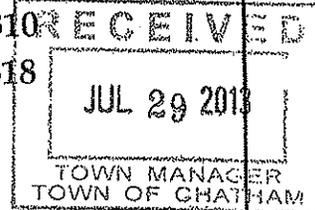




The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board

Mr. Thomas Hopkins, Chairman
 One Ashburton Place, Room 1310
 Boston Massachusetts 02108-1618
 Phone: 617-727-0660
 Fax: 617-727-0665
 www.mass.gov/dps



Docket Number

(Office Use Only)

APPLICATION FOR VARIANCE

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

PLEASE ENCLOSE:

- 1) A filing fee of \$50.00 (Check/Money Order) made payable to the "Commonwealth of Massachusetts" and all supporting documentation (e.g. plans in 11" x 17" format, photographs, etc.). In addition, the complete package (including plans, photographs and the completed "Service Notice") must be submitted to all parties via compact disc.
 - 2) If you are a tenant seeking variance(s), a letter from the owner of the building authorizing you to apply on his or her behalf is required.
 - 3) The completed "Service Notice" form provided at the end of this application certifying that a copy of your *complete application* has been received by the Local Building Inspector, Local Disability Commission (if applicable), and Local Independent Living Center for the city/town that the property in question resides in. A list of the local entities can be found by calling the Architectural Access Board Office or the Local City/Town Clerk. For a list of the Local Independent Living Centers you can either call the Architectural Access Board Office or visit the Massachusetts Statewide Independent Living Council website at <http://www.masilc.org/membership/cils>.
1. State the name and address of the owner of the building/facility:

Facility Owner
 Jill Goldsmith, Town Manager
 Town of Chatham
 Chatham Town Office

549 Main Street
Attn: Ted Keon
Email: tkeon@chatham-ma.gov
Telephone: 508-945-5176

Project Management and Oversight
Frank DePaola., Highway Administrator
Massachusetts Department of Transportation
Ten Park Plaza, Boston, MA 02116
Attn: Joseph Pavao
Email: joseph.pavao.jr@state.ma.us
Telephone: 857-368-9287

2. State the name and address of the building/facility:
Bridge Street bridge (Bridge Number C-07-001) over the Mitchell River in the Town of Chatham, MA. The bridge is located on Bridge Street, between Stage Harbor Road and the intersection of Main Street and Morris Island Road.
3. Describe the facility (i.e. number of floors, type of functions, use, etc.):
Bridge Street is classified as an urban collector and is not part of the National Highway System. The area itself is considered residential to the east of the bridge and recreational/business to the west of the bridge. The overall length of the bridge is 192 feet and a moveable span of 23 feet. The road and bridge will consist of eleven foot travel lanes, two (2) foot shoulders and five (5) foot sidewalks in both directions.
4. Total square footage of the building: **Not Applicable** Per floor: _____
a. total square footage of tenant space (if applicable): _____
5. Check the work performed or to be performed:
 New Construction Addition
 Reconstruction/Remodeling/Alteration Change of Use
6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary): **See Attachment**
7. State each section of the Architectural Access Board's Regulations for which a variance is being requested:
7a. Check appropriate regulations:
 1996 Regulations 2002 Regulations 2006 Regulations
- | SECTION NUMBER | LOCATION OR DESCRIPTION |
|----------------|-------------------------|
| 20 | Walkways |
| 22 | Accessible Route |

8. Is the building historically significant? yes no. If no, go to number 9.
8a. If yes, check one of the following and indicate date of listing:

- _____ National Historic Landmark
- _____ Listed individually on the National Register of Historic Places
- _____ Located in registered historic district
- _____ Listed in the State Register of Historic Places
- X Eligible for listing

8b. If you checked any of the above **and** your variance request is based upon the historical significance of the building, you *must* provide a letter of determination from the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

9. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

See Attachment

10. Has a building permit been applied for? **Not Applicable**
 Has a building permit been issued? _____
 10a. If a building permit has been issued, what date was it issued? _____
 10b. If work has been completed, state the date the building permit was issued for said work: _____
11. State the estimated cost of construction as stated on the above building permit:

 11a. If a building permit has not been issued, state the anticipated construction cost:

12. Have any other building permits been issued within the past 36 months? _____
 12a. If yes, state the dates that permits were issued and the estimated cost of construction for each permit: _____
13. Has a certificate of occupancy been issued for the facility? _____
 If yes, state the date: _____
14. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? _____ yes _____ no
15. State the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located: _____
 Is the assessment at 100%? _____
 If not, what is the town's current assessment ratio? _____

16. State the phase of design or construction of the facility as of the date of this application:
75% Highway Design and Final Bridge Plans

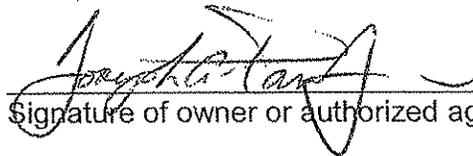
17. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

URS Corporation
260 Franklin Street, Suite 300
Boston, MA 02110
Attn: Mark Shamon
Email: mark.shamon@urs.com
Telephone: 617-542-4244

18. State the name and address of the building inspector responsible for overseeing this project:

Not Applicable

Date: 7/19/13



Signature of owner or authorized agent

On Behalf of
PLEASE PRINT:

Joseph A. Pavao, Jr., P.E., Project Manager
Name

Massachusetts Department of Transportation
Highway Division

Ten Park Plaza
Address

<u>Boston</u>	<u>MA</u>	<u>02110</u>
City/Town	State	Zip Code

joseph.pavao.jr@state.ma.us
E-mail

857-368-9287
Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, Mark Shamon of URS Corporation on behalf of the Massachusetts Department of Transportation submit a variance application filed with the Massachusetts Architectural Access Board on July 15, 2013.

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>		<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1	Town of Chatham Committee for the Disabled Chatham Town Office 549 Main Street Chatham, MA 02633	Certified Mail (Receipt Requested)	
	Attn: Ted Keon, 508-945-5176 Fax: 508-945-5163, tkeon@chatham-ma.gov		
2	Town of Chatham Building Inspections Div. Department of Community Development 261 George Ryder Road Chatham, MA 02633	Certified Mail (Receipt Requested)	
	Attn: Justin Post, 508-945-5160 Fax: 508-945-5163 jpost@chatham-ma.gov		
3			

AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.

Mark E. Shamon
Signature: Appellant or Petitioner

On the 15th Day of July 2013
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Mark E. Shamon
(Type or Print the Name of the Appellant)

Maria A. Merandi
NOTARY PUBLIC



MARIA A. MERANDI
Notary Public
Commonwealth of Massachusetts
My Commission Expires October 24, 2019

MY COMMISSION EXPIRES

Item 6

The Project consists of the replacement of MassDOT Bridge No. C-07-001 carrying Bridge Street over Mitchell River in the Town of Chatham, Massachusetts. The existing bridge has been rated "structurally deficient" primarily due to the poor condition of the substructure. A Life Cycle Cost Study determined that the only viable bridge alternative is to construct a new bridge on the same alignment. The Keeper of the National Register of Historic Places has found that the existing bridge is eligible for registration.

Bridge Street is classified as an urban collector and is not part of the National Highway System. In addition to its primary mobility purpose, area residents and visitors access the bridge for fishing and passive recreation. The overall structure length is 192 feet including a bascule lift span that will provide a 25 ft. clear opening width. The bridge approach work will extend approximately 160 feet west of the west bridge abutment and approximately 150 feet east of the east bridge abutment. The new bridge will provide eleven (11) foot travel lanes, two (2) foot shoulders, and a five (5) foot sidewalk on each side of the bridge. The existing sidewalks have an inconsistent width ranging from 3-5 feet, and are impassable in some locations due to the presence of drawspan machinery. The drawspan machinery for the replacement bridge will be located below the bridge.

