAWN CHROME FINISHES

WINDOW SCHEDULE

WINDOW	WINDOW TYPE	DESCRIPTION	MANUFACTURER	SIZES/NO. OF	NOTES
1	A	DOUBLE HUNG	AMERSON	200-30-10	SCREEN LOCK
2	A	DOUBLE HUNG	AMERSON	200-30-10	SCREEN LOCK
3	B	TWO-WAY	AMERSON	400-	TRILL, TRILL READING PANEL THE FRAMING IS IN PLACE
4	C	TWO-WAY	AMERSON	400-	TRILL, TRILL READING PANEL THE FRAMING IS IN PLACE
5	C	TWO-WAY	AMERSON	400-	TRILL, TRILL READING PANEL THE FRAMING IS IN PLACE
6	B	TWO-WAY	AMERSON	400-	TRILL, TRILL READING PANEL THE FRAMING IS IN PLACE
7	B	TWO-WAY	AMERSON	400-	TRILL, TRILL READING PANEL THE FRAMING IS IN PLACE
8	B	TWO-WAY	AMERSON	400-	TRILL, TRILL READING PANEL THE FRAMING IS IN PLACE
9	B	TWO-WAY	AMERSON	400-	TRILL, TRILL READING PANEL THE FRAMING IS IN PLACE



ALL CONCRETE TO BE LAPPED AS SHOWN
 ACTUAL CONTROL JOINT PATTERN TO BE DISCUSSED WITH LAND PROR TO PLACED

Project:
MINUTEMAN RIDGE POOL HOUSE
 CAPTAIN BROWNS LANE
 ACTON, MASSACHUSETTS

Design-Science

Architecture - Space Planning - Interior Design - Landscape Architecture
 Land Planning - Project Management - Development Consultation

Architect:
 Design-Science
 200 Baker Avenue
 Acton, MA 01726
 Contact: Andy Lowenthal
 Andy@DesignScienceInc.com

Consultant

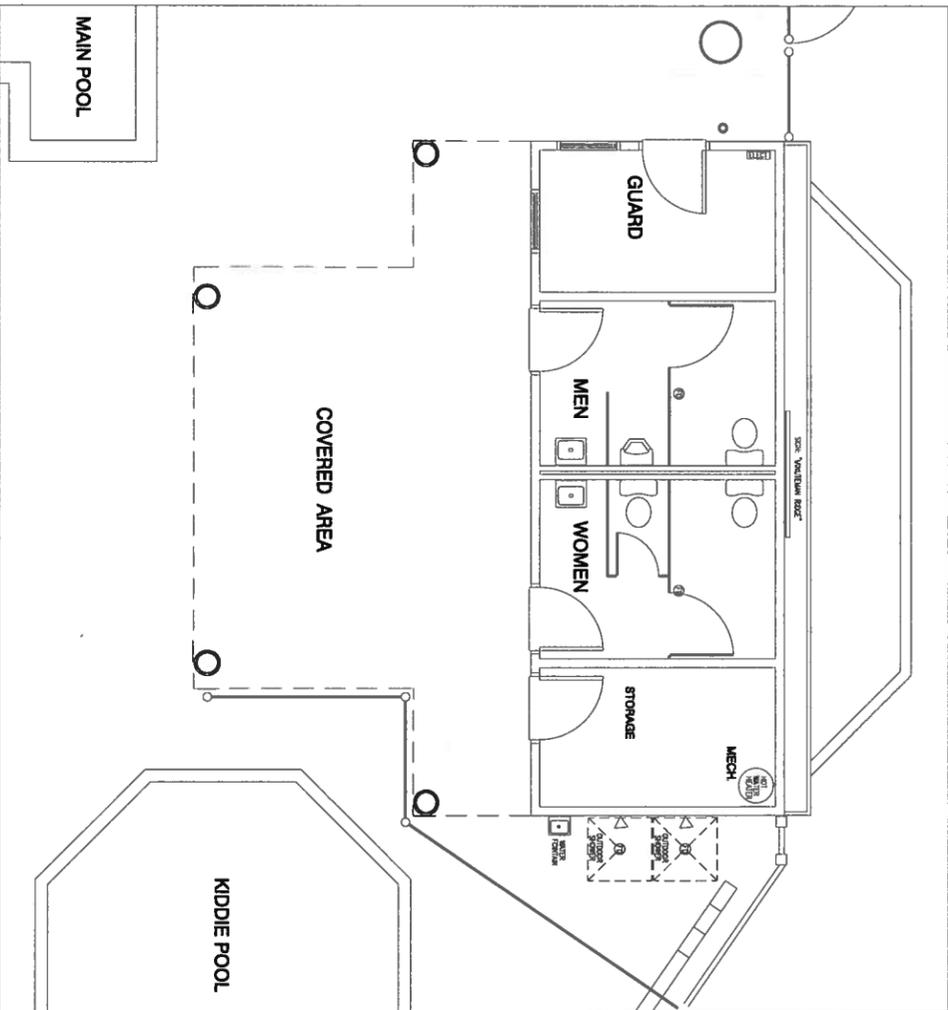
Seal-Signature

Blank area for seal and signature.

