

**Town of Upton  
Self-Evaluation and Transition Plan  
August 2021**

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**Prepared by:**

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188 Lower Westfield Road, Holyoke, MA 01040

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**Disclaimer:** This Self-Evaluation and Transition Plan is a “planning” document which is intended to identify areas of non compliance under the Federal Americans with Disabilities Act as it pertains to the provision of services, programs, and activities. In doing so, this Plan provides an evaluation of policies and procedures and provides recommendations and sample documents for compliance. This Plan also includes a facilities assessment to identify non-conforming building and site conditions including a description and applicable regulatory standards for compliance. This is not an engineering or architectural assessment nor does it provide engineering or design solutions. Construction solutions need to be designed by a qualified engineering or architectural professional in order to ensure compliance under the MAAB 521 CMR requirements and the 2010 ADA Standards for Accessible Design.

# **TOWN OF UPTON – SELF-EVALUATION AND TRANSITION PLAN**

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## I. INTRODUCTION

The Center for Living & Working, Inc. in partnership with James M. Mazik, AICP – Consulting Services has prepared this Self-evaluation and Transition Plan (“Accessibility Plan” hereafter) on behalf of the Town of Upton to determine its level of compliance under the Americans with Disability Act (ADA) of 1991, as amended in 2008 and 2010.

The ADA is a civil rights law. Under the ADA, civil rights are guaranteed to individuals who experience discrimination because they; 1) have a physical or mental impairment that substantially limits a major life activity, 2) have a record of such an impairment, and 3) are regarded as having such an impairment. The ADA provides civil rights protections to those with disabilities in a manner similar to that provided to individuals on the basis of race, color, sex, natural origin, age, and religion. The law is intended to ensure that those with a disability cannot be excluded from participating in, or denied the benefits of programs, services and activities offered by state and local governments because of that disability.

Under Title II of the ADA, as amended, requires local municipalities to conduct a Self-Evaluation of programs and services as well as an evaluation of all facilities to document physical barriers to access as part of the requirements for developing a Transition Plan.

In Massachusetts, public buildings and facilities must adhere to Section 521 of the Code of Massachusetts Regulations, “*521 CMR: Architectural Access Board*”, a specialized section of the State Building Code as governed by the Massachusetts Architectural Access Board (M.G.L. c.22, S13A).

This ADA Self-evaluation and Transition Plan (“Accessibility Plan” hereafter) includes model policies and procedures for adoption by the town as well as barrier removal solutions for the Town’s public buildings and facilities. The assessment of physical barriers and subsequent recommendations are based on the current 2010 ADA Standards for Accessible Design (2010 ADA Standards) and MA State Building Code 521 C.M.R., the higher standard to prevail. Although there are exceptions and variations (described below), this Accessibility Plan and its recommendations are based on compliance with the current Federal and State standards and the measures required to do so.

## II. AMERICANS WITH DISABILITIES ACT

### **Background**

On July 26, 1990 President George H. W. Bush signed the Americans with Disabilities Act, a federal civil rights law that prohibits the exclusion of people with disabilities from the right of equal opportunity. Much of the ADA legislation was built upon legislation that had already been in place for a number of years including the Civil Rights act of 1964 and the Rehabilitation Act of 1973 which regulates employment practices in the federal government and by federal contractors, establishes architectural and transportation accessibility standards and guarantees equal access to entities that receive federal funds.

The ADA is a civil rights law. Under the ADA, civil rights are guaranteed to individuals who experience discrimination because they; 1) have a physical or mental impairment that substantially limits a major life activity, 2) have a record of such an impairment, and 3) are regarded as having such an impairment. Interpretation of the law and its enforcement was intended to be carried out on a case-by-case basis through the nation's legal system. Specific complaints of individuals may be filed with a number of different federal agencies including the Equal Employment Opportunity Commission (Title I), the United States Department of Justice (Titles II and III), the United States Department of Transportation (Titles II and III), and the Federal Communications Commission (Title IV).

The ADA is divided into five titles or sections. These are:

Title I: Employment

Title II: State and Local Government and Public Transportation

Title III: Public Accommodations and Services Operated by Private Entities

Title IV: Telecommunications

Title V: Miscellaneous Provisions

The Town of Upton is bound specifically by Titles I and II.

There is a basic process for complying with the Americans with Disabilities Act:

- Learning about the requirements of the ADA and how it applies to a facility or program;
- Conducting a survey to identify barriers;
- Establishing a list of potential modifications for barrier removal, including changes to policies, facilities and cost estimates;
- Removing existing barriers.

The ADA prohibits discrimination on the basis of disability in all services, programs, and activities provided by small local governments (i.e. towns). Thus, people with disabilities must have an equal opportunity to participate in and benefit from a town's services, programs and activities. To accomplish this, the ADA sets requirements for town facilities, new construction and alterations, communication with the public and policies and procedures governing town programs, services, and activities.

All towns must perform a self-evaluation of its policies, practices, programs, procedures, services, etc. (including communication) to determine compliance under the ADA. Towns must make reasonable modifications to these policies, programs, services, etc. to avoid discrimination against individuals with

disabilities unless such modification would result in a fundamental alteration in the nature of that program or service.

Although the ADA only requires local governments with 50 or more employees to take additional, specific measures, it is strongly encouraged that even smaller towns with less than 50 employees follow the same process to ensure overall compliance with the ADA. These additional measures include 1) the designation of an individual to coordinate ADA compliance, 2) the development of a transition plan, and 3) the development of an ADA grievance procedure.

The 2008 Amendments to the ADA broadened the definition of "disability", thereby extending the ADA's protections to a greater number of people. The 2008 Amendments provided examples which limit "major life activities" including, but not limited to, "caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working" as well as the operation of several specified major bodily functions. The Amendments also stated that when determining whether one qualifies as disabled, one cannot take into account the mitigating effects of assistive devices, auxiliary aids, accommodations, medical therapies, and supplies. In order to be protected under the ADA, an individual with a disability must also be qualified to perform the essential functions of a job with or without a reasonable accommodation. In 2010, the Department of Justice has revised regulations for Titles II and III of the ADA of 1990. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design. On March 15, 2012, compliance with the 2010 Standards was required for new construction and alterations under Titles II and III. March 15, 2012, is also the compliance date for using the 2010 Standards for program accessibility and barrier removal. The 1991 ADA Standards for Accessible Design could be used for new construction and alterations under Titles II and III until March 14, 2012.

## **Title I**

### *Equal Employment Opportunity*

The ADA guarantees equal employment opportunities to people with disabilities who are qualified for a job. The ADA specifically prohibits discrimination in all activities relating to employment. This includes hiring, termination, compensation, recruitment, tenure, job training, advancement and promotion, layoff, fringe benefits, and any other employment-related benefits or activities. Employers, including municipal governments, should carefully review their employment policies and procedures to eliminate discriminatory practices. In many cases, discrimination is unintentional, due to a lack of knowledge and awareness of the employer. The ADA covers all aspects of "employment" including the application and interview process, hiring, promotion, termination, compensation and benefits, and training.

### *Reasonable Accommodations*

Qualified applicants for employment are entitled to "reasonable accommodation" during the hiring process and as part of his/her employment. The term reasonable accommodation can mean many different things depending on the circumstance and what is "reasonable" under that circumstance. It may mean modifying an existing facility so that a person with a disability can perform his/her job (i.e. replace a door handle with a lever, lower a counter top, etc.), changing the way things are customarily done (office policy, work hours, etc.) or restructuring a job. It is the responsibility of the employer to provide a reasonable accommodation unless it would impose an "undue hardship" on the employer or detract from the essential functions of a position. Once the proposed accommodation becomes too difficult or expensive, it can be deemed as no longer reasonable and therefore, not required. *Caution:* What is unreasonable for an employer of six persons, may be deemed reasonable for an employer of

twenty-five persons. Legal counsel should always be consulted when a reasonable accommodation is being considered to ensure compliance with law.

## **Title II**

### *Program Accessibility*

Title II is divided into two parts. Subtitle A covers all programs, services, and activities of state and local government. Subtitle B contains requirements for public transportation systems such as regional transit authorities. If the town provides senior or other local bus or van transportation services, then compliance with applicable provisions of Title II for wheelchair users or individuals with ambulatory limitations may be required. The following applies to Subtitle A of Title II.

The ADA guarantees people with disabilities equal opportunity to participate in programs, services, and activities of state and local government. Such participation must be viewed in its entirety with the service or activity and must be equal and effective as that offered to those without a disability. Accessibility standards must be followed for new construction as well as accommodations. These standards are based on the ADA Accessibility Guidelines (ADAAG) as developed by the U.S. Access Board provide guidance to the ADA Standards for Accessible Design as enforced by the U.S. Department of Justice (DOJ), U.S. Department of Transportation (DOT), and the federal courts and apply nationwide.

The ADAAG involves a distinction between public or common use area and employee work areas. Public/common use areas must be fully accessible. Employee work areas may be addressed through Title I and "reasonable accommodations" made when the need arises. A higher level of expectation is anticipated for governmental entities than that of the private sector. Regardless of receipt of federal aid, all local governments and their boards, departments, commissions and districts are subject to the provisions of the ADA. Access to services is a critical aspect and basic premise of the ADA. Governmental sponsored programs, services and activities must be available to all, regardless of disability. If structural changes to buildings are required, a transition plan is also usually required. New construction and/or additions to local governmental buildings must be fully compliant and accessible to those with disabilities. Alterations to space used by the public as well as employee work areas must also be ADA compliant unless it is "technically infeasible" to do so (i.e. involves structural, physical, or site constraints). If technically infeasible, the alteration must comply "to the maximum extent feasible". Existing buildings require that the services or programs offered in that facility are readily accessible.

When programs, services, or activities are located in facilities that existed prior to January 26, 1992, the effective date of Title II of the ADA, towns must make sure that they are also available to persons with disabilities. If however, it requires that these programs, services, or activities be substantially altered to provide access or results in undue financial or administrative burden, then reasonable alternatives or accommodations may be allowed. When a service, program, or activity is located in a building that is not accessible, Title II of the ADA allows a "small" local government to achieve program accessibility in several ways. This can include:

- relocating the program, service, or activity to an accessible facility; or
- providing the program, service, or activity in another manner that meets ADA requirements; or
- undertaking modifications to the building or facility itself to provide accessibility.

Thus, to achieve program accessibility, a small town need not make every existing facility accessible. It can relocate some programs to accessible facilities and modify other facilities, avoiding expensive physical modifications of all town facilities.

### *Effective Communication*

Local governments must ensure effective communication with individuals with disabilities. Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, municipal governments must provide appropriate auxiliary aids.

The type of auxiliary aid or service necessary to ensure effective communication will vary according to the type of communication involved and the needs of the individual. "Auxiliary aids" include such services or devices as sign language interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), videotext displays, readers, taped texts, Brailled materials, computer disks, audio recordings, and large print materials. In addition, telephone emergency services, including 911 services, must provide direct access to individuals with speech or hearing impairments.

Municipal governments are not required to provide auxiliary aids or take any actions that would result in a fundamental alteration in the nature of a service, program, or activity or that will result in undue financial and administrative burdens. However, alternative auxiliary aids that do not result in a fundamental alteration or undue burden must be provided. For example, it is not necessary to provide sign language interpreters for all interactions with persons who are deaf or hard of hearing. Daily interaction may suffice through written notes or similar exchanges. However, public meetings, interrogations by local police officers, or similar technical interactions will most likely require interpreters or assistive listening systems. It is required that alternative auxiliary aids be available that do not result in financial or administrative burdens yet meet the needs of the disabled individual.

### **Title III**

Title III of the Americans with Disabilities Act requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. It is intended that all individuals have the opportunity to benefit from businesses and services of a place of public accommodation. The regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable. Public accommodations that must meet the barrier removal requirement include a broad range of establishments (both for- and non-profit) such as inns, hotels, motels, restaurants, bars, theaters, concert halls, stadiums, museums, auditoriums, retail stores, grocery stores, bakeries, laundromats, banks, barber and beauty shops, gas stations, professional offices, medical offices, private schools, health spas, bowling alleys and other places that serve the public. Private entities that own, lease, lease out, or operate places of public accommodation in existing buildings are responsible for complying with the barrier removal requirement. Private clubs and religious organizations, including places of worship, are exempt from the ADA public accommodation requirements.

### **Title IV**

Title IV requires common carriers engaged in interstate communications by wire or radio to provide telecommunications relay services for both hearing- and speech-impaired individuals. Regulations developed to implement this provision require that these services operate 24 hours a day. It is the intention to give those persons with hearing and speech impairments the opportunity to communicate with any other individual. This is to be achieved in a manner such that the users are not paying greater rates than those for equivalent services used by persons without hearing or speech impairments. In addition, any televised public service announcements provided or funded in whole or in part by any federal agency or instrument of the federal government must include closed captioning of the verbal content of such announcement.

## **Title V**

Title V consists of various miscellaneous provisions of the ADA including a requirement for the development of technical assistance manuals by the appropriate regulatory federal agency, a report on the ADA and wilderness areas, a description of the responsibility of the United States Congress, religious organizations, and enforcement and dispute resolution.

### **Definition of Commonly Used Terms**

*Disability* - a physical or mental impairment that substantially limits a major life activity, such as walking, seeing, hearing, learning, breathing, caring for oneself, or working. To be protected under the ADA, a person must have, have a record of, or be regarded as having a record of, a substantial impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working. Individuals who have successfully completed or are currently enrolled in a drug or alcohol rehabilitation program are also considered to be disabled. The ADA protects three classes of people with disabilities:

- those who have a disability, and
- those who have a record of having a disability, and
- those who are regarded as having a disability, whether or not they actually have one.

*Qualified Individual with a Disability* - an employee or job applicant who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks. The person must also be able to perform the "essential" (as opposed to marginal or incidental) functions of the position either with or without reasonable accommodation. Job requirements that screen out or tend to screen out people with disabilities are legitimate only if they are job-related and consistent with business necessity.

*Reasonable Accommodation* - any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodations may include: acquiring or modifying equipment or devices, job restructuring, modifying work hours, making the workplace structurally accessible to individuals with disabilities, reassigning an employee with a disability to an equivalent position as soon as one becomes vacant, providing qualified readers for the blind or interpreters for the deaf, and/or appropriately adjusting or modifying examinations, training materials, or policies.

*Essential Functions* – the basic job duties that an employee must perform, with or without reasonable accommodation.

*Readily Achievable* - the removal of physical barriers which are easily accomplishable without much difficulty or expense. The "readily achievable" requirement is based on the size and resources available. For example, a larger business with more resources is expected to take a more active role in removing barriers than smaller businesses. The ADA also recognizes that economic conditions vary. When a business has resources to remove barriers, it is expected to do so; but when profits are down, barrier removal may be reduced or delayed. Barrier removal is an ongoing obligation, thus physical barriers must be removed as resources become available in the future.

*Undue Hardship* - an action or accommodation that requires significant difficulty or expense for an entity. Criteria for making such a determination include the nature and cost of the accommodation, the financial resources of the employer, or the impact of such accommodations on the financial resources of the employer.

*Programmatic Access* –Programmatic access requires that a public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

### **Program Accessibility**

Under Title II of the ADA, the town of Upton must ensure that when “viewed in entirety”; all programs, services, and activities that are offered must be equally available to persons with disabilities. The Town is not necessarily required to remove architectural barriers from a building or site, but rather, must make sure that its programs are accessible. Non-structural methods to achieve program accessibility include:

- relocating a program or service to an accessible location in the existing building or facility, or
- relocation of a program or service to a different building or facility, or
- providing short-term or intermediate modifications to ensure program access until a permanent or structural solution is achieved (Example – creating an accessible meeting space on the first floor of a building such that staff providing services on a second or third floor can meet with persons in the accessible first floor space).

### III. OTHER FEDERAL ACCESSIBILITY REGULATIONS

#### Architectural Barriers Act (ABA) - 1968

The Architectural Barriers Act requires access to facilities designed, built or altered with Federal funds or leased by Federal agencies. The law covers a wide range of facilities, including post offices, social security offices, prisons, and national parks. It also applies to non-government facilities that have received Federal funding, such as certain schools, public housing, and mass transit systems. Passed in 1968, the ABA is the first measure by Congress to ensure access to the built environment. Facilities that predate the law generally are not covered, but alterations or leases undertaken after the law took effect can trigger coverage. Building construction changes made under this law, must meet the Uniform Federal Accessibility Standards (UFAS). Special provisions are included in the UFAS for historic buildings that would be threatened or destroyed by meeting full accessibility requirements

#### The Rehabilitation Act – 1973

The Rehabilitation Act requires recipients of federal financial assistance to make their programs and activities accessible to everyone. Recipients are allowed to make their properties accessible by altering buildings, by moving programs and activities to accessible spaces, or by making other accommodations. It also protects the rights of Federal employees with disabilities. The law also requires electronic and information technology procured by Federal agencies to be accessible according to certain established standards.

Section 504 of the Rehabilitation Act and ADA. Both the ADA and Section 504 ensure that people with disabilities are not discriminated because of their disability.

The ADA was modeled after Section 504 and adds to the strength of Section 504 by extending it to private institutions, workplaces and other institutions that were not originally covered under Section 504.

Section 504 only applies to entities that receive financial assistance. The ADA applies to entities which receive funds from federal, state, or privately owned establishments and businesses. In effect, the ADA extends a legal mandate of Section 504 beyond the recipients of the funds from the federal government.

According to Section 504, a person with disability is one who has (1) a physical or mental impairment that substantially limits major life functions (2) a history of impairment (3) or if s/he is regarded as having an impairment. However, ADA also covers HIV and contagious and non-contagious diseases.

Both the ADA and section 504 are civil rights statutes. The Office for Civil Rights of the United States Department of Education is responsible for enforcing Section 504. The United States Department of Justice enforces the Americans with Disabilities Act.

Unlike Section 504, the ADA does not have any direct responsibility for providing free and appropriate public education. The ADA does not come up with any specific evaluation or placement procedures, whereas Section 504 requires a notice and consent for an evaluation process.

Section 508 of the Rehabilitation Act and ADA. Section 508 of the Rehabilitation Act, as amended by the Workforce Investment Act of 1998, requires federal agencies to develop, procure, maintain and use information and communications technology (ICT) that is accessible to people with disabilities - regardless of whether or not they work for the federal government. The US Access Board established the Section 508 standards that implement the law and provides the requirements for accessibility.

Section 508 requires federal agencies to make their ICT such as technology, online training and websites accessible for everyone. This means that federal employees with disabilities are able to do their work on the accessible computers, phones and equipment in their offices, take online training or access the agency's internal website to locate needed information. Section 508 also means that a person with a disability applying for a job with the federal government or a person who is using an agency's website to get information about a program, or completing an online form has access to the same accessible information and resources available to anyone.

Information and Communications Technology (ICT) is any equipment or system that is used to create, convert, duplicate or access information and data. Examples of ICT include, but are not limited to:

Telephones, smart phones and mobile devices

- Televisions, DVD players and videotaped productions
- Internet and Intranet websites
- PDF documents
- Content on DVDs and CDs
- Online training
- Webinars and teleconferencing
- Technical support call centers
- Remote access websites and tools
- Tablet, laptop and desktop computers
- Software and operating systems
- User guides for software and tools
- Copiers, printers and fax machines

#### **Voting Accessibility for the Elderly and Handicapped Act - 1984**

The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections. Where no accessible location is available to serve as a polling place, a political subdivision must provide an alternate means of casting a ballot on the day of the election. This law also requires states to make registration and voting aids available for disabled and elderly voters, including information by telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs).

#### **Air Carrier Access Act - 1986**

The Air Carrier Access Act of 1986 prohibits discriminatory treatment of people with disabilities in air travel. The law applies to both domestic and foreign air centers. Regulations issued by the Department of Transportation under this Act cover a range of issues, including boarding assistance and access features in newly built aircraft.

### **Fair Housing Act - 1988**

The Fair Housing Act, as amended in 1988, prohibits discrimination in housing on the basis of disability, as well as race, color, gender, and religion. It covers housing in the public and private sectors and bans discrimination in any aspect of selling or renting housing. Under the law, new multifamily housing must be able to be adapted for accessibility according to established guidelines. The law also requires reasonable exceptions to housing policies and operations so that people with disabilities are afforded equal housing opportunities.

### **Individuals with Disabilities Education Act - 1990**

The Individuals with Disabilities Education Act (IDEA) is a law that ensures students with a disability to be provided with Free Appropriate Public Education (FAPE) that is tailored to their individual needs. IDEA was previously known as the Education for all Handicapped Children Act (EHA) from 1975 to 1990. In 1990 Congress reauthorized EHA and changed the title to IDEA. Overall, the goal of IDEA is to provide children with disabilities the same opportunity for education as those students who do not have a disability.

IDEA is composed of four parts, the main two being part A and part B. Part A covers the general provisions of the law; Part B covers assistance for education of all children with disabilities; Part C covers infants and toddlers with disabilities, including children from birth to age three; and Part D consists of the national support programs administered at the federal level. Each part of the law has remained largely the same since the original enactment in 1975.

In practice, IDEA is composed of six main elements that illuminate its main points. These six elements are: Individualized Education Program (IEP); Free and Appropriate Public Education (FAPE); Least Restrictive Environment (LRE); Appropriate Evaluation; Parent and Teacher Participation; and Procedural Safeguards. To go along with those six main elements, there are also a few other important components that tie into IDEA: Confidentiality of Information, Transition Services, and Discipline. Throughout the years of IDEA's being reauthorized, these components have become key concepts when learning about IDEA.

Congress reauthorized the IDEA in 2004 and most recently amended the IDEA through the Every Student Succeeds Act, in December 2015. In this Act, Congress states: *“Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities”*.

### **Telecommunications Act - 1996**

The Telecommunications Act of 1996 requires telecommunications products and services to be accessible according to guidelines developed by the Access Board. It covers a broad range of products, including telephones, cellular phones, pagers, and fax machines. The Federal Communications Commission (FCC) enforces requirements of the law.

### **Help America Vote Act – 2002**

Each polling place must have at least one accessible voting machine by January 1, 2006 under the Help Vote America Act. The act (Public Law 107-252), which was signed by President Bush on October 29, 2002 also requires each piece of voting equipment bought with federal money on or after January 1, 2007 to be accessible.

### **ADA and The Rehabilitation Act Enforcement and Compliance**

Private parties may file lawsuits to enforce their rights under Title II of the ADA. The remedies available are the same as under Section 504 of the Rehabilitation Act. There are eight administrative agencies designated to handle complaints filed under Title II. These are:

Department of Agriculture  
Department of Education  
Department of Health and Human Services  
Department of Housing and Urban Development  
Department of Interior  
Department of Justice  
Department of Labor  
Department of Transportation

Individuals may file a complaint with the appropriate administrative agency or with any federal agency that provides financial assistance to the program in question. Complaints may also be filed with the Department of Justice who will refer the complaint to the appropriate agency.

#### **The address for the Department of Justice is:**

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Complaints should be in writing, signed by the complainant or an authorized representative, and should contain the complainant's name, address, and describe the public entities discriminatory action.

The Massachusetts Office on Disability has also taken a more active role in recent years in enforcing both MA 521 CMR and the Americans with Disabilities Act. Complaints may also be filed with the Office on Disability who will investigate and determine the appropriate action.

#### **The address and contact information for the Office on Disability is:**

Massachusetts Office on Disability  
One Ashburton Place-Room 1305  
Boston, MA 02108  
Telephone No.: 617.727.7440  
Fax No.: 617.727.0965

#### **For technical assistance, the following can be contacted:**

Institute of Human Centered Design at <https://www.humancentereddesign.org>  
New England ADA Center at <https://www.newenglandada.org>  
Center for Living & Working, Inc. at <https://www.centerlw.org>

#### **IV. 521 CODE OF MASSACHUSETTS REGULATIONS ARCHITECTURAL ACCESS BOARD (MGL C. 22, S. 13a)**

Section 521 of the Code of Massachusetts Regulations, "521 CMR: Architectural Access Board" is a specialized section of the State Building Code which provides the actual construction standards and specifications which must be adhered to for work performed on "public" buildings (see definition of public building in 521 CMR) in the Commonwealth of Massachusetts. The purpose of 521 CMR is to make public buildings and facilities accessible to, functional for, and safe for use by persons with disabilities. It is the intent of 521 CMR to provide persons with disabilities full, free and safe use of all buildings and facilities so that all such persons may have the educational, living and recreational opportunities necessary to be as self-sufficient as possible and to assume full responsibilities as citizens.

The Massachusetts Architectural Access Board (MAAB) is a regulatory agency whose mandate, as established under M.G.L. c.22 S13A, is to develop and enforce regulations pertaining to public access. The MAAB also decides on variance requests, issues advisory opinions, and makes decisions on complaints. Local building inspectors are responsible for enforcement of the provisions of 521 CMR.

##### **Jurisdiction of 521 CMR**

All additions to, reconstruction, remodeling, and alterations or repairs of existing public buildings, which require a building permit or which are so defined by a state or local inspector, shall be governed by those applicable sections of 521 CMR.

If the work being performed amounts to less than 30% of the full and fair cash value of the building and

- a) the work costs less than \$100,000, then only the work being performed is required to comply with 521 CMR; or
- b) the work costs \$100,000 or more, then the work being performed is required to comply and an accessible entrance, toilet, telephone and drinking fountain (if toilets, telephones and drinking fountains are provided) are also required.

If the work performed amounts to 30% or more of the full and fair cash value of the building, the entire building is required to comply with 521 CMR. Where the cost of constructing an addition to a building amounts to 30% or more of the full and fair cash value of the existing building, both the addition and the existing building must be fully accessible.

A historic building or facility that is listed or is eligible for listing in the National or State Register of Historic Places or is designated as historic under appropriate state or local bylaws may be granted a variance by the MAAB to allow alternate accessibility.

The MAAB Regulations also address various circumstances involving change in use, work performed over a period of time, multiple uses of one building, outdoor facilities, temporary structures, security structures and non-occupiable spaces. For more information on these areas, the administrative process (variances, complaints, hearings) as well as specific architectural requirements, reference to 521 CMR should be made.

## **V. ALTERATIONS TO HISTORIC PROPERTIES**

### **ADA 2010 Standards**

There are exceptions for alterations to qualified historic buildings and facilities for accessible routes (206.2.1 Exception 1 and 206.2.3 Exception 7); entrances (206.4 Exception 2); and toilet facilities (213.2 Exception 2). When an entity believes that compliance with the requirements for any of these elements would threaten or destroy the historic significance of the building or facility, the entity should consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the requirements for a specific element would threaten or destroy the historic significance of the building or facility, use of the exception is permitted.

Public entities have an additional obligation to achieve program accessibility under the Department of Justice ADA regulations (See 28 CFR 35.150). These regulations require public entities that operate historic preservation programs to give priority to methods that provide physical access to individuals with disabilities. If alterations to a qualified historic building or facility to achieve program accessibility would threaten or destroy the historic significance of the building or facility, fundamentally alter the program, or result in undue financial or administrative burdens, the Department of Justice ADA regulations allow alternative methods to be used to achieve program accessibility. In the case of historic preservation programs, such as an historic house museum, alternative methods include using audio-visual materials to depict portions of the house that cannot otherwise be made accessible. In the case of other qualified historic properties, such as an historic government office building, alternative methods include relocating programs and services to accessible locations. The Department of Justice ADA regulations also allow public entities to use alternative methods when altering qualified historic buildings or facilities in the rare situations where the State Historic Preservation Officer determines that it is not feasible to provide physical access using the exceptions permitted in Section 202.5 without threatening or destroying the historic significance of the building or facility. See 28 CFR 35.151(d).

### **Massachusetts 521 CMR**

A historic building or facility that is listed or is eligible for listing in the National or State Register of Historic Places or is designated as historic under appropriate state or local laws may be granted a variance by the Architectural Access Board to allow alternate accessibility. If a variance is requested on the basis of historical significance, then consultation with the Massachusetts Historical Commission is required in order to determine whether a building or facility is eligible for listing or listed in the National or State Register of Historic Places. The Massachusetts Historical Commission may request a copy of the proposed variance request and supporting documentation to substantiate the variance request and its effect on historic resources. A written statement from the Massachusetts Historical Commission is required with the application for a variance.

## VI. ELECTRIC VEHICLE (EV) CHARGING STATIONS

Although neither 521 CMR nor the 2010 ADA Standards specifically address EV charging stations, the Massachusetts Architectural Access Board (AAB) has issued an advisory opinion on this matter and the U.S. Department of Energy (DOE) has issued guidance on complying with ADA requirements as it pertains to EV charging station installation. *Please note that AAB and Federal guidance pertaining to clear widths and reach range vary according to the respective regulation or standard. The stricter of the two would apply.*

### Massachusetts Architectural Access Board

The AAB's advisory opinion was in response to the number of "accessible" EV chargers required at public places of assembly as specified in 521 CMR 14.1. The AAB noted that although EV charging stations do not have to be reserved for persons with disabilities, stations should comply with 521 CMR 6.00 (Space Allowance and Reach Range), 521 CMR 20.00 (Accessible Route), and 521 CMR 39.00 (Controls). The AAB also noted that strict enforcement of its regulations with respect to EV charging stations may result in excessive and unreasonable costs without substantial benefit to persons with disabilities. Therefore, variance requests would not only be considered, but in fact, encouraged. However, the AAB noted that in considering such requests, reduced compliance would be more in terms of requiring only 5%, but not less than one (1) EV charging station to be accessible. The AAB further noted that all variance requests would be viewed upon on a case-by-case basis.

### U.S. Department of Energy

In formally issued guidance, the DOE notes that although the ADA does not provide design standards for EV charging stations, several industry studies and EV planning guides do. In addition, several plans developed under the DOE's Clean Cities EV Community Readiness projects describe best practices for installing ADA compliant charging stations. When designing EV charging stations, accessibility considerations should include ease of use, adequate space for exiting and entering the vehicle, unobstructed access to the charging station, free movement around the charging station and connection point to the vehicle, as well as clear paths and close proximity to any building entrances. Specific guidance and recommendations are as follows:

Parking Stall	Minimum 10 feet (car) to 13 feet (van) wide
Accessible Route Width	Minimum 3 feet' wide on both sides of the vehicle space that connects To the charging station (4 feet under 521 CMR) as well as in front of the charging station (2.5 feet x 4 feet under 521 CMR)
Slopes	No more than 2% in all directions
Reach Range	No more than 4 feet above ground level
Controls	Operable with one hand and not requiring grasping, pinching, or twisting of the wrist and no more than 5 lbs. of operating force
Other Considerations	Provide bollards or curb stops to prevent vehicle obstruction of the accessible clear space in front of the charging station

## **VII. EMERGENCY PREPAREDNESS**

Ensuring that local government emergency preparedness and response programs are accessible to people with disabilities is a critical component and requirement of the Americans with Disabilities Act.

The municipality's designated staff or department responsible for emergency planning or response activities, should involve people with disabilities in identifying needs and evaluating effective emergency management practices. Issues that have the greatest impact on people with disabilities include:

- notification
- evacuation
- emergency transportation
- sheltering
- access to medications, refrigeration, and back-up power
- access to their mobility devices or service animals while in transit or at shelters; and,
- access to information.

### Notification

In planning for emergency services, the municipality should consider the needs of people who use mobility aids such as wheelchairs, scooters, walkers, canes or crutches, or people who have limited stamina. Plans also need to include people who use oxygen or respirators, people who are blind or who have low vision, people who are deaf or hard of hearing, people who have a cognitive disability, people with mental illness, and those with other types of disabilities. Many traditional emergency notification methods are not accessible to or usable by people with disabilities. People who are deaf or hard of hearing cannot hear radio, television, sirens, or other audible alerts. Those who are blind or who have low vision may not be aware of visual cues, such as flashing lights. Warning methods should be developed to ensure that all citizens will have the information necessary to make sound decisions and take appropriate, responsible action. Often, using a combination of methods will be more effective than relying on one method alone. For instance, combining visual and audible alerts will reach a greater audience than either method would by itself.

Provide ways to inform people who are deaf or hard of hearing of an impending disaster if the municipality uses emergency warning systems such as sirens or other audible alerts. When the electric power supply is affected, it may be necessary to use several forms of notification. These might include the use of telephone calls, auto-dialed TTY (teletypewriter) messages, text messaging, E-mails, and even direct door-to-door contact with pre-registered individuals. Also, the municipality should consider using open-captioning on local TV stations in addition to incorporating other innovative uses of technology into such procedures, as well as lower-tech options such as dispatching qualified sign language interpreters to assist in broadcasting emergency information provided to the media

### Evacuation

Individuals with disabilities will face a variety of challenges in evacuating, depending on the nature of the emergency. People with a mobility disability may need assistance leaving a building without a working elevator. Individuals who are blind or who have limited vision may no longer be able to independently use traditional orientation and navigation methods. An individual who is deaf may be trapped somewhere unable to communicate with anyone because the only communication device relies

on voice. Procedures should be in place to ensure that people with disabilities can evacuate the physical area in a variety of conditions and with or without assistance. The municipality should adopt policies to ensure that its community evacuation plans enable people with disabilities, including those who have mobility, vision, hearing, or cognitive disabilities, mental illness, or other disabilities, to safely self-evacuate or to be evacuated by others. Some communities are instituting voluntary, confidential registries of persons with disabilities who may need individualized evacuation assistance or notification. If this municipality opts to maintain such a registry, have procedures in place to ensure its voluntariness, guarantee confidentiality controls, and develop a process to update the registry. Also consider how best to publicize its availability. Whether or not a registry is used, the plan should address accessible transportation needs for people who use wheelchairs, scooters, or other mobility aids as well as people who are blind or who have low vision.

The municipality should also identify accessible modes of transportation that may be available to help evacuate people with disabilities during an emergency. For instance, some communities have used lift-equipped school or transit buses to evacuate people who use wheelchairs during floods. Both public and private transportation may be disrupted due to overcrowding, because of blocked streets and sidewalks, or because the system is not functioning at all. The movement of people during an evacuation is critical, but many people with disabilities cannot use traditional, inaccessible transportation.

#### Sheltering

The municipality should survey its shelters for barriers to access for persons with disabilities. For instance, if a particular high school gymnasium is being considered as part of a sheltering plan, early in the process the municipality should examine its parking, the path to the gymnasium, and the toilets serving the gymnasium to make sure they are accessible to people with disabilities. When disasters occur, people are often provided safe refuge in temporary shelters. Some may be located in schools, office buildings, tents, or other areas. Historically, great attention has been paid to ensuring that those shelters are well stocked with basic necessities such as food, water, and blankets. However, many of these shelters have not been accessible to people with disabilities. Individuals using a wheelchair or scooter have often been able somehow to get to the shelter, only to find no accessible entrance, accessible toilet, or accessible shelter area. Until all emergency shelters have accessible parking, exterior routes, entrances, interior routes to the shelter area, and toilet rooms serving the shelter area; the municipality should identify and widely publicize to the public, including persons with disabilities and the organizations that serve them, the locations of the most accessible emergency shelters.

Shelter staff and volunteers are often trained in first aid or other areas critical to the delivery of emergency services, but many have little, if any, familiarity with the needs of people with disabilities. In some instances, people with disabilities have been turned away from shelters because of volunteers' lack of confidence regarding the shelter's ability to meet their needs. Generally, people with disabilities may not be segregated or told to go to "special" shelters designated for their use. They should ordinarily be allowed to attend the same shelters as their neighbors and coworkers.

Consider inviting representatives of group homes and other people with disabilities to meet with the municipality as part of its routine shelter planning. Discuss with them which shelters they would be more likely to use in the event of an emergency and what, if any, disability-related concerns they may have while sheltering. Develop site-specific instructions for volunteers and staff to address these concerns.

#### Access to Medications, Refrigeration, and Back-up Power

Individuals whose disabilities require medications, such as certain types of insulin that require constant refrigeration, may find that many shelters do not provide refrigerators or ice-packed coolers. Individuals who use life support systems and other devices rely on electricity to function and stay alive and, in many cases, may not have access to a generator or other source of electricity within a shelter. Ensure that a reasonable number of emergency shelters have back-up generators and a way to keep medications refrigerated (such as a refrigerator or a cooler with ice). These shelters should be made available on a priority basis to people whose disabilities require access to electricity and refrigeration, for example, for using life-sustaining medical devices, providing power to motorized wheelchairs, and preserving certain medications, such as insulin, that require refrigeration. The public should be routinely notified about the location of these shelters. In addition, if the municipality chooses to maintain a confidential registry of individuals needing transportation assistance, this registry could also record those who would be in need of particular medications. This will facilitate planning priorities.