Surrounding Areas

The setting around the bridge includes a residential district immediately to the east and a commercial/industrial district immediately to the west.

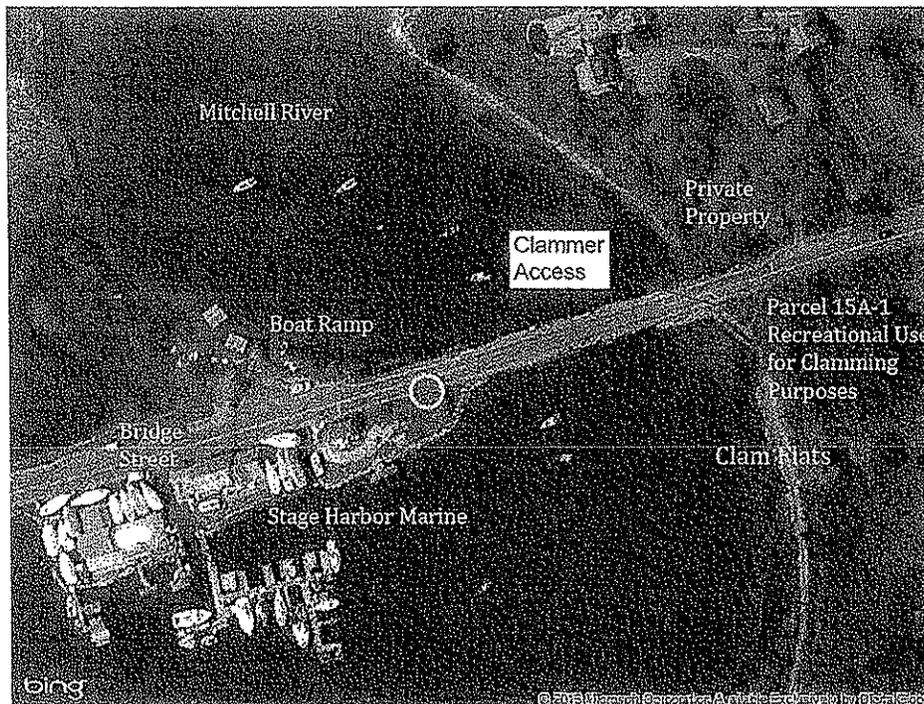


Figure 1 – Bridge Setting

Southeast Quadrant

The parcel adjacent to the bridge in the southeast quadrant (Parcel 15A-1) is owned by the Town of Chatham for recreational use, and is subject to protection under Section 4(f) of the *Department of*

Transportation Act of 1966, et seq. This densely vegetated parcel of 4,252 square feet includes a steep, narrow cleared area informally created by clambers to reach the flats along the shore below. As shown in Figure 2, today clambers step from the roadway over a section of guardrail to reach the crest of the cleared area.



Figure 2a. Parcel 15A-1 Cleared Area View from Bridge Street



Figure 2b. Parcel 15A-1 Cleared Area View from Mitchell River

Other Quadrants

Northeast

The northeast quadrant abuts a private, residential parcel. Currently there is no public access provided in this quadrant. Upon completion of the project, a 3' clear zone will be provided beyond the riprap for State/Town personnel to inspect and maintain the bridge.

Northwest

The northwest quadrant also consists of a privately owned property. The Town of Chatham has held a lease over a portion of this property for many years to allow residents and visitors direct access to the shore. This quadrant includes a paved, boar ramp for launching small commercial and recreational vessels.

Southwest

Stage Harbor Marine, a commercial operation, lies in the southwest quadrant across from the boat ramp. A separate private commercial parcel lies to the east of the yacht club adjacent to the bridge abutment.

