



419 Great Rd

Stephen J. Wessling Architects, Inc.

• AIA • ICC • IFMA • BOMA •
Presidents Place, 1250 Hancock Street, Suite 815N Quincy, Massachusetts 02169
Tel 617.773.8150 • Fax 617.773.4902 • www.wesslingarchitects.com

October 6, 2008

Greg Winter
Vice President – Asset Management
Equity Residential
60 Walnut Street, 2nd Floor
Wellesley, MA 02481

RE: Spring Hill Commons Bldg. 419 Great Road – Rebuilt Units

First Floor:

- 2 – Studio Units w/ one bathroom each
 - larger studio unit being ADA accessible
 - 381 square feet & 545 square feet
- 3 – Two Bedroom Units w/ one bathroom each
 - each 591 square feet
- 1 – Two Bedroom Unit (Leasing Office) w/ one bathroom
 - 591 square feet

Second Floor:

- 2 – One Bedroom Units w/ one bathroom each
 - 537 square feet & 564 square feet
- 4 – Two Bedroom Units w/ one bathroom each
 - each 610 square feet

Third Floor:

- 2 – One Bedroom Units w/ one bathroom each
 - 537 square feet & 564 square feet
- 4 – Two Bedroom Units w/ one bathroom each
 - each 610 square feet

Total:

- 2 Studio Units
- 4 One Bedroom Units
- 11 Two Bedroom Units
- 1 Leasing Office (2 bedroom unit)



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June 29, 2006

Mr. Thomas P. Hopkins
Director
Department of Public Safety
Architectural Access Board
One Ashburton Place
Room 1310
Boston, MA 02108-1618

RE: Spring Hill Commons Apartment Complex
419 Great Road
Acton, MA
Request for an Interpretation

Dear Mr. Hopkins:

We respectfully request an interpretation of 521 CMR as it applies to the existing apartment complex located in Acton, Massachusetts.

The existing complex was constructed in 1969, and it is comprised of five buildings with a total of 104 units. The middle apartment building was severely damaged by fire in 1999. It sat vacant and unprotected for a few years until the exterior walls and the upper wood floors were removed. Presently the existing first floor framing and basement remains. The owner would like to replace this building, making use of the existing foundation. The existing building contained 18 apartment units, as will the new building. There is no work planned for the other four buildings which were built prior to 780 CMR and 521 CMR.

Architectural Access Board Regulations - 521 CMR: please let us know if the following statements are correct.

1. 9.4 Group 2 Dwelling Units - This building contains less than 20 units and therefore section 9.4 Group 2 Dwelling Units does not appear to apply.
2. 28.1 Elevators – This building will have three levels, a lower level partially below grade and two levels above grade. Under 28.1.f, Multiple dwellings where all accessible rooms and public use common areas, such as the leasing office, will be on the accessible level. Therefore an elevator is not required.
3. 9.3 Group 1 Dwelling units – All accessible units will be located on the accessible level. Therefore the ground level units will all be required to be constructed as Group One dwelling

units. We believe this means that the six units located on the ground level will need to be accessible Group One kitchens and bathrooms.

Respectfully submitted for your review and comment. Please contact me with any questions, comments or if you require any additional information on this matter.

Sincerely,
Wessling Architects, Inc.

Stephen J. Wessling-President/CEO
AIA, CSI, ICC, NFPA, NRCA

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 CMR 9.2.1 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.



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

Fax 617-727-0665

Thomas G. Gatzunis, P.
Commissioner

Thomas P. Hopkins
Director

www.mass.gov/aab

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:

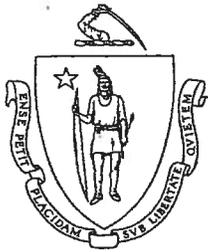
- 1) The building is considered new construction, and as such must comply in full with the current Rules and Regulations concerning multiple dwellings, viz. 521 CMR Section 9.00, and common and public use spaces in multiple dwellings, viz. 521 CMR Section 10.00. Because the building is considered new 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



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

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 13 123

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

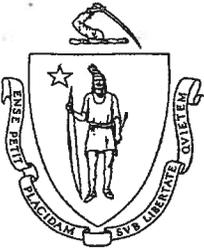
Decision of the Board *w/conditions*

___ 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.



The Commonwealth of Massachusetts
Department of Public Safety

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Docket Number V 13 123

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Commissioner

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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.