#### Access to Mobility Devices or Service Animals While in Transit or at Shelters

Many shelters have a “no pets” policy and some mistakenly apply this policy to exclude service animals such as guide dogs for people who are blind, hearing dogs for people who are deaf, or dogs that pull wheelchairs or retrieve dropped objects. When people with disabilities who use service animals are told that their animals cannot enter the shelter, they are forced to choose between safety and abandoning a highly trained animal that accompanies them everywhere and allows them to function independently. Adopt procedures to ensure that people with disabilities who use service animals are not separated from their service animals when sheltering during an emergency, even if pets are normally prohibited in shelters. While a municipality cannot unnecessarily segregate persons who use service animals from others, the municipality may consider the potential presence of persons who, for safety or health reasons, should not be with certain types of animals.

#### Access to Information

People who are deaf or hard of hearing may not have access to audible information routinely made available to people in the temporary shelters. Individuals who are blind or who have low vision will not be able to use printed notices, advisories, or other written information. Adopt procedures to provide accessible communication for people who are deaf or hard of hearing and for people with severe speech disabilities. Train staff on the basic procedures for providing accessible communication, including exchanging notes or posting written announcements to go with spoken announcements. Train staff to read printed information, upon request, to persons who are blind or who have low vision.

#### Leaving the Shelter and Returning Home

The needs of individuals with disabilities should be considered as well when they leave a shelter or are otherwise allowed to return to their home. If a ramp has been destroyed, an individual with a mobility impairment will be unable to get into and out of the house. In case temporary housing is needed past the stay at the shelter, the municipality’s emergency response plan could identify available physically accessible short-term housing, as well as housing with appropriate communication devices, such as TTY’s, to ensure individuals with communication disabilities can communicate with family, friends, and medical professionals. Identify temporary accessible housing (such as accessible hotel rooms within the community or in nearby communities) that could be used if people with disabilities cannot immediately return home after a disaster if, for instance, necessary accessible features such as ramps or electrical systems have been damaged.

## **VIII. ADA SERVICE ANIMALS**

Beginning on March 15, 2011, only dogs are recognized as service animals under Titles II and III of the ADA. A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability. Generally, Title II and Title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

### Definition of Service Animal

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability.

Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals either. Emotional support animals are different than service animals as they are trained to follow basic commands, but unlike service animals, are not trained for a specific task to assist a person with a disability. It does not matter if a person has a note from a doctor that states that the person has a disability and needs to have the animal for emotional support. A doctor's letter does not turn an animal into a service animal. People with emotional support animals might not have any physical disabilities or outward signs of why they need an emotional support animal. As emotional support animals are not covered by the ADA, they are not allowed in public places such as restaurants and stores.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act. Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the MA State Attorney General's Office.

### Where Service Animals Are Allowed

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is allowed to go. For example, in a hospital it usually would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

### Service Animals Must Be Under Control

A service animal must be under the control of its handler. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

### Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must generally allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care for or supervision of a service animal.

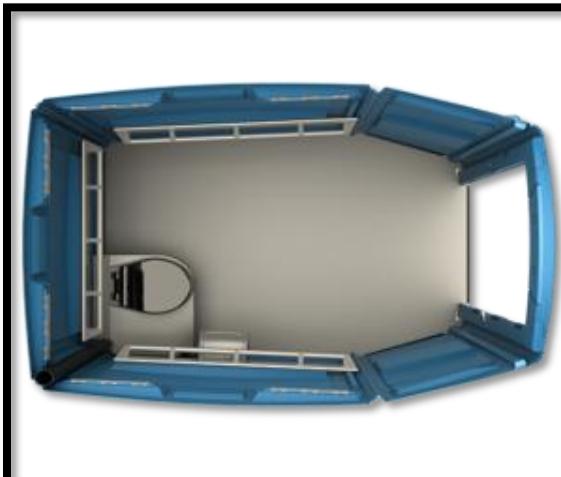
### Miniature Horses

In addition to the provisions about service dogs, the Federal Department of Justice's ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

## IX. ADA COMPLIANT PORTABLE TOILETS

If the town provides portable toilets for short-term events or for seasonal use, then they must be "ADA Compliant". An important distinction to note is that "ADA Compliant" is not synonymous with "Wheelchair Accessible." Wheelchair Accessible usually indicates a ramped or ground level entrance with a wide enough door for a wheelchair to gain entry. Clearances; setbacks; and dispenser, grab bar, and water closet heights do not necessarily meet ADA or 521 CMR Standards. "ADA Compliant", however, generally means reinforced construction; ramped or ground level and wheelchair accessible entrance; spring loaded magnetic door that closes automatically; reinforced grab bars; dispensers, grab bars, and the water closet at the proper height and near, far and front setbacks; compliant door hardware; and enough interior space for a wheelchair to make a 360 degree turn that all fully comply with the 2010 ADA Standards and/or 521 CMR, whichever is more stringent. Illustrative examples of an "ADA Compliant" portable toilet are shown below.

### Representative Examples of an ADA Compliant Portable Toilet



## X. ADA SELF-EVALUATION

All municipalities must perform a self-evaluation of its policies, practices, programs, procedures, services, etc. (including communication) to determine compliance under the ADA. Municipalities must make reasonable modifications to these policies, programs, services, etc. to avoid discrimination against individuals with disabilities unless such modification would result in a fundamental alteration in the nature of that program or service.

Although the ADA only requires local governments with 50 or more employees to take additional, specific measures, it is strongly encouraged that even smaller municipalities with less than 50 employees follow the same process to ensure overall compliance with the ADA. These additional measures include 1) the designation of an individual to coordinate ADA compliance, 2) the development of a transition plan, and 3) the development of an ADA grievance procedure.

All local governmental entities were required to complete a self-evaluation of their facilities, programs, policies, and practices by January 26, 1993. The self-evaluation identifies and corrects those policies and practices that are inconsistent with Title II's requirements. Self-evaluations should consider all of a municipality's programs, activities, and services, as well as the policies and practices that it has put in place to implement its various programs and services. Remedial measures necessary to bring the programs, policies, and services into compliance with Title II should be specified - including, but not limited to 1) relocation of programs to accessible facilities; 2) offering programs in an alternative accessible manner; 3) structural changes to provide program access; 4) policy modifications to ensure nondiscrimination; and 5) auxiliary aids needed to provide effective communication.

Under Title II of the ADA, a municipality is required to:

1. Designate a responsible employee as ADA Coordinator.
2. Adopt and distribute a Public Notice on the municipality's ADA policies and procedures.
3. Adopt, distribute and/or post an ADA Grievance Procedure.
4. Modify, maintain, and update policies, procedures, and practices, including job descriptions and hiring practices, as required.
5. Provide Reasonable Accommodations to qualified individuals with disabilities.
6. Maintain and upkeep accessible features.
7. Provide auxiliary aids and services to ensure effective communications to those with disabilities.

It is also recommended under the provisions of MGL C40 s8J that towns establish a 5 to 13 member Commission on Disability. This can be achieved through acceptance of *"the provisions of Massachusetts General Laws Chapter 40, Section 8J relative to the establishment of the municipal Commission on Disability"*.

A self-evaluation was conducted of those municipal departments that offer programs or provides services to the general public. A memo and accompanying survey form (**See Appendix A**) was sent to all departments, boards, commissions and individuals who were identified as either providing a service or program to area residents.

Information from each survey response, along with supplemental department information was used to develop the self-evaluation. Together with the structural assessment and policy recommendations, an accessibility compliance plan for the Town of Southborough is achieved.

### **Commission on Disability (MGL C40 s8J)**

Massachusetts General Law Chapter 40 Section 8J gives municipalities the authority to establish commissions.

The function of a disabilities commission is to:

- Advise and assist municipal officials in ensuring compliance with federal and state disability laws;
- Review policies and activities of municipal departments and boards as they affect persons with disabilities;
- Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability;
- Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.

Commissions consist of no less than five and no more than nine members chosen by the Board of Selectman or Town Manager (in a town) and the Mayor or City Manager (in a city). The majority must be persons with disabilities and one may be a member of the immediate family of a person with a disability. In addition, one member must be an elected or appointed municipal official.

**Upton Self-evaluation.** Commissions on Disability are established by vote of Town Meeting to promote the inclusion and integration of persons with disabilities in the activities, services and employment opportunities or in the community. MGL Chapter 40 Section 8J gives municipalities the authority to establish a Commission on Disability.

The Town of Upton has an active Commission on Disability established at Town Meeting under MGL Chapter 40 Section 8J according to the Massachusetts Office on Disability (MOD) June 15, 2021 listing of Active Commissions on Disability in Massachusetts.

The Commission on Disability has its own web page under Boards & Commissions on the Town of Upton's website. The following are listed as current members:

<u>Name</u>	<u>Title</u>
Robert Carnegie	Chair
Janice Nowicki	ADA Coordinator - Vice Chair
Michelle Antinarelli	Clerk
Paula Lepore	Member
Christine Scott	Member

According to the Massachusetts Office on Disability website, Janice Nowicki is listed as the Chair of the Upton Commission on Disability

The Commission Disability webpage contains the following ADA documents or language:

- Grievance Procedure
- Public Notice of Non-Discrimination
- Equal Employment Opportunity Statement
- Effective Communication Statement and instructions on requesting
- Modifications to Policies and Procedures Statement

These policies & procedures will be expanded upon further in the Self-Evaluation section of this ADA Self-evaluation and Transition Plan.

Recommendation

Notify the Massachusetts Office on Disability whenever the membership or chairmanship changes on the Upton Commission on Disability.

**ADA Coordinator (ADA Title II - 28 CFR Part 35.107 (a))**

The role of the ADA Coordinator is extensive and includes:

- ensuring overall compliance with the ADA
- notification and outreach
- addressing grievances as filed under the town's established grievance policy
- ensuring timely implementation of the town's transition plan
- on-going assessment of programs and services
- serving as a technical advisor and resource on accessibility matters.

In order for a municipality to successfully comply with the intent of the ADA, it is critical that its ADA Coordinator take a pro-active role in performing his or her role. It is not adequate for an ADA Coordinator to serve only as a decision-making authority under the town's ADA grievance procedure. The ADA Coordinator must monitor daily and long-term compliance with the town's ADA policies, procedures, and plans. This includes ADA compliance and assurance pertaining to postings, employment practices, education, dissemination of literature to the public and private businesses, daily activities and practices of town government, insuring that facilities are properly maintained, serving as a town-wide resource on accessibility matters and issues, and staying current on changes in state and federal law, regulations, programs, policies, interpretations, and decisions which affect persons with disabilities.

**Upton Self-evaluation.** Janice Nowicki; Director of the Upton Council on Aging is listed as the ADA Coordinator on the Town of Upton's Disabilities' Commission webpage. Janice Read Nowicki is also listed as the ADA Coordinator in the Town's ADA Grievance Procedure and as the Disability Affairs Grievance Coordinator in the 2020 Annual Report. The Massachusetts

Office on Disability also recognizes Ms. Nowicki on its website as the Upton's ADA Coordinator.

Recommendation

It is recommended that the appointment and listing of this position be posted in the town hall and other public buildings. In addition, the town should consider a separate tab under the Disabilities' Commission webpage providing contact information on the ADA Coordinator.

**Public Notice (ADA Title II - 35 CFR Part 35.106)**

Title II of the ADA requires that public entities notify participants of its non-discrimination policies. Similarly, there should also be notification of non-discrimination policies relative to persons with disabilities in brochures and other materials provided to the public and on a town's website. All Notices should also include the ADA Coordinator's name and contact information.

**Upton Self-evaluation.** A town must provide notice to the public about its ADA obligations and about accessible facilities and services in the town. The notice must inform the public about the ADA's nondiscrimination requirements. It may also describe how the public or employees may contact specific town officials about problems with accessibility and the need for effective communication. The information must be accessible to the public, including people who have disabilities that affect communication, such as blindness, low vision, deafness, and hearing loss. Although no specific method is required to reach the public, notice can be provided in more than one format and by using more than one type of media, such as the Town's website, print, radio, or television.

**Upton Public Notice**

The Town of Upton has the following "Public Notification" statement on its website under the Disability Commission web page:

*"In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Upton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities".*

**Survey Responses**

Nine out of thirteen ADA Self-Evaluation survey respondents answered "yes" to the question "Are staff aware it may be necessary to modify program policies or practices to enable people with disabilities to participate in and benefit from the programs?" The remaining responses were either "Strives for awareness, No, or N/A" or the answer was not relevant to the actual question.

Responses to the question "Is the public informed that these programs/services are prepared to make reasonable modifications?" were mixed. Five answered with "yes" or "accommodations provided". The remainder of the responses were either "No, N/A, don't know, or we could do better".

Based on that noted above, the Town of Upton appears to do fairly well on being aware that accommodations may be necessary for a person with a disability to benefit from a program or

service. However, more work is necessary to inform the public that town staff are prepared to make a reasonable accommodation.

Recommendation

Although the Town does have a Public Notice statement, a single and consistent Public Notification Policy should be in place for all town functions, activities, departments, and committees. **A sample and slightly more expansive Public Notice is provided for consideration as Appendix B.**

**ADA Grievance Procedure (ADA Title II - 35 CFR Part 35.107 (b))**

The ADA Title II regulations require that all municipalities with 50 or more employees (regional school systems must prorate the number of employees for each member community) adopt and publish grievance procedures. The purpose is to encourage local resolution of complaints concerning employment, services, programs and activities. It is important to note that complainants are not required to exhaust the municipality's procedures before filing a federal complaint or taking court action.

The regulations do not stipulate time frames or procedures for the grievance procedure, however, the following are recommended:

- A detailed description of the procedures for submitting a complaint;
- A two-step review process which allows for appeal;
- Reasonable timeframes for review and resolution of the complaint;
- Good record keeping for all complaints submitted and documentation of steps taken toward resolution.

**Upton Self-evaluation.** The Town has a 2-level Grievance Procedure posted on the Town's website under the Disability Commissions' webpage. The Board of Selectmen adopted this policy on July 14, 2020. This 2-level process involves the ADA Coordinator Janice Nowicki (Level 1) and Town Manager Derek Brindisi (Level 2) with copies of the grievance to be provided to the Town's Commission on Disability.

Recommendation

The town's recently adopted Grievance Procedure appears to be similar to the sample that is available from the Mass Office on Disability. The only difference is that Upton lists the Town Manager for appeals as opposed to the Board of Selectmen. No changes appear to be necessary. However, it is recommended that the Grievance Procedure also be posted in the town hall and other public places such as the library and senior/community center.

**A sample Grievance Procedure from the Mass Office on Disability is provided as Attachment C.**

### **Policies/Procedures/Practices (ADA Title II - 35 CFR Part 35.130 (b)(7)**

A municipality should have formal separate policies and procedures pertaining to the ADA and program accessibility, grievances, communications, equal opportunity and non-discrimination except when it comes to employment opportunities. The Town should also include non-discrimination language in its employment postings and/or forms.

**Upton Self-evaluation.** A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

The Town of Upton provides the following statement in the Disability Commission webpage under Boards/Commissions:

*“Modifications to Policies and Procedures: Town of Upton will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Town of Upton offices, even where pets are generally prohibited”.*

#### **Self-evaluation Survey Responses**

When it comes to equal access to Upton's programs and services, nine out of thirteen ADA Self-Evaluation survey respondents answered “yes” to the question “Are staff aware it may be necessary to modify program policies or practices to enable people with disabilities to participate in and benefit from the programs?” The remaining responses were either “strives for awareness, No; N/A” or the answer was not relevant to the actual question.

Eight out of thirteen responses to question, “Does the department/program have a formal or informal process for responding to requests for modifications?” were “informal or implied as informal” in their answer. The remaining responses were “no, N/A, not that I'm aware of or informal if made aware”.

#### **Employment Postings**

The following statement appears in the Employment Opportunities link:

*“The town's application form (required), cover letter, and resume must be submitted to jobs@uptonma.gov. This position will remain open until filled, with priority given to those applications received by xxxxxxxx. The Town of Upton is an AA/Equal Opportunity Employer.”*

The following statement appears when one clicks on “application form (required)”,

***“An Equal Opportunity Employer. The Town of Upton is an equal opportunity employer and does not discriminate against any applicant because of race, color, religion, sex, marital status, national origin, age, disability, sexual orientation or any other class protected by federal, state, or local law. Any person who needs assistance in fully participating in the application process***

*should contact the Town of Upton Human Resources Department.”*

In addition, the following statement appears on the Disability Commission Webpage under Boards/Commissions:

***“Employment: The Town of Upton does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA”.***

**Recommendation**

There should be consistency in all departmental policies, procedures, and practices including the posting of employment ads, actual job descriptions, and reasonable accommodations to potential and existing employees. (See **Reasonable Accommodations**). Information of this nature is posted on Upton’s website under the Disability Commission and the employment opportunities link. These policies should also be posted in the town hall and other public places such as the library and senior/community center.

**Reasonable Accommodations (ADA Title II - 35 CFR Part 35.140 (a))**

Under the ADA, a person is considered a qualified individual with a disability if s/he can perform essential functions of the job with or without a reasonable accommodation. Although the ADA does not require an employer to have job descriptions, they can be used as evidence of the essential functions of the job. Job descriptions should be up-to-date and should differentiate between the essential and the marginal duties of the position.

**Upton Self-evaluation.** Based on the job descriptions received and what was available on the Town’s website for review, the following are more specific comments and findings.

**Employment Application Process**

The following statement appears on the Town of Upton’s website under Employment Opportunities and also at the top of the online Word Fillable Application for Employment form: *“An Equal Opportunity Employer. The Town of Upton is an equal opportunity employer and does not discriminate against any applicant because of race, color, religion, sex, marital status, national origin, age, disability, sexual orientation or any other class protected by federal, state, or local law. Any person who needs assistance in fully participating in the application process should contact the Town of Upton Human Resources Department.”*

The following also appears regarding employment applications: *“The Town accepts applications only in response to a current job posting. Applications that are submitted for which there are no current openings will be disregarded. The Town is an Equal Opportunity/Affirmative Action Employer. We assure you that your opportunity for employment with the Town will be based only on your merit, without regard to race, religion, sex, age, national origin or disability”.*

**Job Description Format and General Language**

The Town as part of this evaluation provided fourteen job descriptions. All fourteen job

descriptions had the following statement under Physical Requirements: “*Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*”

The Upton job descriptions all had the same following format including position purpose, supervision, job environment, essential functions, recommended minimum qualifications, and physical requirements. The physical requirements section also contains detailed language of what work functions the successful candidate is expected to perform.

#### Examples of Appropriate Physical Requirements in Job Descriptions

The following are examples of physical requirements that are appropriate considering the actual job position.

Firefighter/EMT – Moderate to strenuous physical effort required in the performance of work at the scene of emergencies. Physical agility required to access all areas of emergency sites. During emergencies, may be required to talk, walk, run, stoop, kneel, crawl, bend, and reach with hands and arms.

Van Driver Council on Aging - Regularly required to stand, walk, crouch, stoop, and sit; must be able to manipulate objects, tools, or controls, and be able to pick up and carry bundles. Bends and stretches to reach low and high. The work requires lifting bags/bundles weighing up to 60 pounds and being able to carry a reasonable quantity of materials from place to place. Must be able to communicate. Vision and hearing at or correctable to normal ranges.

#### Examples of Inappropriate Physical Requirements in Job Descriptions

The following are examples of physical requirements that are not disability language appropriate for the actual job position.

Circulation Specialist - Regularly required to walk, stand, sit, talk, and hear; operate objects, tools, or controls; pick up paper, files, and other common office objects. Ability to view computer screens and work with details for extended periods of time. Ability to operate a keyboard and calculator at an efficient speed.

Children & Young Adult Librarian - Operates computer, automobile, printers, facsimile machine, copier, calculator, audio and video equipment, and other standard office and library equipment. Regularly required to stand, walk, crouch, stoop, and sit; must be able to manipulate objects, tools, or controls, and be able to pick up and use paper, books, and other common library objects.

These examples demonstrate that the job description focuses on the outcome and not the process to achieve that outcome. See Job Description Physical Requirement Suggested Wording below.

The following Town of Upton job description is an excellent example of physical requirements with appropriate disability language.

Director of Elder and Social Services - While performing the duties of the Council on Aging Director, the employee is required to: interact and communicate frequently with the public,

government officials, volunteers, other staff members and boards, third party service providers, and/or third parties transacting business with the Town; operate standard office equipment including computers and keyboards, at efficient speed; and move throughout the Council on Aging/Senior Center facilities.

#### Reasonable Accommodation Language

Reasonable Accommodation language should be included under Essential Functions or Physical and Mental Requirements or Physical Demands or Requirements. The Town of Upton had this language in all fourteen submitted job descriptions. It does not appear that the Town has a formal Reasonable Accommodation Policy in place. **Therefore, a sample Reasonable Accommodation Policy and a sample Reasonable Accommodation Request Form are provided as Appendices D and E.**

#### Job Description Physical Requirement Suggested Wording

Job descriptions should use clear, concise, non-technical language. In defining essential functions, the description should focus on the outcome and not the process to achieve that outcome. For example, if a position requires lifting supplies onto a truck, the description should read, "the ability to lift supplies weighing up to 35 lbs. to a height of 4 feet and into a truck bed" and not "the ability to manually lift supplies weighing 35 lbs". It is also better to use words that describe the job requirements as opposed to words that focus on specific abilities (i.e. – hearing, speaking, walking). The following table provides preferred wording that does not restrict the physical requirements of positions.

#### Physical Requirements Suggested Wording

Stand or sit	Stationary position
Walk	Move, traverse
Use hands and fingers	Operate, use
Climb Stairs or ladders	Ascend, descend
See	Detect, determine, identify recognize, observe
Taste/smell	Detect, distinguish, determine
Carry/lift	Move, transport, position

#### **Maintenance (ADA Title II – 28 CFR Part 35.133 (a)**

A municipality must maintain in operable working condition those features that are necessary to provide access to services, programs, and activities. This includes door closers, sidewalks, parking space signage and striping, and ramps, among many other things. Isolated or temporary interruptions in service or access are permitted for maintenance or repairs. However, this is deemed as short-term and not of a semi-permanent or seasonal nature.

When weather conditions such as snow and ice limit or prevent access to services, programs, and activities to or within a facility, access must be maintained to ensure that those programs are accessible. Maintenance of accessible features includes the removal of snow from accessible parking spaces; curb ramps, accessible routes of travel, and entrances. Although temporary interruptions in services due to bad weather are expected, alternate services must be provided if snow and ice cannot be cleared in a

timely manner. Snow removal and removal of other obstructions within the accessible route of travel must be done to a minimum width of 36". Similarly, if an elevator, lift or similar accessible-related device is not working properly and is denying access, repairs must be made in a timely manner. In the interim, alternative services must be provided.

**Upton Self-evaluation.** During the facility assessments, a number of observations were made in direct violation of Title II. This included such items as:

- Storage of items in bathrooms reducing required maneuvering clearances and clear widths.
- Bathroom stall doors that no longer operate as self-closing.
- Entry and exit doors with excessive operating forces and closing speeds.
- Routes of travel and walkways that are deteriorated and non-compliant or which have vegetative overgrowth resulting in a reduced clear width.
- Missing elements such as signage or inappropriately labeled tactile designation signage.
- Missing protective equipment or insulation on sink plumbing.
- Not maintaining a minimum 36 inches clearance of snow on outside accessible routes to a public building.
- Not maintaining a minimum 36 inches sidewalk clear width due to vegetative overgrowth.
- Placement of mailboxes and/or telephone poles in sidewalks or curb ramps reducing clear width

#### **Effective Communication, Auxiliary Aids and Services (ADA Title II – 28 CFR Part 35.160)**

Local governments must ensure effective communication with individuals with disabilities. To ensure that communications with individuals who have hearing, vision or speech impairments, municipal governments must provide appropriate auxiliary aids. The type of auxiliary aids or services necessary to ensure effective communication will vary according to the type of communication involved and the needs of the individual. Auxiliary aids include such services or devices as sign language interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for people who are deaf such as TDD's or video phones, use of 711 telephone interpreter service, readers, Brailed materials, documents on electronic format, audio recordings and large print materials. In addition, telephone emergency services including 911 must provide direct access to individuals with speech and hearing impairments.

Municipal governments are not required to provide auxiliary aids or take any actions that would result in a fundamental alteration in the nature of a service, program, or activity or that will result in undue financial and administrative burdens. However, alternative auxiliary aids that do not result in a fundamental alteration or undue burden must be provided. For example, it is not necessary to provide sign language interpreters for all interactions with persons who are deaf or hard of hearing. Daily interaction may suffice through written notes or similar exchanges. However, public meetings, interrogations by local police officers, or similar technical interactions will most likely require interpreters or assistive listening systems. It is required that alternative auxiliary aids be available that

does not result in financial or administrative burdens yet meet the needs of the individual with a disability.

**Upton Self-evaluation.** Based on what was submitted in response to the ADA Self-Evaluation survey as well as viewing policies and available materials, it is not clear as to what degree the town complies with this provision.

#### Auxiliary Aids

The town must ensure that accessibility and accommodations language appear on all meeting notices including contact information and the advance timeframe required to arrange for disability related and accommodations requests. For the most part, it does not appear that the town has auxiliary aids such as TTY's, TDD's, or assistive listening systems except for a couple Self-Evaluation survey responses noted below.

On the Disability Commission webpage it states "*The Town of Upton will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Town of Upton programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments*".

*"Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Town of Upton, should contact Janice Read Nowicki, ADA Coordinator, 508-529-4558, [jnowicki@uptonma.gov](mailto:jnowicki@uptonma.gov) as soon as possible but no later than 48 hours before the scheduled event."*

#### Survey Responses

Eight out of thirteen responses to the Self-Evaluation survey question "Briefly describe general office/service communications. Specifically, how is information disseminated and communicated? Are there assistive devices or auxiliary aids (i.e. TTY, TDD, sign language interpreter) which are used or available?" stated "No, None or Never had a need".

The COA response was "We do have an assistive device for hearing".

The Police response was "Guide Cards for Hearing impaired, TTY for dispatch"

The Fire Department mentioned reverse 911 in their response.

#### Recommendation

If the Town of Upton does not have a portable Assisted Listening System, then one should be considered for purchase and use as deemed appropriate for all town services and programs. It is also recommended that Upton add the following to its meeting agendas: "*If you need auxiliary aids and services for effective communication (such as sign language interpreter, an assistive listening device or print material in digital format) or a reasonable modification in programs, services, or activities, contact the ADA Coordinator as soon as possible but no later than fourteen (14) days before the activity or event.*"

In addition, change the Effective Communication request due date on the Disability Webpage

from “Janice Read Nowicki, ADA Coordinator, 508-529-4558, [jnowicki@uptonma.gov](mailto:jnowicki@uptonma.gov) as soon as possible but no later than 48 hours before the scheduled event” to Janice Read Nowicki, ADA Coordinator, 508-529-4558, [jnowicki@uptonma.gov](mailto:jnowicki@uptonma.gov) as soon as possible but no later than 14 days before the scheduled event.” This change will better enable the Town of Upton to provide a difficult accommodation request such as an American Sign Language interpreter.

### Virtual Meetings

In June 2020, the Massachusetts Office on Disability offered a guidance memo on “Accessible and Inclusive Virtual Trainings”. The memo reinforces the basic requirement that programs, services, and activities of government, including in person and virtual meetings/presentations, must be conducted in a way that provides equivalent access unless to do so presents a fundamental alteration. Providing reasonable accommodations and effective communication are critical components to achieving equal access. The following summarizes some of the highlights and key components of this memo.

Effective Communication. Effective Communication ensures that people with vision, hearing, or speech disabilities can communicate, receive, and convey information in a manner that is accessible to them. Entities must furnish auxiliary aids when needed to communicate effectively with people who have language-based disabilities. Examples of auxiliary aids for meetings/presentations may include accessible electronic documents that can be read with assistive technology, large print documents, American Sign Language (ASL) interpreters, and Communication Access Real-time Translation (CART) services. The entity that is hosting the event is responsible for providing ASL and CART along with other needed accessibility features.

Selecting a Platform. After determining which platforms meet an entity’s operational needs, the entity should consider selecting the platform that provides the highest level of accessibility. Consult with vendors and review their accessibility statements which offer insight into how various users with disabilities would interact with the platform. Find out how the system would work with CART, an ASL interpreter, or closed captioning or if a screen reader or strictly keyboard user could access features such as screenshare, chat, and video recording. If an entity has identified a platform that meets its operational objectives but has inaccessible features the entity should determine which barriers are likely to prevent access and whether those features are critical. If the identified barriers are not critical then the entity should avoid using those features during the meeting/presentation. For those components deemed to be critical but not accessible, the entity should explore alternative ways that a participant with a disability can effectively participate in the meeting/presentation.

Presentation Materials. To the extent possible, ensure that all presentation materials are accessible to and usable for people with disabilities including those using screen readers and other assistive technologies and those requiring large print. Since users of screen readers cannot read documents through a screen share and those using magnification may find that screen share video may be distorted with increased magnification, providing these materials in advance would allow these participants to better follow the discussion in real time. Information and communication technology must be usable by people with disabilities. How-to guidance as well as references to

relevant laws, regulations, and standards to help comply with this requirement can be found through the following link:

<https://wiki.state.ma.us/display/assistivetechnologygroup/IT+Accessibility+home>.

Additionally, the Texas Governor's Committee on People with Disabilities have created learning modules on making Microsoft Office documents accessible to people with disabilities. Access to these modules can be found through the following link: <https://gov.texas.gov/organization/disabilities/accessibledocs>.

Plan Ahead. Secure ASL interpreters and CART services in advance of the date of the meeting/presentation. These important communication services can easily be offered on a digital platform. The Massachusetts Commission for the Deaf and Hard of Hearing provides interpreting services and the information below will help you to schedule an interpreter:

- Request ASL Interpreting or CART
  - a. Online: <https://www.mcdhh.net/request/> i. Choose ASL Interpreting or CART under Service Information
  - b. Phone: 617-740-1600 VOICE and 617-740-1700 TTY
- Additional information on how to request an interpreter is available at <https://www.mass.gov/how-to/request-an-interpreter>.

Keep in mind that depending on the nature of the meeting, these services might be required regardless of whether an individual has specifically requested it (e.g. public meetings where there is no registration or invitee list). In instances where participants have been invited in advance, the invitation should include a directive to notify the entity holding the meeting/presentation to identify whether they require ASL or CART to participate. This can be included in the reasonable accommodation statement provided in the meeting notice or agenda.

#### Best Practices

- Do a trial run. If you have already identified employees who need to use accessible features of a platform, ask them to test it with you.
- Determine which features will be used in the meeting/presentation and include details about how to use those features on the meeting/presentation invitation or reminder. For example, provide a list of commonly used shortcut keys that can be used on the platform or any specific instructions that pertain to users of assistive technology.
- When sending a meeting reminder, include the link to CART so the user can access the meeting link and the link to the CART platform in one place.
- Send out accessible meeting materials in advance.
- Become familiar with the features of the platform, including the accessible features and share them with participants. This could include providing a link to CART in the chat

window, offering a brief overview of how to interact with the platform at the beginning of the meeting/presentation, and providing these types of verbal instructions for the duration as features are being utilized.

- Utilize closed captioning features when and if available.
- If the meeting/presentation will be recorded, advise attendees at the start. Inform the CART reporter in advance if you want a copy of the transcription.
- When using ASL make sure that the video remains prominently visible onscreen throughout the meeting/presentation. Depending on the platform, this may require asking participants to turn off their video to ensure that the interpreter can be seen or possibly be displayed more prominently.
- If audio quality is an issue, consider requesting that participants turn off the video feature if it is not essential to participation.
- When using screenshare or presenting materials on screen, provide a verbal explanation of what is being displayed so that those participating by phone or those who are unable to see the document or review the materials with assistive technology will be better able to follow along.
- If you are planning on using a video as part of your training or presentation curriculum then it should have audio description or the visual aspects of the video should be described before or in between the dialogue of the video by a person on the training team.

#### **Website Accessibility (Web Content Accessibility Guidelines 2.0 AA or Section 508 Standards).**

Title II of the Americans with Disabilities Act requires that local governments ensure that, when viewed in their entirety, the programs, services, and activities offered are equally available to people with disabilities. Websites of local governments are considered to be a “program” and should be accessible to the standards of the Web Content Accessibility Guidelines 2.0 AA or Section 508 Standards.

Many people with disabilities use assistive technology that enables them to use computers. Some assistive technology involves separate computer programs or devices such as screen readers, text enlargement software, and computer programs that enable people to control the computer with their voice. Other assistive technology is built into computer operating systems. For example, basic accessibility features in computer operating systems enable some people with low vision to see computer displays by simply adjusting color schemes, contrast settings, and font sizes. Operating systems enable people with limited manual dexterity to move the mouse pointer using key strokes instead of a standard mouse.

Poorly designed websites can create unnecessary barriers for people with disabilities. The following are common problems and solutions in website accessibility.

a) Images Without Text Equivalents. Persons with low vision often use screen readers and refreshable Braille displays to access information on a webpage. These technologies read text, however, they cannot translate “images” into speech or Braille. Images includes photographs, charts, color-coded

information or other graphic elements on a webpage. The solution to this problem would be to add a line of HTML code to provide text for each image and graphic so that the user can understand what the image is.

b) Documents Are Not Posted In an Accessible Format. Municipalities will often post documents on their websites using Portable Document Format (PDF). However, PDF documents, or those in other image based formats, are often not accessible to blind people who use screen readers and people with low vision who use text enlargement programs or different color and font settings to read computer displays. The solution would be to always provide documents in an alternative text-based format, such as HTML or RTF (Rich Text Format), in addition to PDF. Text-based formats are the most compatible with assistive technologies.

c) Specifying Colors and Font Sizes. Websites are often designed in a manner such that everything is exactly the same color, size and layout. However, because of one's disability, a person with low vision does not see web pages the same as other people. Some see only small portions of a computer display at one time. Others cannot see text or images that are too small. Still others can only see website content if it appears in specific colors. For these reasons, many people with low vision use specific color and font settings when they access the Internet – settings that are often very different from those most people use. For example, many people with low vision need to use high contrast settings, such as bold white or yellow letters on a black background. Others need just the opposite – bold black text on a white or yellow background. And, many must use softer, more subtle color combinations. Users need to be able to manipulate color and font settings in their web browsers and operating systems in order to make pages readable. Some web pages, however, are designed so that changing the color and font settings is impossible. The solution is to design websites so they can be viewed with the color and font sizes set in users' web browsers and operating systems. Users with low vision must be able to specify the text and background colors as well as the font sizes needed to see webpage content.

d) Videos and Other Multimedia Lack Accessible Features. Due to increasing bandwidth and connection speeds, videos and other multimedia are becoming more common on the websites of local governments. Today, some government entities use their websites to post training videos for their employees, feature automated slide shows of recent public events, and offer video tours of local attractions. These and other types of multimedia can present two distinct problems for people with different disabilities. People who are deaf or hard of hearing can generally see the information presented on web pages. However, a deaf person or someone who is hard of hearing may not be able to hear the audio track of a video. On the other hand, persons who are blind or have low vision are frequently unable to see the video images but can hear the audio track. The solution is to incorporate features that make them accessible to everyone. Provide audio descriptions of images (including changes in setting, gestures, and other details) to make videos accessible to people who are blind or have low vision. Provide text captions synchronized with the video images to make videos and audio tracks accessible to people who are deaf or hard of hearing.

e) Other Considerations When Developing Websites Include:

- include a “skip navigation” link at the top of web pages that allows people who use screen readers to ignore navigation links and skip directly to webpage content;
- minimize blinking, flashing, or other distracting features;

- if they must be included, ensure that moving, blinking, or auto-updating objects or pages may be paused or stopped;
- design online forms to include descriptive HTML tags that provide persons with disabilities the information they need to complete and submit the forms;
- include visual notification and transcripts if sounds automatically play;
- provide a second, static copy of pages that are auto-refreshing or that require a timed-response;
- use titles, context, and other heading structures to help users navigate complex pages or elements (such as web pages that use frames).

f) Resources and Additional Information on Website Accessibility. Additional information and guidance on website accessibility can be found on the following:

- [www.w3.org/WAI/fundamentals/accessibility-intro/](http://www.w3.org/WAI/fundamentals/accessibility-intro/)
- <https://webaim.org>
- [www.ada.gov/pcatoolkit/chap5toolkit.htm](http://www.ada.gov/pcatoolkit/chap5toolkit.htm)
- [www.webaccessibility.com](http://www.webaccessibility.com)

In addition, assistance can be obtained by contacting the MA Commission for the Blind in writing or by email, telephone, or fax as noted below:

Massachusetts Commission for the Blind  
 Technology for the Blind Program  
 John Oliveira, Deputy Commissioner  
 600 Washington Street –3rdFloorBoston, MA 02111  
[www.mass.gov/mcbJohn.Oliveira@state.ma.us](mailto:www.mass.gov/mcbJohn.Oliveira@state.ma.us)  
 617-626-7509 Voice  
 617-422-0419 Fax

**Upton Self-evaluation.** A visually impaired individual using the JAWS 2020 Screen Reading software (see Note below) was able to easily navigate the Town of Upton's website, including the individual departments and Committee/Commission web pages.