Current Design Impacts (Southeast Quadrant)

The current design of the project will result in Parcel 15A-1 being altered by minor widening of the bridge approach to accommodate the new 5 foot sidewalk transitions. A new permanent easement will be taken for construction and bridge maintenance purposes. MassDOT proposes to construct a riprap revetment adjacent to the wingwalls to prevent undermining associated with scour. The riprap will be placed on a 1:1 slope to minimize construction encroachment into this 4(f) land.

MassDOT proposes leave a permanent 3-foot access pathway that will allow State/Town personnel and the general public to gain access from Bridge Street to the shoreline along the southeast

quadrant. The access pathway will be located at the base of the riprap shore protection, and will descend steeply from Bridge Street to shore on a slope similar to the current slope. The access pathway will be treated by loaming and seeding and in addition to providing access for maintenance and inspection, will be accessible to the public for the purposes of clamming See Figures 3-5.

As the public use is currently and proposed to be for the purpose of clamming, MassDOT is requesting a variance as described in Item 9.

Item 9

MassDOT and the Town of Chatham are requesting a variance from the Sections listed below to omit creation of an accessible path or trail within Parcel 15A-1:

Section 20 - Walkways

Section 22 - Accessible Route

The accessibility guidelines define a trail as "A route that is designed, designated, or constructed for recreational pedestrian use or provided as an alternative to vehicular routes within a transportation system." The existing narrow cleared area is not a formal hiking trail although they may give the appearance of a hiking trail from the years of foot traffic. Attempting to create an accessible trail at this location would cause substantial harm to the environmentally sensitive natural features in the area that consists primarily of salt marsh, tidal flats, and wooded shoreline uplands.

The proposed bridge is over ten (10) feet higher than the mud flats. Compliance with the accessibility guidelines would result in significant increased impacts to the Section 4(f) property, including substantial earthwork/regrading and the removal of most of the vegetation within Parcel 15A-1. In addition, construction of a switchback ramp (Figures 6 and 7) would require retaining walls to accommodate the difference between the ramp elevation and the existing ground. A switchback would also create a need for additional right-of-way, both within Parcel 15A-1 and within the adjacent private parcel to the east of Parcel 15A-1. In addition, as was mentioned in the general description, this recreational use is limited only for clamming at the shoreline. No other recreational use has been defined or observed for this area. Lastly, the construction of a structural switchback ramp would add considerable cost to the project as well as delay the start of construction (resulting from the need to revise approved ACOE, DEP, FHWA/NEPA, CZM, Section 7, USCG...).

