

The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board

One Ashburton Place, Room 1310

Boston, Massachusetts 02108-1618

Phone 617-727-0660

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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 13 261

FROM: ARCHITECTURAL ACCESS BOARD

RE: Bellows Farm Condo Club House
111 Davis Road
Acton

Date: 9/26/2013

Enclosed please find the following material regarding the above location:

___ Application for Variance

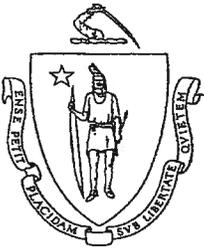
Decision of the Board w/conditions

___ 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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NOTICE OF ACTION

RE: Bellows Farm Condo Club House, 111 Davis Road

1. A request for a variance was filed with the Board by Stephen Pappas (Applicant) on September 11, 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 for cross slope of 5-1/2 % for a section of the pool deck which measures approximately 7' x 39' feet.
26.6.1	Petitioner seeks relief for a portion of the level landing that is required in front of the club house door. A portion of the level landing fall within the slope area of the pool deck surface which measures 5-1/2% cross slope.

2. The application was heard by the Board as an incoming case on Monday, September 23, 2013

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

GRANT: the variances to Sections 22.3.1 and 26.6.1 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 an additional gate is provided as described in an email to the Board dated September 21, 2013

Photographs of the new pool deck and pool sockets with the access equipment installed, along with a photograph of the new gate must be submitted to the Board for its file upon completion of the project.

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: September 26, 2013

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White J.H.
Chairperson
ARCHITECTURAL ACCESS BOARD



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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.

Hopkins, Thomas (DPS)

From: Danielfactor@aol.com
Sent: Saturday, September 21, 2013 4:27 PM
To: Hopkins, Thomas (DPS)
Cc: cod@acton-ma.gov; stevebernice@verizon.net; lesliej961@verizon.net; mbarbadoro@acton-ma.gov; nmandino@thedartmouthgroup.com; mjberry@cse-ma.com; spappas@stoneedgedesign.com
Subject: 111 Davis Road, Acton

Dear Mr. Hopkins,

Below are our advisory comments in regard to the Application for Variance for 111 Davis Road, Acton.

All five members of the COD conducted a site visit. Building Inspector Mark Barbadoro was also present at the visit. It was noted that if the variance was granted, it would be difficult for an individual with mobility challenges to travel from the clubhouse to the pool patio or vice versa using the clubhouse door furthest from the pool gate due to the patio grade near the door, which Mark Barbadoro measured as high as 5.6%. Individuals with mobility challenges who wanted to travel from the pool patio to the clubhouse or vice versa would then be relegated to use the clubhouse door closest to the gate where there is no existing direct access to the pool patio. Currently, to travel from the pool patio to the clubhouse door closet to the gate, or vice versa, one has to exit the pool premises entirely. This creates an equal access issue, since a person without a mobility based disability has direct access from the pool patio to the clubhouse through the door furthest from the gate. This equal access issue could be remedied by creating a gate a short distance away from the existing one as is explained below.

As a result, the COD voted unanimously to advise that the variance should be allowed, but only on the condition that the applicant create a gate to allow individuals with mobility challenges to travel directly from the clubhouse to the pool patio. Said gate--built 1) facing toward the clubhouse and 2) as close to the 'clubhouse door closest to the existing gate' as possible-- would allow individuals with mobility challenges to directly travel from the pool patio to the clubhouse without leaving the premises.

Sincerely,

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