The Town of Upton uses Government Websites by CivicPlus®, a software platform built for modern local governments allowing one to work seamlessly and securely, leveraging existing data and reducing information silos so a person can collaborate efficiently. It also features an online help center in the event the Town has problems with its website including accessibility requirements. CivicPlus uses the firm "AudioEye" as its ADA web accessibility provider in order to determine compliance with the Success Criteria of the Web Content Accessibility Guidelines (WCAG) 2.0 and ADA related requirements.

A cursory review of the website found it to be compliant with such things as visual contrast, the use of text versus graphics, and text enhancement features.

Best practices to ensure that the Town's website maintains its accessibility for people with various levels of visual impairments such as low vision or the need for using a screen reader include:

1. Establish, implement, and post online a policy that web pages will be accessible and create a process for implementation.
2. Ensure that all new and modified web pages and content are accessible.
  - Check the HTML of all web pages. Make sure that accessible coding is used.
  - Make sure that website is designed so it can be displayed using the color and font settings of each visitor's browser and operating system.
  - If images are used, including photos, graphics, scanned images, or image maps, make sure to include a text equivalent, by adding "alt" tags or long descriptions, for each.
  - When online forms and tables are used, make those elements accessible by labeling each control (including buttons, check boxes, drop-down menus, and text fields) with a descriptive HTML tag.
  - When posting documents on the website, always provide them in HTML or a text-based format (even if you are also providing them in another format, such as PDF).

*Note: JAWS ("Job Access With Speech") is a computer screen reader program for Microsoft Windows that allows blind and visually impaired users to read the screen either with a text-to-speech output or by a refreshable Braille display. JAWS is produced by the Blind and Low Vision Group of Freedom Scientific.*

### **Emergency Preparedness, Evacuation Plans, and Emergency Shelters (ADA Title II)**

The Department of Justice views emergency preparedness plans as key components of a municipality's responsibility to accessibility compliance. These plans and facilities should be adapted to address the needs of those with a disability and/or who require a reasonable accommodation.

Upton Self-evaluation. The Town of Upton has an abundant array of Emergency Preparedness and Management information on its website. The following resource links are available on the Town's website under "About Upton - For Residents":

- Emergency Preparedness Guide
- FEMA (Federal Emergency Management Agency)
- MEMA (Massachusetts Emergency Management Agency)
- National Weather Service Boston
- Severe Storm Prediction Center
- Code RED Description & Sign-up (being replaced with SMART 911)

The Town of Upton also has an Emergency Management Department. Emergency Management, established in 2002 by the Board of Selectmen is focused on planning and preparing for all types of hazards including weather, hazardous materials incidents and other

manmade problems. During an actual emergency incident, the Emergency Management Director works with and is a resource for Upton's Police, Fire, EMS, Public Health and D.P.W. Each of these departments has very talented people who work together in an emergency to protect and provide for the safety of Upton citizens.

The town also has a Community Emergency Response Team (CERT). The CERT Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations.

The Fire EMS Department has a Student Awareness of Fire Education (SAFE) program that is a state initiative to provide resources to local fire departments to conduct fire and life safety education programs in grades K-12. The mission is to enable students to recognize the dangers of fire and more specifically the fire hazards tobacco products pose.

This training has been very successful. Since the SAFE Program was initially funded, there have been 259 documented "YOUNG HEROES" - children who put into practice the fire and life safety lessons they learned in the classroom during a real life emergency to save themselves or others.

#### Recommendation

It is recommended that hard copies of the Emergency Preparedness resources on the Towns' website be made available at the frequently used municipal buildings such as the Town Hall, the Upton Center, Library, and Police and Fire Stations if they are not there already for residents with no web access.

In addition, the residents who require additional assistance such as people with disabilities or frail elders need to be taken in consideration when Emergency Management trainings take place. Information of this nature can be found on the Mass Emergency Management Agency and the Mass Office on Disability website.

It is also recommended that the guidance provided in Chapter VII of this document be reviewed and incorporated into existing documents such that notification and assistance to persons with disabilities be specifically included.

#### **Polling Places**

Under the ADA, Help America Vote Act, Voting Accessibility for the Elderly and Handicapped Act, and Massachusetts General Laws, polling places are required to be accessible to persons with disabilities. This includes site access, parking, entrances, interior access, and voting equipment. In addition, registration and voting aids for the disabled and elderly are required, including information by alternative accessible means.

The Elections Division of the Secretary of the Commonwealth of Massachusetts (Elections Division) office works with each municipal clerk to ensure polling places are accessible by meeting state (and federal) regulations.

All polling locations in Massachusetts are required to be accessible and must provide access on a permanent or temporary basis on an Election Day. Voting assistance and absentee voting offer options that persons with disabilities may use to vote, but are not considered substitutes to actual accessibility to the voting location.

Both federal law and state requirements mandate that voting systems be equipped for voters with disabilities allowing such voters to have the same opportunity to vote privately and independently. It is required that every precinct must have at least one accessible voting machine available.

According to the Elections Division, there is at least one accessible marking unit in every polling place in Massachusetts. The “*AutoMARK Voter Assist Terminals*” are marking devices that use audio cue capacity for visually impaired voters. The *AutoMARK* also has a feature that will greatly magnify the ballot or display the ballot high-contrast for voters that have limited visual impairment. The *AutoMARK* can also produce an oral report to the voter as the choices selected prior to the voter printing the ballot.

**Upton Self-evaluation.** Kelly McElreath, Town Clerk/Assistant to Town Manager stated that regular voting occurs at the Nipmuc Regional High School gymnasium at 90 Pleasant Street. Early/Absentee voting occurs at the Upton Town Hall. The AutoMark voter assist terminal is available at both the school and the Town Hall locations with the voting terminal screen facing away from the public ensuring voter privacy. Both of these locations have been deemed as reasonably accessible for voting.

## XI. ADA TRANSITION PLAN

In accordance with the ADA Standards and MA 521 CMR, an assessment of the Town of Upton's public facilities inclusive of public buildings, active and passive recreation facilities, and schools was conducted to identify physical barriers to programs and services. This assessment or "transition plan" includes the following elements, which fulfill the requirements for the preparation of a transition plan:

- identification of physical obstacles in the building or facility that limit the accessibility of its programs or activities to persons with disabilities, and
- 2010 ADAAG and MAAB 521 CMR citation, and
- a description of methods or type of action to be taken to eliminate identified obstacles, and
- priority of removal of barrier, and
- feasibility of removal of barrier, and
- establishment of a recommended completion date to achieve accessibility, and
- general cost parameters for each action to be taken, and
- responsible party for implementation.

### **Limitations of the Transition Plan and Compliance**

The primary obligation under Title II of the ADA is to ensure that programs and services are equally available to persons with disabilities. Municipalities are required to adhere to the 2010 Standards for Accessible Design in new construction and alterations. Programs must be relocated or access provided in inaccessible existing facilities as of the effective date of the ADA or January 26, 1992. When existing facilities comply with the 1991 Standards, there is no requirement to update to the current 2010 Standards. However, if conditions in existing facilities do not adhere to the original Standards, then the 2010 Standards must be followed.

**ADA Safe Harbor:** Elements in facilities built or altered before March 15, 2012 that comply with the 1991 ADA Standards for Accessible Design (1991 Standards) are not required to be modified to specifications in the 2010 Standards. For example, the 1991 Standards allow the maximum side reach of a control or dispenser to be 54 inches. The 2010 Standards lowered that side reach range to 48 inches maximum. If a control or dispenser was installed prior to March 15, 2012 with its highest operating part at 54 inches, that control or dispenser does not need to be lowered to 48 inches. Since the dispenser complies with the 1991 Standards, that Standard provides a "safe harbor".

**Tolerances:** Both the 2010 ADA Standards and 521 CMR allow for "tolerances as follows:

#### **2010 ADA Standards**

All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.

#### **521 CMR**

- Dimensions between zero and two inches, (0" and 2") inclusive, shall have a maximum tolerance of plus or minus one-eighth inch (1/8").
- Dimensions more than two inches and less than 36 inches (>2" and <36") shall have a maximum tolerance of plus or minus one-half inch (1/2").

- Dimensions 36 inches or greater (36" or >) shall have a maximum tolerance of plus or minus one inch (1")
- Slopes may not exceed maximums. Slopes shall be measured in two-foot increments. Tolerances do not apply to minimums or maximums.

For the purposes of this plan, unless specifically noted, facility assessments are based on the 2010 ADA Standards and 521 CMR (Massachusetts Architectural Access Board MGL. C. 22 s13A), whichever is more stringent.

The plan does not address what is accessible, but rather obstructions to mobility. Fieldwork was performed December 2020 through June 2021. Although general recommendations are made as corrective actions to eliminate identified obstacles, it is expected that the town will be solely responsible for designing the specific construction solution in accordance with 521 CMR: Architectural Access Board Regulations or the 2010 ADA Standards for Accessible Design, whichever is appropriate.

As part of the transition plan assessment, deficiencies or limitations to access were identified at each location. The actions noted in this plan to be taken in removing obstacles to mobility are descriptive and are not intended to be construction specifications. The specific construction action can vary substantially depending on desirability and type of materials. In addition, historically significant properties can result in additional cost due to more architecturally sensitive construction alternatives (historic properties discussed elsewhere in this Plan). As a result, the costs can vary accordingly. The party responsible for implementing the identified action will be responsible for working with the town's building inspector and a design professional, if necessary, so as to ensure compliance with 521 CMR and/or the ADA Standards. Where appropriate, due to historic considerations, building configuration, or extent of use, a combination of programmatic solutions and construction alternatives are provided. Such measures are in full compliance with Title II of the ADA. In circumstances where there are differences in the compliance requirements between 521 CMR and the ADAAG, the stricter or more encompassing standard shall apply.

The Department of Justice issued 1991 Standards for Accessible Design to address physical barriers to facilities and transportation. There were technical amendments to these standards in 1994 followed by more substantive amendments in 2010 (2010 ADA Standards for Accessible Design). These 2010 Standards revised policy requirements for certain areas such as service animals. The 2010 Standards also addressed certain physical components including assembly seating, the establishment of construction tolerances for certain items and formalized standards for docks, fields, pools, and other recreational facilities.

As is the circumstance with 521 CMR of the Massachusetts State Building Code, under the Federal ADA, construction modifications for accessibility compliance is not required unless triggered by renovation and/or new construction. Municipalities must still ensure that individuals are not excluded from programs and services because buildings or facilities are inaccessible. This can be accomplished through relocating a program or service to an accessible location or other means of reasonable accommodation. For the purposes of this Transition Plan, the higher standard of compliance will be used for the purpose

of identifying obstacles and determining cost, however, descriptive alternatives will also be provided in the narrative.

### **Use of the Transition Plan**

This plan is intended to be a working document. If a barrier was overlooked it can easily be added to the plan. Programs and services can be modified and adapted over time as needed. Similarly, policies and procedures can be modified and adopted to reflect current legislative requirements. Actual construction methods to arrive at a solution for an identified problem may vary depending on final plans and specifications. The town should use this plan as a guide for compliance and modify it as needed without altering its initial intent and efforts of compliance. In addition, the inventory of barriers can be used in concert with the town's capital budget process to assist in the determination of how and when to proceed with the many suggested improvements.

The plan provides a description of the obstacle which limits mobility or access, 2010 ADA Standards citation reference, MA 521 CMR citation reference, the type of action required to be taken for compliance, the priority for the action, the feasibility of undertaking the action, the timeframe for completion, a representative photo, and a general parameter of cost.

### **Priority(P)**

Each architectural barrier has also been ranked according to the priority of removal based upon the type of access that is affected. The priority rankings (#1 being the highest priority and #4 being the lesser priority) are determined by the ADA and are defined as follows:

<u>Priority</u>	<u>Description</u>
1	Accessible approach and entrance
2	Access to goods and services
3	Access to public toilet rooms
4	Access to other items (ie – water fountains, public telephones, etc.)

### **Feasibility(F)**

Each architectural barrier has been ranked according to the feasibility of removing that particular barrier. The feasibility rankings are somewhat subjective and are based on a perceived degree of difficulty or skill level required to remove an architectural barrier. These rankings are as follows:

<u>Ranking</u>	<u>Description</u>
1	Can be easily undertaken (i.e. move furniture, put sign on a wall)
2	Can be undertaken by maintenance staff, DPW, etc. (i.e. install post and sign, move dispensers, adjust door closer, change door hardware)
3	Minor modifications which require skilled or specialized work (build ramp, alarm installation, sink/toilet installation, etc.)
4	Major modifications which require skilled or specialized work (structural changes, building additions, elevators/lifts, etc.)

### **Time-frame(TF)**

A recommended time-frame for removing the architectural barrier is provided as follows:

<u>Time-frame</u>	<u>Description</u>
I	Immediate Term (2021-2022)
N	Near Term (2023-2026)
L	Long Term (2027-2030)

### **Costs**

Cost estimates are based on recent projects of similar nature, unit quantity pricing (where appropriate), and R.S. Means Company, Inc. ADA Compliance Pricing Guide 2<sup>nd</sup> Edition and updated for current pricing. Cost estimates are also based on the type and complexity of work. It is being assumed that simple changes (Feasibility ranking of 1 or 2) will be made through the use of town personnel (custodial, DPW, etc.). More complex construction or those projects requiring specialized skills (Feasibility ranking of 3 or 4), would involve private contractors and include labor, overhead, and profit.

### **List of Buildings and Facilities**

Municipal Buildings: Town Hall, Public Library, Police Station, Fire Station, The Upton Center, Department of Public Works, Memorial Elementary School.

Conservation Areas: Walker Drive, Old Knowlton Reservoir, Warren Brook Watershed, Robertson Conservation Area, Henderson Family Conservation Area, Snow Family Conservation Trust/Peppercorn Hill Conservation Area, Howarth Conservation Areas off North Street.

Passive Recreation Areas: Town Common, Stefans Farm, Wildwood Park, Heritage Park, Cemeteries (Lakeview, Pine Grove, Old First, Bradish).

Active Recreation Areas: Leland Field at Memorial School, VFW Memorial Playground, West River Field, Memorial Elementary School – Leland Playgrounds, Upton Town Beach Athletic Facility.

### **Abbreviations**

a.f.f.	above finish floor	c.f.s	clear floor space
s/b	should be	r.s	running slope
>	greater than	c.s.	cross slope
<	less than	o.c.	on center

## **XII. MUNICIPAL BUILDING ASSESSMENTS**

TOWN HALL

PUBLIC LIBRARY

POLICE STATION

FIRE STATION

THE UPTON CENTER

DEPARTMENT OF PUBLIC WORKS

MEMORIAL ELEMENTARY SCHOOL

## **TOWN HALL**

**Description of Facility and Programs:** The town hall is a 3+ level masonry building with a basement which was originally constructed in 1884 and renovated and rededicated in 2014. The basement is unfinished and is not open to the public. The town hall houses the following offices and spaces: treasurer/tax collector, board of health, veteran's office and board room, community television, conference room, accountant, assessor, town clerk, town manager, board of selectmen conference room, main hall, code enforcement, conservation commission, little town hall meeting room, men's restroom, and women's restroom.



**Responsible Party:** Board of Selectmen.

**General Description or Obstacle Which Limits Mobility or Access:** The town hall is mostly compliant but does have some areas of non-compliance. The designated accessible parking space and access aisle have excessive running slopes. *Note: At the time of assessment snow was piled in the access aisle and curb ramp to the sidewalk restricting access.* Curb ramps to access the sidewalk on the accessible routes to the town hall lack detectable warning strips, have excessive running slopes, lack level landings, and have abrupt changes in level surface from the transition of the street to the sidewalks. The town hall drop box is too high and not within reach range. One side of the exterior ramp to the accessible entrance has running slopes in excess of 5.0% and lacks railings. The interior ground level ramp at the accessible entrance lacks lower railings. Interior and exterior doors with closers have excessive operating forces and close too fast. A number of doors lack tactile designation signage. The interior stairs to the second level has a compliant railing on only one side. The Level 1 "low" drinking fountain lacks adequate knee clearance. The staff break room sink/counter is too high and lacks knee clearance. The treasurer/collector main counter is too high. The treasurer/collector side counter is a protruding object. The men's and women's bathrooms have a number of areas of non-compliance including abrupt changes in level surface at the door thresholds; mirrors and grab bars that are too high; stall doors that

open in, no stall door pull devices, and stall doors that do not fully close; and a water closet in the women's bathroom that is too far from the near wall.

#### Assistive Listening System

It does not appear that the town has an assistive listening system (ALS) for persons who are hard of hearing as no signage was present. It is recommended that an assistive listening system for shared use in other municipal locations be provided. An ALS with up to 12 receivers with 6 being hearing-aid compatible can be purchased for approximately \$2,500.

#### Reasonable Accommodations

A number of offices have insufficient clear widths throughout the entirety of the respective office. It may be necessary to rearrange furniture/equipment in the future as a reasonable accommodation to achieve the required 36" minimum clear width. No further action is required at the present time.

#### Variances

According to town personnel, the following variances were obtained from the MA Architectural Access Board at the time of the 2014 renovation:

- location of accessible parking space
- limited access to the main hall balcony
- limited access to the stage using the lift only with no access from the assembly area
- main entrance is not accessible

No further action on these items is required at the present time.

### Town Hall Accessibility Assessment

General Description of Obstacle	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost Estimate
<b>Parking</b> The designated accessible parking space and access aisle have running slopes that vary up to 4.0%. The space is not noted as van accessible.	502 703.7	23	Resurface the parking space and access aisle such that the running and cross slopes do not exceed 2.0% and the ground surface is uniform, stable, firm, and slip resistant. Van accessible signage should also be provided.	1	3	N	\$1,300
<b>Drop Box</b> The town hall drop box opening hardware for envelope drops is 2½" too high under the 2010 ADA Standards.	308.2 308.3	6.5 6.6	Modify or replace the drop box so that the envelope drop is no more than 48" a.f.f.	2	3	N	Up to \$250
<b>Accessible Route to Main Entrance</b> The curb ramp at the sidewalk near the parking space has a running slope of 9.3% and lacks a detectable warning strip.  The curb ramp at the building sidewalk has a running slope of 9.5%, lacks a level landing at the top, and lacks a detectable warning strip. The transition from asphalt to the concrete curb ramp has a 1" abrupt change in level surface.  The curb ramp at the left side of the	303.2 303.3 403.4  405.2 406.4 403.3 303.2 303.3 403.4	21.4  21.3 21.4 21.6 22.3	Reconstruct the curb ramps and walkways/accessible routes to the building so that the curb ramp running slopes are no more than 8.3%; have a minimum 36" wide x 48" long level landing at the top of the curb ramps (521 CMR); have walkway cross slopes that do not exceed 2.0%; do not have any abrupt changes in level surface of more than ¼", and have detectable warning strips.	1  1	3  3	I N	Up to \$4,500

building has a running slope of 10.4% and lacks a detectable warning strip.  <b>See Photos Town Hall 1 and 2.</b>							
<b>Exterior Ramp to Accessible Entrance</b> The "ramp" on the left side to the accessible entrance has running slopes of 5.6% to 6.3% which exceeds the maximum of 5% for an accessible route without railings.  <b>See Photo Town Hall 3.</b>	403 405 505	22 24	Install ramp railings on both sides of the ramp in accordance with S. 405 and S. 505 (ADAAG) and S. 24 (521 CMR) which includes paired railings at a height of 18" – 20" a.f.f. (lower) and 34" – 38" a.f.f. (upper).	1	3	N	Up to \$4,455
<b>Interior Ramp at Accessible Entrance</b> The interior ramp at the accessible entrance into the ground level of the building lacks lower railings  <b>See Photo Town Hall 4.</b>	405.8 505	24.5	Install lower ramp railings on both sides of the ramp in accordance with S. 405 and S. 505 (ADAAG) and S. 24 (521 CMR) at a height of 18" – 20" a.f.f.. The railings should be oval or round in shape, have an outside diameter of 1½" to 2", have 12" extensions at the top and bottom where feasible, and have a wall clearance of 1½".	1	2	N	Up to \$500
<b>Exterior and Interior Doors</b> The interior doors (with closers) do not fully comply with the maximum allowed operating force for an interior door (5 lbs.). Both the exterior and interior doors (with closers) do not fully comply with the minimum closing speed requirement of 6 seconds under 521 CMR. Interior operating forces vary up to 15 lbs. Interior and exterior door closing speeds are as quick as 3 seconds. The following doors are in non-compliance:  Main entrance (exterior), level 1 door to stairs, level 1 door to side parking, double doors to assembly room, exit doors in assembly room (2), door to stage lift, glass lift door, level 2 door to stairs, level 2 door to assembly room balcony, ground level exit doors (2).	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the push/pull force does not exceed 15 lbs for an exterior door and 5 lbs. for an interior door with door closing speeds of at least 6 seconds.	1, 2	2	I	\$150
<b>Signage</b> The following interior doors lack tactile accessible signage: <ul style="list-style-type: none"><li>• L1 door next to elevator</li><li>• L1 mail/copy room</li><li>• L1 exit door to side parking</li><li>• L1 assembly room</li><li>• L1 assembly room exit (left)</li><li>• L1 meeting room to town manager's office</li><li>• Ground L IT/server room</li><li>• Ground L closets (4)</li><li>• Ground L maintenance</li><li>• Ground L boiler room (2)</li><li>• Ground L break room</li><li>• Ground L BOH storage</li><li>• Ground L Treasurer/Collector interior office</li></ul>	703	41.1	Install accessible compliant signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Under 521 CMR, signage s/b 60" a.f.f to the centerline of the sign. Tactile characters on signs s/b 48" min. a.f.f.. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2	2	I	\$595

<b>Employee Break Room</b> The sink/counter is 36 $\frac{1}{4}$ " a.f.f. which is 2 $\frac{1}{4}$ " too high and does not provide knee clearance.  See Photo Town Hall 5.	804.3.2 306.3	32.2 32.6 32.7	Modify the counter and sink so that the counter/sink is no more than 34" a.f.f. and there is a minimum of 27" knee clearance at the sink with guarded, wrapped, or insulated piping.	4	3	L	Up to \$500
<b>Treasurer/Collector's Office Main Counter</b> The counter is 37 $\frac{1}{4}$ " a.f.f., which is 2 $\frac{1}{4}$ " too high.  See Photo Town Hall 6.	904.4	7.2	Construct a 36" long by no more than 36" high a.f.f. counter, with a minimum of 27" of knee clearance.	2	3	N	\$250
<b>Treasurer/Collector's Office Side Counter</b> The side counter is a protruding object as it extends more than 4" into the accessible route of travel between a height of 27" and 80" a.f.f.  See Photo Town Hall 6.	307.2	20.6.1	Place a fixed object under the outside edge of the counter	2	1	I	\$0
<b>Level 1 Drinking Fountain</b> The level 1 "low" drinking fountain is non-compliant as it is has only 25 $\frac{1}{2}$ " of knee clearance.	211	36.1.1	Raise the drinking fountain 1 $\frac{1}{2}$ " so that it provides 27" of knee clearance and has a spout height that does not exceed 36" a.f.f.	2	3	N	Up to \$500
<b>Bathrooms</b> <b>Men's and Women's Bathrooms</b> The thresholds are unbeveled and are $\frac{1}{2}$ " high.  The mirrors are 2" to 2 $\frac{1}{4}$ " too high.  The stall doors open in, not out; are not fully self-closing; and lack pull devices on both sides of the stall doors.  The grab bars are $\frac{1}{2}$ " to 1" too high.  <b>Women's Bathroom Only</b> The water closet is 1 $\frac{1}{4}$ " too far from the nearest sidewall.  See Photo Town Hall 7.	404.2.5  603.3  604.8 404.2  609.4  604.2	26.10  30.11  30.6  30.8.2  30.7.2	Modify or replace the thresholds so they are beveled w/no greater than a 1:2 slope and no greater than $\frac{1}{2}$ " high.  Lower the mirrors to no more than 40" a.f.f. to the bottom of the reflecting surface.  Reverse the stall doors to open out, modify the hinges so the stall doors fully self-close, and install pull devices on both sides of the stall doors.  Lower the grab bars such that the top of the gripping surfaces are 33" to 36" a.f.f. ( <i>Note: No tolerances are allowed for dimensions within a range.</i> )  Modify and relocate the water closet so that the centerline is 18" o.c. from the nearest sidewall.	3  3  3  3  3	3  2  2  2  3	I  I  I  I  N	Up to \$300  \$0  \$100  \$0  Up to \$350
<b>Interior Stair Railings</b> The interior stairs have a railing on one side only.  See Photo Town Hall 8.	505	27	Install compliant continuous railings at a height of 34" – 38" to the top of the handrails, round or oval in x-section and between 1 $\frac{1}{4}$ " – 2" in outside diameter on the side of the stairs with no railing. As feasible and consistent with the historic integrity of the stairs, provide extensions at the top 12" parallel to the floor and at the bottom the slope distance of one tread then 12" parallel to the floor.	2	2	N	\$350

Total \$14,100

### **Town Hall Assessment Photos**



Photo Town Hall 1



Photo Town Hall 2



Photo Town Hall 3

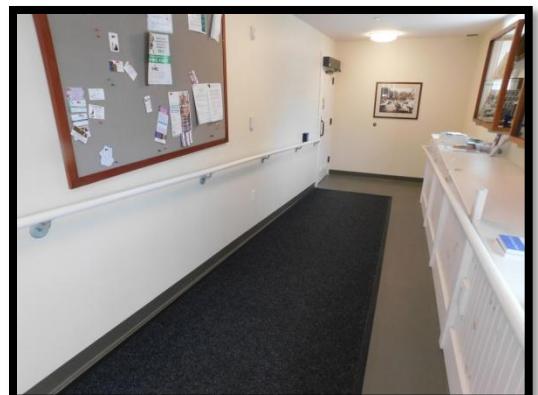


Photo Town Hall 4



Photo Town Hall 5



Photo Town Hall 6



Photo Town Hall 7



Photo Town Hall 8

## **UPTON LIBRARY**

**Function and Description of Facility and Programs:** The Upton Library is 3-level wooden-framed building which houses the town library, historical society, cable access television studio, a historical museum, and town office storage. The ground level serves as the library. The second level houses the historical society, museum, and public access television. A number of “public” activities and services are offered on the inaccessible second level including public access television interviews, historical society meetings, historical society seminars and workshops, and the historical museum. The 3<sup>rd</sup> level is closed to the public and is unfinished storage space.



**Responsible Party:** Board of Selectmen, Library Trustees

**General Description or Obstacle Which Limits Mobility or Access:** The designated accessible parking space is not designated as van accessible, has excessive running slopes, and signage that is mounted too low. There is no compliant accessible route to the library from the parking or from the public sidewalk to the library due to deteriorated walkways and no on-grade access (stairs only). There is no internal vertical access from the ground level to the 2<sup>nd</sup> level and 3<sup>rd</sup> levels of the building. An operational non-compliant inclined chair lift is located on the interior stairwell connecting the ground and 2<sup>nd</sup> levels. Exterior and interior stair railings are non-compliant due to the lack of extensions and the lack of railings on both sides of the stairs. Exterior stair railings are not fully round or oval but do allow for adequate gripping. *Note: If limited modifications to the building occurs, a variance could be sought to keep the existing railing type and modify as necessary to provide the additional railings and extensions. If substantial modifications and rehabilitation takes place, the railings should be replaced in entirety.* Interior stairs between levels have excessive nosings and are not beveled. Interior and exterior doors with closers have excessive operating forces and close too fast. Doors lack tactile designation signage and have knob-style hardware. There are also protruding objects on the ground and 2<sup>nd</sup> levels of the building. The two (2) bathrooms on the ground floor and two (2) bathrooms on the 2<sup>nd</sup> level are wholly

non-compliant. Both the cable access television room and the historical museum office have non-compliant sinks/counters due to height and clear widths. As these areas are not open to the public and do not appear to be in use, modifications to these areas would only be required if opened to the public, as an employee reasonable accommodation request, or if the building as a whole was renovated and full accessibility compliance was required.

#### Library Only

The check-out counter is too high. None of the computer work stations provide adequate knee clearance. The library director's office is not on an accessible route. There is insufficient clear width between the wall along Main Street and the book stacks. The study room sink/counter is too high.

#### Accessible Routes of Travel and Clear Widths

Due to COVID-19, much of the furniture (tables, chairs, etc.) in the library has been put away and is in storage. When this furniture is restored, it should be placed in a manner such that a 36" clear width is maintained. Similarly, the historical museum has areas where the minimum clear width is not maintained. Display items should be rearranged to achieve the minimum 36" required clear width.

Level 3 Storage Level. There is no vertical access to the 3rd level and the existing stairs are non-compliant (railings on one side only and excessive nosings). As this area is unfinished, used for storage only, and is not open for public use, no further action is required at the present time unless as a result of a reasonable accommodation or as per Option #2 below.

#### Level 2 Services (Historical Museum, Historical Society, Cable Access Television Studio)

As noted in Section II in this Plan, Title II of the ADA requires that people with disabilities be given equal opportunity to participate in all programs, services, and activities of state and local government. Governmental sponsored programs, services and activities must be available to all, regardless of disability. When programs, services, or activities are located in facilities that existed prior to January 26, 1992, the effective date of Title II of the ADA, towns must make sure that they are also available to persons with disabilities. If however, it requires that these programs, services, or activities are substantially altered to provide access or results in undue financial or administrative burden, then reasonable alternatives or accommodations may be allowed. When a service, program, or activity is located in a building that is not accessible, Title II of the ADA allows a "small" local government to achieve program accessibility in several ways. This can include:

- relocating the program, service, or activity to an accessible facility; or
- providing the program, service, or activity in another manner that meets ADA requirements; or
- undertaking modifications to the building or facility itself to provide accessibility.

Although a significant cost burden, it is not "technically infeasible" due to structural, physical, or site constraints to meet minimum accessibility standards to access the second level housing the historical museum, historical society, and cable access television studio.

Based on the above, and subject to additional required variances (MAAB, MSBC/Plumbing), the following options should be considered:

### Option #1

- Create a ramped approach or enclosed lift to provide building access to the library.
- Modify the existing non-compliant bathrooms into at least one unisex accessible bathroom.
- Relocate the historical society and CATV studio to a different location in town.
- In order to achieve access to the services provided through the historical museum , the items on display must be made available for viewing by all. This can be accomplished by creating a printed descriptive catalogue with photographs of those items in the library as well as a CD/Flash Drive which both depicts and describes the same. An area can be made available in the library to accommodate a viewing area of the catalogue as well as a place (with proper equipment) to watch the CD/Flash Drive. Upon request, an individual with a mobility limiting disability who wants to see an item directly, can have that item retrieved from the museum (as feasible) and brought to the designated library viewing area. A formal posting of the policy and practice must be posted in the library, on all museum literature and pamphlets, as well as on the town's website.

### Option #2

- Create a ramped approach or enclosed lift to provide building access to the library.
- Modify the existing non-compliant bathrooms to provide at least one accessible bathroom on the 1<sup>st</sup> and 2<sup>nd</sup> levels.
- Install a LULA lift to access the 2<sup>nd</sup> level of the building or a full elevator to access all three (3) levels.

The Accessibility Assessment that follows will be based on Option #2, which will most likely require full building accessibility compliance.