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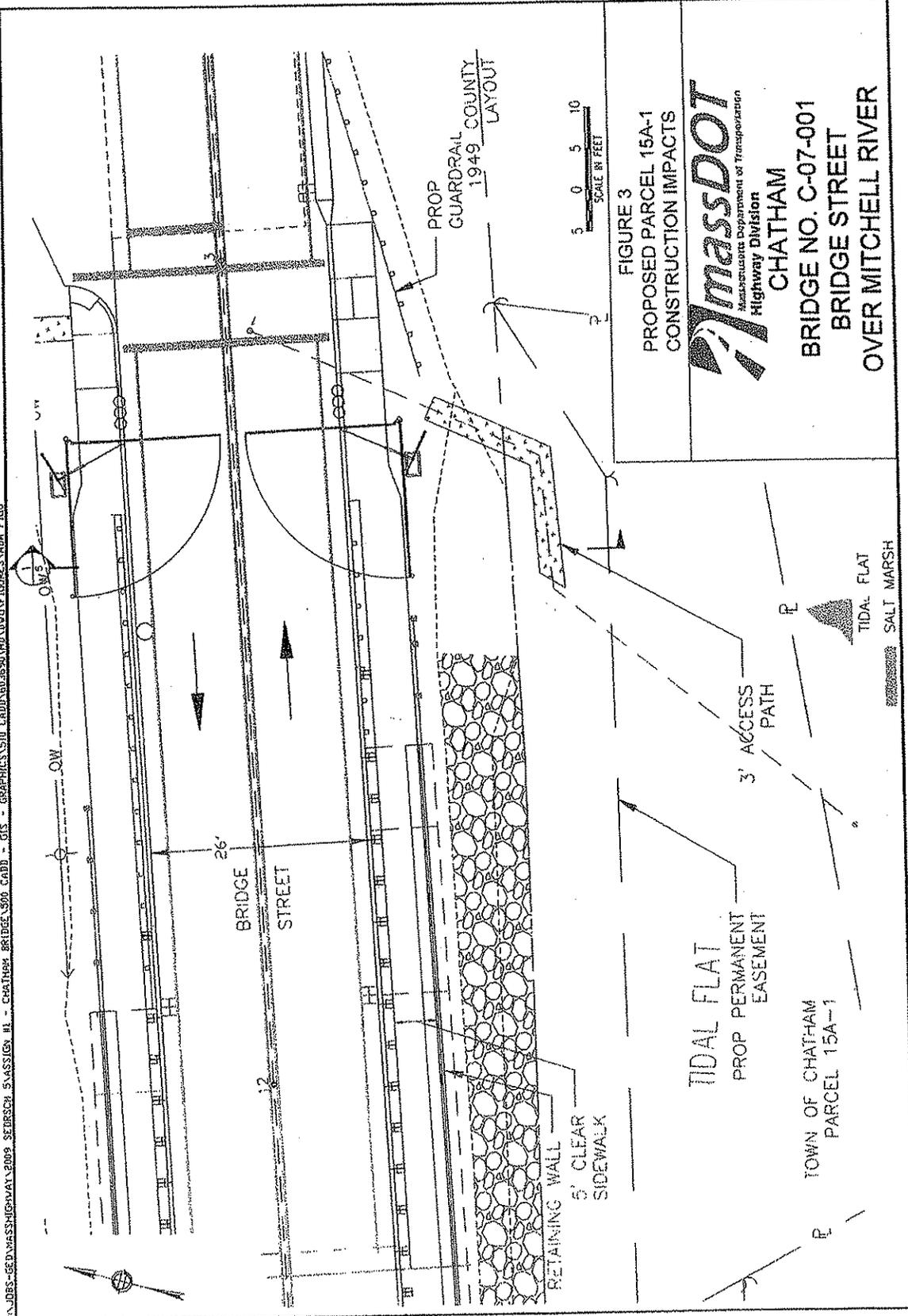
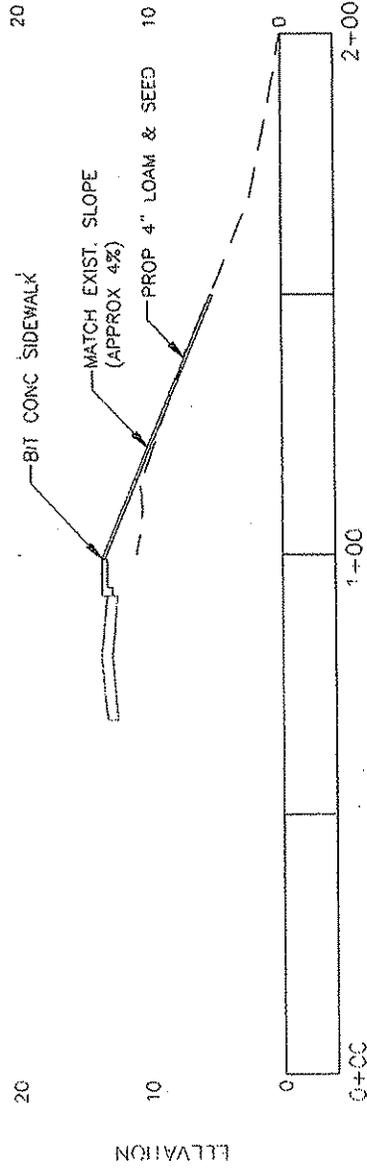