No.	Date	Description

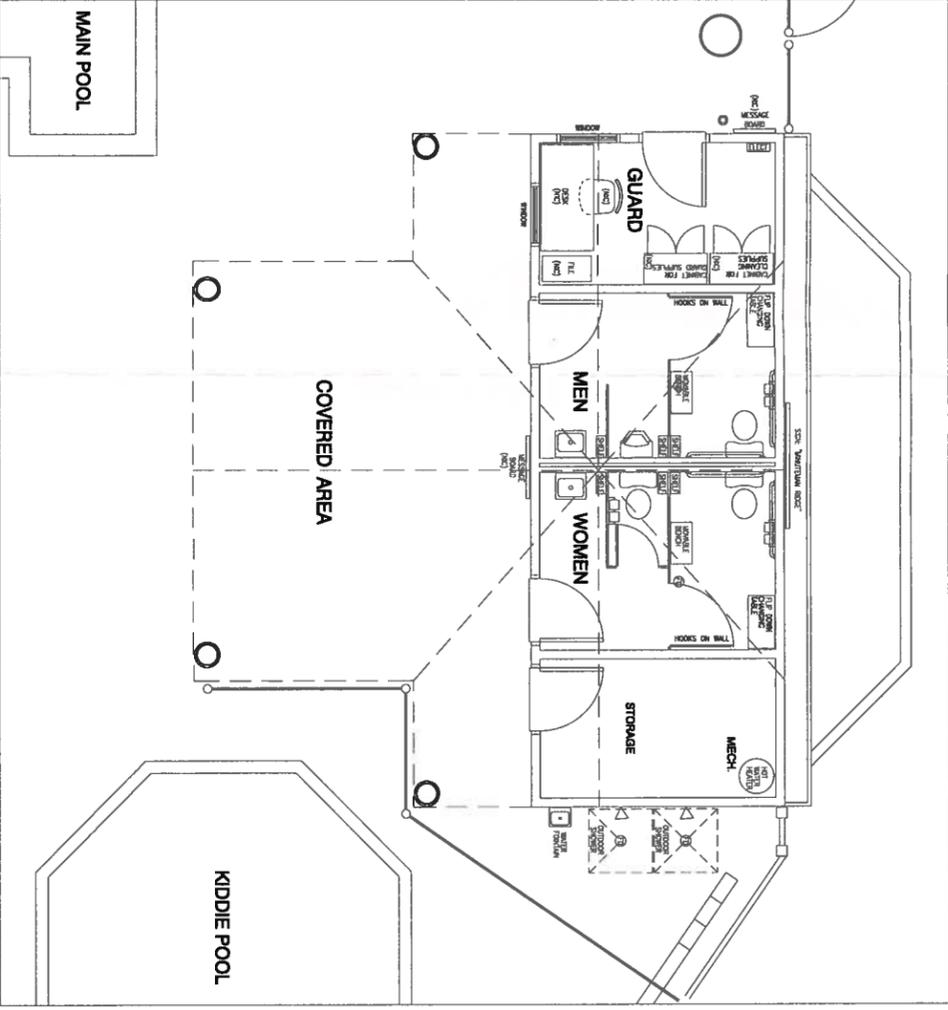
Sheet Title
FINISH PLAN
FURNITURE, EQUIPMENT,
ACCESSORIES PLAN