## **Upton Library Accessibility Assessment**

<b>General Description of Obstacle</b>	<b>2010 ADAAG</b>	<b>MAAB 521 CMR</b>	<b>Type of Action to be Taken</b>	<b>P</b>	<b>F</b>	<b>TF</b>	<b>Cost Estimate</b>
<b>Parking</b> The accessible parking signage is 15½" too low. The space is not designated as van accessible.  The parking space running slope varies up to 3.6% which exceeds the maximum allowed for a level surface by 1.6%.  <b>See Photo Library 1.</b>	502	23.6	Raise the sign so that the bottom of the sign is at least 60" a.f.f. and no more than 96" a.f.f. to the top of the sign. Van accessible signage s/b provided.	1	2	I	\$25
	502	23.4	Resurface the parking space and access aisle such that the running and cross slopes do not exceed 2.0% and the ground surface is uniform, stable, firm, and slip resistant.	1	3	N	\$1,250
<b>Accessible Route into the Library</b> There is no compliant accessible route of travel to the building from the designated accessible parking and the Main Street sidewalk as the surfaces have abrupt changes of greater than ¼" along the route of travel.	403.4	22.4	Modify and or reconstruct the walkways so there are no abrupt changes in level surface of greater than ¼".	1	3	N	Up to \$500

There is no accessible route into the building as the route of travel from both Main Street and Grove Street require the use of stairs to enter the building. The "no contact" pick-up is also accessible only via stairs.	206	20	The vertical access (lift, elevator) within the building will dictate the location of the main entrance, accessible entrance, and egress. See discussion on Vertical Access below.	1	4	N	TBD
The Grove Street lower stairs at the sidewalk have a railing on one side only and do not extend to the bottom tread and lack bottom extensions.	504 505	27	Stair railings need to be modified so they are provided on both sides of the stairs and are between 34" – 38" a.f.f. to the top of the railing, circular or oval in x-section, 1½" – 2" in outside diameter, and with extensions at the top (12" parallel to the ground) and bottom (slope distance one tread then 12" parallel to the ground).	1	3	N	\$3,500 to \$5,500
The Grove Street upper stairs near the building entrance have railings on one side only and don't properly extend at the top and do not properly extend at the bottom and at the correct height.							
The Main Street stairs have a railing on one side only and the railings do not fully extend at the top nor do they properly extend at the bottom of the stairs.							
<b>See Photos Library 2, 3 and 4.</b>							
<b>Exterior Doors</b> Entrance and egress doors do not fully comply with the maximum allowed operating force for an exterior door (15 lbs.) and minimum closing speed requirement of 6 seconds under 521 CMR.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the push/pull force does not exceed 15 lbs and the door closing speeds are at least 6 seconds.	1	2	I	\$100
<b>Interior Doors</b> Interior doors with closers do not meet the minimum closing speed requirement of 6 seconds under 521 CMR or the maximum operating force of 5 lbs. for interior doors.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the push/pull force does not exceed 5 lbs and the door closing speeds are at least 6 seconds.	2	2	I	\$100
<b>Door Signage</b> Eleven (11) doors on the library main level and twenty-three (23) doors on the second level lack tactile designation signage.  <b>See Photo Library 5.</b>	703	41.1	Install accessible compliant designation signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Under 521 CMR, signage should be 60" a.f.f. to the centerline of the sign. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2	2	I	\$1,190
<b>Door Hardware</b> Seven (7) doors on the library main level and seventeen (17) doors on the second level have non-compliant knob-style hardware. Two (2) doors on the second level have non-compliant latch style hardware which requires grasping and the use of a thumb to operate.  <b>See Photo Library 6.</b>	404.2	26.11	Replace the existing hardware with lever style that is operable with one hand, a closed fist, or loose grip. Lower the children's room door pull to no more than 48" a.f.f.	2	2	I	Up to \$3,250

<b><u>Protruding Objects and Headroom</u></b> The following are protruding objects as they extend more than 4" into the accessible route of travel between a height of 27" and 80" a.f.f. or have vertical clearance reduced to less than 80". <ul style="list-style-type: none"><li>• Library book shelves at the end of the stacks</li><li>• Signage outside CATV studio</li></ul>	307.2	20.6.1	Raise the signage so it is at least 80" a.f.f. to the bottom of the signs.  Put fixed objects under the shelving for cane detection.	4	2	I	\$0
See Photos Library 7 and 8.							
<b><u>Library Check-out Counter</u></b> The main level check-out counter is 2" too high.	227 904	12.2	Modify the existing main counter or provide a 36" wide counter at no higher than 36" a.f.f. at the existing check-out counter.	2	3	N	Up to \$500
<b><u>Accessible Route Clear Widths</u></b> The book stack clear width at the wall on the Main Street side is only 34".	305 403.5	12.2 20.3	As feasible, move the book stack to achieve the required minimum 36" clear width.	2	2	N	\$0
<b><u>Kitchenettes/Sink Counters</u></b> The counters and sinks in the Library Study Room, CATV studio, and Historical Museum Office are 2" too high and lack knee clearance.  The CATV kitchenette has only 26" of clear width in front of the sink and only 22" clear width at the doorway.	804.3.2 306.3 404.2	32.2 32.6 32.7 26.5	Modify the Library Study Room counter and sink so that it is no more than 34" a.f.f. with a minimum of 27" knee clearance at the sink with guarded, wrapped, or insulated piping.  As the CATV and Historical Museum Office sinks do not appear to be used and are not open to the public, discontinue further use and/or modify only as a reasonable accommodation request.	2	3	N	\$500
<b><u>Accessible Route (Vertical Access) to the Library Director</u></b> There is no accessible route to the Library Director's Office as it is only accessible via stairs. The existing stairs have a railing on one side only and don't fully extend at the bottom.	403 505	22 27.4	Install compliant continuous railings at a height of 34" – 38" to the top of the handrails, round or oval in x-section and between 1½" – 2" in outside diameter, and with extensions at the top 12" parallel to the floor and at the bottom the slope distance of one tread then 12" parallel to the floor.  As a reasonable accommodation, the Library Director may need to meet with staff or patrons in an alternate room or the office may need to be relocated if necessitated by a reasonable accommodation request of the Library Director.  Substantial modifications to the building may require full access to the Director's Office.	2	4	L	\$250
<b><u>Stairs</u></b> The front stairs between the Library and Level 2 have non-compliant risers as the nosing are ½", abrupt, and not beveled.  The bottom landing lacks railings and the existing stair railings lack extensions at the top and bottom of the stairs.  The rear lower level hallway stairs (3	504 505	27	Modify underneath of stairs with molding to create a curved or beveled nosing.  Provide railings where missing at a height of 34" to 38" a.f.f., circular or oval in x-section, and 1½" – 2" in outside diameter. Extensions must be provided at the top railings 12" parallel to the floor and at the bottom railings, the slope distance of one tread, then 12" parallel to the floor.  <i>Note: Railing and stair modification to Level 3 of the</i>	2	3	N	Up to \$1,000

<p>stairs) have non-continuous interior railings to the second set of stairs and lack top and bottom extensions.</p> <p>The rear upper level hallway stairs (17 stairs) have a railing on one side only and lack top and bottom extensions.</p> <p>The rear stairs also have non-compliant risers as the nosing are <math>\frac{1}{2}</math>", abrupt, and not beveled.</p> <p>The stairs from Level 2 to the Level 3 storage has a railing on one side only, lacks extensions, and has excessive nosing of nearly 2".</p> <p><b>See Photos Library 11 and 12.</b></p>		<p><i>building would be required only as a reasonable accommodation, if the space were open to the public, or if the building was substantially rehabilitated as the space is currently not open to the public.</i></p>			
<p><b>CATV Studio</b></p> <p>The placement of the floor cables and wiring is loose, unprotected, and serves as a tripping hazard.</p> <p><b>See Photo Library 13.</b></p>	403	22	Secure, guard, or relocate wire placement.	2	\$0
<p><b>Doorways and Clear Widths</b></p> <p>The following have inadequate doorway (32") widths:</p> <ul style="list-style-type: none"> <li>• Level 1 Bathrooms (25<math>\frac{1}{2}</math>" and 28").</li> <li>• Level 2 Bathrooms (24" and 29").</li> <li>• Level 1 Gathering Room (29 <math>\frac{3}{4}</math>").</li> </ul>	404.2.3	26.5	Modify door openings to achieve 32" minimum required clear width.	2, 3	Up to \$3,750+
<p><b>Bathrooms</b></p> <p>The library staff and public bathrooms and the level 2 men's and women's bathrooms are wholly non-compliant with inadequate clearances for wheelchair maneuverability and no accessible components. The water closet flush valves are not located on the approach side (library staff, level 2 men's); the mirrors are too high; the toilet paper dispensers are not properly located; the water closets do not meet near side, far side, and front setback requirements; the water closets lack grab bars; the towel dispensers are too high; the sinks lack knee clearance; the sink faucets require twisting of the wrist (level 2 men's and women's bathrooms); the water closets are too low (library staff bathroom, level 2 men's and women's bathrooms); and there is inadequate maneuverability in the bathrooms.</p> <p><b>See Photos Library 14, 15, and 16.</b></p>	603 604 606	30	<p>Option 1: Modify and expand one bathroom per level into single user unisex accessible toilet rooms to meet the 2010 ADA Standards and 521 CMR Standards as specified in Table 1.</p> <p>Option 2: Modify and expand all bathrooms to meet the 2010 ADA Standards and 521 CMR Standards as specified in Table 1.</p>	3 4 L	\$75k to \$200k

<b>Vertical Access and Accessible Route</b> There is no accessible route between the lower library level, 2nd level, and 3rd level.  <i>Note: The existing inclined lift to the second level does not meet the requirements as part of an accessible route as it does not provide access to a stage in an assembly occupancy and there are other alternatives (vertical wheelchair lift, limited use elevator, full elevator) for upper level access.</i>	401 402	20	Provide a lift between levels or provide a 3-stop internal elevator or building addition to provide access to all 3 levels.  <i>Note: The cost range in the last column varies and includes a cost escalator due to additional building code requirements, unforeseen conditions, architectural and/or engineering fees, additional contractor costs (bonds, insurance, prevailing wage, overhead and profit, etc.).</i>	2	4	L	Up to \$750k to \$1.2 million+
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Total up to \$1,417,915+

### Upton Library Accessibility Assessment Photos



Photo Library 1



Photo Library 2



Photo Library 3



Photo Library 4



Photo Library 5



Photo Library 6



Photo Library 7

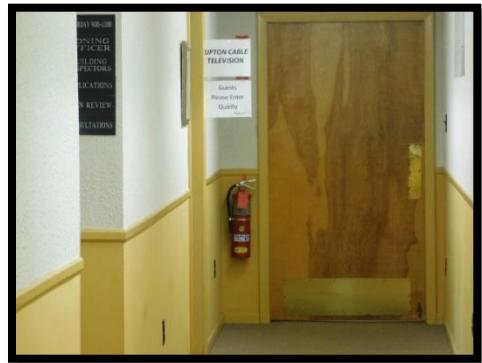


Photo Library 8



Photo Library 9



Photo Library 10

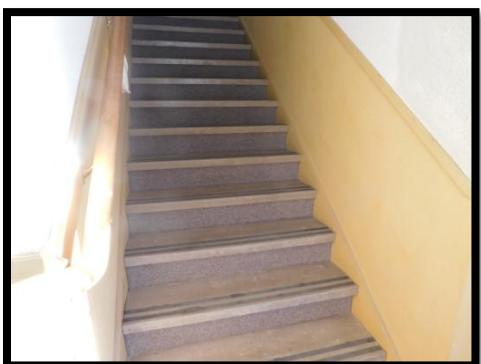


Photo Library 11

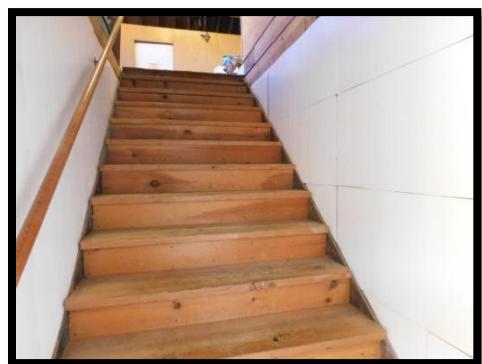


Photo Library 12



Photo Library 13



Photo Library 14



Photo Library 15



Photo Library 16

## **UPTON POLICE STATION**

**Description of Facility and Programs:** The Upton Police Station was renovated and expanded in the 1990's. In addition to the Chief of Police, the Police and Communications Department consists of one (1) Lieutenant, two (2) Sergeants, one (1) Detective, one (1) School Resource Officer, seven (7) Patrol Officers, one (1) Department Specialist, four (4) full-time Dispatchers, and four (4) part-time Dispatchers.



**Responsible Party:** Board of Selectmen.

**General Description or Obstacle Which Limits Mobility or Access** The designated accessible parking spaces are not properly sized and have non-compliant running slopes. There are abrupt changes in level surface from the transition of the asphalt parking area to the concrete ramp. The ramp to the front entrance is deteriorated, has abrupt changes in level surface, and running slopes that exceed the maximum allowed of 8.3%. The stairs from the Church Street sidewalk has numerous areas of deterioration. Exterior and interior doors with closers have operating forces and closing speeds that do not comply with the standards under 521 CMR or the 2010 ADA Standards. A number of interior doors lack tactile designation signage. The lobby counter is too high. There is no accessible route of travel to the Dispatch and IT Room as they can only be reached using stairs and have only have only one railing. The Dispatch entry with a door has inadequate clear width. The break room kitchenette counter is too high and lacks knee clearance. A number of items in the break room exceed the maximum reach range. The lobby area unisex accessible bathroom has tactile signage on the door and not the latch side, has sink piping that is not wrapped or insulated, a mirror that is too high, a toilet paper dispenser that is too far from the water closet, and lacks audible and visual alarms. The staff bathrooms and locker rooms are substantially non-compliant due to insufficient clearances, maneuverability and heights. Similarly, the lower level men's and women's bathrooms have various items of non-compliance relating primarily to heights and reach range. There is no accessible route of travel from the interior of the building to the sallyport/cell/garage. None of the holding cells are designed as accessible.

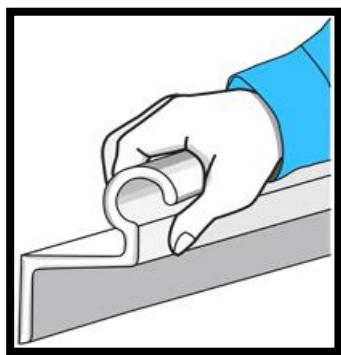
### Reasonable Accommodations

The men and women officer locker rooms have a number of areas of non-compliance including showers, benches, lockers, clearances, heights, etc. In addition, the booking area sink is too high and lacks knee clearance and the dispensers are too high. None of these areas are open to the public and limited for use only for sworn police personnel. All police officers must meet strict physical requirements which a person with a mobility limiting disability would not be able to perform. Therefore, unless there are changes in policies, procedures, and operations, modifications to these areas are not required at the present time.

**Under Section 232.2 of the 2010 ADAAG** alterations to cells shall not be required to comply except to the extent determined by the Attorney General (federal). **Advisory 232.2:** General Holding Cells and General Housing Cells Exception. Although these requirements do not specify that cells be accessible as a consequence of an alteration, Title II of the ADA requires that each service, program, or activity conducted by a public entity, when viewed in its entirety, be readily accessible to and usable by individuals with disabilities. This requirement must be met unless doing so would fundamentally alter the nature of a service, program, or activity or would result in undue financial and administrative burdens.

Inmates in local correctional facilities may have mobility disabilities and need to be housed in accessible cells. Federal laws protect people with disabilities from discrimination by State and local governments, including entities that own or operate correctional facilities. All such entities are covered by the Americans with Disabilities Act of 1990 (ADA), and those that receive Federal funds are also covered by section 504 of the Rehabilitation Act. These laws prohibit discrimination against persons with disabilities, including inmates who use wheelchairs, scooters, walkers, or other mobility devices. All aspects of law enforcement and correctional services are covered by these laws - including facilities, employment, transportation, and other activities, programs, and services.

Both the 2010 ADA Standards (S. 604.5 Exception #3) 521 CMR (S. 15.8) provide exceptions for the requirement of grab bars in cells that are specifically designed without protrusions for purposes of suicide prevention. However, in recent years grab bars have been designed so they do not increase suicide risk. As shown, there are several ways for grab bars to be designed with adequate gripping surfaces, while ensuring that nothing can be tied onto them (see below). Consideration should be given (not required) to installing suicide proof grab bars in the accessible cell as feasible and necessary in the future.



## Police Station Accessibility Assessment

General Description of Obstacle	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	Type of Action to be Taken	<u>P</u>	<u>F</u>	<u>TF</u>	<u>Cost Estimate</u>
<b>Parking</b> The 2 accessible parking spaces are designated as "van" accessible at 8' wide and 10'3" wide respectively, but share an access aisle that is only 4'2" wide, which is 10" too narrow. In addition the running slopes vary from 3.6% to 4.2% which exceeds the maximum of 2.0%. There is a 1" abrupt change in level surface from the transition of asphalt parking to the concrete sidewalk.  <span style="color: red;">See Photo Police 1.</span>	502.2 502.4 403.4	23.4 22.4	Reconstruct/repave the parking spaces and access aisle so the cross slopes do not exceed 2.0%. The van accessible space should be either 8' wide with an 8' access aisle or 11' feet wide with a 5' access aisle. If a passenger vehicle accessible space is constructed, it should be 8' wide and can share the access aisle with the van accessible space. Eliminate change in level surface when accessible parking area is reconstructed and repaved.	1	3	N	Up to \$2,500
<b>Exterior Front Stairs</b> The front stairs have numerous areas of deterioration as well as some abrupt changes in level surface.  <span style="color: red;">See Photo Police 2.</span>	504	27	The cement stairs need to be repaired and to eliminate any changes in level surface.	1	3	N	To be determined
<b>Exterior Ramp to Station</b> There are areas of severe deterioration on the ramp surface creating both an unstable and unlevel surface. There is a ½" to 1" abrupt change in level surface at the ramp base. The ramp running slopes vary at locations from 8.5% to 8.7% which exceeds the maximum 8.3% allowed for a ramp.  <span style="color: red;">See Photo Police 3.</span>	405	24	Repair the ramp surface to eliminate deteriorated and unlevel surfaces. Grind the concrete at the base of the ramp to eliminate the abrupt change in level surface. Due to the minimal benefit in gaining 0.2% to 0.4% in running slope, seek a variance to keep the ramp running slope as it is.	1	3, 1	I	Up to \$350
<b>Exterior and Interior Doors</b> Exterior and interior doors with closers, including the chair lift doors do not fully comply with the maximum allowed operating force for an exterior door (15 lbs.) and interior door (5 lbs.) and the minimum closing speed requirement of 6 seconds under 521 CMR. Operating forces vary up to 20 lbs. and closing speeds are as quick as 3 seconds.  The following doors are in non-compliance: main entrance, chair lift doors (2), unisex accessible bathroom, interview room, door to admin/dispatch from lobby, doors in administrative area (2), lobby door by dispatch, side exit door in administrative area, men's locker room door, women's locker room door, lower level men's bathroom door, lower level women's bathroom door.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the push/pull force does not exceed 15 lbs for an exterior door and 5 lbs. for an interior door with door closing speeds of at least 6 seconds.	1, 2, 3	2,3	I	Up to \$250

<b><u>Door Signage</u></b> Tactile designation signage is not provided at the following locations:  Chair lift, Lobby bathroom (on door not latch side), Interview Room, Administration Door, Interview Room, Chief's Office, Sergeants Office, Dispatch (2), Exit to Basement from Level 1, Lower Level at Classroom and Cell Block Door, Armory, Janitor's Closet, Door to Lobby, Photo Lab, Male Locker Room, Female Locker Room, Juvenile/Female Cell Block, Cell Block, Interview Area, Booking Room, Exit at Lower level, Ground Level Janitor, Ground Level Fitness, Ground Level Training, 2 Ground Level Bathrooms (not on latch side), 2 Exit Doors, Records/Evidence/Storage.  <a href="#">See Photo Police 4.</a>	703	41.1	Install accessible compliant signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Under 521 CMR, signage s/b 60" a.f.f to the centerline of the sign. Tactile characters on signs s/b 48" min. a.f.f.. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2	2	I	\$1,050
<b><u>Platform Lift</u></b> The lift door does not fully self-close, lacks an interior pull device, and requires more than 5 lbs of force to open.	410.5 309	26.11 26.8	Adjust lift door so that it fully self-closes and required no more than 5 lbs. to open. Install an interior pull device.	2	3	I	Up to \$250
<b><u>Front Counter</u></b> The counter is 44 1/4" a.f.f., which is 8 1/4" too high.  <a href="#">See Photo Police 5.</a>	904.4	7.2	Construct a 36" long by no more than 36" high a.f.f. counter, with a minimum of 27" of knee clearance.	2	3	N	\$350
<b><u>Employee Break Room</u></b> The sink/counter is 36" a.f.f. which is 2" too high and does not provide knee clearance.  The microwave, towel dispenser, cup hooks all exceed the maximum reach range height of 48" a.f.f. under the 2010 ADA Standards.  The cook top has controls on the top and not the front of the unit.  <a href="#">See Photo Police 6.</a>	804.3.2 306.3  308.2 308.3  804.6.5	32.2 32.6 32.7  6.5 6.6  32.8	As necessary due to a reasonable accommodation, modify the counter and sink so that the counter/sink is no more than 34" a.f.f. and there is a minimum of 27" knee clearance at the sink with guarded, wrapped, or insulated piping.  As necessary due to a reasonable accommodation, provide a microwave on the counter and lower the towel dispenser and one cup hook to no more than 48" a.f.f.  As necessary due to a reasonable accommodation, replace the existing cook top with one that has the controls on the front of the unit.	4	3	L	Up to \$500  \$150  Up to \$500
<b><u>Dispatch Room</u></b> The 2 sets of stairs to the dispatch room have a railing on one side only.  The clear width to the Dispatch Room from the Admin side has only 29" of clear width, which is 3" too narrow.  <a href="#">See Photo Police 7.</a>	505  404.2.3	27  26.5	Install compliant continuous railings at a height of 34" – 38" to the top of the handrails, round or oval in x-section and between 1 1/4" – 2" in outside diameter on the side of the stairs with no railing. As feasible and consistent with the historic integrity of the stairs, provide extensions at the top 12" parallel to the floor and at the bottom the slope distance of one tread then 12" parallel to the floor.  Remove the door.	4	2	N	\$350  \$0

<b><u>Lobby Unisex Accessible Bathroom</u></b> The mirror is 3" too high.  The toilet paper dispenser is 2" too far from the front of the water closet.  The piping below the sink is not wrapped.  The bathroom lacks audible and visual alarms.  <b>See Photo Police 8.</b>	603.3  604.7  606.5  702	30.11  30.7.6  30.9.5  40	Lower the mirror to no more than 40" a.f.f. to the bottom of the reflecting surface.  Relocate the toilet paper dispenser so it is a minimum of 7" and a maximum of 9" in front of the water closet measured to the centerline of the dispenser and at least 24" a.f.f.  Wrap, guard, or insulate the piping.  Install audible and visual alarms in compliance with NFPA 72.	3  3  3  3	2  2  2  3	I  I  I  N	\$0  \$0  \$50  Up to \$500
<b><u>Holding Cells</u></b> None of the holding cells are accessible.  The sinks are 35" a.f.f. to the top of the counters which is 1" too high and lack knee clearance.  The metered/self-closing faucets and flush controls require 15 lbs. – 20 lbs. of operating force. The faucets stay open for only 1 to 3 seconds.  The water closets are 15" a.f.f to the top of the rim which is 2" to 4" too low. Four of the cells are 2½" too close to the nearest sidewall and two of the cells are 1" too far from the nearest sidewall.  <b>See Photos Police 9, 10, and 11.</b>	232  603  309 606.4  603	15  30  39.5 30.9.6  30	One cell needs to be modified as follows to be accessible:  Provide a sink/water closet unit that is no more than 34" a.f.f to the top of the counter and has at least 27" of knee clearance.  Adjust the faucet and flush control so they require no more than 5 lbs. to operate and so that the faucet stays on/open for at least 10 seconds.  Provide a sink/water closet unit that is between 17" – 19" a.f.f. to the top of the water closet rim, is 18" o.c. to the centerline of the water closet to the nearest sidewall, is at least 42" o.c. to the centerline of the water closet to the nearest far wall or object, and at least 42" clearance from the front of the water closet to the nearest wall or fixture.	3  3  3  3	3  3  3  3	N	Up to \$3,500+
<b><u>Main Level Employee Bathrooms</u></b> The men and women bathrooms for police officers and civilian dispatchers are both wholly non-compliant as follows: the sink counters are 2" too high, the sinks lack knee clearance, the soap and towel dispensers are too high, the men's mirror is too high, the men's urinal is too high, the water closets are 1" – 3" too low to the top of the rim, the water closets lack sufficient front and side wall clearances, and the water closets lack grab bars.  <b>See Photos Police 12 and 13.</b>	604 404 603 308 309 609 306 606 605	30	Provide a unisex accessible toilet for employee use as may be required. The bathroom needs to adhere to the applicable standards detailed in Table 1 (below).	3  4	4  L		Up to \$50,000
<b><u>Lower Level Men's/Women's Ground Level Bathrooms</u></b> The toilet paper dispensers are 4" too low and too close (women) and too far (men) from the front of the water closet.  The piping below the sinks is not wrapped.  The bathroom lacks audible and visual alarms.	604.7  606.5  702	30.7.6  30.9.5  40	Relocate the toilet paper dispensers so they are a minimum of 7" and a maximum of 9" in front of the water closet measured to the centerline of the dispenser and at least 24" a.f.f.  Wrap, guard, or insulate the piping.  Install audible and visual alarms in compliance with NFPA 72.	3  3  3	2  2  3	I  I  N	\$0  \$100  Up to \$1,000

The water closet stall doors are not self-closing; lack exterior pull devices; have non-compliant locking mechanisms which require pinching and twisting of the wrist; and coat hooks that are 4" to 6" too high.	604.8 404.2 308.2 308.3	30	Install pull devices on the exterior of each door, replace the locking devices with ones that can be operated with a closed fist, and lower the coat hooks to no more than 48" a.f.f.	3	2	I	\$150
The men's water closet is 1" too close to the nearest side wall and the women's water closet is 1" too far from the nearest sidewall.	604.2	30.7.2	Relocate the water closets so that the centerline of the water closets are 18" from the nearest side wall.	3	3	N	Up to \$500
The bathroom lacks audible and visual alarms.	702	40	Install audible and visual alarms in compliance with NFPA 72.	3	3	N	Up to \$1,000
<b>Women's Only Bathroom</b> The water closet flush control is on the near wall side and not the approach or wide side.	604.6	30.7.5	Option#1: Replace the water closet with one that has the flush control on the open side.  Option#2: Replace the water closet tank with one that has the flush control on the open side.	3	3	N	\$350 or \$250
<b>Interior Vertical Access/Accessible Route</b> No accessible route exists to the dispatch area and to the sallyport/cells/garage. Both areas can only be reached via stairs. The sallyport/cells/garage can also be reached by going outside and traversing the parking lot to the garage entrance.	402 407 410	20 28	The provision of vertical access will require professional architect/engineer plans and specifications to determine the best approach to access the dispatch area (ramp, wheelchair lift) and sallyport/cells/garage (wheelchair lift, elevator, limited use limited access elevator).	2	4	L	To be determined

Up to \$63,400+

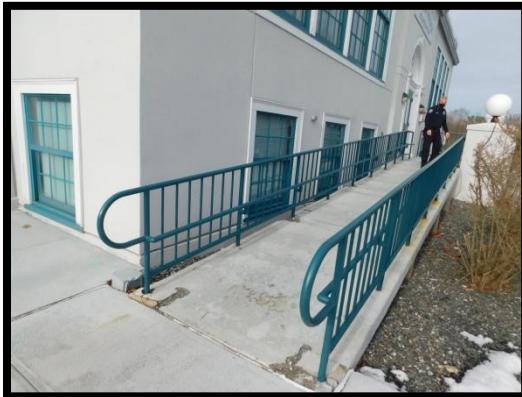
### Police Station Accessibility Assessment Photos



See Photo Police 1



See Photo Police 2



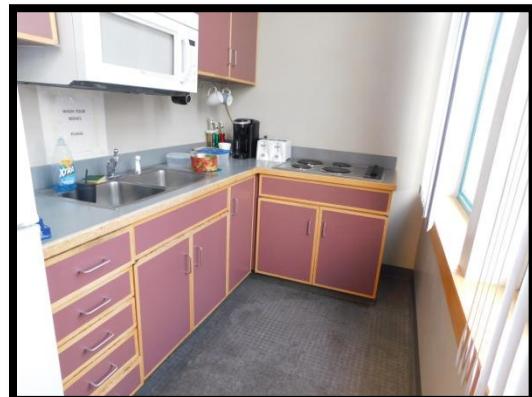
See Photo Police 3



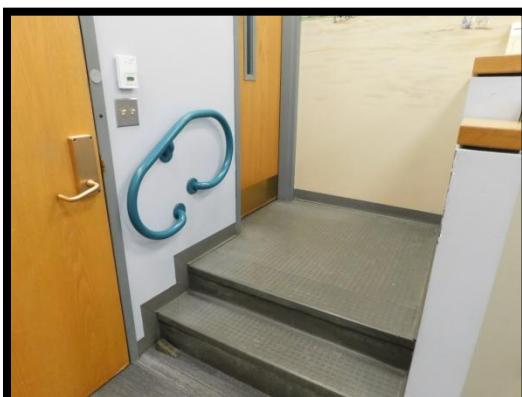
See Photo Police 4



See Photo Police 5



See Photo Police 6



See Photo Police 7



See Photo Police 8



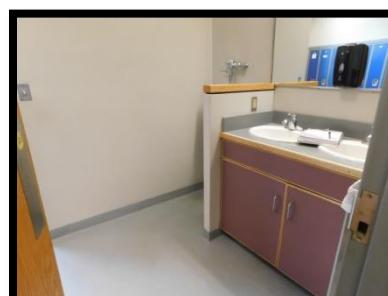
See Photo Police 9



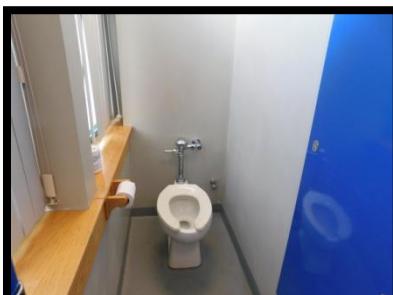
See Photo Police 10



See Photo Police 11



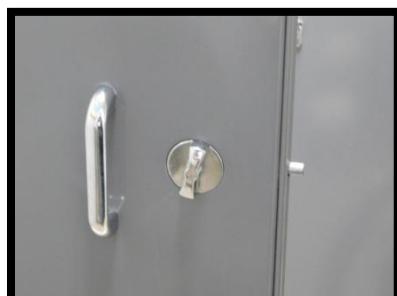
See Photo Police 12



See Photo Police 13



See Photo Police 14



See Photo Police 15

**Table 1. Adult Bathroom Facilities Compliance Requirements**

2010 ADAAG		MAAB 521 CMR		
<b>Doorway/Entrances</b>				
Signage	703.4	Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Latch side of door. See exceptions.	41.1	Latch side of door; approach w/in 3"; 60" a.f.f. to centerline of sign.
Hardware	404.2.7	Operable with a closed fist or loose grip	26.11.1	Operable with one hand; roughened surface for hazard areas (26.11.4).
Hardware height	404.2.7	34" to 48" a.f.f.	26.11.2	36" to 48" a.f.f.
Door closing speed	404.2.8.1	5 sec. min. from 90 degrees to 12 degrees from the latch.	26.9	At least 6 seconds.
Door opening force	404.2.9	Interior hinged / sliding/folding-5 lbs	26.8.1	Exterior hinged-15 lbs; interior hinged / sliding/folding-5 lbs.
Doorway width	404.2.3	Clear width of 32" minimum.	26.5	Clear opening of 32" min.
Threshold	404.2.5	Not > 1/2" high. Raised thresholds comply with 302 and 303 (between 1/4" and 1/2" s/b beveled w/slope no > 1:2(50%)).	26.10	Not > 1/2" high, beveled w/no > 1:2 slope. Sliding door thresholds not > 3/4" high and beveled w/no > 1:4 slope.
Handrails - clearance	505.5	1 1/2" minimum.	27.4.7	1 1/2" from wall. Recessed if max 3" recess and 18" above handrail.
<b>Single User Toilet Room</b>				
Door	213 404.2.3 603.2	In-swing allowed if min. 30"x48" c.f.s. beyond swing of the door (603.2). 32" min. clear width (404.2.3).	30.4	In-swing allowed if self closing device and min. 30"x48" c.f.s. beyond swing of the door.
Clear floor space	604.3.1	60" x 56" minimum.	30.5, 6.3	Clear floor space required (30.5); 60" diameter or a 36" x 60" "T" (6.3).
<b>Toilet Stalls</b>				
# standard accessible stalls	213.3.1	At least one.	30.6	One must be provided
# alternate accessible stalls	213.3.1	If 6 or > stalls/urinals at least one alternate accessible stall must ALSO be provided	30.6	If 6 or > stalls at least one alternate accessible stall must ALSO be provided
<b>Standard Accessible Stall</b>				
Size	604.8.1.1	60" wide x 56" deep for wall hung water closets; 60" wide x 59" deep for floor mounted water closets.	30.6.1	60" wide x 72" deep.
Water closet location	604.2	On rear wall.	30.6.1	On 60" wall.
Door width	404.2.3	32" minimum clear opening, swings out.	30.6.1	32" clear opening, swings out or slides
Door hinge and closing	604.8.1.2 404.2.7	Self-closing hinge; pull device on both sides (604.8.1.2); operable parts 34" min. to 48" max. a.f.f. (404.2.7).	30.6.1	Self-closing hinge; pull device on both sides; lock at approx. 36" a.f.f.
Door swing	404.2	Door must swing out.	30.6	Door must swing out or slide.
Latch side clear space	604.8.1.2	42" min. clear space for side approach to door; door opening s/b 4" max. on side wall or partition farthest from water closet. If door on side, opening s/b 4" max. from front partition.	30.6.1	18" clear space on latch side of door.
Coat hook	603.4 308	Forward (308.2)/side (308.3) reach 15" to 48" max. a.f.f.	30.6.1	Max. 54" a.f.f.
Grab bar location	604.5	Provided on side wall closet to water closet and rear wall. Side wall bar 42" long, 12" max. from rear wall and extending 54" min. from rear wall. Rear wall bar s/b 36" long min. and extend from center of water closet 24" min on transfer side and 12" min on opp. side.	30.8	2 grab bars, 42" long, 1 on back wall above water closet, one on side wall closet to water closet. See Grab bars.

<b>Water Closets</b>				
Clear floor space (no stall)	NA	NA (Stall 60" wide x 56" deep)	30.7.1	30" x 48"
Location	604.2	Centerline s/b 16" to 18" max from nearest sidewall, except that water closet s/b 17" min to 19" max from the side wall in an ambulatory accessible compartment.	30.7.2	Centerline s/b 18" from nearest sidewall, at least 42" from farthest sidewall, and 42" clearance from front of water closet to nearest wall/fixture
Height	604.4	17"-19" a.f.f. to top of seat.	30.7.3	17"-19" a.f.f. to top of seat.
Flush control	604.6 308	Hand operated or mounted (604.6). 15" min. to 48" max reach range (308). .	30.7.5	Mounted on wide side no > 44" a.f.f.
Toilet paper dispensers	604.7 309.4	7" min and 9" max in front of water closet measured to centerline of dispenser. Outlet s/b 15" min and 48" max a.f.f. S/not be behind grab bars and be a continuous flow (604.7). Minimum 1½" clearance below the grab bar. Operable parts per 309.4.	30.7.6 30.8.5	Mounted on side wall closest to toilet, centerline of roll s/b min. of 24" a.f.f. Dispensers shall not be mounted above grab bars.
<b>Grab Bars</b>				
Grab bar location	609.4 604.5	See Standard Accessible Stalls.	30.8.1	Side grab bar s/b no >12" from interior corner; rear grab bar s/b no > 6" from interior corner.
Grab bar height	609.4	33" – 36" a.f.f. to top of gripping surface.	30.8.2	33" – 36" a.f.f.; tank/flushometer variances of height and length.
Grab bar thickness	609.2	Circular x-sect. outside diameter 1½" min. to 2" max.; Non-circular x-sect. 2" max. and perimeter of 4" min. and 4.8" max.	30.8.3	1 ¼" – 1 ½" diameter.
Grab bar material	NA	NA	30.8.4	Non-rusting, acid-etched or roughened.
Spacing	609.3	1 ½" between wall & grab bar. Space between grab bars & projecting objects above s/b 12" min.	30.8.3	1 ½" between wall and grab bar. Nothing mounted above.
<b>Sink</b>				
Clear floor space	606.2 305	Forward approach clear floor space of 30"x48"(305.3).	30.9.1 6.3	60" diameter, no more than 19" underneath the sink. 30"x48" forward approach.
Height	606.3	Rim no > 34" a.f.f.	30.9.2	Rim no > 34" a.f.f. Sink min. 17" from wall to front of the sink.
Knee clearance	306.2 306.3	Knee clearance is 9" to 27" a.f.f; 25" deep max. at 9" a.f.f. or 11" deep min at 9" a.f.f. and 8" deep min at 27" a.f.f. Width of knee clearance s/b 30" wide min (306.3). Toe clearance as part of c.f.s. 17" min – 25" max, 9" high a.f.f., 30" wide (306.2).	30.9.3	27" min. from floor to underneath; 8" from front to back (deep). Minimum of 9" of toe clearance. Toe clearance as part of c.f.s. a max. of 6" of the 48" of c.f.s. may extend into the toe space.
Depth	NA	NA	30.9.4	Not > 6 ½".
Piping	606.5	Insulated, protected, no sharp/abrasive surfaces.	30.9.5	Recessed, insulated or guarded.
Faucets	606.4 309	Operable w/one hand w/max 5 lbs force required (309). Metering faucets must be open 10 secs min (606.4).	30.9.6	Operable w/one hand. If self-closing valves, must be open min. 10 seconds
<b>Urinals</b>				
Required #	213.3.3	Where more than 1 urinal provided, at least one s/b accessible.	30.10	If one or more urinals, at least one must be accessible.
Height	605.2	Stall or wall hung; rim maximum of 17" a.f.f.; 13½ " deep from outer face of rim to back of fixture.	30.10.1	Stall or wall hung; elongated rim; maximum of 17" a.f.f.
Clear floor space	605.3 305	Forward approach clear floor space of 30"x48" (305.3).	30.10.2 6.3	Front approach 30"x48" and 60" diameter turning radius (6.3); 29" clearance between urinal shields (30.10.2).
Flush control	605.4 308 309	Hand operated or automatic (309.4); 15" min – 48" max a.f.f. reach range (308).	30.10.3	Hand operated, automatic; no > 44" a.f.f.

<b>Mirror</b>				
Height	603.3	If over lavatory/countertop, bottom of mirror reflecting surface no > 40" a.f.f.; if not over lav/counter no > 35" a.f.f. if fill length, top s/b 74" min a.f.f.	30.11	Bottom of mirror reflecting surface no > 40" a.f.f.
<b>Dispensers</b>				
Location	205	S/b located on an accessible route.	30.12	One of each device w/in zone of reach
Operation	309.4	Operable w/one fist; no > 5 lbs force.	30.12 39.5	Operable w/one fist; no > 5 lbs force (39.5).
Height	308.2 308.3	Side (308.3) and forward (308.2) reach 15" – 48" a.f.f.	30.12	42" max. a.f.f.
<b>Controls and Receptacles</b>				
Location	205	S/b located on an accessible route.	30.13 39.00 6.5, 6.6	One of each on an accessible route (30.13); all controls s/b at least 18" from an interior corner (39.00); forward reach 15"–48" a.f.f. (6.5); side reach 9"–54" (6.6).
Height	308.2 308.3	Side (308.3) and forward (308.2) reach 15" – 48" a.f.f.	6.5, 6.6	Forward reach max. of 48" a.f.f. Side reach max. of 54" a.f.f..
Operation	309.4	Operable w/one fist; no > 5 lbs force.	30.13 39.5	Operable w/one fist; no > 5 lbs force (39.5).
Clear floor space	305	Forward approach clear floor space of 30"x48" (305.3).	6.4 39.2	Minimum 30"x48" (6.4, 39.2).
<b>Signage</b>				
Location	703.4	Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Latch side of door. See exceptions.	41.2.1	Wall adjacent to latch side of door or nearest adjacent wall. Reach allowance s/b within 3" of signage.
Height	703.4	Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character.	41.2.2	60" a.f.f. to centerline of sign.
Character proportion	703.5.4	Characters s/b selected from fonts where the width of the uppercase letter "O" is 55% min and 110% max of the height of the uppercase letter "I".	41.3	Width to ht. (3:5-1:1) and stroke-width- height (1:5-1:10).
Character height	703.5.5	Sized according to viewing distance. See Table 703.5.5.	41.4	Sized according to viewing distance.
Brailled characters	703.3 703.4	Grade 2 Braille. Domed or rounded shape (703.3). See Table 703.3.1 for Braille dimensions. Height (703.4).	41.5	Letters/numbers raised 1/32"; upper case; Grade 2 Braille; raised characters 5/8" but no > 2".

## **UPTON FIRE STATION**

**Description of Facility and Programs:** The Upton Fire & EMS Department is a combination Career/Call Department providing fire suppression, rescue, and emergency medical services to the town of Upton while also partnering with other local and regional emergency services organizations. The Department's mission is to provide prompt, quality services to the town of Upton that promotes safety and security while benchmarking its services against national, state and local standards. Department personnel includes a fire chief, an assistant fire chief, a captain, 4 lieutenants, a financial assistant/EMT, a firefighter/paramedic/EMS Coordinator, a firefighter/paramedic, 7 firefighters/EMT's, 10 firefighters, 4 EMT's, 3 probationary firefighters, 2 probationary firefighters/EMT's, and 4 per diem paramedics.



