



The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board

One Ashburton Place, Room 1310

Boston, Massachusetts 02108-1618

Phone 617-727-0660 / 1-800-828-7222

TTY 617-727-0019

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Thomas G. Gatzuni  
Commissioner

Thomas P. Hopk  
Director

www.mass.gov/a

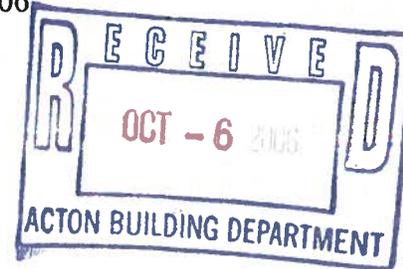
Mitt Romney  
Governor

Kerry Healey  
Lieutenant Governor

Robert C. Haas  
Secretary

Frank Caliri, AIA  
Wessling Architects, Inc.  
1250 Hancock Street, Suite 815N  
Quincy, MA 02169

October 5, 2006



RE: Spring Hill Common, Acton

Dear Mr. Caliri:

I am writing you today on behalf of the Architectural Access Board (hereinafter, "the Board") in response to your email of September 12, 2006 with which you attached a photograph, site plan, and a letter of September 6, 2006 detailing the issue that you wished to have the Board clarify.

According to the information you provided to our office, the project is the construction of a residential building at an existing residential complex. The complex, originally constructed in 1973, has five buildings on site, providing a total of 123 units. In 1998 one building was destroyed in a fire, and the remains were demolished. A building is now being built to replace the demolished building. The new building will contain 18 units. No elevator will be provided in the building.

After reviewing the materials submitted, the Board has determined the following:

- 1) The building is considered new construction, and as such must comply in full with the current Rules and Regulations concerning multiple dwellings, viz. 521 CMR Section 9.00, and common and public use spaces in multiple dwellings, viz. 521 CMR Section 10.00. Because the building is considered new construction, but there is no elevator in the building, only the ground floor units need to be constructed as Group 1 units per 521 CMR 9.3;
- 2) In applying the requirements for Group 2A units, the Board will count only the number of units in the newly constructed building, not the total number of units in the entire complex. Because the building has only 18 units, no Group 2A units are required per 521 CMR 9.4.

Please be aware that the Board requires that both the front and rear entrances into the building be made accessible. If you have any further questions or concerns, please feel free to contact me.

Sincerely,

Thomas P. Hopkins  
Executive Director  
Architectural Access Board

CC: Independent Living Center  
Local Building Department  
Local Disability Commission

**Walker, Christopher (DPS)**

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**From:** Frank Caliri [fcaliri@wesslingarchitects.com]  
**Sent:** Tuesday, September 12, 2006 11:33 AM  
**To:** Walker, Christopher (DPS)  
**Subject:** Spring Hill, Acton apartment building

*Sept 25, 2006*

Good Morning Christopher:

As per our phone call, enclosed is our Advisory Opinion and accompanying site plan and photo.

Thank you for your assistance,

Best Regards,

**Wessling Architects, Inc**  
Frank Caliri, AIA  
Senior Project Manager  
617.773.8150

6 September 2006

Mr. Gerald LeBlanc  
Chairperson  
Massachusetts Architectural Access Board  
One Ashburton Place  
Boston, MA 02108

**RE: Spring Hill Common, Acton, MA  
Advisory Opinions: Section 9.3, 9.4, 9.4.1**

Dear Mr. LeBlanc:

Spring Hill Common is an apartment complex located in Acton, MA. The complex, built in 1973, consists of five (5) buildings with a total of 123 residential units. In 1998, there was a wide-spread fire in the 419 Great Road building, and the remains were demolished.