Orientation - Scale - Date
 SEPTEMBER 6, 2013
 Sheet Number
A-8



FINISH PLAN

RESTROOMS TO HAVE THE CONCRETE FLOOR SEALED WITH A CLEAR CONCRETE SEALER. MAIR WILL INSTALL DR-DECK TILES ON TOP OF CONCRETE FLOOR IN THESE ROOMS.
 GUARD ROOM, ~~RESTROOMS~~ TO HAVE HIGH QUALITY 2 PART EPOXY FLOORING INSTALLED. PRODUCT/COLOR _____
 STORAGE ROOM TO HAVE CLEAR CONCRETE SEALER.
 WALLS IN RESTROOMS TO HAVE FRP PANELS FROM FLOOR TO APPROXIMATELY 6'-0" ABOVE THE FLOOR. PRODUCT MAKE/ITE, STAINWOOD, K434/732, P100 (PREBLEN FINISH), WHITE. WOODING, K4350, K4355, K4370. WHITE.
 WALLS IN GUARD ROOM, ~~RESTROOMS~~ STORAGE ROOM WALLS AND CEILING IN THE RESTROOMS ABOVE THE FRP SHALL BE PAINTED. PRODUCT/COLOR BROWMAN MOORE, 343, SUPER SPEC SEALER AND UPPER BODY 214 SUPER SPEC ESSOCEL FINISH. COLOR TBD.
 INSTALL JOISTWORK 4" 1/8" VANT. ONE BASE. COLOR TBD _____ TO BE LOCATED IN GUARD ROOM, ~~RESTROOMS~~ STORAGE ROOM.
 EXTERIOR CLAYPOARDS SHALL BE PAINTED. PRODUCT/COLOR _____
 EXTERIOR TRIM BOARDS SHALL BE PAINTED. PRODUCT/COLOR _____
 EXTERIOR DOORS SHALL BE PAINTED. PRODUCT/COLOR BROWMAN MOORE, P29, ACRYLIC OIL SEMI-GLOSS, PRIMER AND FINISH. COLOR TBD _____
 EXTERIOR FINISH CEILING IN THE COVERED AREA TO BE PAINTED. PRODUCT/COLOR _____
 THE INSIDE OF THE EXTERIOR DOORS, AND THE INTERIOR DOOR, SHALL BE PAINTED. PRODUCT/COLOR BROWMAN MOORE, P29, ACRYLIC OIL SEMI-GLOSS, PRIMER AND FINISH. COLOR TBD _____
 INTERIOR TRIM SHALL BE PAINTED. PRODUCT/COLOR _____
 COLUMN ENCLOSURES SHALL BE PAINTED. PRODUCT/COLORS _____
 ALL PAINTED ITEMS SHALL RECEIVE ONE COAT PRIMER, AND AT LEAST TWO COATS FINISH. DARKER COLORS MAY REQUIRE MORE COATS FOR PROPER COVERAGE.



ACCESSORIES, PLUMBING FIXTURES, FURNITURE PLAN

TOILET PARTITIONS, CEILING AND WALL MOUNTED HYPE PARTITIONS. COLOR TBD.
 CHAIR BARS, BOBROCK, B8806, B9442
 TOILET PAPER HOLDER, BOBROCK, B9440
 PAPER TOWEL DISPENSER, BOBROCK, B-789
 SHELF, BOBROCK, B-795
 FRP DOWN CHAIRING, TAB E, BOBROCK/NOVA, 49-200-00
 WAPOR, BOBROCK, B185, B186.
 PLUMBING FIXTURES:
 TOILET: AMERICAN STANDARD, CLEANWALL, WHITE.
 URINAL: AMERICAN STANDARD, LICENSEE, WHITE.
 URINAL, FLUSH VALVE, SLOAN, _____
 LAVATORY: AMERICAN STANDARD, _____
 LAVATORY FOUNTAIN, _____
 SINK: ~~AMERICAN STANDARD~~ _____
 SINK: ~~AMERICAN STANDARD~~ _____
 HOT WATER HEATER, 40 GALLON, _____
 SHOWER HEAD, SAUNDERS, _____
 SHOWER CONTROLS, SAUNDERS, _____
 FLOOR WASH, _____
 EXTERIOR SHOWER BASE: FORMED CONCRETE, SLOPED TO DRAIN.
 WATER FOUNTAIN/SOILE THERM, ESSECKA, EZ200.
 NON-FREEZE HOSE BE IN EACH RESTROOM.

PLUMBING REQUIREMENT:
 AS THIS IS A SEASONAL BUILDING THAT IS ONLY USED DURING THE WARM MONTHS, THE BUILDING NEEDS TO BE WINTERIZED EVERY AUTUMN, AND ALL FIXTURES AND PIPES MUST BE FULLY DRAINED TO AVOID FREEZING AND BURST PIPES. THEREFORE, ALL PLUMBING SHALL BE DESIGNED AND SLOPED WITH THIS IN MIND. IDEALLY, A SINGLE DRAIN DOWN LOCATION SHOULD BE LOCATED ON THE EXTERIOR OF THE BUILDING. COORDINATE LOCATION WITH MMR BUILDING COMMITTEE. ALL PIPING SHALL BE INSTALLED WITH ADEQUATE SLOPE SO THAT ALL WATER WILL DRAIN OUT IT.