**Responsible Party:** Board of Selectmen.

**General Description or Obstacle Which Limits Mobility or Access:** The Fire Station is substantially accessible compliant for those areas and levels which are open to the public with a number of minor exceptions. There is designated accessible parking (1 van, 2 passenger vehicles) near the rear side entrance to the elevator lobby to access the second level meeting room, but no designated accessible parking near the main entrance for routine business. The 2 existing spaces and access aisle closest to the building have cross slopes in excess of 2.0%. There is no directional signage noting that the main entrance is at the front of the building. The accessible route to the main entrance from the Church Street sidewalk has an abrupt change in level surface of 1" to 2". The access/egress doors and the interior doors with closers have operating forces and closing speeds that do not comply with the standards under 521 CMR or the 2010 ADA Standards. Interior doors with glass panes exceed the

maximum height for viewing under the 2010 ADA Standards. The lobby airphone buzzer is too high. The Level 1 and Level 2 drinking fountains are “low only” with no accompanying “high” fountain. A number of doors lack tactile designation signage. A Level 1 fire extinguisher and a Level 2 conference room phone serve as a protruding object. The Level 1 and Level 2 bathrooms have a number of non-compliant items relating to heights, operating force, and setbacks. Level 2 conference room phones and intercom exceed the maximum reach range. The Level 2 conference room tables (11) lack compliant knee clearance.

Garage/Apparatus Area. This area is limited to fire fighters with no public access. There is an abrupt change in level surface of 4” to access the bay from the administrative area as well as items which are outside reach range and others which serve as protruding objects. In addition, spaces lack tactile signage and have non-compliant knob style hardware. As no public access is allowed to these areas, no further action or modifications are required at the present time. Modifications would only be necessary as a reasonable accommodation as may be required.

Firefighter/EMS Shower and Locker Facilities, Kitchen, Bunk Rooms, Fitness Room and Dayroom. These areas are limited to firefighters and emergency medical personnel, who must meet strict physical requirements which a person with a mobility limiting disability would not be able to perform. The bathrooms have minor areas of non-compliance which can be readily addressed at little to no expense (see below). The kitchen counter is too high and lacks knee clearance; spaces lack tactile designation signage; coat hooks, phones, and dispensers exceed the reach range; locker opening devices cannot be operated using a closed fist; and locker room benches are not wide enough. As no public access is allowed to these areas, no further action or modifications are required at the present time. Modifications would only be necessary as a reasonable accommodation as may be required.

## Fire Station Accessibility Assessment

General Description of Obstacle	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost Estimate
<b>Parking</b> The van and passenger vehicle designated accessible parking spaces and shared access aisle near the rear/side entrance have cross slopes varying from 2.8% to 3.6%.	502.4	23.4	Reconstruct/repave the parking spaces and access aisle so the cross slopes do not exceed 2.0%	1	3	N	Up to \$2,500
There is no directional signage from the rear/side parking noting the location and accessible route of travel to the front main entrance.	216	41.1.3	Provide directional signage noting location of front main entrance.	1	2	I	\$100
There is no designated accessible parking near the front main entrance for daily routine business.	206 208.3	20	Designated accessible parking must be located on the shortest accessible route from the parking to the building. It is <u>recommended</u> that the town consider constructing a designated accessible parking space and access aisle compliant with S. 502 of the 2010 ADA Standards and S. 23 of 521 CMR on the lawn area on the side front of the building.	1	3	L	Up to \$3,500
See Photos Fire 1 and 2.							

<b><u>Accessible Route of Travel to Front Entrance</u></b>  The accessible route to the main entrance from the Church Street sidewalk has an abrupt change in level surface of 1" to 2".  <b>See Photo Fire 3.</b>	403	22	Grind the sides of the concrete pad so that unbeveled transition changes are no greater than $\frac{1}{4}$ ".	1	2	N	\$150
<b><u>Protruding Objects</u></b>  The Level 1 fire extinguisher near Room #103 and Level 2 conference room phone are 28 $\frac{1}{2}$ " a.f.f. and 56" a.f.f. respectively to the bottom of each item and protrude 4 $\frac{1}{2}$ " and 5 $\frac{3}{4}$ " into the accessible route of travel which exceeds the maximum of 4" into the accessible route of travel between a height of 27" and 80" a.f.f.  <b>See Photos Fire 4 and 5.</b>	307.2	20.6.1	Lower the fire extinguisher 1 $\frac{1}{2}$ " and place a fixed object under the phone for cane detection.	2	2	I	\$0
<b><u>Exterior and Interior Doors</u></b>  The exterior and interior doors (with closers) do not fully comply with the maximum allowed operating force for an exterior door (15 lbs.) and interior door (5 lbs.) and the minimum closing speed requirement of 6 seconds under 521 CMR. Operating forces vary up to 18 lbs. and closing speeds are as quick as 3 seconds. The following doors are in non-compliance:  Side entrance door to elevator lobby (exterior); main entrance (exterior); main entrance interior lobby; door from rear/side entrance to elevator lobby; door to emergency operations center by lobby (2); Level 1 men's and women's bathrooms; Level 2 conference room doors (3); Level 2 men's and women's bathrooms.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the push/pull force does not exceed 15 lbs for an exterior door and 5 lbs. for an interior door with door closing speeds of at least 6 seconds.	1, 2	2	I	\$100
<b><u>Door Signage</u></b>  Tactile designation signage is not provided at the following locations: <ul style="list-style-type: none"><li>• Level 1 door to dispatch</li><li>• Level 1 door to front office</li><li>• Level 1 door to office near front office</li><li>• Level 1 door to side door to elevator</li><li>• Level 1 doors to apparatus bay (2)</li><li>• Level 1 exit door to apparatus bay</li><li>• Level 1 two (2) closet doors in Room #105</li><li>• Level 1 closet across from</li></ul>	703	41.1	Install accessible compliant signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Under 521 CMR, signage s/b 60" a.f.f to the centerline of the sign. Tactile characters on signs s/b 48" min. a.f.f.. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2	2	I	\$455

<p>Room #103</p> <ul style="list-style-type: none"> <li>• Level 2 electrical room</li> <li>• Level 2 door to back room from lobby</li> <li>• Level 2 door to back room from conference room</li> </ul> <p>See Photo Fire 6.</p>							
<p><b>Doors with Glass Panes</b></p> <p>Twelve (12) doors have glass panes of 44½" to 46½" a.f.f which exceeds the maximum viewing height of 43". These areas are as follows:</p> <p>Level 1 – door to dispatch, emergency operations center, door from rear entrance to elevator, doors to apparatus bay (3), fire prevention, hallway door by #105.</p> <p>Level 2 – exit door, door to bunk room, doors to training room (2).</p> <p>See Photo Fire 7.</p>	404.2.11	NA	<p>Doors, gates, and side lights adjacent to doors or gates, containing panels that permit viewing through the panels shall have the bottom of at least one panel located 43 inches maximum a.f.f.</p> <p>At a minimum, public access doors should be addressed. Options include a) seeking a variance to keep the doors "as is"; b) frosting or blocking the glass panes; or c) modify the doors to comply with the maximum height restriction of 43" a.f.f.</p>	4	3	L	\$0 to \$1,800
<p><b>Drinking Fountains</b></p> <p>The Level 1 and Level 2 drinking fountains are non-compliant as they are "low" only and not "hi-low" fountains.</p> <p>See Photo Fire 8.</p>	211	36.1.1	<p>Option #1 – Discontinue use of the existing drinking fountains.</p> <p>Option #2 – remove the existing drinking fountains and replace with "hi-low" drinking fountains. The drinking fountains must comply as follows:</p> <p>Protruding objects compliance of no &gt; 4" protrusion between 27" and 80" a.f.f. (307); 30"x48" clear space requirement (305), and knee/toe clearance (306). Knee clearance is 9" to 27" a.f.f; 25" deep max. at 9" a.f.f. or 11" deep min at 9" a.f.f. and 8" deep min at 27" a.f.f. Width of knee clearance s/b 30" wide min (306.3). Toe clearance as part of c.f.s. 17" min – 25" max, 9" high a.f.f., 30" wide (306.2). The spout s/b 15" min from wall and 5" max from the front edge of the unit (602.5). Flow of water 4" high min and spout located max 5" from front (602.6). The spout height s/b 36" max. a.f.f. for "low" and 38" min a.f.f. to 43" max a.f.f. for "high". The controls s/b operable w/one fist; no &gt; 5 lbs force (309.4).</p>	4	3	N	\$0 to \$3,500
<p><b>Reach Range</b></p> <p>The 2 conference room telephones and intercom exceed the reach range by 2" to 8" under the 2010 ADA Standards. The lobby airphone buzzer exceeds the reach range by 2".</p> <p>See Photo Fire 9.</p>	308.2 308.3	6.5 6.6	Lower the telephones, intercom, and airphone buzzer so that the operational buttons are no more than 48" a.f.f. under the 2010 ADA Standards.	2	3	N	Up to \$750
<p><b>Tables and Knee Clearance</b></p> <p>The Level 2 conference room tables have only 26" of knee clearance.</p>	226.1 902.3	35.1 35.6	Block and raise one (1) table to achieve a minimum of 27" of knee clearance.	2	2	I	\$25

<b>Level 1 Bathrooms</b> <u>Men's/Women's</u> The coat hooks are outside the zone of reach under the 2010 ADA Standards by 6" to 8".	308.2 308.3	30.6.1	Lower the coat hooks to no more than 48" a.f.f.	3	2	I	\$0
<u>Women's Bathroom Only</u> The water closet flush control is on the near wall side not the approach side.	604.6	30.7.5	Option#1: Replace the water closet with one that has the flush control on the open side and the top of the seat between 17" and 19" a.f.f.	3	3	N	\$350 or \$250
The water closet is 1½" too low.  <b>See Photo Fire 10.</b>	604.4	30.7.3	Option#2: Replace the water closet tank with one that has the flush control on the open side and replace the toilet seat with an oversize seat to achieve a minimum height of at least 17" a.f.f.	3	3	N	\$250
<b>Level 2 Bathrooms</b> <u>Men's/Women's</u> The soap dispensers are outside the zone of reach under 521 CMR by 3" to 5½".	308.2 308.3	6.5 6.6 30.12	Lower the dispensers to no more than 42" a.f.f.	3	2	I	\$0
The stall doors are not self-closing. The doors lack exterior pull devices, and the coat hooks are 8" too high.	604.8 308.2 308.3	30.6	Adjust the stall door hinges so the doors self-close. Install exterior pull devices. Lower the coat hooks to a height of no more than 48" a.f.f.	3	2	I	\$25
The water closet flush controls are on the near wall side not the approach side.	604.6	30.7.5	Option#1: Replace the water closets with ones that have the flush control on the open side  Option#2: Replace the water closet tanks with ones that have the flush control on the open side.	3	3	N	\$700 or \$400
<u>Men's Bathroom Only</u> The toilet paper dispenser is 1½" too far from the front of the water closet.  <b>See Photos Fire 11 and 12.</b>	604.7	30.7.6	Relocate the toilet paper dispenser so it is a minimum of 7" and a maximum of 9" in front of the water closet measured to the centerline of the dispenser and at least 24" a.f.f.	3	2	I	\$0

Up to \$13,955+

### Fire Station Accessibility Assessment Photos



Photo Fire 1



Photo Fire 2



Photo Fire 3



Photo Fire 4

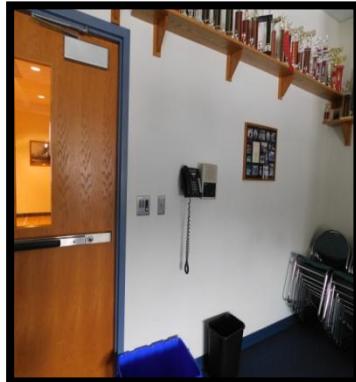


Photo Fire 5



Photo Fire 6



Photo Fire 7



Photo Fire 8

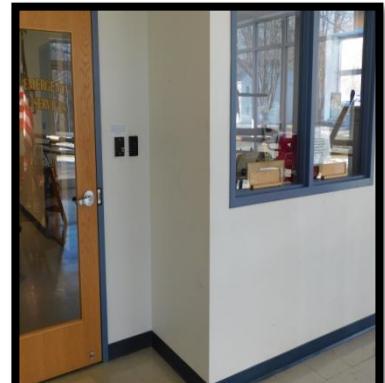


Photo Fire 9



Photo Fire 10

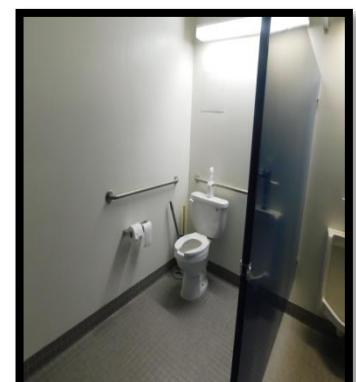


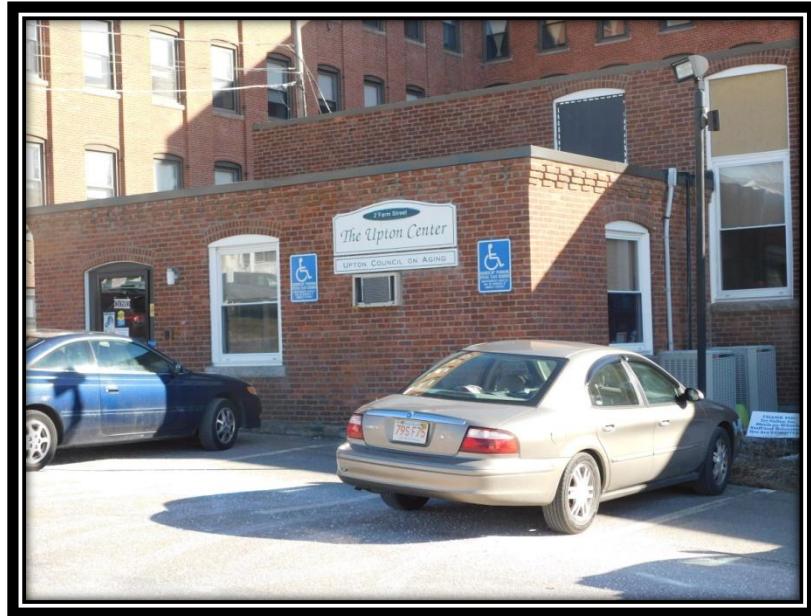
Photo Fire 11



Photo Fire 12

## **THE UPTON CENTER**

**Function and Description of Facility and Programs:** The Upton Center serves as the town's senior center. The center is located off Main Street at 2 Farm Street. The building is a one-level masonry structure with a main level and multiple egresses. The facility consists of 2 offices, a reception area, bathrooms, a kitchen, a large multi-purpose room, and storage. Programs and services include the Tri-Valley lunch program, transportation, a newsletter, computers, wellness talk, wii bowling, tai chi, strength & stretch activities, bingo, canasta, monthly movies, shopping trips, lunch trips, a library table, knitting and crochet, birthday recognitions, monthly suppers, blood pressure screenings, coffee socials, a podiatry clinic, an annual tax clinic, SHINE, fuel assistance, SNAP, information and referrals and other social services.



**Responsible Party:** Board of Selectmen/Council on Aging

**General Description or Obstacle Which Limits Mobility or Access:** The 2 designated accessible parking spaces and sole access aisle have excessive cross slopes. Only one designated accessible space has an access aisle. Interior room doors/closets lack tactile designation signage (bathroom exception) and those that provided signage was not designation signage but merely a notation of "accessible" in Braille as opposed to a room designation such as "Director's Office" or a room number. One interior door had non-compliant knob-style hardware. The sharps dispenser "disposal access", hallway coat hooks, and the call button to the adjacent housing complex connecting hallway are too high. The clear width to the Social Services office does not meet the minimum required clear width. Similarly, the storage items behind the door to the galley kitchen from the hallway restricts the clear width to only 29". Egress doors have excessive operating forces and too fast closing speeds. There are a number of protruding objects in the center. The computer table in the multi-purpose room lacks adequate knee clearance. The designated "accessible" bathrooms have numerous areas of non-compliance including sink piping

that is not wrapped, coat hooks that are too high, dispensers that are too high, non-compliant stall door locking mechanisms, the lack of stall door pull devices, dispensers and mirrors that are too high, stall doors that are not self-closing, water closets that do not meet set back requirements, grab bars that do not meet setback and height requirements, and toilet paper dispensers that are too low and too close to the front of the water closet.

#### Main Entrance Automatic Door Opener

Although the main front entrance has an automatic door opener, it was not working at the time of the assessment – a service call to reactivate the exterior operation is required.

#### Kitchen

The counter/sink is too high and lacks knee clearance. The soap dispenser is too high over a counter. The stove controls are at the back of the stove and not on the front. The kitchen is for staff use and volunteers only who must meet minimum physical requirements to perform the essential functions of their duties. As these areas are not open to the public or not for public use, modifications would only be triggered through a reasonable accommodations request.

#### Serving Area

The coffee/snack serving counter and the cold serving station are not within range for a forward and side reach. As the tolerance levels are within 1 inch, a variance should be sought or a policy put in place for the serving area to be used for staff and volunteers to serve clients as needed for a reasonable accommodation as may be required.

### Upton Center Accessibility Assessment

<u>General Description of Obstacle</u>	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	<u>Type of Action to be Taken</u>	<u>P</u>	<u>E</u>	<u>TF</u>	<u>Cost Estimate</u>
<b>Parking</b> The sole access aisle serves only one designated accessible space. Neither of the spaces are designated as van accessible. The cross slopes of the accessible spaces and access aisle vary from 4.1% to 6.8% which far exceeds the maximum allowed of 2.0%.  <span style="color: red;">See Photo Upton Center 1.</span>	502 703.7	23	Reconstruct the accessible parking space as follows: stripe and designate a van accessible parking space with van accessible signage at a width of either 11' with a 5' access aisle or 8' with an 8' access aisle (2010 ADA Standards); stripe and designate a passenger accessible parking space at a width of 8' with an 8' access aisle (Note: the van and passenger vehicle spaces can share an access aisle); signage must be set such that the signage height should be a minimum of 60" high at the bottom (2010 ADAAG Standards) and a maximum of 96" at the top (MAAB 521 CMR) and located in front of the space; slopes should not exceed 2% in any direction.	1	3	N	Up to \$3,000
<b>Door Signage</b> There is no tactile designation signage at the following locations: hallway water room door, hallway mechanical room door, exit door from multipurpose room, door to social services office, door to director's office, kitchen galley from multipurpose room, storage closet in multipurpose room, and hallway closets (4).  In addition, the following locations had tactile signage which did not provide room designation but rather stated	703	41.1	Install accessible compliant room designation signage on the latch side of the doors with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Under 521 CMR, signage s/b 60" a.f.f to the centerline of the sign. Tactile characters on signs s/b 48" min. a.f.f.. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2	2	I	\$595

"accessible" in Braille: front hallway door, door to reception office, door from social services office to multipurpose room, exit door to adjacent building, door to kitchen galley, door to social services office from multipurpose room.  See Photos Upton Center 2 and 3.							
<b>Door Hardware</b> A hallway door near the front entrance has non-compliant knob style hardware.	404.2	26.11	Door hardware must be operable with a closed fist or loose grip and shall not require tight grasping or tight pinching of the wrist to operate. Replace the knob-style hardware with lever hardware.	2	2	I	\$75
<b>Sharps Disposal Box</b> Although the sharps disposal drop box near the front entrance has a handle that is within reach range, the area to dispose of items is 52" a.f.f., which is 4" too high under the 2010 ADA Standards.  See Photo Upton Center 4.	308.2 308.3	6.5 6.6	Modify or replace the drop box so that the reach range to dispose of items is no more than 48" a.f.f.	2	3	N	Up to \$150
<b>Doorways and Clear Widths</b> The following have inadequate doorway (32") widths: <ul style="list-style-type: none"> <li>Entry to social services office (29").</li> <li>Hallway entry to galley kitchen (29") due to storage behind door.</li> </ul>	404.2.3	26.5	Modify the social services office door opening to achieve 32" minimum required clear width.  Remove items behind galley kitchen door.	2	3	N	Up to \$1,250+
<b>Exit Doors and Men's/Women's Bathroom Doors</b> The exit doors (to apartments/former mill building, to outside patio) do not fully comply with the maximum allowed operating force for an exterior door (15 lbs.) and the minimum closing speed requirement of 6 seconds under 521 CMR.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the push/pull force does not exceed 15 lbs for an exterior door and 5 lbs. for an interior door with door closing speeds of at least 6 seconds.	1, 2	2	I	\$150
<b>Call Button for Access into Center from Apartments/former Mill Building</b> The call button is 50½" a.f.f., which is 2½" too high.	308.2 308.3	6.5 6.6	Lower the call button to a height of no more than 48" a.f.f.	2	3	N	Up to \$250
<b>Doors with Glass Panes</b> The exit/egress door to the outdoor patio area has a glass pane of 48½" a.f.f which exceeds the maximum viewing height of 43".	404.2.11	NA	Doors, gates, and side lights adjacent to doors or gates, containing panels that permit viewing through the panels shall have the bottom of at least one panel located 43 inches maximum a.f.f. Modify the door to comply with the maximum height restriction or block/frost the glass pane.	4	3	L	\$0 to \$300
<b>Accessible Route from Multipurpose Room to Outdoor Patio</b> There is a 4 ½" abrupt change in level surface from the outdoor patio to the multipurpose room entrance.  See Photo Upton Center 5.	403.4 303	22	Modify the entrance/exit area to eliminate the change in level surface. Options include a ramped approach from the patio.	1, 2	3	N	Up to \$750

<b>Protruding Objects and Headroom</b> The following are protruding objects as they extend more than 4" into the accessible route of travel between a height of 27" and 80" a.f.f. or have vertical clearance reduced to less than 80". <ul style="list-style-type: none"><li>• Mounted hand sanitizer in multipurpose room</li><li>• Two (2) counters of the cold serving station in the multipurpose room</li></ul>	307.2	20.6.1	Put fixed objects under the hand sanitizer and install wing walls at the counters for cane detection	2, 4	1,3	I	\$100
<b>See Photos Upton Center 6 and 7.</b>							
<b>Hallway Coat Hooks</b> The hallway coat hooks are all 54" a.f.f., which is 6" too high under the 2010 ADA Standards.	308.2 308.3	6.5 6.6	Provide a minimum of 5% of coat hooks or equivalent space on a coat rack at a height of no more than 48" a.f.f.	4	2	N	\$5
<b>Tables and Knee Clearance</b> The computer station in the multipurpose room is $\frac{3}{8}$ " too low.	226.1 902.3	35.1 35.6	Block and raise the computer station table to achieve a minimum of 27" of knee clearance.	2	2	I	\$25
<b>Men's and Women's Bathroom</b> The sink piping is not wrapped, insulated, or guarded.  The wall mounted mirrors are 5" to 6" too high.  The towel dispensers are 9" to 10" too high and the toilet seat paper dispensers are 10 $\frac{1}{2}$ " too high under 521 CMR. <i>Note: The women's toilet seat paper dispenser is located over the grab bars.</i>  The water closet stall doors lack an interior pull device, have non-compliant locking mechanisms which require pinching and twisting of the wrist, and coat hooks that are 17" to 18" too high.  The water closets are 1 $\frac{1}{2}$ " to 2" too far from the nearest side wall.  The grab bars are mounted 1 $\frac{1}{2}$ " to 2 $\frac{1}{4}$ " too high.  <b>See Photos Upton Center 8 and 9.</b>	606.5  603.3  308.2 308.3  604.8 404.2 308.2 308.3  604.2  609.4	30.9.5  30.11  30.12  30  30.7.2  30.8.2	Wrap and/or insulate piping.  Lower mirror such that the bottom of the mirror (reflecting surface) is no greater than 40" a.f.f.  Lower the dispensers to a height of 42" a.f.f. and to a location not over the grab bars.  Install pull devices on the inside of each door, replace the locking devices with ones that can be operated with a closed fist, and lower the coat hooks to no more than 48" a.f.f.  Modify/relocate the water closets so they are no more than 18" o.c. from the nearest side wall.  Lower the grab bars such that the top of the gripping surface is 33" to 36" a.f.f. ( <i>Note: No tolerances are allowed for dimensions within a range</i> ).	3  3  3  3  3  3  3	2  2  2  2  3  2	I  I  I  I  N  I	\$50  \$0  \$0  \$150  Up to \$500+  \$0
<b>Men's Bathroom Only</b> The rear grab is 1 $\frac{1}{2}$ " too far from the interior corner.  The rim of the urinal is 23" a.f.f., which is 6" too high.  <b>See Photo Upton Center 10.</b>	604.5  605.2	30.8  30.10	Relocate the grab bar so it is no farther than 6" from the interior corner.  Lower the urinal so that the rim is no more than 17" a.f.f.	3  3	2  3	I  N	\$0  Up to \$450

<b><u>Women's Bathroom Only</u></b>							
The toilet paper dispenser is 23" a.f.f. and is 4" o.c. from the front of the water closet.	309.4 604.7	30.7.6	Relocate the toilet paper dispenser so it is a minimum of 7" and a maximum of 9" in front of the water closet measured to the centerline of the dispenser and at least 24" a.f.f. <i>Note: There also must be a at least 1½" clearance below the gab bar to the nearest object or fixture.</i>	3	2	I	\$0
The water closet stall door is not self-closing.	604.8	30.6	Modify the hinge so it is self-closing.	3	2	I	\$0
There is only 38½" of clearance in front of the water closet.	604.3	30.7.2	Modify the stall as feasible to achieve the required 42" of clearance.	3	3	N	Up to \$350

Total up to \$8,150+

### The Upton Center Accessibility Assessment Photos



Photo Upton Center 1



Photo Upton Center 2



Photo Upton Center 3



Photo Upton Center 4



Photo Upton Center 5



Photo Upton Center 6



Photo Upton Center 7

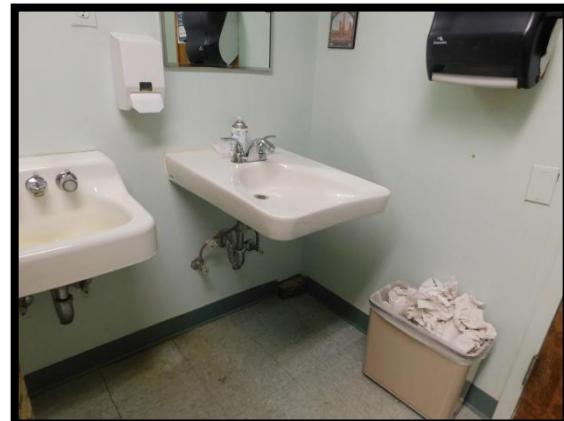


Photo Upton Center 8

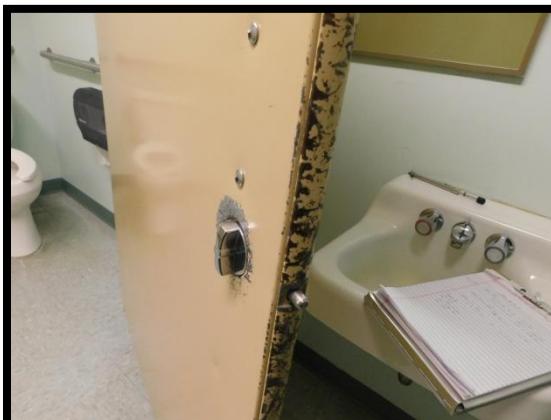


Photo Upton Center 9

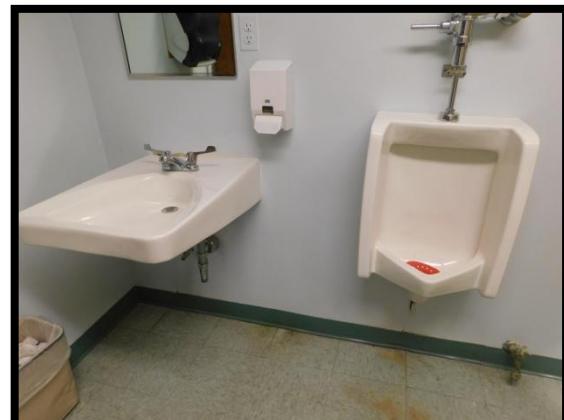


Photo Upton Center 10

## **DEPARTMENT OF PUBLIC WORKS**

**Description of Facility and Programs:** The Upton Public Works Department renders services to residents in the areas of highway maintenance and construction; traffic control; snow and ice operations; drinking water treatment and distribution; wastewater collection and treatment; flood prevention – storm water collection system construction and maintenance; and parks, cemetery and forestry maintenance. The Department consists of 16 full-time employees including a Director, 1 Department Assistant, 2 Superintendents, 1 Parks/Forestry/Cemetery Foreman, 1 Mechanic, 5 Water/Wastewater Operators, 4 Truck Driver/Heavy Equipment Operators, and 1 Parks/Forestry/Cemetery Laborer. The Department also employs 1 part-time Department Specialist and 4 seasonal employees.

The DPW Administrative Building is a leased “office trailer” for the administrative staff including the Director, Department Assistant, and Department Specialist. All administrative and public transactions occur at this location. A Highway Building/Garage is also located on the same site but is not open to the public. Similarly, the Wastewater Treatment Facility is not open to the public with access limited to department employees.

### **DPW Administrative Building**



**Highway**



**Wastewater Treatment Facility**



**Responsible Party:** Board of Selectmen

**General Description or Obstacle Which Limits Mobility or Access:**

DPW Administrative Building

There are 2 apparent designated accessible parking spaces with one noted as being "van accessible". There exists no permanent signage as the sole sign is moveable and was positioned off to the side of the building and not in front of a parking space. The signage is also too high. The space and access aisle striping in totality meet the minimum required widths. The ramp to the building has an upper railing on only one side of the ramp, lacks a lower railing, and does not extend beyond the end of the ramp. The existing railing is non-compliant due to its shape and height. There is an abrupt change in level surface of 1" to 2" at the transition from the ramp base and asphalt. The ramp running slope exceeds the maximum allowed by nearly 2.0%. There is an abrupt change in level surface of ½" at the top of the ramp and a 1" abrupt change in level surface at the building entrance. The stairs to the building have non-compliant railings due to shape, height, and the lack of top and bottom extensions. The top stair tread/landing has an abrupt nosing of ½". The front door does not meet the minimum closing speed. Four interior doors lack tactile designation signage on the latch side of the door. A closet door has non-compliant knob style hardware. The employee kitchenette counter is too high and lacks knee clearance. Controls, switches, outlets and a coat hook exceed the maximum allowed reach range. The bathroom has a number of items of non-compliance. The sink piping is not fully wrapped, a cabinet in front of the sink restricts maneuverability, the water closet flush control is on the wrong side, the water closet is too close to the near wall, and the toilet paper dispenser is too close to the front of the water closet.

Highway Building

The Highway Building is closed to the public and is limited solely to highway personnel. The building consists of an employee break room, the garage area, the Highway Superintendent's Office (accessed through the garage), a work shop, and an employee bathroom. There is no designated accessible parking for the Highway Building, but the DPW Administrative Building designated accessible parking is located across from the Highway Building.

The employee bathroom has a number of areas of non-compliance including a door with excessive operating force and too fast of a closing speed; sink piping that is not wrapped; a metered sink faucet that requires excessive operating force and does not stay open for at least 10 seconds; a mirror, hand sanitizer, and coat hook that are too high; a toilet stall door that lacks an exterior pull device and which has a non-compliant locking device which requires pinching and twisting of the wrist; a water closet that is 1½" too close to the near wall and which has a flush control located on the near wall side and not the approach or wide side; a side grab bar that is 1½" too low; a toilet paper dispenser that is 5" too low; and a cabinet located in front of the water closet that reduces the clearance to 30", which is less than the minimum required 42".

As all highway personnel must meet strict physical requirements which a person with a mobility limiting disability would not be able to perform, unless the current practices and policies change and current non-public interior spaces are open to the general public, physical modifications would be limited to those required as a result of a reasonable accommodation. No modifications are required at the present time.

It is recommended that signage be placed at the entrance noting that the building is closed to the public and that all public interactions and transactions occur at the DPW Administration Building. The Administration Building location and contact information should also be provided on the sign.

### Wastewater Treatment Facility

The Wastewater Treatment Facility (WWTF) is closed to the public and is limited solely to WWTF personnel. The main and employee building consists of employee work rooms, laboratories, storage rooms, and an employee bathroom area. The remaining buildings at the facility are directly related to the treatment of wastewater. There is no designated accessible parking for the WWTF.

The curb ramp to access the main building has a running slope that exceeds the maximum allowed by 2.0% and lacks a level landing at the top of the curb ramp. Five interior doors lack tactile designation signage on the latch side of the door. The staff kitchenette counter is too high, and lacks knee clearance and adequate clear width.

The employee bathroom has a number of areas of non-compliance including sink piping that is not wrapped; a mirror, towel dispenser, and soap dispenser that are too high; a wall mounted first aid box that protrudes into the accessible route of travel; a toilet stall door that is not self-closing, lacks an interior pull device, and which has a non-compliant locking device which requires pinching and twisting of the wrist; a water closet that is  $\frac{3}{4}$ " too close to the near wall; and a toilet paper dispenser that is 5" too low and which is too close to the front of the water closet.

As all WWTF personnel must meet strict physical requirements which a person with a mobility limiting disability would not be able to perform, unless the current practices and policies change and current non-public interior spaces are open to the general public, physical modifications would be limited to those required as a result of a reasonable accommodation. No modifications are required at the present time.

It is recommended that a large sign be placed at the front gate to the WWTF noting that the area is closed to the public and that all public interactions and transactions occur at the DPW Administration Building. The Administration Building location and contact information should also be provided on the sign.