Wessling Architects has been retained to design the reconstruction of the 419 Great Road building using the original building footprint. The existing foundation may be thickened/reinforced. The building contained 16,300 gross square feet and contained 18 units. The reconstructed building is limited by the town's Planning Board/Special Permit decision (and the subsequent extension) as to the square feet of the original building. Therefore, providing an accessible unit(s) will result in a total of less than 18 units. It is our intent to fully comply with 521 CMR. To do so we are seeking clarification regarding the following issues:

**Advisory Opinion 1.**

521 CMR9.2.1 states:

*Renovation and reuse: Any building previously occupied for any purpose, which is converted, renovated, reconstructed, altered or remodeled for residential use after this date is exempt from **521 CMR 9.3 Group 1 Dwelling Units**.*

"Reconstruction" is defined in 521 CMR section 5 as:

*The tearing down, removal, demolition or replacement of a public building or part of a public building.*

It is our interpretation that the planned replacement of 419 Great Road constitutes a "reconstruction" and therefore no Group 1 units are required (per 521 CMR 9.2.2). We respectfully request that the Board confirm our interpretation or provide further clarification including guidance for distinguishing between new construction and reconstruction/replacement.

**Advisory Opinion 2.**

The reconstructed 419 Great Road will contain less than 20 units. 521 CMR 9.4 requires that buildings with 20 or more units provide at least 5% Group 2A units. However, 521 CMR 9.4.1 states:

*Total dwelling units in a complex: When multiple dwellings consist of more than one building on a site or are located on several, non-contiguous sites, all dwelling units shall be added together to determine applicability of 521 CMR 9.4.*

521 CMR 9.4.1 requires that the calculation of the number of 2A units be based on 5% of the total number of units in the complex. At Spring Hill Common this would mean 5% of the 123 units in all five buildings. Applying 9.4.1 in this project will result in:

- Unreasonable costs – both capital and in lost income
- A concentration of accessible units in a single location – directly in opposition to the *Rules and Regulations* expressed intent to have accessible units proportionally distributed by location (per 521 CMR 9.4.2).

Therefore, it is our interpretation that providing one Group 2A unit (5% x 18) at 419 Great Road would be compliant with 521 CMR. Additional Group 2A units will be provided in the other buildings in compliance with 521 CMR 9.2.2. We respectfully request that the Board confirm our interpretation or provide further clarification.

We would appreciate your action at your earliest convenience. If you have questions or need additional information, please do not hesitate to contact me.