FIGURE 3
PROPOSED PARCEL 15A-1
CONSTRUCTION IMPACTS

MassDOT
 Massachusetts Department of Transportation
 Highway Division
CHATHAM
BRIDGE NO. C-07-001
BRIDGE STREET
OVER MITCHELL RIVER



PROPOSED ACCESS PATH PROFILE



FIGURE 4
PROPOSED ACCESS PATH
PROFILE - PARCEL 15A-1

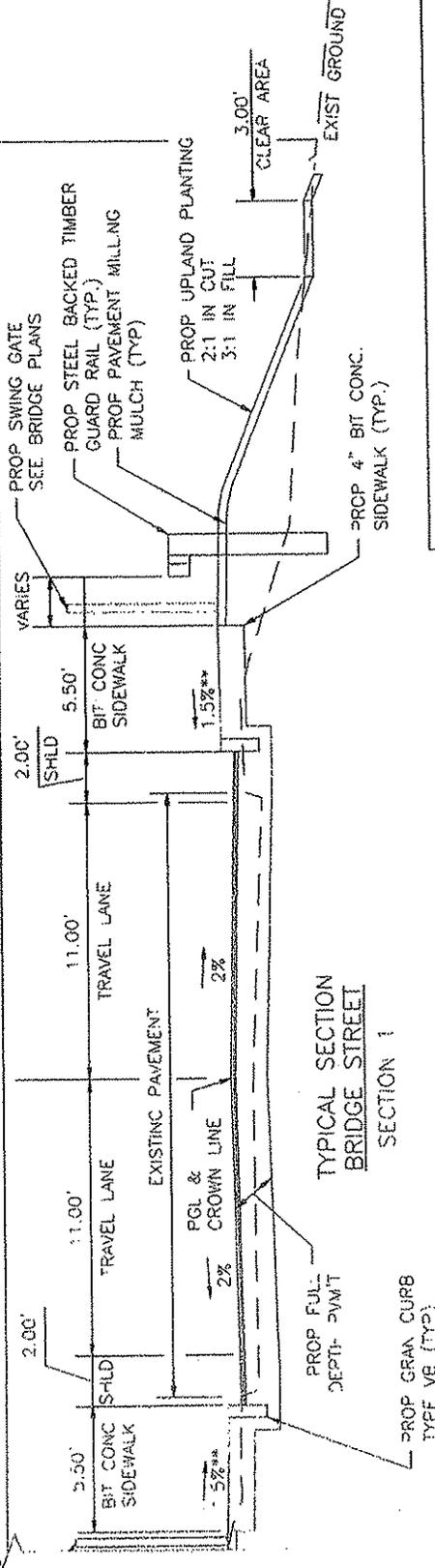


CHATHAM
BRIDGE NO. C-07-001
BRIDGE STREET
OVER MITCHELL RIVER

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EXISTING LAYOUT (VARIES 63.50' - 63.6')