### **Department of Public Works Administrative Building Accessibility Assessment**

General Description of Obstacle	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	E	TF	Cost Estimate
<b>Parking</b> There are 2 apparent designated accessible parking spaces. Neither space has permanently installed signage. A moveable sign is located near the side of the building. The sign as mounted is 5" too high.  <span style="color: red;">See Photos DPW 1 and 2.</span>	502.6	23.6	Provide permanent signage at a distance of no more than 10' in front of each space. Signage must be set such that the signage height should be a minimum of 60" high at the bottom (2010 ADAAG Standards) and a maximum of 96" at the top (MAAB 521 CMR) and located in front of each space. The 10' wide space should also be noted as van accessible.	1	2	I	\$50
<b>Ramp</b> The ramp running slopes vary up to 10.0% which exceeds the maximum requirement of 8.3% (405.2, 24.2).  There are abrupt changes in level surface at the transition from asphalt to the ramp base (1" to 2"), at the transition from the top of the ramp to the level landing (1/2"), and at the transition from the level landing to the	405.2 405.8 505 403	24.2 24.5 22	Replace the existing ramp with one that has a running slope of no more than 8.3%. The width of the ramp must be at least 48" between railings (521 CMR). Ramp railings must be paired at between 34" – 38" a.f.f. (top) and 18" – 20" a.f.f. (bottom). Railings should be oval or round with an outside diameter of 1 $\frac{1}{2}$ " – 2" and must extend 12" at the top and bottom of the ramp. The ramp surface and top level landing must have no abrupt changes in level surface of greater than $\frac{1}{4}$ ". Depending on the ramp construction and location of railings, edge	1	3	N	Up to \$10,000

entrance door (1").  There is a single railing (not paired) on only one side of the ramp. The railing is 3½" wide, rectangular in shape, and only 33" a.f.f. to the top of the railing and therefore non-compliant. The existing railing does not extend at the top and bottom of the ramp.  <b>See Photos DPW 3, 4, 5, and 6.</b>			protection of at least 2" in height may be required (405.9, 24.8)				
<b>Stairs</b> The stairs do not have compliant railings as they are 3½" wide, rectangular in shape, only 32" a.f.f. to the top of the railing and lack extensions at the top and bottom of the stairs.  <b>See Photo DPW 7.</b>	505	27	Modify or replace the existing railings with railings that are at a height of 34" to 38" a.f.f. Provide 12" extensions parallel to the floor at the top and a slope distance of one tread then 12" at the bottom of the stairs. The railings s/b round or oval in x-section and 1¼" – 2" in outside diameter.	1	3	N	Up to \$1,500
<b>Entrance Door</b> The door closing speed exceeds that allowed.  <b>See Photo DPW 8.</b>	404.2.8	26.9	Adjust door closer such that the door closing speed is at least 6 seconds (521 CMR).	1	2	I	\$0
<b>Interior Door Signage</b> The following doors lack compliant accessible signage: <ul style="list-style-type: none"><li>• Director's office</li><li>• Closet</li><li>• Bathroom</li><li>• Side office</li></ul> <b>See Photo DPW 8.</b>	703.4	41.1	Install accessible compliant signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Tactile characters on signs s/b 48" min. a.f.f.. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2, 3	2	I	\$140
<b>Door Hardware</b> Non-compliant knob style hardware exists on the closet door.  <b>See Photo DPW 9.</b>	404.2	26.11	Replace knob-style hardware with compliant door hardware that is easy to operate with one hand and that does not require tight grasping, tight pinching, or twisting of the wrist to operate.	2	2	N	\$125
<b>Employee Kitchenette</b> The sink/counter is 36" a.f.f. which is 2 too high and does not provide knee clearance.  <b>See Photo DPW 10.</b>	804.3.2 306.3	32.2 32.6 32.7	Modify the counter and sink so that the counter/sink is no more than 34" a.f.f. and there is a minimum of 27" knee clearance at the sink with guarded, wrapped, or insulated piping.	4	3	L	Up to \$500
<b>Reach Range</b> The following items exceed the maximum reach range under the 2010 ADA Standards: <ul style="list-style-type: none"><li>• 3 office light switches in office area (entrance, side offices) at 51" a.f.f.</li><li>• Alarm and HVAC controls at 56" and 59" a.f.f.</li><li>• Coat hook at 67" a.f.f.</li><li>• Bathroom light and fan switches at 50" a.f.f.</li></ul>	308.2 308.3	6.5 6.6	All controls, light switches, coat hooks, etc. should be no more than 48" a.f.f.	4	3	L	Up to \$1,750

<b>Bathroom</b> The sink piping (shut-off valve) is not fully wrapped.	606.5	30.9.5	Wrap or insulate the exposed piping.	3	2	I	\$25
The water closet flush control is on the near side and not on the approach side.	604.6	30.7.5	Modify the water closet so that the flush control is on the open or approach side.	3	3	N	Up to \$350
The water closet is 15½" o.c. from the center line to the near wall, which is 2½" too close.	604.2	30.7.2	Modify/relocate the water closet so that it is 18" o.c. to the near wall.	3	3	N	Up to \$450
The toilet paper dispenser is 0" o.c. to the front of the toilet which is too close.	604.7	30.7.6	Relocate the dispenser so that it is 7" to 9" in front of the water closet measured to the centerline of the dispenser at a height of at least 24" a.f.f.	3	2	I	\$0
The cabinet in front of the sink restricts the clear width to 24" which does not meet the minimum required clear floor space requirement.	604.3	30.7.2	Move the cabinet to achieve the minimum required 42" clearance from the front of the water closet to the nearest wall or fixture.	3	1	I	\$0

See Photos DPW 11 and 12.

Total up to \$14,890

#### Department of Public Works Administrative Building Accessibility Assessment Photos



Photo DPW 1



Photo DPW 2

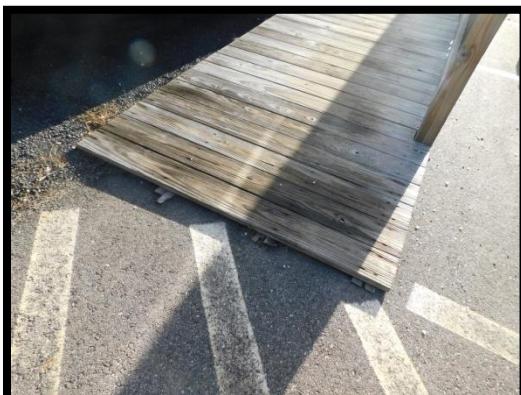


Photo DPW 3



Photo DPW 4



Photo DPW 5



Photo DPW 6



Photo DPW 7

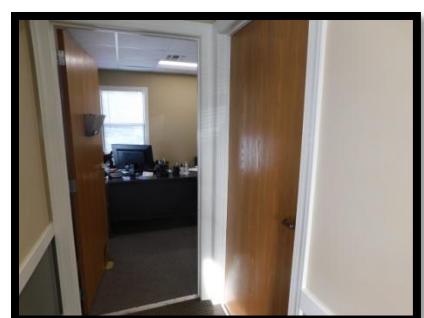


Photo DPW 8



Photo DPW 9

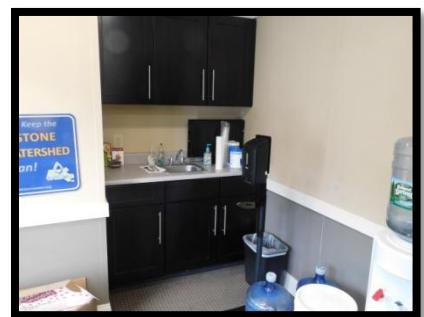


Photo DPW 10



Photo DPW 11

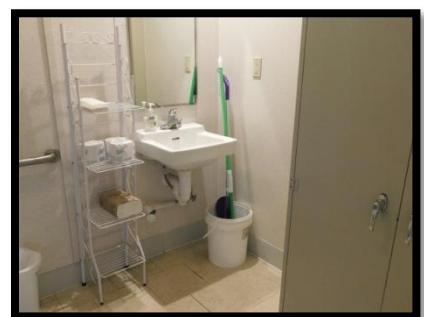


Photo DPW 12

## **MEMORIAL SCHOOL**

**Description of Facility:** Memorial School, circa 2004, is a 3-story masonry building serving grades Pre-K to 4. Level 1 houses administrative and school-wide services including the gym, cafeteria, nurse's office, guidance, etc. as well as classrooms for Pre-K to Kindergarten. Level 2 houses the media center (library) and classrooms for Grades 1 and 2. Level 3 has an area for building storage and houses classrooms for Grades 3 and 4.



**2010 ADA Standards and 521 CMR Standards for Children:** Both the 2010 ADA Standards and 521 CMR have advisories and/or varied standards for some items and elements for children according to age (2010 ADA Standards) or grade level (521 CMR). In some cases, there is limited room for interpretation but the guidance is in place as to what is applicable per different range of grade levels or age groups. ADA differentiates according to age level, with those being Ages 3 and 4, Ages 5 through 8, and Ages 9 through 12. 521 CMR differentiates according to grade level, with those being Pre-kindergarten, Kindergarten through 3<sup>rd</sup> Grade, and 4<sup>th</sup> Grade through 6<sup>th</sup> Grade. Grades 7 through 12 would follow the regular ADA or 521 CMR Standards. For the purposes of this assessment, the following standards were applied to the student areas at Memorial School:

### 2010 ADA Standards

Ages 3 and 4

Ages 5 – 8

### 521 CMR Standards

Pre-kindergarten

K – Grade 3

**General Description or Obstacle Which Limits Mobility or Access:** Some of the curb ramps along the accessible route to the school have excessive running slopes. Interior and exterior door operating forces and closing speeds exceed that allowed. Protruding objects exist in hallways, gym/cafeteria, and in some rooms. A number of tactile designation signs are either missing, not on the latch side of the door, or are covered with other signs or decorations. Some items (coat hooks, locker shelves, switches) are outside the maximum reach range. The ramp to the stage has a segment with excessive running slopes and has railings outside the allowed height range. Administrative and teaching staff kitchenettes lack

knee clearance and have dispensers that are not within reach range. A few classrooms have rugs that are not secured, with some being frayed, serving as a tripping hazard. Staff bathrooms have areas of non-compliance including dispenser heights, dispenser locations, and coat hook heights. Student classroom and general hallway bathrooms have numerous areas of non-compliance including heights and setbacks, missing hardware, improperly mounted dispensers, and other non-compliant elements.

#### Kitchen

The kitchen area itself has elements of non-compliance (bathroom, reach ranges, knee clearances, clear widths) but most of the activities undertaken require personnel who must meet certain physical requirements which a person with a mobility limiting disability would not be able to perform. This includes the kitchen staff bathrooms which have toilet paper dispensers which are too low and too far from the front of the water closet, and coat hooks and a paper towel dispenser that are too high. No further action is required at the present time unless dictated by a request for a reasonable accommodation. At that time, at a minimum, the bathroom dispensers and coat hooks would need to be brought into compliance.

#### Stair Railings

The stair railings in Stairwells #1, 2, and 3 do not consistently meet the minimum height requirement of 34" to 38" a.f.f. to the top of the railings as the heights vary from 33 $\frac{1}{4}$ "-33 $\frac{1}{2}$ "-33 $\frac{3}{4}$ " to over 34". As noted in Chapter XI, there are no allowed tolerances for a range with specific minimum and maximum end points. As the cost to modify these railings would far exceed the benefit gained and would create an undue hardship on the town, a variance should be sought, if required, to retain the railings as they currently exist.

#### Desks and Tables

With the exception of the art room, media center, and guidance, typically the desks and tables throughout the school generally met knee clearance and table/desk top height requirements, but in those instances where they did not, the tables/desks could be adjusted and raised as needed.

#### Classroom Sinks

Classroom sinks in Rooms #210 and #209 have sinks without water bubblers and lack knee clearance. It appears that these sinks are for staff use only. If required as a result of a reasonable accommodation, these sinks would need to be modified or the teacher/students moved to a classroom with an accessible sink.

#### Accessible Route from Fiske Street

The roughly 265' accessible route from Fiske Avenue to the school has varying running slopes throughout ranging from 3% to 6.6% with paired railings along the entirety of the route. There does not appear to be a consistent stretch of 30' in which the accessible route exceeds a 5% running slope and therefore, there are no level landings. The railing heights are mostly within the accepted range, with some areas where the slope is less than 5% being 1 $\frac{1}{2}$ " to 2 $\frac{1}{2}$ " lower than the specified allowed range. As this does not appear to qualify as a true "ramp", no other action is recommended at the present time. *Note: At the time of assessment there had been a recent snowfall and although the route was cleared with a small plow or snow blower, there was enough snow remaining on the route making it difficult if not impossible for a person with a mobility limiting impairment to use. All accessible routes must be regularly maintained to be used at all times.*

### Ramp from Main Street

The accessible route from Main Street to the school is a roughly 345' switch-back ramp consisting of eleven (11) segments separated by level landings. Nine (9) of the segments are 30' in length and two (2) are 10' in length. There are two (2) areas along the first segment which have running slopes of 8.5% and 8.7%. All other areas of the ramp meet the required running and cross slope requirements. There are also two (2) isolated areas where the railings exceed the maximum range for the lower railing by  $\frac{1}{2}$ " to  $\frac{3}{4}$ ". The lower and upper railings are in compliance with the height requirements for the remainder of the ramp. One section of lower ramp railing was missing and must be replaced. As the cost to modify would far exceed the benefit gained and would create an undue hardship on the town, a variance should be sought, if required, to retain the existing concrete ramp segment and railings as is. *Note: At the time of assessment there had been a recent snowfall and although the route was cleared with a small plow or snow blower, there was enough snow remaining on the route making it difficult if not impossible for a person with a mobility limiting impairment to use. All accessible routes must be regularly maintained to be used at all times.*

### Interior Maneuverability and Accessible Routes of Travel

Due to Covid-19, classroom and library furniture has been rearranged in what appears not to be the norm. As a result, in some cases, maneuverability and the attained of a 36" clear width is not achieved. It is important that a 36" clear width on accessible routes of travel be regularly maintained.

### Storage in Front of and under Classroom Sinks

Again, partially due to Covid-19, items were often found stored under and/or in front of the classroom accessible sinks restricting maneuverability and full use by a wheelchair user. Nothing should be stored under or in front of these sinks to allow for full use and access at all times.

### Classroom Sinks

Although classroom sinks are not specifically addressed in 521 CMR or the 2010 ADA Standards, there are specifications for children's sinks in general. The Level 1 Pre-K and Kindergarten classroom sinks with knee clearance, the Level 2 Grade 2 classroom sinks w/knee clearance and the Level 3 Grades 3 and 4 classroom sinks w/knee clearance have counter heights that are 31 $\frac{1}{2}$ " – 34" a.f.f. which are 1 $\frac{1}{2}$ " - 4" too high for a counter and 1 $\frac{1}{2}$ " – 3" too high for a sink under the 2010 ADA Standards. As the cost to modify these sinks would far exceed the benefit gained and would create an undue hardship on the town, a variance should be sought, if required, to retain the sinks as they currently exist. If necessary, one sink on each floor level could be modified to comply with the maximum 30" height requirement and minimum 25" knee clearance requirement.

### Grab Bars

The 2010 ADA Standards require a 42" long side grab bar and a minimum 36" long rear grab bar. 521 CMR requires 42" long grab bars for both the side and rear bars. However, there are exceptions for children's water closets which allow for a 36" long rear gab bar due to the obstruction caused by the plumbing and flush control. All of the children's accessible water closets in Memorial School have 36" long rear grab bars due to this issue and is acceptable under both the State and Federal regulations.

### Children Standards Under ADA and 521 CMR

Memorial School falls under 3 different ADA/521 Standards – Adult (administration, teacher areas, adult bathrooms), Pre-K (ages 3 and 4), and Kindergarten – Grade 3 (ages 5 – 8). As part

of this assessment, the following standards were used for student bathrooms. Boy's and girl's hallway bathrooms and other common area uses were assumed as being K – Grade 3.

Item	Pre-K	K – Grade 3
Water closet location	11" o.c. from nearest sidewall	11"-15" o.c. from nearest sidewall
Water closet height	11"-12" a.f.f. to top of seat	12"-15" a.f.f. to top of seat
Toilet paper dispenser height	7"-9" o.c. in front of water closet, 14" a.f.f., 1½" minimum clearance below grab bar	7"-9" o.c. in front of water closet, 14" a.f.f., 1½" minimum clearance below grab bar
Grab bar location	No > 6" from interior corners	No > 6" from interior corners
Grab bar height	18"-20" a.f.f.	20"-25" a.f.f.
Sink height	No > 30" a.f.f. to rim	No > 30" a.f.f. to rim
Sink knee clearance	Minimum 25"	Minimum 25"
Sink mirror	No > 31" to bottom of reflecting surface	No > 31" to bottom of reflecting surface
Dispenser's in bathroom	Within zone of reach	Within zone of reach
Control's in bathrooms	No > 36" a.f.f.	No > 36" a.f.f.
Reach range	20"-36" a.f.f.	18"-40" a.f.f.
Tables and counters height	26"-30" a.f.f. (ADA) 28" – 34" (521 CMR)	26"-30" a.f.f. (ADA) 28" – 34" (521 CMR)
Table and counters knee	At least 24" a.f.f (ADA) Not specified (521 CMR)	At least 24" a.f.f (ADA) Not specified (521 CMR)

### Memorial School Accessibility Assessment

General Description of Obstacle	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost Estimate
<u>Curb Ramps on Accessible Route to School</u>							
<u>Curb Ramp at Front Entrance</u> The ramp running slope varies up to 10.0% and the flared sides have running slopes of 13.2% and 16.7%. There is no detectable warning strip.	403.4 405.2 406.3 303.2 705	21	Reconstruct the curb ramps such that the main slopes do not exceed 8.3% and the flared sides do not exceed 10.0%. There should be no more than ¼" abrupt change in level surface at the base of all curb ramps. Detectable warning strips to be installed at each crossing.	1	3	N	Up to \$10,000
<u>Curb Ramp at Building to Fiske Avenue Accessible Route</u> The ramp running slope varies up to 9.5% and the flared sides have running slopes of 10.6% and 10.8%. There is no detectable warning strip.							
<u>Curb Ramp at Sidewalk to Fiske Avenue Accessible Route</u> There is a 1¼" abrupt change in level surface at the transition of the pavement to the concrete curb ramp. There is no detectable warning strip.							
<u>Curb Ramp at Main Street and Ramp</u> The ramp running slope varies up to 9.4% on the school side with a ½" abrupt change in level surface at the							

base of the curb ramp. Neither side has a detectable warning strip.  <u>Accessible Route from Ramp (Main Street) through School Parking Lot</u> The ramp running slope of the 1 <sup>st</sup> and 4 <sup>th</sup> curb ramp have running slopes of 9.5%. None of the four (4) curb ramps on the accessible route have detectable warning strips.  See Photos Memorial 1, 2, and 3.							
<b>Exterior Doors</b> Entrance and egress doors with closers door openers do not fully comply with the maximum allowed operating force for an exterior door (15 lbs.) and minimum closing speed requirement of 6 seconds under 521 CMR. Assessments ranged from 3 to 5 seconds closing speed and up to 25 lbs. operating force.	404.2.8 404.2.9	26.8 26.9		Adjust door closers such that push/pull force does not exceed 15 lbs for an exterior door and door closing speed is at least 6 seconds.	1	2	I Up to \$250
<b>Interior Doors</b> Interior doors with closers (including bathrooms) do not fully comply with the maximum allowed operating force for an interior door (5 lbs.) and minimum closing speed requirement of 6 seconds under 521 CMR. Assessments ranged from 3 to 5 seconds closing speed to up to 20 lbs. operating force.	404.2.8 404.2.9	26.8 26.9		Adjust door closers such that the push/pull force does not exceed 5 lbs for an interior door and door closing speed is at least 6 seconds.	2	2	I Up to \$250
<b>Protruding Objects and Headroom</b> The following are considered to be protruding objects as they extend more than 4" into the accessible route of travel between a height of 27" and 80" a.f.f. or have vertical clearance reduced to less than 80":  • Wall mounted TV screen near Admin Office • Wall mounted TV screen in Admin conference room • Defibrillator in hallway near gym/cafeteria • Gym fire alarm cages (3) • Gym noise level sign  See Photos Memorial 4, 5, and 6.	307.2	20.6.1		Place fixed objects beneath the TV monitors, defibrillator, and noise level sign to allow for cane detection. Replace the gym fire alarm cages with ones that protrude no more than 4" from the wall.	4	1,2	I \$150
<b>Door Signage</b> Tactile designation signage is not provided at the following locations:  • Cafeteria exit door near #120E • Conference room from Admin • Admin exit door to hallway • Guidance interior doors (2) to Admin and Conference Room	703	41.1		Install accessible compliant designation signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Under 521 CMR, signage s/b 60" a.f.f. to the centerline of the sign. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2	2	I \$175

<p><u>In addition, the following was identified:</u></p> <ul style="list-style-type: none"> <li>• #123 Food Storage is 3" too high</li> <li>• #110A Storage and #121 Kitchen are not on the latch side of the door</li> <li>• #110D, #102, #103, Nurse's Office, Guidance Office tactile designate signage covered by paper, ornaments, or other signage</li> </ul> <p><b>See Photos Memorial 7 and 8.</b></p>							
<p><b>Children Reach Range</b></p> <p>The following exceed the maximum reach range of 40" a.f.f. under the 2010 ADA Standards for children ages 5 through 8:</p> <ul style="list-style-type: none"> <li>• Coat hooks (77) outside cafeteria/gym (47½" to 52" a.f.f.)</li> <li>• Coat hooks (32) in cafeteria/gym (51½" to 53" a.f.f.)</li> <li>• Coat hooks (69) in cafeteria/gym (51" to 54½" a.f.f.)</li> <li>• Room #110 eyewash station (43" a.f.f.)</li> <li>• #307 pencil sharpener @52" a.f.f. to handle in top position</li> <li>• Kindergarten Room #102 outside coat hooks are 54" to 60" a.f.f. which is 14" to 20" too high</li> <li>• Kindergarten Room #105 outside coat hooks are 52" to 55" a.f.f. which is 12" to 15" too high</li> </ul> <p><b>See Photos Memorial 9 and 10.</b></p>	308.1	NA	<p>Lower at least 5% of the coat hooks at each location to a height of no more than 40" a.f.f.</p> <p>Modify the eyewash station so that it is within reach range and can also be functional for a wheelchair user.</p>	4	2	I	\$0
<p><b>Classroom Unsecured Rugs</b></p> <p>The following classrooms have unsecured rugs/carpeting, some of which are also frayed which serve as a tripping hazard:</p> <p>Rooms #110, #111, #209.</p> <p><b>See Photo Memorial 11.</b></p>	302.2	29.3	Remove or secure rugs/carpeting.	4	2	I	\$0
<p><b>Adult Reach Range</b></p> <p>The following exceed the maximum reach range of 48" a.f.f. under the 2010 ADA Standards for adults:</p>	308.2 308.3	6.5 6.6	<p>Lower the switch to a height of no more than 48" a.f.f.</p> <p>Provide at least one coat hook at no more than 48" a.f.f.</p>	4	3	N	Up to \$250

<ul style="list-style-type: none"> <li>Gym noise level sign switch (74" a.f.f.)</li> <li>Conference Room (#100C) coat hooks (58" a.f.f.)</li> </ul>							
<b>Ramp to Cafeteria Stage</b> Segments of the paired ramp railings vary in height of up to 20½" and 21" a.f.f. for the lower railing and 33½" for the upper railing, which are not within the acceptable range.  The mid-section of the ramp varies from 8.6% to 8.9%.  Items stored in the ramp at the level landing restrict use and access.  <a href="#">See Photo Memorial 12.</a>	505.4  405.2  405	24.5  24.2  24	As feasible, lower and/or raise the railings to comply with the required 18" to 20" a.f.f. range to the top of the gripping surface for lower ramp railings and 34" to 38" range a.f.f. to the top of the gripping surface for the upper railing.  As the cost to modify the ramp would far exceed the benefit gained and would create an undue hardship on the town, a variance should be sought, if required, to retain the mid-section running slope as it currently exists.  Remove all items stored on the ramp.	2  2  2	2  1  2	N  N  I	Up to \$250  \$0  \$0
<b>Hallway Lockers</b> The hallway lockers on both Level 2 (130 lockers) and Level 3 (143 lockers) do not comply with the reach range requirements for the locker shelving and coat hooks. The Level 2 coat hooks are 44" a.f.f. and the shelves are 46" a.f.f. The Level 3 coat hooks are 44" and 50" a.f.f. and the locker shelves are 46" and 52" a.f.f. The reach range for the majority of the age group at the school is 40" a.f.f.  <a href="#">See Photos Memorial 13 and 14.</a>	309.4  308.1	39.5	To comply, at least 5% of the lockers provided, but no less than one locker, needs to meet the ADA requirements per hallway area. The designated accessible locker coat hooks and shelving must be lowered to no more than 40" a.f.f.	2	2	N	\$0
<b>Administration, Staff Dining, and Specialized Rooms Sinks and Counters</b> The counters/sink in the administration office, teacher dining room #114, #222 work room, music room #111, OT/PT Room # 118, Classrooms #210, and Classroom #209 lack knee clearance under the sink.  <a href="#">See Photo Memorial 15.</a>	306  804.6	32.6	521 CMR does not govern employee work spaces whereas the 2010 ADA standards does. As the administration office, teacher dining, and work room are not open to the public, it is recommended that the sinks and base cabinets be modified to provide adequate knee and toe clearance per 306 and 32.6 as cost feasible or as may be required as a reasonable accommodation. Similarly, Rooms #111, #118, #209, and #210 would need to be modified as a result of a reasonable accommodation request or the programs relocated to another room with compliant sink knee clearance.	4	3	L	\$0 to \$1,500
<b>Media Room Computer Tables</b> Although there are computers in 2 other locations in the Media Room that provide the minimum required knee clearance, the 4 computers near the check-out counter lack knee clearance.  <a href="#">See Photo Memorial 16.</a>	902.4	NA	Replace one of the desks/workstations near the check-out counter with one that provides a minimum of 24" knee clearance with a top height of 28" to 30" a.f.f.	2	1	N	\$0 to \$100
<b>Adult Staff Hallway Bathrooms</b>							

<u>Admin/L1 Staff near #108B/L3 Staff (left side)/L3 Staff (right side)</u> Coat hooks range from 67" to 71 $\frac{1}{4}$ " a.f.f.	308.2 308.3	6.5 6.6	Lower the coat hooks to no more than 48" a.f.f.	3	2	I	\$0
<u>Admin/All Level 1, 2, and 3 Staff Hallway Bathrooms</u> The toilet paper dispensers are 1" to 3" too low with most L2 and L3 staff hallway bathrooms dispensers either too far or too close to the front of the water closets.	604.7	30.7.6	Relocate the dispensers. The toilet paper dispensers s/b 7" minimum and 9" maximum in front of the water closet measured to the centerline of the dispenser and at least 24" a.f.f.	3	2	I	\$0
<u>Level 3 Staff Hallway Bathrooms</u> Both L3 staff hallway bathrooms have grab bars that are 1/4" to 3/8" too high. <i>Note: There are no tolerances allowed for a range of dimensions.</i>	609.4	30.8.2	Lower the grab bars so they are between 33" and 36" a.f.f. to the top of the gripping surface.	3	2	I	\$0
Both L3 staff hallway bathrooms have items stored in front of or adjacent to the water closets restricting the front and far side minimum required clearances.	604.2 604.3	30.7.2	Remove items from the front and the side of the water closets.	3	1	I	\$0
<u>Level 3 Staff Hallway Bathroom Left of Drinking Fountain</u> The rear grab bar is $\frac{3}{4}$ " too far from the interior corner.	604.5	30.8.1	Relocate the grab bar so it is no more than 6" from the interior corner.	3	2	I	\$0
<b>See Photo Memorial 17.</b>							
<b>Student Hallway and Nurse Bathrooms</b> The following bathroom has a urinal that is too high: <ul style="list-style-type: none"><li>• L1 #108A (17" at rim)</li></ul>	NA	30.17	Lower the urinal so that the rim is no more than 15" a.f.f.	3	3	N	Up to \$350
The following bathrooms have sink piping that is not fully wrapped, insulated, or guarded: <ul style="list-style-type: none"><li>• L1 #108A (shut-off control)</li><li>• L1 #114A (shut-off control)</li><li>• L1 #114B</li><li>• L3 #318</li><li>• L3 #319</li></ul>	606.5	30.9.5	Fully wrap all sink piping.	3	2	I	\$250
The following bathrooms have towel dispensers that are too high: <ul style="list-style-type: none"><li>• L1 #108B (42" a.f.f.)</li><li>• L2 #218 (41<math>\frac{1}{2}</math>" a.f.f.)</li><li>• L3 #318 (41<math>\frac{1}{2}</math>" a.f.f.)</li><li>• Nurse (42<math>\frac{1}{2}</math>" a.f.f.)</li></ul>	308.1	30.19	Lower the towel dispensers to no more than 40" a.f.f.	3	2	I	\$0
The Level 1, Level 2, Level 3, and Nurse's bathrooms all have sink mirrors that are 4" to 5" too high.	NA	30.18	Lower the sink mirrors (as feasible) or relocate the mirrors so they are no more than 31" a.f.f. to the bottom of the reflecting surface.	3	2	I	\$0
				3	2	I	Up to

The Level 1, Level 2, and Level 3 accessible water closet stalls lack interior and exterior pull devices on the stall door.	604.8	30.6.1	Install interior and exterior pull devices that are operable with a closed fist and are no more than 40" a.f.f.	3	2	I	\$250
The following bathrooms have stall doors that are not fully self-closing: <ul style="list-style-type: none"> <li>• L2 #218</li> <li>• L3 #318</li> <li>• L3#319</li> </ul>	604.8	30.6.1	Adjust the stall door hinges so that they are fully self-closing.	3	2	I	\$0
The Level 1, Level 2, and Level 3 bathrooms all have water closet stall doors with coat hooks that are 12½" to 13½" too high.	308.1	NA	Lower the coat hooks so they are no more than 40" a.f.f.	3	2	I	\$0
The following bathrooms have accessible water closet rear grabs that are either too high or too low: <ul style="list-style-type: none"> <li>• L1 #108A</li> <li>• L1 #108B</li> <li>• L1 #114B</li> <li>• L2 #218</li> <li>• L2 #219</li> <li>• L3 #318</li> <li>• L3 #319</li> </ul>	604.9	30.15.1	Relocate the grab bars so they are 20" to 25" a.f.f. to the top of the gripping surface.	3	2	I	\$0
The following bathrooms have accessible water closet side grabs that are too high: <ul style="list-style-type: none"> <li>• L1 #108A</li> <li>• L1 #114A</li> <li>• Nurse</li> </ul>	604.9	30.15.1	Relocate the grab bars so they are 20" to 25" a.f.f. to the top of the gripping surface.	3	2	I	\$0
The following bathrooms have accessible water closet side grabs that are too far from the interior corner: <ul style="list-style-type: none"> <li>• L2 #218</li> <li>• L2 #219</li> </ul>	604.5	30.15	Relocate the grab bars so they are no more than 6" from the interior corner.	3	2	I	\$0
The following bathrooms have accessible water closets that are too high: <ul style="list-style-type: none"> <li>• L1 #108A (16" a.f.f. rim)</li> <li>• Nurse (16¾" a.f.f. rim)</li> </ul>	604.9	30.14.3	Replace the water closets with ones that are 12" to 15" a.f.f. to the top of the seat.	3	3	N	Up to \$1,000
The Level 1, Level 2, Level 3, and Nurse bathrooms all have toilet paper dispensers that are located over the grab bars.	604.9.6	30.14.5	Relocate the dispensers. The toilet paper dispensers s/b 7" minimum and 9" maximum in front of the water closet measured to the centerline of the dispenser and 14" to 17" a.f.f.	3	2	I	\$0
<b>See Photos Memorial 18, 19, and 20.</b>							
<b>Room #103/#104 Pre-k Bathroom</b> The sink has a mirror that is 5" too high.	NA	30.18	Lower the sink mirror (as feasible) or relocate the mirror so it is no more than 31" a.f.f. to the bottom of the reflecting surface.	3	2	I	\$0
The clear width in front of the water closet is reduced to only 30", which is 12" too narrow, due to items placed in front of the water closet.	604.9 604.2 604.3	30.14.2 30.7.2	Remove the items in front of the water closet to achieve the minimum required 42" clearance.	3	1	I	\$0

The toilet paper dispenser is located over the grab bars.  <b>See Photo Memorial 21.</b>	604.9.6	30.14.5	Relocate the dispenser. The toilet paper dispenser s/b 7" minimum and 9" maximum in front of the water closet measured to the centerline of the dispenser and 14" a.f.f.	3	2	I	\$0
<b><u>Kindergarten (#102, #105/#106, #107/#108) Bathrooms</u></b>  The sinks have mirrors that are 5½" to 6¼" too high.	NA	30.18	Lower the sink mirrors (as feasible) or relocate the mirrors so they are no more than 31" a.f.f. to the bottom of the reflecting surface.	3	2	I	\$0
The toilet paper dispensers are located over the grab bars.	604.9.6	30.14.5	Relocate the dispensers. The toilet paper dispenser s/b 7" minimum and 9" maximum in front of the water closet measured to the centerline of the dispenser and 14" to 17" a.f.f.	3	2	I	\$0
Bathroom #105/#106 has side and rear grab bars that are too high. Bathroom #107/#108 has a rear grab bar that is too high.	604.9	30.15.1	Relocate the grab bars so they are 20" to 25" a.f.f. to the top of the gripping surface.	3	2	I	\$0
The bathroom #102 water closet is 10 ½" o.c. to the nearest sidewall, which is ½" too close to the wall.	604.9	30.14.2	Modify/relocate the water closet so that it is at least 11" o.c. and no more than 15" o.c. to the nearest sidewall.	3	3	N	Up to \$350
The bathroom #105/#106 water closet is 15½" a.f.f. which is ½" too high.	604.9	30.14.3	Modify the water closet seat so that it is 12" to 15" a.f.f. to the top of the seat.	3	3	N	Up to \$150

**Estimated Total Cost:** Up to \$15,775

## Memorial School Assessment Photos



Photo Memorial 1



Photo Memorial 2



Photo Memorial 3



Photo Memorial 4

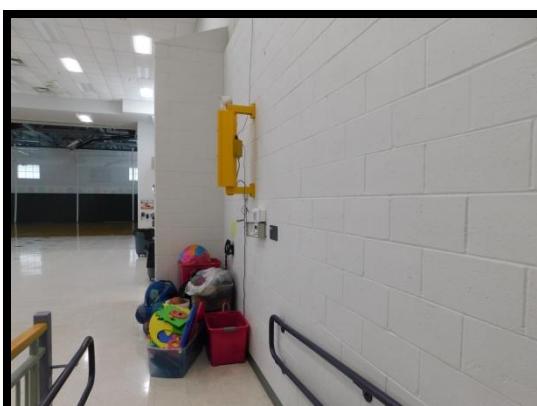


Photo Memorial 5



Photo Memorial 6



Photo Memorial 7



Photo Memorial 8



Photo Memorial 9



Photo Memorial 10

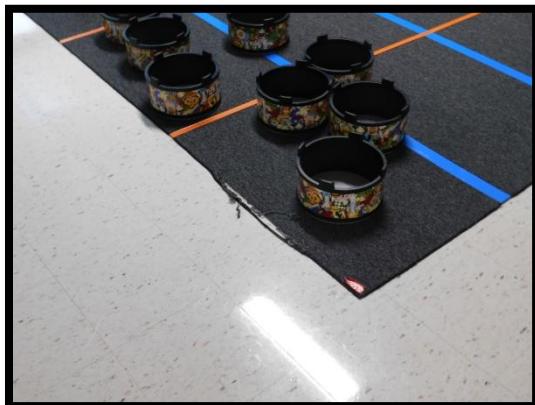


Photo Memorial 11

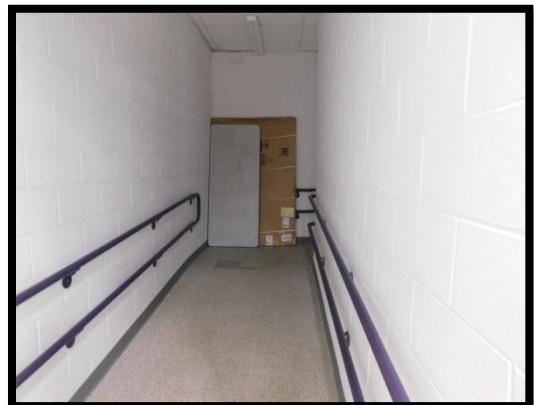


Photo Memorial 12



Photo Memorial 13

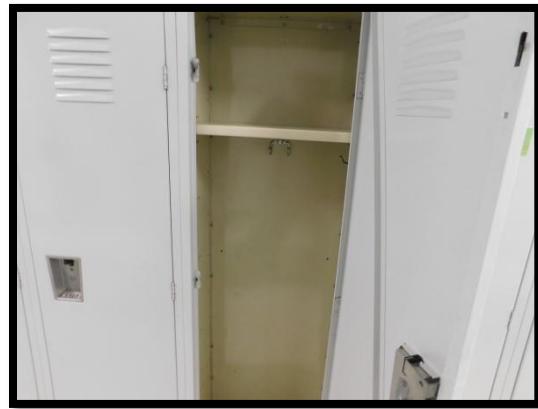


Photo Memorial 14



Photo Memorial 15



Photo Memorial 16



Photo Memorial 17

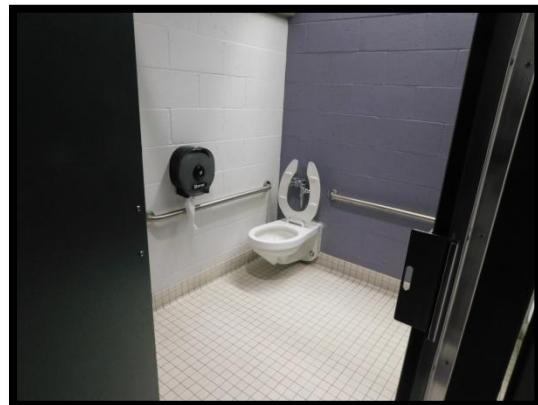


Photo Memorial 18

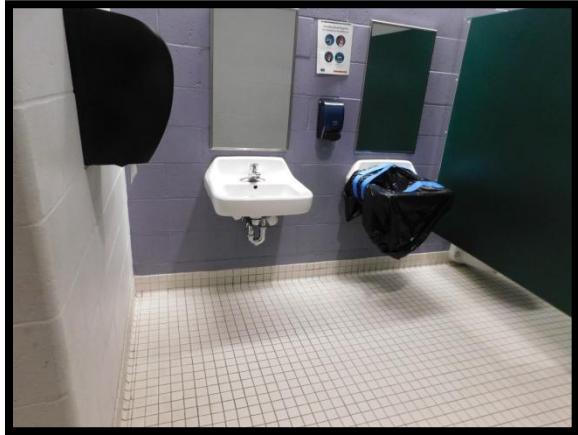


Photo Memorial 19



Photo Memorial 20

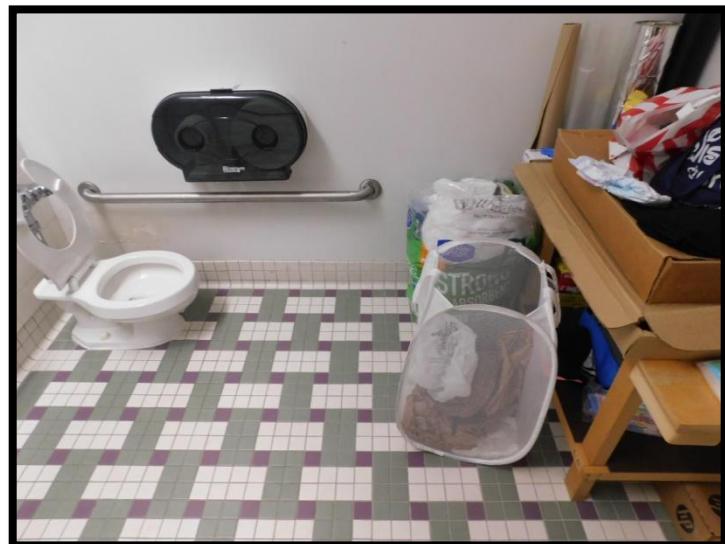


Photo Memorial 21

### **XIII. ACTIVE AND PASSIVE RECREATIONAL FACILITIES ASSESSMENTS**

#### PREFACE

Active Recreational Facilities and Public Spaces

Passive Recreation and Conservation Areas

Walkways

Playgrounds

Active and Passive Recreational Areas Categories of Assessment

Active and Passive Recreational Facilities Accessibility Improvements Cost Estimates

#### CONSERVATION AREAS

CEMETERIES (LAKEVIEW, PINE GROVE, OLD FIRST, BRADISH)

TOWN COMMON

STEFANS FARM

WILDWOOD PARK

HERITAGE PARK

LELAND FIELD at MEMORIAL SCHOOL

VFW MEMORIAL PLAYGROUND

WEST RIVER FIELD

UPTON TOWN BEACH ATHLETIC FACILITY

MEMORIAL ELEMENTARY SCHOOL – LELAND PLAYGROUNDS

## **PREFACE**

### **Active Recreational Facilities and Public Spaces**

Public spaces, recreational facilities and playgrounds are within the jurisdiction of ADA and 521 CMR and therefore must conform to those standards pertaining to accessible routes, reach ranges, height, knee and toe clearance, operating force, running and cross slopes, clear width, maneuverability and similar standards for ancillary features (bathroom, benches, picnic tables, water fountains, parking, etc.). At a minimum, an accessible route must be provided up to the play or recreation area and then to any play equipment, facilities, bleachers, field, or other amenity or feature.