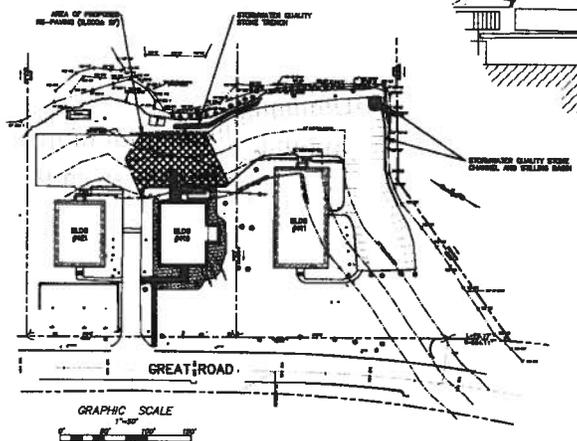
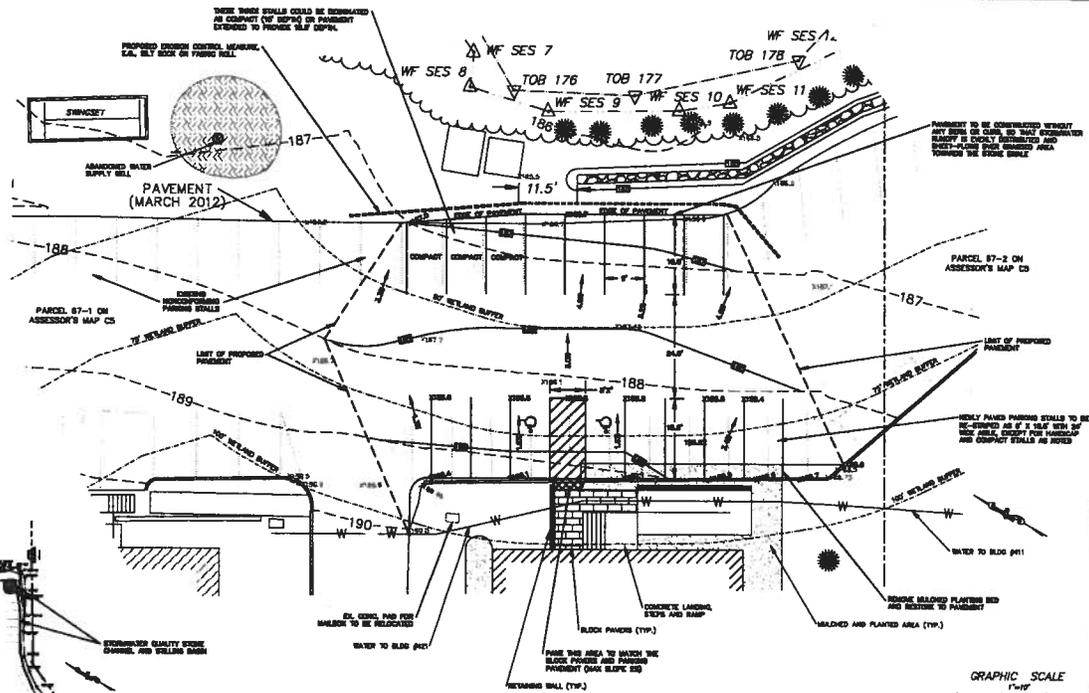
Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a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