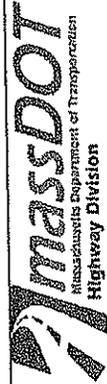


TYPICAL SECTION
 BRIDGE STREET
 SECTION 1

NOTE:
 REFER TO FIGURE 3 FOR SECTION
 LOCATION

NTS

FIGURE 5
 PROPOSED MAINTENANCE CROSS SECTION
 SECTION



CHATHAM
 BRIDGE NO. C-07-001
 BRIDGE STREET
 OVER MITCHELL RIVER

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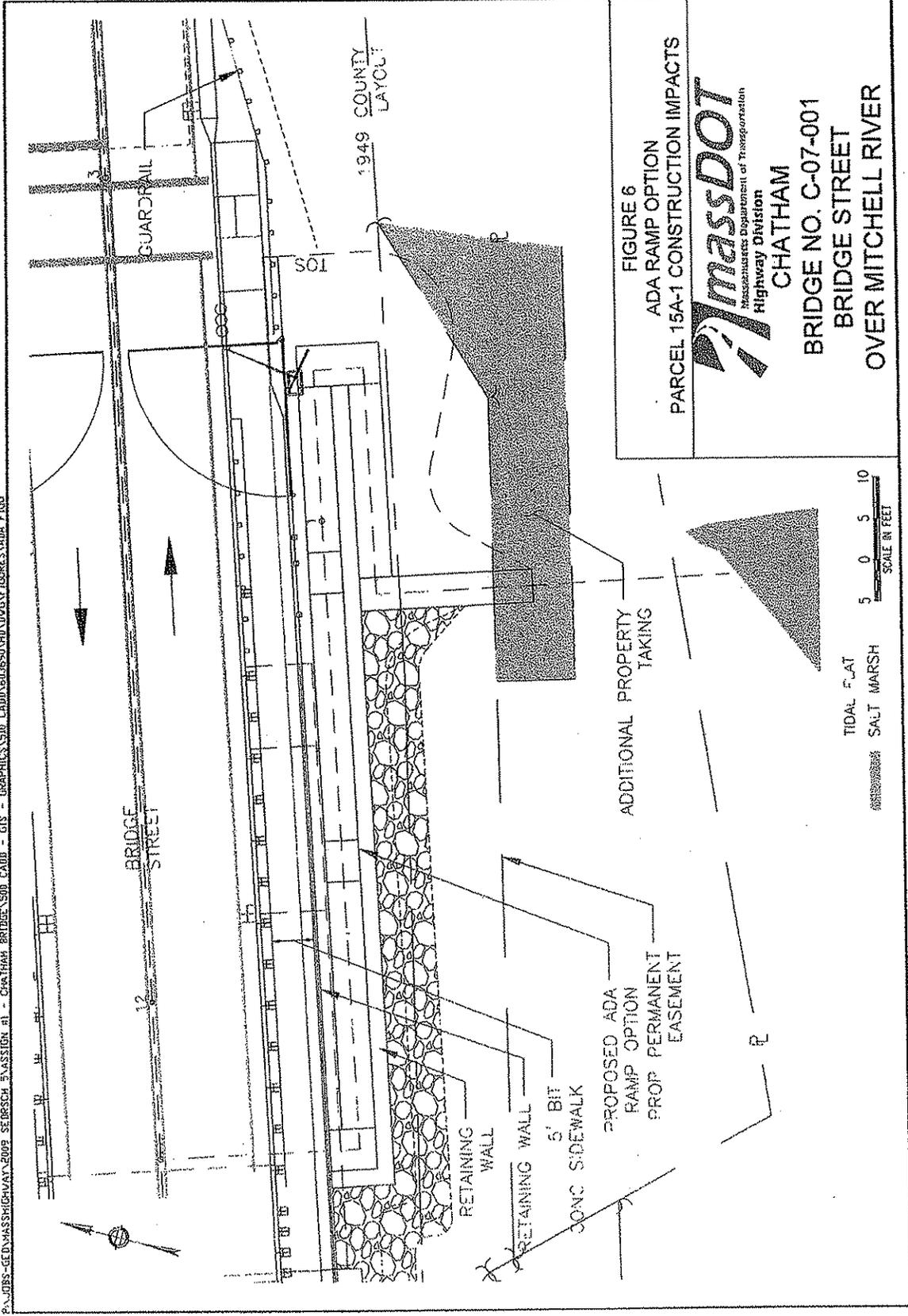
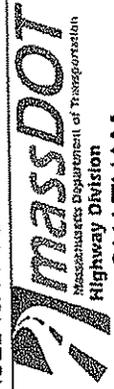


FIGURE 6
ADA RAMP OPTION
PARCEL 15A-1 CONSTRUCTION IMPACTS



CHATHAM
BRIDGE NO. C-07-001
BRIDGE STREET
OVER MITCHELL RIVER

PROJECT: SEENWASHTERWAY, 2009, SEASIDE, DIVISION #1 - CHATHAM BRIDGE OVER CADD - GIS - GRAPHICS.SUB_CADD_60350AND1.DWG, FIGURES.ADA FIG 7