### **Passive Recreation and Conservation Areas**

Passive recreation and conservation areas are not fully addressed under 521 CMR and the 2010 ADA Standards unless there are developed facilities or services provided at a site. This would include such things as picnic tables, grilling stations, benches, and constructed walkways. If parking is provided and access is available, then parking must also be compliant. An unimproved trail through a wooded area or field would not need to be made "accessible" unless formal construction modifications or improvements were undertaken at that site. In most cases, compliance with 521 CMR and the 2010 ADA Standards in conservation and passive recreation areas, would be technologically infeasible or would result in excessive and unreasonable costs without any substantial benefit to persons with disabilities.

### **Walkways**

Walkways in recreation areas include, but are not limited to walks, sidewalks, overpasses, bridges, tunnels, underpasses, plazas, courts, and other pedestrian pathways. Sidewalks on streets and ways are also considered walkways, with the exception that if the slope of the natural topography exceeds 5% (1:20) a ramp is not required.

### **Playgrounds**

Playgrounds standards are new under the 2010 ADA Standards. Although there are changes being discussed under 521 CMR, currently Massachusetts simply requires an accessible route to and around the play area and to the play equipment. The 2010 ADA Standards are much more expansive and incorporates ground-level components, elevated components, component standards and surface types.

Note: There is a difference between "ADA Compliant" and "Fully Accessible". Compliant play structures are generally accessible and are made with the physically disabled in mind. However, fully accessible structures are made specifically for those with disabilities and are typically far more expensive. The language of the ADA makes a distinction between "elevated" and "ground" components. Roughly 25% of a play structure's components must be on the ground level for it to be ADA compliant. A fully accessible structure has roughly 50% of its components as "ground". In a fully accessible play system, every component is wheelchair accessible, including elevated areas achieved through the use of ramps.

Although the 2010 ADA Standards do not mandate elevated play equipment, if there is elevated play equipment, then accessible ground level equipment must also be provided.

In addition, the entire play area does not need to be on an accessible surface, but rather the routes of travel to both the play area and the accessible play components must comply with Section 402. Accessible Route and Section 302 Floor or Ground Surfaces (stable, firm, slip resistant) of the 2010 ADA Standards and Section 20 (Accessible Route) and Section 29 (Floor Surfaces) of 521 CMR.

The accessible route connecting ground level components within a play area should be 60" wide with some variation allowed depending on length of travel route and size of play area. The accessible route is preferred, but does not have to be, of the same material or structure as the general route of travel.

Under the 2010 ADA Standards, apart from the actual accessible pathway, there are two types of ground surfaces within the play area. Ground surfaces on accessible routes must comply with the American Society for Testing and Materials ([ASTM](#)) F 1951 and the ground surfaces located within the "use zone" must comply with [ASTM F 1292](#). Ground surfaces must be inspected and maintained regularly to ensure continued compliance with the ASTM Standards. The type of surface selected and play area use level will determine the frequency of inspection and maintenance activities.

#### **Representative Examples of ADA Compliant and Accessible Playgrounds and Play Components**



ASTM F 1951 establishes a uniform means to measure the characteristics of surface systems in order to provide performance specifications to be used when selecting materials for use as an accessible surface under and around playground equipment (not the accessible route). Surface methods that comply with this standard and are located in the use zone must also comply with ASTM F 1292 for "impact attenuating" to provide a safe fall area around play equipment.

Within a play area that is not part of an accessible route, turning area or use zone, acceptable materials can include loose fill such as pea gravel, sand, and wood chips. Depending on the fall height of a play structure, materials such as pea gravel, sand, wood chips, shredded rubber and engineered wood fiber all provide different levels of impact attenuation.

For fully accessible surfaces, pour in place products, rubber mats and tiles, and artificial grass with rubber in-fill all meet ADA standards but are significantly more expensive.

In Massachusetts, public hearings have recently been held to hear comment on sweeping changes to 521 CMR. Significant changes are proposed that would align 521 CMR more with the 2010 ADA Standards including playgrounds and play areas. The proposed surface related changes are noted in **red** below:

#### **Proposed Changes in 521 CMR**

##### **59.4 Accessible Routes**

An *accessible route* shall be provided to reach playground equipment and around the perimeter of the playground to *play components*.

59.4.1 The ground surface of *use zones*, *accessible routes* and turning spaces within *play areas* shall be firm, stable and slip resistant, permanent, and constructed of materials such as rubber resilient surfacing, urethane rubber composites or similar; and comply with commonly accepted impact attenuation criteria for safety surfacing materials within the *use zones* of *play area* equipment. Loose fill surfaces and aggregate surfaces including wood fiber, bark mulch, wood chips, shredded rubber, shredded foam, etc. are not acceptable for *accessible routes* within the playground. Molded rubber mats, if utilized, require adhesion to a permanent surface beneath.

#### **Active and Passive Recreational Areas Categories of Assessment**

For the purposes of this assessment, Upton's active and passive recreation areas are divided into the following four (4) categories:

1. Conservation Areas
2. Passive Recreation Areas
3. Active Recreation Areas
4. School Recreational Facilities

Detailed assessments follow for Categories 2 – 4.

### **1. Conservation Areas**

These properties are either “land locked”; have no improvements and serve solely as wildlife habitat, flood plain, or watershed land; or are off limits to the public. No other action is required at these facilities. This includes the following sites:

- Walker Drive
- Old Knowlton Reservoir
- Warren Brook Watershed
- Robertson Family Conservation Area
- Henderson Family Conservation Area
- Snow Family Conservation Trust/Peppercorn Hill Conservation Area
- Howarth Conservation Areas off North Street

### **2. Passive Recreation Areas**

These properties have minimal improvements and/or may serve as assembly areas or green spaces. This includes the following sites:

- Town Common
- Stefans Farm
- Wildwood Park
- Heritage Park
- Cemeteries (Lakeview, Pine Grove, Old First, Bradish)

### **3. Active Recreation Areas**

These properties have a variety of formal site amenities which may or may not include parking, benches, picnic tables, improved walkways, playing and/or practice fields, play equipment, basketball courts, tennis courts, bathroom facilities including portable toilets, concession facilities, and other amenities. This includes the following sites:

- Leland Field at Memorial School
- VFW Memorial Playground
- West River Field
- Memorial Elementary School – Leland Playgrounds
- Upton Town Beach Athletic Facility

### **4. School Recreational Facilities**

These are school related fields, playgrounds, and related amenities, structures, and buildings. This includes the following site:

- Memorial Elementary School – Leland Playgrounds

### **Active and Passive Recreational Facilities Accessibility Improvements Cost Estimates**

The cost estimates provided for each recreational facility are rough parameters of cost based on pricing for similar work as well as estimated costs for certain types of modifications. Actual costs on some items may vary considerably due to unforeseen conditions and/or design alternatives. If the required modifications require design solutions, additional architectural and/or engineering fees may be required. In addition, if the work must be formally bid to private contractors, additional costs (bonds, insurance, prevailing wage) will also increase the overall cost. Depending on complexity, suggested base costs could increase up to an additional 30.5% as a total project cost.

## **CONSERVATION AREAS**

**Description of Facilities:** Unimproved properties (trails only) with no formal or limited parking. Although there are paths and trails at these sites, none are formally maintained to a standard that would be considered to be an accessible route of travel. These areas would require modifications to parking (level surface, signage, striping) if the sites are improved, expanded upon, or if amenities such as picnic tables, benches, or grilling areas are added to the facilities. At a minimum, compliant accessible routes of travel (maximum 5.0% running slope without railings, maximum 2.0% cross slope; minimum 4 feet in width with 3 feet of clear space; stable, firm, slip resistant surface; and no greater than  $\frac{1}{4}$ " abrupt change in level surface) would need to be provided to the enhanced or added service or amenity. This includes the following sites:

- Walker Drive
- Old Knowlton Reservoir
- Warren Brook Watershed
- Robertson Family Conservation Area
- Henderson Family Conservation Area
- Snow Family Conservation Trust/Peppercorn Hill Conservation Area
- Howarth Conservation Areas off North Street

Although not required, the town could consider placing a kiosk at those areas that it feels has significant features or amenities with visual examples during the different seasons and information about the specific site and the surrounding area. The kiosk would allow those with mobility limiting disabilities to "view" the conservation area. The sign should also be in braille for visually impaired visitors. Apart from the above recommendation, no other action is required at these facilities at the present time.

### Representative Photos



Warren Brook Watershed



Snow Family/Peppercorn Hill



Snow Family/Peppercorn Hill



Robertson Family CR Area



Howarth Conservation Areas



Warren Brook Watershed

## **CEMETERIES (Town-wide)**

**Function and Description of Facility and Programs:** Burial grounds for the deceased. There are four (4) town cemeteries in Upton. These are as follows: Lakeview Cemetery, Pine Grove Cemetery, Bradish Cemetery and Old First Cemetery. Lakeview Cemetery and Pine Grove Cemetery are located on North Main Street, Bradish Cemetery is located on Westborough Road, and Old First Cemetery off Grove Street. None of these cemeteries offer direct services to the public. Lakeview Cemetery has paved roads throughout and also has 2 storage buildings that are not open to the public and are solely for employee use. Pine Grove, Bradish, and Old First Cemeteries are older historic cemeteries with no pedestrian or vehicular access into and around the cemeteries.

### Lakeview Cemetery



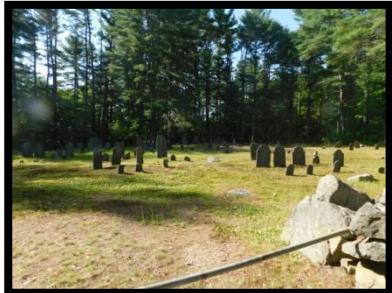
### Pine Grove Cemetery



### Bradish Cemetery



Old First Cemetery

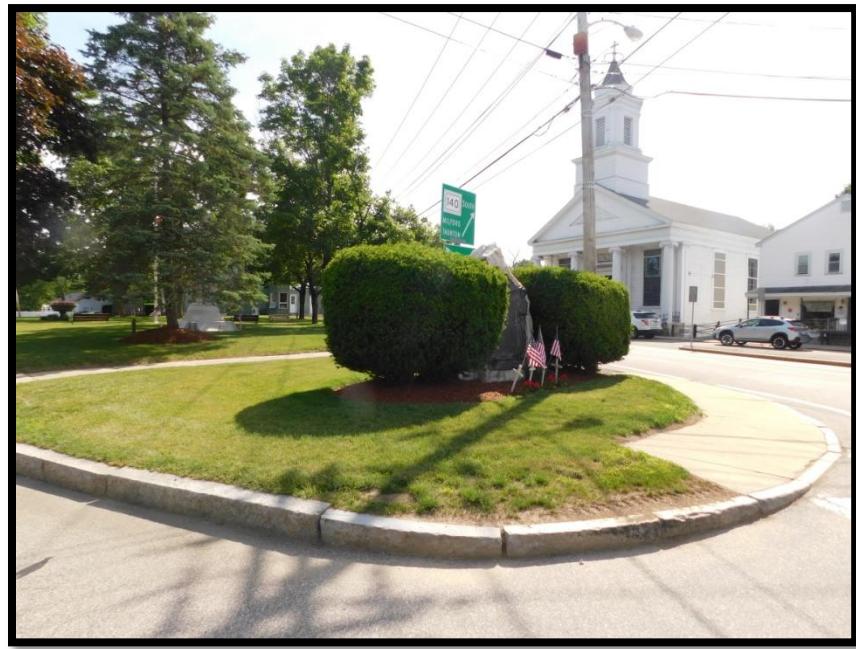


**Responsible Party:** Cemetery Commission

**General Description or Obstacle Which Limits Mobility or Access:** There is no dedicated public access or accessible routes to these areas. In fact, the Old First Cemetery is not visible from the road and can only be accessed via a private road. Lakeview Cemetery does not have walkways within its interior and is limited solely to vehicular access via asphalt and gravel/stone road surfaces. As a result the cemetery and its gravestones can be viewed from the inside of a motor vehicle. Pine Grove, Bradish, and Old First Cemeteries have no formal walkways or roads into or around the cemeteries. If there are certain areas in any of the 4 town cemeteries or if there are gravestones that are unique or of special interest, then a brochure could be developed identifying these, inclusive of a photograph and narrative and made available at town hall or placed in an outdoor brochure holder at the respective cemetery entrance. No physical modifications are required at the present time.

## **TOWN COMMON**

**Function and Description of Facility and Programs:** The town common area serves as a passive recreational area, green space, and location for civic events. The common area contains benches, 3 monuments/memorials, and an ornamental planter. There are 2 sidewalks which go through the town common providing access from Milford Street and North Main Street).



**Responsible Party:** Board of Selectmen

**General Description or Obstacle Which Limits Mobility or Access:** There is no accessible route of travel to the monuments/memorials and planter in the mid-section of the common. The Milford Street sidewalk which is directly adjacent to the common is severely deteriorated and has abrupt changes in level surface. The concrete walkway across the common that is closest to the Town Hall has a number of pads that are heaving creating abrupt changes in level surface of up to 1" or more. The crosswalk/curb ramp at Main/North Main Street lacks a level landing and a detectable warning strip on the common side. The 2 concrete walkways across the common to North Main Street terminate at 8" granite steps and therefore do not provide an accessible route of travel.

### **Town Common Accessibility Assessment**

<b>General Description of Obstacle</b>	<b>2010 ADAAG</b>	<b>MAAB 521 CMR</b>	<b>Type of Action to be Taken</b>	<b>P</b>	<b>E</b>	<b>TF</b>	<b>Cost Estimate</b>
<b>Accessible Route of Travel</b> There is no accessible route of travel to the monuments/memorials and the ornamental planter in the mid-portion of the common. The concrete walkway nearest the town hall has numerous abrupt changes in level	402 403 221.2 802.1	20 22 14 19	Create an accessible walkway compliant with width (48" wide with minimum 36" clear width) and slope requirements (2% maximum cross, 5% maximum running) to the monuments/memorials and planter. Construction options include compacted stone dust, asphalt, concrete or similar surfaces that meet the	2	3	N	Up to \$25,000+

<p>surface of 1" due to heaving and settling. The asphalt sidewalk on Milford Street directly adjacent to the common has numerous abrupt changes in level surface and severe deterioration.</p> <p><b>See Photos Town Common 1, 2, 3, and 4.</b></p>			<p>requirement of stable, firm, and slip resistant. Modify and/or reconstruct the concrete walkway across the common and the asphalt sidewalk along Milford Street.</p>				
<p><b>Curb Ramps</b> The curb ramp at Main/North Main Street lacks a level landing and does not have a detectable warning strip.</p> <p>There are no curb ramps at the 2 concrete walkways and crosswalks from the common across North Main Street. The existing conditions are 8" granite "steps" which prevents full access to the common from North Main Street.</p> <p><b>See Photos Town Common 5 and 6.</b></p>	<p>403.4 405.2 406.3 303.2 705</p>	<p>21</p>	<p>Provide compliant curb ramps at all 3 locations which have detectable warning strips; a maximum running slope of 8.3%; a maximum cross slope of 2.0%; a maximum flared side running slope of 10.0%; a ramp width of at least 36"; no changes in level surface of greater than ¼" (unless beveled); and a top level landing (no more than 2.0% in all directions) that is at least the width of the curb ramp and at least 48" in length.</p>	<p>1</p>	<p>3</p>	<p>N</p>	<p>Up to \$10,000+</p>

Total up to \$35,000+

### Town Common Accessibility Assessment Photos



Photo Town Common 1



Photo Town Common 2



Photo Town Common 3



Photo Town Common 4

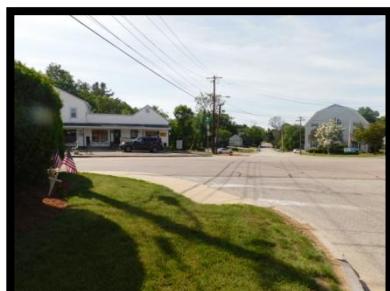


Photo Town Common 5



Photo Town Common 6

## **STEFANS FARM COMMUNITY GARDEN AND CONSERVATION AREA**

**Description of Facility:** A passive recreational facility with access and parking off Mechanic Street. The area has a small community garden and a trail head on the opposite side of Mechanic Street. There are roughly 6 to 10 unimproved parking areas serving both the community gardens and the trail head. The area is intended to remain in an undeveloped condition for the benefit of the environment and for public enjoyment.

**Responsible Party:** Conservation Commission.

### **General Description or Obstacle Which Limits Mobility or Access:**

Trail. The trail is not formally maintained to a standard that would be considered to be an accessible route of travel.



Community Gardens. Parking for the community garden area is an unimproved gravel and dirt surface. No signage or striping is provided. There are no compliant accessible routes of travel to the community gardens, picnic table, or water source (water holding tank). The faucets for the holding tank require pinching and twisting of the wrist. The gate to the community gardens is not flush at the base.



### **Recommended Action:**

Trails. No action is required at the present time.

Community Gardens. As this site provides a service to Upton residents, modifications should be made to accommodate those with mobility limiting disabilities. This would include the construction of a van accessible parking space and access aisle with signage, the creation of an accessible route of travel (at least 48" wide; 2.0% max. cross slope; 5.0% max. running slope; firm, stable, slip resistant surface) to the community gardens, picnic table, and to the water holding tank. In addition, the faucets should be

replaced with ones that are operable with a loose or closed fist and does not require pinching or twisting of the wrist. The gate to the community gardens does not have a smooth surface within 10 inches of the ground on the push side for the full width of the gate.

<u>General Description of Obstacle</u>	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	<u>Type of Action to be Taken</u>	<u>P</u>	<u>F</u>	<u>TF</u>	<u>Cost Estimate</u>
<b>Parking</b> There are no designated accessible parking spaces. The parking lot does not have a firm, level, and slip resistant surface.	502 703.7	23	Create a minimum of one van accessible space as follows:  Construct with asphalt or compacted stone dust and stripe and designate a van accessible parking space with van accessible signage. The van space s/b at a width of 8' with a 8' access aisle; signage must be set such that the signage height should be a minimum of 60" high at the bottom (2010 ADAAG Standards) and a maximum of 96" at the top (MAAB 521 CMR) and located in front of the space; slopes should not exceed 2% in any direction.	1	3	N	Up to \$2,500
<b>Entrance Gate</b> The existing gate to the community gardens does not comply with the 2010 ADA Standards for a smooth surface within 10 inches of the ground on the push side for the full width of the gate.  <a href="#">See Photo Garden 1.</a>	404.2	NA	Replace the gate with one that has a smooth surface on the bottom or install smooth plating at the base of the existing gate.	2	2	N	Up to \$100
<b>Accessible Route of Travel</b> There is no accessible route of travel to the picnic table, water tank, and to the community gardens.  <a href="#">See Photo Garden 2.</a>	403	22	An accessible route of travel needs to be provided to all areas available to the public. Construct an accessible route of travel to the picnic table, water tank, community gardens, and to at least one of the raised garden beds. The accessible route of travel must be compliant with width (48" per 521 CMR) and slope (2% max. cross, 5% max. running) requirements as well as changes in level surface (no > than $\frac{1}{4}$ " unbeveled or between $\frac{1}{4}$ " and $\frac{1}{2}$ " beveled w/a slope of no > 1:2). Construction options include compacted stone dust as long as it meets the requirement of stable, firm, and slip resistant.	2	3	N	Up to \$3,500
<b>Water Tank Hardware</b> The water holding tank for use by gardeners has faucets that require twisting of the wrist.  <a href="#">See Photo Garden 3.</a>	309	39	Replace the existing faucets with lever style that can be operated with a closed fist and does not required pinching or twisting of the wrist.	2	2	N	Up to \$100

**Estimated Total Cost:** Up to \$6,200+



Photo Garden 1



Photo Garden 2



Photo Garden 3

## **WILDWOOD PARK**

**Description of Facility:** A passive recreation area with no formal parking or improvements. An unimproved rudimentary trail exists to the pond and to the dam.



**Responsible Party:** Board of Selectmen.

**General Description or Obstacle Which Limits Mobility or Access:** There are no designated accessible parking spaces for the park. There is no accessible route of travel to any areas within the park nor are there any formal accessible routes of travel or trails to areas within the park area.

### Comment

According to town staff, picnic tables and a portable toilet are placed at the park during the summer season. At the time of assessment, no such amenities were provided.

**Recommended Action:** Should the town initiate formal improvements to this property to enhance overall site accessibility and usage, then compliant accessible parking, and limited accessible routes of travel would need to be provided. In addition, if picnic tables are provided, then at least one must be on an accessible route of travel and provide a minimum of 27" of knee height, 30" of knee clearance, and 19" of knee depth. Portable "ADA" accessible toilets must fully comply with the 2010 ADA Standards and 521CMR for "bathrooms" as also provided in Section IX of this Plan.



## **HERITAGE PARK**

**Description of Facility:** A passive recreation area with parking, a kiosk, a stone bench, and a viewing area. An unimproved dirt/gravel road goes from the asphalt parking area and kiosk to the lower section of the park with the stone bench and pond viewing area.



**Responsible Party:** Board of Selectmen.

**General Description or Obstacle Which Limits Mobility or Access:** There are no designated accessible parking spaces for the park. There is no accessible route of travel to the kiosk or to the bench near the pond. There is no level area for a wheelchair next to the bench.

### **Heritage Park Accessibility Assessment**

<b><u>General Description of Obstacle</u></b>	<b><u>2010 ADAAG</u></b>	<b><u>MAAB 521 CMR</u></b>	<b><u>Type of Action to be Taken</u></b>	<b><u>P</u></b>	<b><u>F</u></b>	<b><u>TF</u></b>	<b><u>Cost Estimate</u></b>
<b>Parking</b> There is no designated accessible parking.  <b>See Photo Heritage 1.</b>	502 703.7	23	Designate a van accessible parking space with van accessible signage at a width of either 11' with a 5' access aisle or 8' with an 8' access aisle (2010 ADA Standards). Signage must be set such that the signage height should be a minimum of 60" high at the bottom (2010 ADAAG Standards) and a maximum of 96" at the top (MAAB 521 CMR) and located no more than 10' in front of the space. The slopes should not exceed 2% in any direction.	1	2	N	Up to \$100
<b>Accessible Route to Kiosk</b> No accessible route of travel exists to the kiosk from the asphalt parking lot as the surface material is loose stone.  <b>See Photo Heritage 2.</b>	402 303 403.3 403.4	19 20 22.4	An accessible route of travel needs to be provided to all areas available to the public. Construct an accessible route compliant with width (48" per 521 CMR) and slope (2% max. cross, 5% max. running) requirements to the kiosk. A suitable construction material for the accessible route would be asphalt or compacted stone dust as long as it is regularly maintained to meet the requirement of stable, firm, and slip resistant with no abrupt changes in level surface.	2	2	N	\$100 - \$300

<b><u>Accessible Route of Travel to Bench Viewing Area Near the Pond</u></b>	402 403 405	20 22 24	<p>The running slope of the unimproved route of travel to the level turnaround near the bench and pond viewing area varies from 5.0% to 8.3% in some areas as well as in exceedance of 8.3%. The route of travel is not firm or stable with loose stone and gravel as well as numerous abrupt changes in level surface of greater than <math>\frac{1}{4}</math>". The route of travel from the lower turnaround area to the bench and viewing area has running slopes of up to 8.0%</p> <p><i>Note: Accessible routes over 5.0% up to 8.3% require railings.</i></p> <p><i>See Photos Heritage 3 and 4.</i></p>	2	3	L	TBD
<b><u>Benches</u></b>	221.2 802.1	14 19	<p>There is no level surface area for wheelchairs at the bench.</p> <p><i>See Photo Heritage 4.</i></p>	2	3	N	Included in above
			Option 1: Construct an accessible route/ramp to the lower level turnaround area and to the bench. The accessible route/ramp must be at least 4' between paired railings, cannot exceed 30' in length without a level landing, and cannot exceed the maximum 8.3% running slope and 2.0% cross slope. Construction must be in full compliance with S. 405 of the 2010 ADA Standards and S. 24 of 521 CMR. <i>Note: Due to the terrain and slope, it may be infeasible and cost prohibitive to construct a compliant accessible route of travel from the asphalt parking lot to the lower turnaround area and to the bench.</i>	2	3	N	Up to \$2,500

**Estimated Total Cost:** Up to \$2,900+

### Heritage Park Accessibility Assessment Photos



Photo Heritage 1



Photo Heritage 2



Photo Heritage 3



Photo Heritage 4

## **LELAND FIELD AT MEMORIAL SCHOOL**

**Function and Description of Facility and Programs:** The Leland Field complex consists of a tennis court, basketball court, 2 baseball fields, a soccer field, compliant regular and accessible parking, and a portable toilet.



**Responsible Party:** Parks and Recreation Department

**General Description or Obstacle Which Limits Mobility or Access:** There are no accessible routes of travel fully around the baseball fields, soccer field, baseball player benches, and bench near the tennis court. . Chain link gates throughout are not flush at the base and have latches that are too high. The bench near the tennis court lacks a level space for a wheelchair. The portable toilet is not an accessible toilet.

### **Leland Field at Memorial School Recreation Complex Accessibility Assessment**

<b>General Description of Obstacle</b>	<b>2010 ADAAG</b>	<b>MAAB 521 CMR</b>	<b>Type of Action to be Taken</b>	<b>P</b>	<b>E</b>	<b>TF</b>	<b>Cost Estimate</b>
<u>Chain Link Gates</u> The gates to the basketball court (3), tennis court (3), and baseball player seating (1) do not comply with the 2010 ADA Standards for a smooth surface within 10 inches of the ground on the push side for the full width of the gate.	404.2	26.11	Remove the gates or install smooth plating at the base of the gates	1	2	N	Up to \$525+

**See Photo Leland 1.**

<b>Route of Travel to Fields and Amenities</b>								
<b>Fields and Related Amenities</b> There is no accessible route of travel around the entirety of the perimeter of the recreational complex and to the baseball fields, interior soccer field, bench near the tennis courts and to all of the player benches at the 2 different baseball fields. There is 1" to 2" abrupt change in level surface at one of the entrances to the player's bench at the larger baseball field. There is a 1" to 2" abrupt change in level surface from the tennis court to the concrete walkway to the field. There is no accessible route of travel from the parking area to the smaller baseball field due to a 6" concrete berm. In addition, there is a 4" change in level surface and a 10% running slope from the smaller baseball field player's bench to the field.	402 303 403 802.1 221.2	19 20 22 14		An accessible route of travel needs to be provided to all areas available to the public. Construct an accessible route of travel fully to and around the playing fields, player's benches, and to the bench near the tennis courts that is compliant with width (48" per 521 CMR) and slope (2% max. cross, 5% max. running) requirements as well as changes in level surface (no > than $\frac{1}{4}$ " unbeveled or between $\frac{1}{4}$ " and $\frac{1}{2}$ " beveled w/a slope of no > 1:2). Abrupt changes in level surface change must be eliminated at the player's benches entrance and at the tennis court entrance to the walkway.  Create an approach and wheelchair level areas at the bench near the tennis court. The spaces should be 36" wide x 60" deep per wheelchair. If a front/rear approach, the depth can be reduced to 48" as opposed to 60" for a side approach.  Construction options include compacted stone dust, asphalt or similar surfaces that meet the requirement of stable, firm, and slip resistant. Costs will vary depending on material used.	2	3	L	\$20,000 to \$40,000+
See Photos Leland 2, 3, 4, and 5.								

Estimated Total Cost: Up to \$40,525+

### Leland Field at Memorial School Recreation Complex Accessibility Assessment Photos



Photo Leland 1



Photo Leland 2



Photo Leland 3



Photo Leland 4



Photo Leland 5



Photo Leland 6

## **VFW PLAYGROUND**

**Function and Description of Facility and Programs:** VFW Playground is a large community playground with parking, 2 separate play structures, ground components, a jungle gym, swings, benches, picnic tables, parking, and a portable toilet.



**Responsible Party:** Parks and Recreation Department

**General Description or Obstacle Which Limits Mobility or Access:** One of the designated accessible parking spaces has excessive running and cross slopes. Neither of the 2 spaces is designated as "van" accessible. There is a paved accessible route to the playground area, however, no accessible route of travel exists around the playground or to the play equipment, benches, or picnic tables. Non-compliant wood chips are the primary surface throughout the playground. None of the picnic tables have sufficient knee depth. The chain link gates to enter the playground are not flush at the base. The portable toilet is not fully "ADA compliant". None of the play equipment is considered to be "accessible compliant".

### **VFW Playground Accessibility Assessment**

<b><u>General Description of Obstacle</u></b>	<b><u>2010 ADAAG</u></b>	<b><u>MAAB 521 CMR</u></b>	<b><u>Type of Action to be Taken</u></b>	<b><u>P</u></b>	<b><u>F</u></b>	<b><u>TF</u></b>	<b><u>Cost Estimate</u></b>
<b><u>Parking</u></b> One of the designated accessible parking spaces has a running slope of 2.7% and a cross slope of 2.2%, both which exceed the maximum of 2.0%.	208 502	23	Reconstruct the non-compliant space such that the running and cross slopes do not exceed 2.0%. Designate one of the spaces as van accessible with appropriate signage.	1	2	1	Up to \$2,250

Neither of the 2 spaces is designated as van accessible.							
<b>Entrance Gates</b> The existing gates (2) to the playground do not comply with the 2010 ADA Standards for a smooth surface within 10 inches of the ground on the push side for the full width of the gate.  <b>See Photo VFW 1.</b>	404.2	NA	Remove gate or install smooth plating at base of gate.	2	2	N	\$150
<b>Picnic Tables</b> There are 7 picnic tables in 3 different locations. The picnic tables have s only 13" of knee depth at a height of 27" a.f.f.	226.1 902	19	Purchase 3 accessible picnic tables and locate them on an accessible route of travel in the same general location in the 3 different areas as the other picnic table. The table surface s/b 28" to 34" a.f.f. to the top surface with at least 27" knee clearance, 30" clear width, and 19" depth.	2	2	N	\$2,250
<b>Accessible Route of Travel</b> There is no accessible route of travel to and fully around the playground and to and between play equipment as well as to the picnic tables, benches, and trash receptacles.	403	22	An accessible route of travel needs to be provided to all areas available to the public. Construct an accessible route of travel fully around the playground area and to and between playground equipment and components including benches, picnic tables, and trash receptacles. The accessible route of travel must be compliant with width (48" per 521 CMR) and slope (2% max. cross, 5% max. running) requirements as well as changes in level surface (no > than ¼" unbeveled or between ¼" and ½" beveled w/a slope of no > 1:2). Create an approach and wheelchair level areas at the benches. The spaces should be 36" wide x 60" deep per wheelchair. If a front/rear approach, the depth can be reduced to 48" as opposed to 60" for a side approach. Construction options include compacted stone dust, asphalt or similar surfaces that meet the requirement of stable, firm, and slip resistant. Costs will vary depending on material used.	2	3	N	Up to \$50,000
Non-compliant woodchips is the surface treatment for the entirety of the play areas. Woodchips may be acceptable in the fall zone area, but not as part of an accessible route of travel.  There is no accessible playground equipment in the playground area.  <b>See Photos VFW 2 and 3.</b>	1008	19	Play area ground surfaces immediately around play components and in the fall zone must comply with ASTM F 1951 and ASTM F 1292. Depending on the type, age, and quality of woodchips, they may be considered acceptable as a fall zone ground surface.  Accessible compliant playground equipment and swings should be incorporated into the playground area.				
<b>Portable Accessible Toilet</b> The "accessible" toilet is not ADA compliant as the door closing speed is only 3 seconds; the coat hook is 23" too high; the toilet paper dispensers (2) are located on the rear and side walls and over the grab bars; the water closet is 8" too close to the front wall or fixed object; and there is no interior pull device.  <b>See Photo VFW 4.</b>	404 308 604 309	26 30	Replace the existing "accessible" toilet with an "ADA Compliant" toilet such that the door has a closing speed that is at least 6 seconds; the coat hook is no more than 48" a.f.f.; the toilet paper dispensers are not located over the grab bars and are at least 24" a.f.f. and are 7" minimum and 9" maximum in front of the water closet measured to the centerline of the dispenser; there is an interior pull device; and the water closet is at least 42" from the nearest wall or object in front of the toilet.	3	2	I	TBD

**Estimated Total Cost:** Up to \$54,650+

## **VFW Playground Accessibility Assessment Photos**



Photo VFW 1



Photo VFW 2



Photo VFW 3



Photo VFW 4

## **WEST RIVER FIELD**

**Function and Description of Facility and Programs:** West River Field is a soccer field abutting conservation land with a gravel parking lot and a portable accessible toilet.



**Responsible Party:** Parks and Recreation Department/DPW

**General Description or Obstacle Which Limits Mobility or Access:** The surface of the designated accessible parking is a mixture of gravel and stone. The parking lacks striping. There is no accessible route of travel from the parking to and around the soccer field. The portable toilet is not on an accessible route of travel and is not fully "ADA compliant".