- LEGEND**
- PROPERTY LINE
 - LAST OF WETLANDS AND FLAG
 - TOP OF BANK AND FLAG
 - WETLAND BUFFER (AS NOTED)
 - EXISTING ELEVATION CONTOUR
 - PROPOSED ELEVATION CONTOUR
 - EXISTING SPOT GRADE
 - PROPOSED SPOT GRADE
 - EXISTING WATER LINE
 - PROPOSED DRAINAGE CONTROL



- NOTES**
1. THE PROPOSED PAVEMENT IS ASSOCIATED WITH THE RECONSTRUCTION OF THE BUILDING AT 419 GREAT ROAD (REFER TO THE SPECIAL PERMIT GRANTED BY THE TOWN OF ACTON PLANNING BOARD SECTION 01-06).
 2. THE RESIDENTIAL APARTMENT BUILDING AT 419 GREAT ROAD IS LOCATED ON PARCEL 87-1 OF THE TOWN OF ACTON ASSESSOR'S MAP C5.
 3. FIELD SURVEY CONDUCTED BY STUBBS AND HENNING, INC. OF ACTON, MA IN 2008, 2009, AND 2010. THE ADDITIONAL SURVEY INFORMATION, REFER TO SET OF PLANS ENTITLED "PROPOSED WETLAND RESTORATION FACILITY, SPRING HILL COMMONS, HANING STREET AND GREAT ROAD, ACTON, MASSACHUSETTS" PREPARED BY NORFOLK RAM GROUP, LLC AND DATED MAY 2010.
 4. WETLAND RESOURCE AREAS WERE DELINEATED WITH FLAGS BY SAFFORD ECOLOGICAL SERVICES, INC. OF SOUTHAMPTON, MA AND DESCRIBED IN THE REPORT ENTITLED "WETLAND RESOURCE REPORT, SPRING HILL COMMONS, OFF HANING STREET AND GREAT ROAD (DTC, SA), ACTON, MASSACHUSETTS" DATED APRIL 14, 2008.
 5. FOR INFORMATION ON THE RESTORATION STRUCTURES SHOWN HEREON, REFER TO PLAN ENTITLED "PROPOSED RESTORATION IMPROVEMENTS, 419 & 419 GREAT ROAD, ACTON, MASSACHUSETTS" PREPARED BY NORFOLK RAM GROUP, LLC AND DATED MAY 11, 2010. THE ORDER OF CONSTRUCTION SHOWN JUNE 8, 2010 (DWP FILE NO. 88-10000), AND THE PLAN ENTITLED "AS-BUILT RECONSTRUCTION SITE PLAN" PREPARED BY NORFOLK RAM GROUP, LLC AND DATED MAY 2, 2010.

GRAPHIC SCALE
1" = 10'