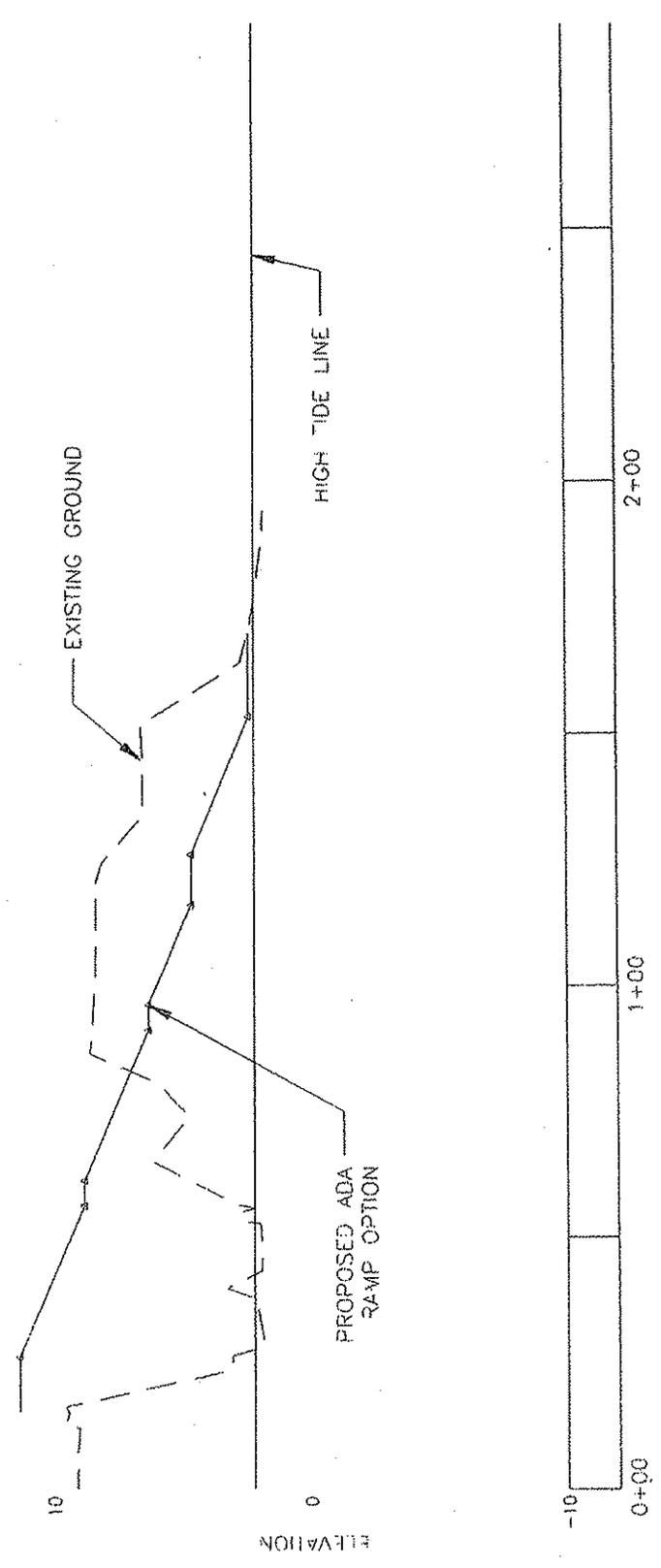


FIGURE 7
ADA RAMP OPTION
PROFILE - PARCEL 15A-1

MassDOT
Massachusetts Department of Transportation
Highway Division
CHATHAM
BRIDGE NO. C-07-001
BRIDGE STREET
OVER MITCHELL RIVER

