

**Acton Commission on Disability
Minutes
May 1, 2010**

Members Present: Lisa Franklin, Joy Kohout, and Brenda Viola. Guest: Nancy Lynch.

Meeting was called to order at 1:02 pm.

Acton Family Dental Care Variance for Ramp: The COD was contacted by Thomas Hopkins of The AAB after having received our Request For Adjudicatory Hearing. He wanted clarification of this request appealing the AAB's decision of impracticability on the ramp variance filed by Fan Gao and Yuan Yao of Acton Family Dental Care.

As done in a previous meeting, we reviewed the variance and discussed our resolve to appeal the AAB's decision.

In review, the important factors for the appeal are:

- Ramp was finished despite warnings from the building inspector that it would not be in compliance.
- The sections sited will be dangerous during inclement weather, especially snow and ice
- Warping of ramp will increase in time upon settling
- Poor quality construction for less money based on impracticability at the expense of PWD
- Compromising on slope, cross slope, length of landing is not advocating for PWD
- Existing pavement meets a noncompliant cross slope of ramp
- Other options for placement of a ramp were suggested and should have been considered
- Never consulted landscapers or architects highly experienced and technically versed in rules and regulations
- Compliant by the Building Inspector did not receive an onsite inspection by the AAB
- The COD did not have ample time to respond to the variance
- A variance was filed after construction of the noncompliant ramp
- We feel that the owners did not follow proper procedures upon construction of ramp
- Ramp is not setting a good example of accessibility in Acton for other businesses
- There is another case in Acton where the ramp was built and found noncompliant upon completion of construction.

Brenda will send an email to Thomas.Hopkins@state.ma.us to confirm Hearing June 7th at 10:30am.

Email to be written as follows:

In response to your phone call concerning our request for an informal Adjudicatory Hearing, we are confirming the request to way in on the decision made by the AAB based on the applicant's having built a noncompliant ramp with repeated warnings by the Building Inspector of it's noncompliance upon completion. We are requesting further evaluation of the sections sited in our request due to their magnitude of noncompliance. This request is also important to bestow on the applicant that new construction of the ramp must follow the AAB rules and regulations from the onset of construction as directed by the Building Inspector. The solution for a noncompliant ramp should never be a request for a variance upon construction completion when the applicant can offer a resulting case of infeasibility.

Meeting was adjourned at 2:10 pm

Respectfully submitted,
Brenda Viola, Secretary