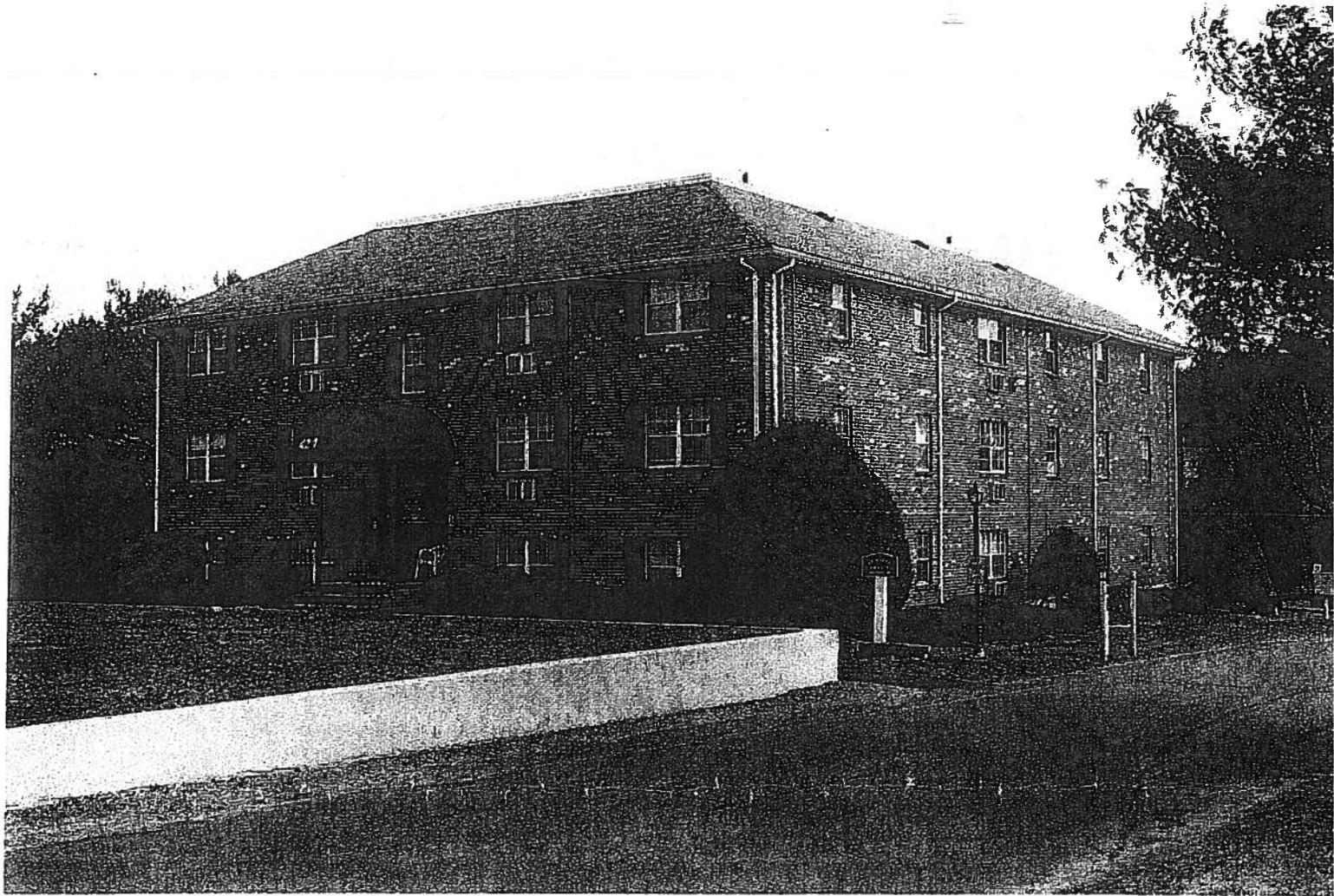
Sincerely,

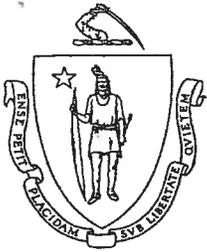
Frank Caliri  
Wessling Architects

Attached:

- Site Plan
- Photo of adjacent existing Building on Parcel A.







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Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number V 13 123

FROM: ARCHITECTURAL ACCESS BOARD

RE: Spring Hill Residential
419 Great Road
Acton

Date: 5/9/2013

Enclosed please find the following material regarding the above location:

Application for Variance

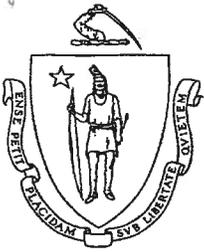
Decision of the Board w/conditions

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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Docket Number V 13 123

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Director

**NOTICE OF ACTION**

**RE: Spring Hill Residential' 419 Great Road**, Acton  
1. A request for a variance was filed with the Board by Scott Burnham (Applicant) on May 2, 2013  
The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

Section:	Description:
24.2.1	Petitioner seeks relief to a number of spot areas on a newly constructed ramp that have slopes exceeding the maximum allowance of 1:12 (8.3%)
23.4.3	Petitioner seeks relief for the slope of the two HP parking spaces located at the bottom of the ramp and its entry point.

2. The application was heard by the Board as an incoming case on Monday, May 6, 2013

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

**GRANT:** the variance to Section 24.2.1 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.

**GRANT:** the variance request to Section 23.4.3 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 both handicapped parking spaces are maintained at the entry point to the ramp and a fully compliant van accessible parking space is provided across from the ramp entry point as proposed, for a total of 3 HP parking spaces.

**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: May 9, 2013

cc: Local Disability Commission  
Local Building Inspector  
Independent Living Center

*Walter White T.H.*  
Chairperson  
ARCHITECTURAL ACCESS BOARD



*The Commonwealth of Massachusetts*  
**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.**