NO.	DATE	REVISION

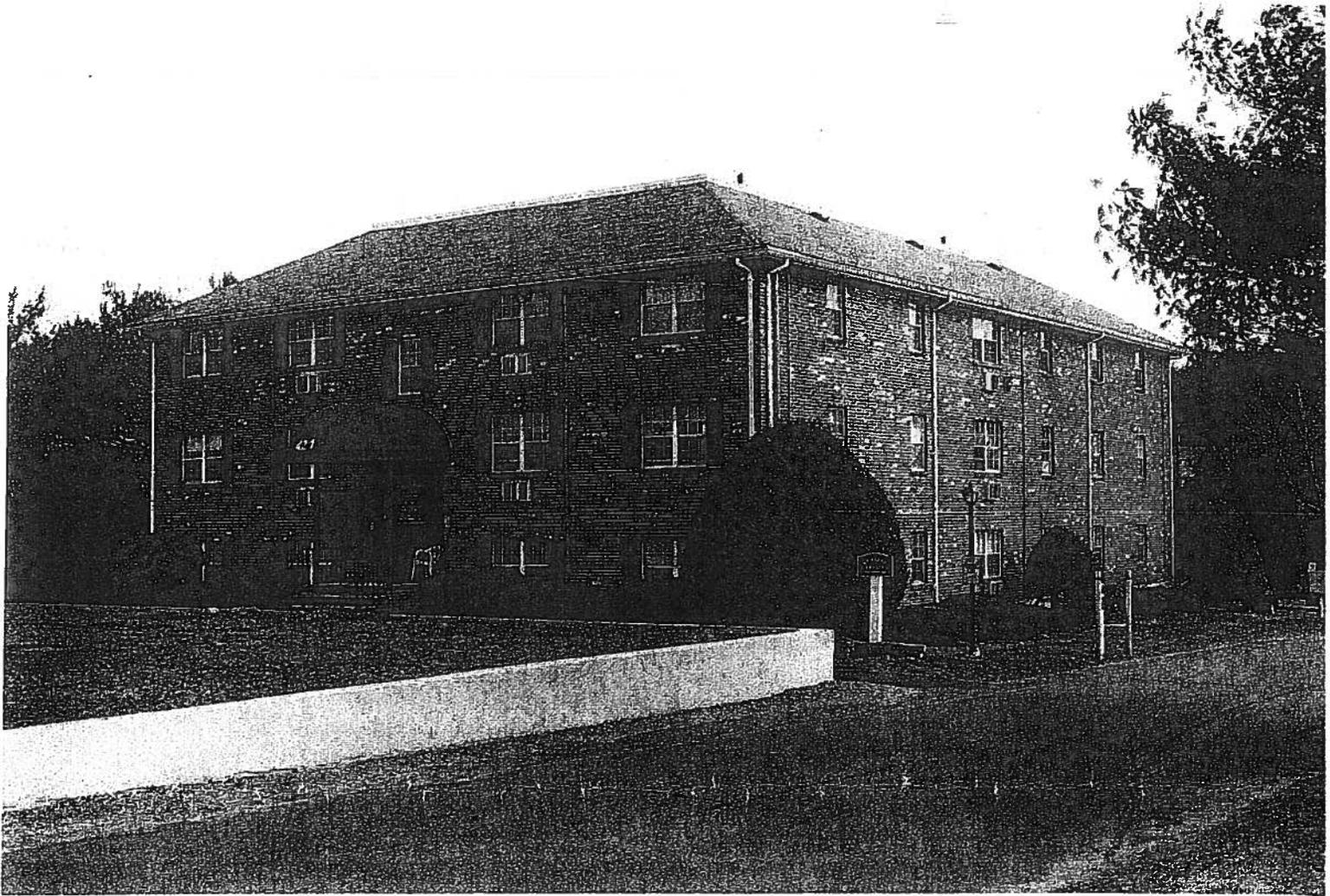
Prepared by: J.M.L.
 Drawn by: J.M.L.
 Checked by: J.M.L.
 Approved by: J.M.L.

DATE: 5/11/2010

PREPARED FOR: TOWN OF ACTON
 419 GREAT ROAD
 ACTON, MASSACHUSETTS

NORFOLK RAM
 ENGINEERS ARCHITECTS
 101 WELLS AVENUE
 ACTON, MASSACHUSETTS 01501

INSET
 1 OF 1
 PLOL 10011





The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board

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

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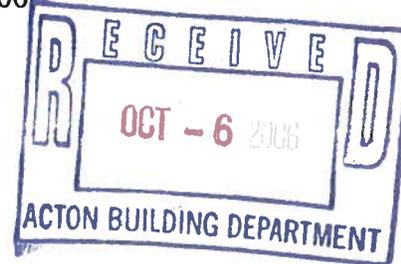
Fax 617-727-0665

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Thomas P. Hopk Director
www.mass.gov/a

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1250 Hancock Street, Suite 815N
Quincy, MA 02169

October 5, 2006



RE: Spring Hill Common, Acton

Dear Mr. Caliri:

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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;
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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,

Handwritten signature of Thomas P. Hopkins

Thomas P. Hopkins
Executive Director
Architectural Access Board

CC: Independent Living Center
Local Building Department
Local Disability Commission

Walker, Christopher (DPS)

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:

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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**.*

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*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:

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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.

