RE: Cape Cod Pilgrim Monument, One High Pole Road, Provincetown

An application for variance was filed with the Board by Patrick B. Guthrie, RA (Applicant) on March 7, 2012. The applicant has requested variances from the following sections of the 2006 Rules and Regulations of the Board:

Section: Description:
29.2.3 (28.1) Petitioner seeks relief from having to provide vertical access to the top of the monument.
29.2.3 Petitioner seeks a time variance to provide a ramp at the North steps to overcome changes in level at the base of the monument as shown in the two drawings submitted. In addition, 3 photographs were submitted showing the location for the future ramp installation.

On October 11, 2012, Patrick Guthrie, Project Architect, from Menders, Torrey & Spencer Inc. presented the requested material outlined in the Boards "Notice of Action" dated April 2, 2012. The materials included the financial commitment for $12,000 annually to be set aside for the accessibility work needed at the base of the monument, a DVD virtual tour of the monument, a "screen capture" of the view from the camera atop the monument. In addition, a new plan for the access work that differs from the original presentation.

On June 7, 2017, the Board received communication from the New Executive Director, K. David Weidner, Ph.D. A new time frame to complete the 521 CMR work previously required to comply by May 15, 2017 is proposed. The proposal will be reviewed on June 19, 2017.

2. The submittal was reviewed by the Board on Monday, June 19, 2017.
3. After reviewing all materials submitted to the Board, the Board voted as follows:
   GRANT: the variance requests to Section 29.2.3 and 28.1 as proposed in the application 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:
   1. The work to implement the plans submitted on October 11, 2012, identified as plan numbered C1.2.1 and dated 8/24/12 be implemented no later than May 15, 2015.
   2. In addition, the Board voted to accept the design change as shown in plan C1.2.1
   3. The Board voted to accept the camera option atop the monument and requires that it be maintained for use by persons with disabilities in perpetuity. (granted on October 15, 2012)

The Board voted to ACCEPT the new time lines for compliance as outlined in the written material submitted by K. David Weidner. (attached) No further extensions will be considered given the fact that it has been approximately 5 years since this case was first opened. Status reports with photographic evidence that work is underway must be submitted starting November 1, 2017, January 2018, and April of 2018.

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.

cc: Local Building Inspector, Local Disability Commission, Independent Living Center

Chairperson, Architectural Access Board
Date: October 23, 2012