### **West River Field Accessibility Assessment**

<u>General Description of Obstacle</u>	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	<u>Type of Action to be Taken</u>	<u>P</u>	<u>E</u>	<u>TF</u>	<u>Cost Estimate</u>
<b>Parking</b> There are no designated accessible parking spaces. The parking lot does not have a firm, level, and slip resistant surface.  <b>See Photo West River 1.</b>	502 703.7	23	Create a minimum of one van accessible space and one passenger vehicle space as follows: stripe and designate a van accessible parking space and a passenger accessible parking space with van and passenger accessible signage. The van space s/b at a width of 8' with a 8' access aisle and the passenger space s/b at width of 8' with a 5' access aisle; signage must be set such that the signage height should be a minimum of 60" high at the bottom (2010 ADAAG Standards) and a maximum of 96" at the top (MAAB 521 CMR) and located in front of the space; slopes should not exceed 2% in any direction.	1	3	N	Up to \$5,000

<p><b><u>Accessible Route of Travel</u></b> There is no accessible route of travel to and around the soccer field.  <a href="#">See Photos West River 2.</a></p>	303 402 403	19.0 20.0 22	<p>Construct an accessible route of travel to and around the soccer field compliant with width and slope (2% cross, 5% running) requirements.</p> <p>The accessible route of travel must be compliant with width (48" per 521 CMR) and slope (2% max. cross, 5% max. running) requirements as well as changes in level surface (no &gt; than <math>\frac{1}{4}</math>" unbeveled or between <math>\frac{1}{4}</math>" and <math>\frac{1}{2}</math>" beveled w/a slope of no &gt; 1:2). Construction options include compacted stone dust, asphalt or similar surfaces that meet the requirement of stable, firm, and slip resistant. Costs will vary depending on material used. It is assumed that stone dust will be used for both the new and existing accessible routes of travel.</p>	1	3	L	Varies \$15,000 to \$22,500
<p><b><u>Portable Accessible Toilet</u></b> The "accessible" toilet is not ADA compliant as the door has a closing speed that is 3 seconds too fast; is 2" too far from the nearest sidewall and 2" too close to the wall or nearest object in front of the toilet; has a toilet paper dispenser that is <math>1\frac{1}{2}</math>" too low and 2" too close to the front of the toilet; the soap dispensers (2) are 3"-4" too high and located over the grab bars; and the grab bars are smooth and glossy and not roughened or etched.  <a href="#">See Photos West River 3.</a></p>	404.2.8 604 308	26.9 30.7 30.8.5 30.12 30.8	<p>Replace the existing "accessible" toilet with an "ADA Compliant" toilet such that the door has a closing speed that is at least 6 seconds; the toilet paper dispenser is at least 24" a.f.f. and 7" to 9" o.c. to the front of the water closet; the soap dispensers are no more than 42" a.f.f. and not located over the grab bars; and the grab bars are acid-etched or roughened; and the toilet is no more than 18" o.c. from the nearest wall and at least 42" from the front of the toilet to the front wall or nearest object.</p>	3	2	I	TBD

**Estimated Total Cost:** Up to \$27,500+

### West River Field Accessibility Assessment Photos



Photo West River 1



Photo West River 2



Photo West River 3

## **UPTON TOWN BEACH ATHLETIC FACILITY**

**Function and Description of Facility and Programs:** The Upton Town Beach Athletic Facility complex is a multi-purpose recreation facility including a beach; fire pit; pavilion; a 2-story building housing bathroom facilities, an office, a garage, and storage; scattered picnic tables; benches; a baseball/softball field, a basketball court; 2 tennis courts; a soccer field; various parking areas; and a portable toilet. Summer and youth programs are offered at the facility through the Recreation Department. Summer concerts and related events are held at the pavilion on a limited basis.



**Responsible Party:** Parks and Recreation Department

**General Description or Obstacle Which Limits Mobility or Access:** The Lower Parking Area has up to 71 spaces, including designated accessible spaces. Although this area has the required number of accessible spaces, they do not meet current signage, location, and width requirements. The signage at all 3 parking spaces is too high, none are designated as van accessible, and the access aisle for the space near the baseball/softball field is not wide enough. The paved Soccer Field Parking van designated accessible space has signage that is too low and is too far from the front of the parking space. The Upper Gravel Soccer Parking Lot lacks designated accessible parking spaces, however, accessible parking is available at the field level.

The picnic tables (6) at the pavilion, beach area (7), and above the softball field (2) lack adequate knee depth. In addition, the picnic tables near the beach and softball field are not on an accessible route of travel.

There are 2 routes of travel from the beach parking to the fire pit, pavilion, and to the Ramsey Building. The newly paved and less direct route of travel meets running and cross slope requirements under both 521 CMR and the 2010 ADA Standards. The more direct route of travel has running slopes that vary up

to 13.3%, cross slopes that vary up to 2.8%, and railings that are too high and which are on only one side of the walkway. According to the Recreation Director, the MA Architectural Access Board has granted the walkway to remain in place without further modifications due to the adjacent accessible route of travel. However, signage should be installed at the base of the newer accessible walkway noting it as the accessible route of travel to the fire pit, pavilion, and Ramsey Building.

There exists no accessible route of travel to the picnic tables and benches near the beach, picnic tables near the softball field, basketball court, tennis courts, softball/baseball field including player benches and bleacher seating. The stairway leading to the softball/baseball field bleacher seating is wholly noncompliant including treads, rise/run, and lack of railings. According to the Recreation Director roll out matting is put out during the summer season to provide an accessible route of travel to the beach and water. At the time of inspection, the matting was still in storage and not yet installed for the summer season as programming had not yet begun.

The Ramsey Building consists of 2 levels. The ground level houses the Recreation Department Office, bathrooms, and a garage/storage area. The second level is closed to the public and used solely for storage. The Recreation Department Office lacks access into the office area due to the unbeveled excessive change in level surface (1" interior, 6" exterior) at the door threshold. In addition the entrance door and interior closet door have has knob-style non-complaint hardware and lack tactile designation signage. The office also has a sink which lacks knee clearance. The door to the garage area also has non-compliant hardware and lacks tactile designation signage.

The stairs (2 sets) to the 2<sup>nd</sup> level of the Ramsey Building have stair treads with abrupt/unbeveled nosings and railings which are not oval in shape, too wide, and lack bottom extensions. The doors at the top of the stairs to the interior have knob-style hardware. At the time of inspection, a rope blocked use of the stairs. As the second level is closed to the public and used only for storage, no further action to this area is required at the present time.

The Ramsey Building bathrooms (men's and women's) Both the men's and women's bathrooms are substantially non-compliant. There is no level landing at the entrance to the bathrooms with running slopes of 6.6% and 8.6%. Both entrances have abrupt changes in level surface. The men's and women's bathroom lacks tactile designation signage, has stall doors that are not fully self-closing, have grab bars that are too short, water closets that do not meet setback requirements, toilet paper dispensers that are too low and too far from the front of the water closet, a mirror that is too high, a towel dispenser that is too high, and sink faucets that have excessive operating forces and do not stay open for a minimum of 10 seconds. In addition, the men's bathroom has a urinal which is too high and a water closet with the flush valve on the wrong side.

The chain link gates to the tennis courts and basketball court are not flush at the base.

There is a 1" abrupt change in level surface at the base of the ramp to the Gatehouse.

## Upton Town Beach Athletic Facility Accessibility Assessment

<b>General Description of Obstacle</b>	<b>2010 ADAAG</b>	<b>MAAB 521 CMR</b>	<b>Type of Action to be Taken</b>	<b>P</b>	<b>F</b>	<b>TF</b>	<b>Cost Estimate</b>
<p><b>Parking</b></p> <p><u>Beach and Softball/Baseball Field.</u> None of the 3 designated accessible parking spaces at the beach (2) and softball/baseball field (1) are designated as van accessible. The signage for all 3 spaces is 14" to 19" too high. The access aisle for the accessible parking space near the softball/baseball field is too narrow.</p> <p><u>Lower Soccer Field Parking</u> The signage for the van designated accessible space is 6½" too low and 3' too far from the front of the space.</p> <p><u>Upper Soccer Field Parking</u> There is no designated accessible parking even though there is an accessible route of travel from the parking lot to the field and signage noting "spaces" reserved for "those with mobility impairments".</p> <p><b>See Photos Town Beach 1 and 2.</b></p>	502	23	<p>Designate one space at the beach and the sole space at the softball/baseball field as van accessible. Restripe the accessible space at the softball/baseball field so the access aisle is 8' in width. Lower the signage (3 signs) so they are a minimum of 60" high at the bottom and a maximum of 96" at the top and no more than 10' located in front of the space.</p> <p>Replace the existing "gate mounted signage" with signage that is a minimum of 60" high at the bottom and a maximum of 96" at the top and no more than 10' located in front of the space.</p> <p><u>Option #1:</u> Reclaim and regrade a minimum of 1 area to create an accessible parking space and access aisle that is firm, stable, slip resistant and has a level surface with either stone dust or asphalt. At a minimum, provide striping for a van such that it is an 8' wide space with an 8' wide access aisle. Signage s/b a minimum of 60" high at the bottom and a maximum of 96" at the top and no more than 10' located in front of the space.</p> <p><u>Option #2:</u> Seek a variance to allow for the designated accessible parking to remain solely at the field level and install signage noting the location of the accessible parking.</p>	1	2,3	I	Up to \$2,500
<p><b>Chain Link Gates</b></p> <p>The gates to the basketball court (2), tennis courts (2), and softball/baseball field player seating (1) do not comply with the 2010 ADA Standards for a smooth surface within 10 inches of the ground on the push side for the full width of the gate.</p> <p><b>See Photo Town Beach 3.</b></p>	404.2	NA	Remove the gates or install smooth plating at the base of the gates.	1	2	N	Up to \$425+
<p><b>Gate House</b></p> <p>There is a 1" abrupt change in level surface at the transition of asphalt to the base of the ramp to access the inside of the gate house.</p> <p><b>See Photo Town Beach 4.</b></p>	403 404	22 26	Modify the approach at the base of the ramp so there is no more than a ¼" abrupt change in level surface. If greater than ¼" but no more than ½", then it must be beveled with a no more than 1:2 slope.	1	2	I	\$100
<p><b>Picnic Tables</b></p> <p>None of the picnic tables at the beach area (7), pavilion (6), and above the softball/baseball field (2) are accessible due to insufficient knee depth. In addition, the beach and softball/baseball area picnic tables are not on an accessible route of travel.</p>	226.1 902	19	At least 5% or at least one table must be accessible at each separate location. Purchase 3 accessible picnic tables and locate them on an accessible route of travel at the pavilion, beach area, and softball/baseball field area. The table surfaces s/b 28" to 34" a.f.f. to the top surface with at least 27" knee clearance, 30" clear width, and 19" depth.	2	2	N	\$2,250

<b>Ramsey Building Office Area</b> The office entrance door, interior office door, and the door to the garage lack tactile designation signage and have knob-style hardware.	404.2 703.4	26.11 41.1	Replace the door hardware with lever-style hardware so that it is operable with a closed fist or loose grip.  Install new and/or relocate existing accessible compliant signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Under 521 CMR, signage s/b 60" a.f.f to the centerline of the sign. Tactile characters on signs s/b 48" min. a.f.f.. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	1, 2	2	N	Up to \$750
There are abrupt changes in level surface of greater than 1" on both the outside of the entrance to the office and at the office interior door threshold.	403 404	22 26	Modify the approach to and into the office so there is no more than a ¼" abrupt change in level surface. If greater than ¼" but no more than ½" at the door threshold, then it must be beveled with a no more than 1:2 slope.	1	3	N	Up to \$2,500
The office sink lacks knee clearance.  <b>See Photos Town Beach 5 and 6.</b>	804.3.2 306.3	32.2 32.6 32.7	Modify the counter and sink so that the counter/sink is no more than 34" a.f.f. and there is a minimum of 27" knee clearance at the sink with guarded, wrapped, or insulated piping. Seek a variance from the required clear floor space. <i>Note: As this is employee only space, modifications would be necessitated by a reasonable modifications request.</i>	4	3	L	Up to \$1,250
<b>Route of Travel to Fields and Amenities</b>  <b>Fields and Related Amenities</b> There is no accessible route of travel to the basketball court, tennis courts, tennis court bench, picnic tables and benches near the beach, picnic tables above the softball/baseball field, to and around the softball/baseball field and to the player's benches, and to and around the soccer field and to the bleacher seating. There is no level area for a wheelchair area at the soccer field bleachers.	402 303 403 802.1 221.2	19 20 22 14	An accessible route of travel needs to be provided to all areas available to the public. Construct an accessible route of travel fully to and around the playing fields and to the player's benches, picnic tables, benches, tennis courts, basketball court, and soccer field bleachers that is compliant with width (48" per 521 CMR) and slope (2% max. cross, 5% max. running) requirements as well as changes in level surface (no > than ½" unbeveled or between ¼" and ½" beveled w/a slope of no > 1:2).  Create an approach and wheelchair level areas at the bench near the tennis court, near the softball/baseball field, and at the soccer field bleachers. The spaces should be 36" wide x 60" deep per wheelchair. If a front/rear approach, the depth can be reduced to 48" as opposed to 60" for a side approach.  Construction options include compacted stone dust, asphalt or similar surfaces that meet the requirement of stable, firm, and slip resistant. Costs will vary depending on material used.  The town should also consider constructing designated accessible parking spaces at the tennis courts and basketball court to reduce the cost of accessible route construction.	2	3,4	L	TBD – up to \$75K+
The stairs at the softball/baseball field have granite steps that are not uniform with uneven heights and widths. The stairs lack railings.	504 505	27	Reconstruct or replace the stairs so they have uniform riser heights (4" to 7") and tread widths (no more 11" deep). Continuous railings s/b provided on both sides of the stairs that are round or oval in x-section; 1 ¼" to 2" in outside diameter; 34" to 38" a.f.f. to the top of the gripping surface; and with 12" extensions parallel to the ground at the top, and the slope distance of one tread	2	3,4	L	TBD – up to \$50K+

A telephone poll guy wire at the softball/baseball field stairs is a protruding object due to reduced headroom.  <b>See Photos Town Beach 7, 8, 9, and 10.</b>	307	20.6	then 12" parallel to the ground at the bottom.  Remove the guy wire or reconstruct to the wire is vertical to the pole with the bracing horizontal at a height of more than 80" a.f.f.	2	3	N	\$0
<b>Portable Accessible Toilet At Soccer Field</b> The "accessible" toilet is not ADA compliant as the door has a closing speed that is 3 seconds too fast; is 2" too close to the far wall of the water closet; the toilet paper dispenser is 1" too close to the front of the water closet; and the soap dispensers are too high and located over the grab bars.  <b>See Photo Town Beach 11.</b>	404.2.8 604.2 604.7 308	26.9 30.7.2 30.7.6 30.12 30.8.5	Replace the existing "accessible" toilet with an "ADA Compliant" toilet such that the soap dispensers are no more than 42" a.f.f. and not located over the grab bars; the toilet paper dispenser s/b a minimum of 24" a.f.f. and s/b 7" min. to 9" max. in front of the water closet measured to the centerline of the dispenser; the water closet s/b 42" from the front of the water closet to the nearest wall or fixture; and the door must have a door closing speed that is at least 6 seconds.	3	2	I	TBD
<b>Ramsey Building Bathrooms</b> <u>Men's and Women's Bathrooms</u> There are running slopes of 8.6% (women's) and 6.6% (men's) at the bathroom entrances.  There are abrupt changes in level surface of $\frac{1}{2}$ " (exterior) and 1" (interior) at the bathroom entrances.	403.3 404.2  404.2.5	22.3  26.10	Exterior walkways cannot exceed a running slope of 5.0% without railings. Doorway entrances must have a level landing of no more than 2.0% in all directions. According to the Recreation Director the doors to the bathrooms are kept in an open position (not closed) when open to the public.  Option #1: Modify the approach and doorway area so that the running slopes do not exceed 5.0% and there is a level landing (no more than 2.0%) at the exterior door clear area in front of the entrances.  Option #2: Modify approach and doorway area so that the running slopes do not exceed 5.0% and seek a variance requiring the doors to be kept open when in use so that the level landing is not required.  Modify the thresholds so that they are no greater $\frac{1}{2}$ " high with a no greater than 1:2 bevel.	3	3	N	TBD \$15,000 to \$30,000
Doors lack tactile designation signage.	703.4	41.1	Install accessible compliant signage on the latch side of each door with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Under 521 CMR, signage s/b 60" a.f.f to the centerline of the sign. Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	3	2	I	Up to \$500+
The interior stall doors are not fully self-closing.	604.8	30.6.1	Modify/adjust the hinges so the doors are fully self-closing. Install compliant pull devices on the interior side of the stall doors.	3	2	I	\$0
The water closets are 2 $\frac{1}{2}$ " to 5" to far from the nearest wall (women's only) and 14" to 19" too close to the farthest wall or fixed object (both men's and women's)	604.2	30.7.2	Modify the bathroom fixtures and relocate the water closets as may be required such that the water closets are 18" o.c. from the nearest wall or fixture and at least 42" from the far wall.	3	3	N	TBD – Up to \$15,000

bathrooms).								
The side and rear grab bars are 36" long, which is 6" too short.	604.5	30.8	Replace the existing grab bars with ones that are 42" long.	3	2	I	Up to \$500	
The toilet paper dispensers are too far from the front of the water closet and too low in height.	604.7	30.7.6	Relocate the toilet paper dispensers so they are a minimum of 7" and a maximum of 9" in front of the water closet measured to the centerline of the dispenser and at least 24" a.f.f. <i>Note: There also must be at least 1½" clearance below the grab bar to the nearest object or fixture.</i>	3	2	I	\$0	
The sink metered faucets require 10 lbs. of operating force which is too much and stay open for only 3 seconds.	309 606.4	39.5 30.9.6	Adjust/modify the faucets so they require no more than 5 lbs. of operating force and stay open for at least 10 seconds.	3	3	I	\$100	
The mirrors are 8½" to 11" too high.	603.3	30.11	Lower the mirrors to no more than 40" a.f.f. to the bottom of the reflecting surface.	3	2	I	\$0	
The towel dispensers are 4" to 12" too high.	308	30.12	Lower the dispensers so they are 42" a.f.f.	3	2	I	\$0	
<b>Men's Bathroom Only</b> The flush control of the water closet is on the near wall side.	604.6	30.7.5	Replace the water closet or the tank of the water closet with one that has a flush control on the approach or wide side.	3	3	N	\$125 to \$350	
The urinal is 24" a.f.f to the top of the rim, which is 7" too high and the flush control is 8½" too high.	605.2 308	30.10	Lower the urinal so that it is no more than 17" a.f.f. to the top of the rim and the flush control is no more than 44" a.f.f. (521 CMR).	3	3	I	Up to \$350+	
<b>See Photos Town Beach 12, 13, and 14</b>								

**Estimated Total Cost:** Up to \$181,675+

### Upton Town Beach Athletic Facility Accessibility Assessment Photos



Photo Town Beach 1



Photo Town Beach 2



Photo Town Beach 3



Photo Town Beach 4



Photo Town Beach 5



Photo Town Beach 6



Photo Town Beach 7

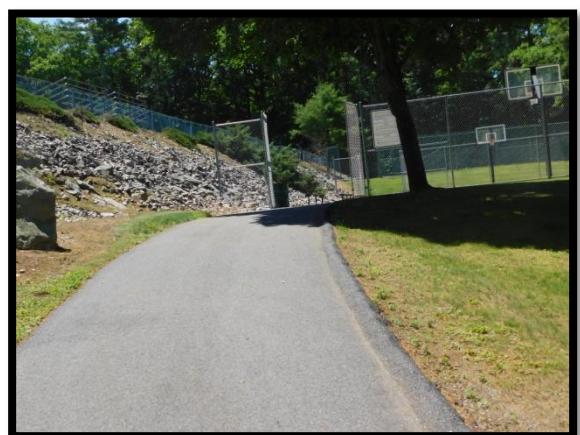


Photo Town Beach 8



Photo Town Beach 9



Photo Town Beach 10



Photo Town Beach 11



Photo Town Beach 12



Photo Town Beach 13



Photo Town Beach 14

## **MEMORIAL SCHOOL PLAYGROUNDS**

**Function and Description of Facility and Programs:** Three separate playground areas – one in front of the school (fully compliant), a side smaller playground area (pre-K) which is also substantially compliant, and a rear playground area.



**Responsible Party:** Parks and Recreation Department, School Department

**General Description or Obstacle Which Limits Mobility or Access:** There are 5 picnic tables at the front of the school which are not on an accessible route of travel and which lack knee depth (one also lacks clear width). The side playground also has a picnic table which is not on an accessible route of travel and lacks adequate clear width. The rear playground has chain link gates to enter the playground which are not flush at the base and also have a latch that exceeds the maximum reach range under the 2010 ADA Standards. Although there is an accessible route of travel around the rear playground area, there is no accessible route of travel into the playground area or to the play equipment. Non-compliant wood chips are the primary surface throughout the playground.

### **Memorial School Playgrounds Accessibility Assessment**

<b><u>General Description of Obstacle</u></b>	<b><u>2010 ADAAG</u></b>	<b><u>MAAB 521 CMR</u></b>	<b><u>Type of Action to be Taken</u></b>	<b><u>P</u></b>	<b><u>F</u></b>	<b><u>TF</u></b>	<b><u>Cost Estimate</u></b>
<b><u>Picnic Tables</u></b> There are 6 picnic tables in 2 different locations (front of school and side playground area). Four of the picnic tables have only 13" of knee depth at a height of 27" a.f.f. and two of the picnic tables have only 17" of clear width.  <a href="#">See Photo Playground 1.</a>	226.1 902	19	Purchase 2 accessible picnic tables and locate them on an accessible route of travel in the same general location in the 2 different areas as the other picnic table. The table surface s/b 28" to 34" a.f.f. to the top surface with at least 27" knee clearance, 30" clear width, and 19" depth.	2	2	N	\$1,500

<b>Entrance Gates to Rear Playground</b> The existing gates (2) to the playground do not comply with the 2010 ADA Standards for a smooth surface within 10 inches of the ground on the push side for the full width of the gate.  The latches to the gates are 3" too high.  <b>See Photo Playground 2.</b>	404.2  308.2 308.3	NA  6.5 6.6	Remove gate or install smooth plating at base of gate.  Lower the operating latches to a height of no more than 48" a.f.f	2  2	2  1	N  \$0	\$150
<b>Accessible Route of Travel</b> There is no accessible route of travel into the rear playground area due to a 2" to 6" abrupt change in level surface. There is no accessible route of travel to and between play equipment.  Non-compliant woodchips is the surface treatment for the entirety of the play areas. Woodchips may be acceptable in the fall zone area, but not as part of an accessible route of travel.  <b>See Photo Playground 3.</b>	403  1008	22  19	An accessible route of travel needs to be provided to all areas available to the public. Construct an accessible route of travel into the playground area by cutting into the concrete border of the playground. Construct an accessible route of travel to and between playground equipment and components. The accessible route of travel must be compliant with width (48" per 521 CMR) and slope (2% max. cross, 5% max. running) requirements as well as changes in level surface (no > than $\frac{1}{4}$ " unbeveled or between $\frac{1}{4}$ " and $\frac{1}{2}$ " beveled w/a slope of no > 1:2). Construction options include compacted stone dust, asphalt or similar surfaces that meet the requirement of stable, firm, and slip resistant. Costs will vary depending on material used.  Play area ground surfaces immediately around play components and in the fall zone must comply with ASTM F 1951 and ASTM F 1292. Depending on the type, age, and quality of woodchips, they may be considered acceptable as a fall zone ground surface.  <i>Note: As 2 of the 3 separate playgrounds are accessible, there could be consideration for requesting a variance to allow the rear playground to remain in its current condition with woodchips only.</i>	2  3	3  1	N  Up to \$7,500	

**Estimated Total Cost:** Up to \$9,150+

### Memorial Schools Playgrounds Accessibility Assessment Photos



Photo Playground 1



Photo Playground 2



Photo Playground 3

## XIV. SIDEWALKS AND CURB RAMPS

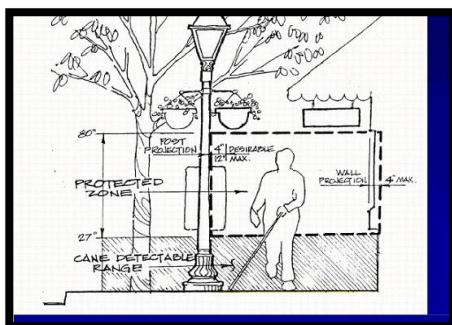
**Description of Assessment Area:** The assessment of public sidewalks, curb ramps, and crosswalks within the town focused on portions of West Main Street, Main Street, North Main Street/Town Common Area, and Milford Street.

**Regulatory Compliance:** Sidewalks and curb ramps must adhere to the rules and regulations of the Massachusetts Architectural Access Board as provided in 521 CMR, and the requirements of the Americans with Disabilities Act as provided for in the regulations of the United States Access Board and as required by the United States Department of Transportation, Federal Highway Administration. These federal requirements are principally listed in the 2010 Americans with Disabilities Act Accessibility Guidelines ("ADAAG") and the Public Right of Way Accessibility Guidelines ("PROWAG"). In addition, in March 2012, the Massachusetts Department of Transportation issued "*Notes on Walks and Wheelchair Ramps for Designers and Construction Engineers*" to be used as further guidance on this matter. These notes are a supplement to and not a replacement for the 521 CMR, PROWAG, and ADAAG Regulations.

**General Standards for Compliance:** In summary, the guidance and regulations under the 2010 ADAAG, PROWAG, 521 CMR, and MA DOT Notes on Sidewalks and Ramps is as follows:

### Sidewalks

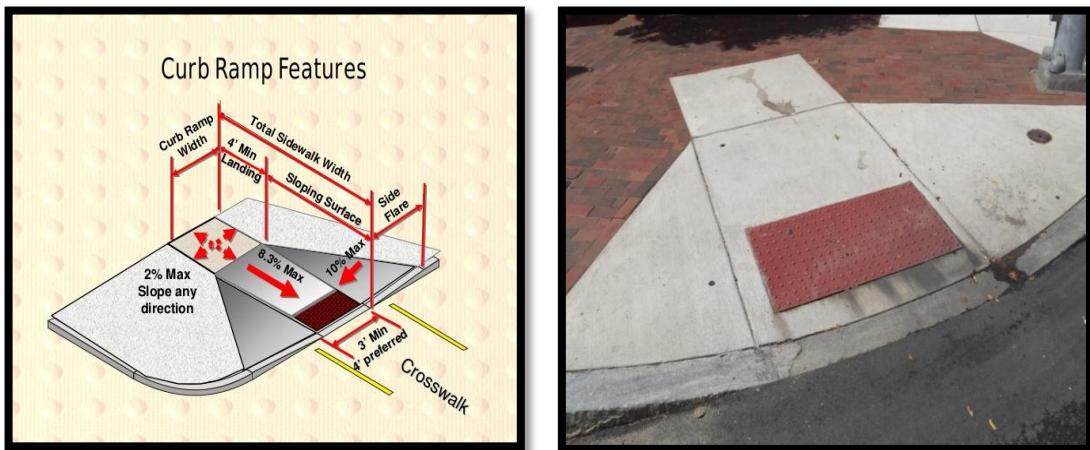
- A minimum of a 4 feet wide sidewalk (excluding the curb) with a 3 feet minimum unobstructed width. If the sidewalk is not 5 feet wide, then a 5 feet by 5 feet level passing space should be provided every 200'. Citation: ADAAG S. 403.5; 521 CMR S. 22.2; PROWAG.
- If the slope of the natural topography exceeds 1:20 (5%), a ramp is not required for a sidewalk. Citation: ADAAG S. 403.3; 521 CMR S. 22.3; PROWAG.
- The finished cross slope of any walkway or sidewalk should not exceed 1:50 (2.0%). Citation: ADAAG S. 403.3; 521 CMR S. 22; PROWAG.
- Walkway and sidewalk surfaces shall be firm, stable, and slip resistant. Openings in the route of travel (grates, etc.) can be no more than  $\frac{1}{2}$ " wide. The "long" opening should be perpendicular to the route of travel. There shall be no abrupt changes in level surface of more than  $\frac{1}{4}$ ", unless beveled up to  $\frac{1}{2}$ ". Citation: ADAAG S. 403, 303, 302; 521 CMR S. 22.4, 22.5, 22.7; PROWAG.
- Objects between 27" and 80" above the finish surface may not protrude more than 4" into the entire pedestrian circulation route. Citation: ADAAG S. 204; 521 CMR S. 20.6; PROWAG.
- All sidewalks/accessible routes of travel must be maintained and kept in a good quality condition including being kept free of snow and ice or other debris which would restrict access.



### Curb Ramps

- Whenever sidewalks, walkways, or curbs on streets and ways are constructed, reconstructed, or repaired, curb cuts are required. *Citation: ADAAG S. 406; 521 CMR S. 21.1; PROWAG.*
- Curb cuts shall occur whenever an accessible route crosses a curb. *Citation: ADAAG S. 405, 406; 521 CMR S. 21; PROWAG.*
- Curb cuts are required at each corner of an intersection and typically are perpendicular to the street. *Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.*
- Curb cut wheelchair ramps should be placed within the general pedestrian flow to the greatest degree possible, to provide pedestrians the safety to see and be seen before crossing the street. *Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.*
- Paired reciprocal curb cut wheelchair ramps are preferred, however, apex ramps serving two directions may be used when intersection geometry precludes the use of paired ramps. The crosswalk should lead directly to the adjoining curb cut wheelchair ramp and sidewalk and not terminate in the roadway, a parking lot, or other area that is not part of the defined pedestrian flow. *Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.*
- The maximum running slope of a curb ramp shall be 1:12 (8.3%). *Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.*
- The maximum cross slope of a curb ramp shall be 1:50 (2%). *Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.*
- The maximum slope of a flared side shall be 1:10 (10%). *Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.*
- The minimum width of a curb ramp shall be 36 inches under ADAAG and 521 CMR but 48 inches under PROWAG, exclusive of flared sides. *Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.*
- Transitions from curb cuts to walks, gutters, or streets shall be flush or free of changes in level greater than  $\frac{1}{4}$ " or between  $\frac{1}{4}$ " and  $\frac{1}{2}$ " if beveled. *Citation: ADAAG S. 303, 403; 521 CMR S. 21; PROWAG.*
- Grading and drainage shall be designed to minimize pooling of water, accumulation of debris, accumulation of ice or flow of water across the base of the curb cut. *Citation: 521 CMR S. 21; PROWAG.*
- A level landing (no more than 2.0% in all directions) at the top of the curb ramp is required. The level landing or turning area should be 4 feet deep by the width of the ramp at the curb line (minimum 3 feet, 5 feet preferred). The preferred level landing dimension, as feasible, is 5 feet x 5 feet. *Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.*
- Diagonal or corner type curb ramps with returned curbs or other well-defined edges shall have the edges parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have a clear space 48 inches minimum outside active traffic lanes of the roadway. Diagonal curb ramps provided at marked crossings shall provide the 48 inches minimum clear space within the markings. Diagonal curb ramps with flared sides shall have a segment of curb 24 inches long minimum located on each side of the curb ramp and within the marked crossing. *Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.*

- Detectable warnings with truncated domes are required at all street crossings under PROWAG. Citation: PROWAG.
- Fixed objects shall not be placed in any part of a wheelchair ramp. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- Catch basins should be located immediately upgrade at the wheelchair ramp entrance. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG
- Accessible pedestrian signals should provide both visual and audible information. The push button face should be parallel to the sidewalk and mounted within reach range (15 inches to 48 inches above finish ground). The side reach should be within 10 inches and there should be no forward reach obstruction. The button must be operable with a closed fist with no more than 5 lbs. of pressure to operate. The push button location should be between 1½ feet and 6 feet from the edge of the curb, shoulder, or pavement and no more than 5 feet from the crosswalk. Citation: PROWAG; 521 CMR S. 21.



**Responsible Party:** Department of Public Works and Select Board

**General Description or Obstacle Which Limits Mobility or Access:** The following is a general summary of major findings of non-compliance. All sidewalks and curb ramps, unless technically infeasible, must adhere to the state and federal standards as detailed above.

#### West Main Street Sidewalks and Curb Ramps

Overall, the existing sidewalks are in poor condition with deterioration and abrupt changes in level surface of up to 1" or more. Sections of sidewalk, including at driveways, have cross slopes of up to 14.8%, well in excess of the maximum 2.0% allowed. Cross walks and curb ramps lacked detectable warning strips as well as level landings at the top of the curb ramp. The Hartford Avenue crosswalk goes through a 2" to 4" median strip. Additional areas of non-compliance included manhole covers located within the sidewalk travel route, mailboxes placed in the sidewalk restricting clear width, recycling and trash bins placed in the sidewalk eliminating sidewalk use, and telephone poles and vegetative overgrowth restricting clear width.

#### Lack of Detectable Warning Strips

- West Main Street and Hartford Avenue South

#### Lack of Level Landing at Top of Curb Ramp

- West Main Street and Hartford Avenue South

#### Excessive Slopes

- #125 West Main Street (sidewalk at 13.3%)
- Hartford Avenue South (curb ramp at 12.2%)
- #137 West Main Street driveway (cross slope at 14.8%)

#### Sidewalk and Curb Ramp Obstructions

- Hartford Avenue South median in crosswalk
- Recycling and trash bins blocking sidewalk near Hartford Avenue South crosswalk/curb ramp
- Recycling and trash bins blocking sidewalk near #137 West Main Street near Lodge Avenue
- Mailboxes reducing sidewalk clear width near #137 West Main Street
- Manhole cover in sidewalk across from Upton Center creating 1" abrupt change in level surface
- Telephone pole (#67) across from Upton Center reducing sidewalk clear width to 28"
- Vegetative overgrowth near Lodge Avenue and also at #137 West Main Street reducing sidewalk clear width to 24" to 28"



#### Main Street Sidewalks and Curb Ramps

Overall, the existing sidewalks are in poor condition due to deterioration and heaving with abrupt changes in level surface of up to 1" or more. Sections of sidewalk, including at driveways, have cross slopes of up to 13.8%, well in excess of the maximum 2.0% allowed. Cross walks and curb ramps lacked detectable warning strips, lack level landings at the top of the curb ramps, have excessive curb ramp running slopes, and have crosswalks terminating at granite curbing.

Additional areas of non-compliance included utility covers located within the sidewalk travel route, mailboxes placed in the sidewalk restricting clear width, recycling and trash bins placed in the sidewalk eliminating sidewalk use, and telephone poles and vegetative overgrowth restricting clear width. A business placard for "Hair Affair" eliminates use of the sidewalk on that side of Main Street. In addition, a telephone pole "guy wire" across from the library serves as a protruding object as it reduces the minimum required headroom.

#### Lack of Detectable Warning Strips

- Main Street at Memorial School (4)
- Main Street and Fiske Avenue (2)
- Main Street and Pleasant Street

#### Lack of Level Landing at Top of Curb Ramp

- Main Street at Memorial School
- Main Street and Fiske Avenue

#### Excessive Slopes

- #105 Main Street driveway (cross slope at 13.7%)
- #103 Main Street driveway (cross slope at 16.1%)
- #98 Main Street driveway (cross slope at 13.8%)
- Driveway at Wilson's Garage greater than 2.0% cross slope
- Curb ramp/crosswalk across Main Street at Memorial School (ramp slope of 11.2%)
- Curb ramp/crosswalk at Fiske Avenue (ramp slope of 12.4%)
- Curb ramp/crosswalk at Pleasant Street (ramp slope of 19.2%)
- #25 Main Street driveway (cross slope at 11.5%)
- #25 Main Street driveway (running slope of 24.6% due to heaving)

#### Sidewalk and Curb Ramp Obstructions

- Hair Affair business sign restricts clear width to 20"
- Recycling and trash bins blocking sidewalk near #101 Main Street
- Mailboxes reducing sidewalk clear width near #'s 87, 83, 81, 95, 77, 78, 68, 66, 41, 39, 37, 57A, 57B, 57C, and 15 Main Street
- Utility cover in sidewalk near #95 Main Street creating 1" abrupt change in level surface
- Telephone poles near #'s 111, 107, 77, 81, and 15 Main Street
- Vegetative overgrowth near #111 Main Street reducing sidewalk clear width to 30"
- Crosswalks terminating in granite curbing of 1" to 3"+ at Memorial School, Fiske Avenue, Pleasant Street, and Plain Street
- Telephone pole #5 "guy wire" across from library reduces headroom to less than 80" and is a protruding object



### **Town Common and North Main Street Area Sidewalks and Curb Ramps**

The sidewalks around the Town Common area are in varying condition. The sidewalk adjacent to the Town Common and in front of the businesses across from the Common are severely deteriorated and are heaving with abrupt change in level surface of greater than 1". The crosswalks on North Main Street leading to the Town Common end in 7" granite steps on the Common side and in grass and in the middle of a street on the opposite side. Similarly, the crosswalk on Main Street from the Common to the church building terminates in 4" to 5" granite curbing on both sides.

#### **Lack of Detectable Warning Strips**

- Town Hall across Warren Street
- Town Hall across Main Street to Library
- Town Hall side driveway
- Town Hall across North Main Street
- Main Street across Grove Street

#### **Lack of Level Landing at Top of Curb Ramp**

- Town Hall across Warren Street (Town Hall side)
- Town Hall across Main Street to Library (Town Hall side)
- Town Hall side driveway
- Town Hall across North Main Street (Town Common side)
- Main Street across Grove Street (library side)

#### **Excessive Slopes**

- Town Hall side curb ramp at Warren Street (curb ramp running slope of 8.9%)
- Library side curb ramp at Town Hall across Main Street to Library (curb ramp running slope of 9.4%)
- Town Common side curb ramp across North Main Street (curb ramp running slope of 8.5%)

- Store side curb ramp across Grove Street (curb ramp running slope of 14.6%)

#### Sidewalk and Curb Ramp Obstructions

- Crosswalk across Warren Street near Town Hall ends in street on one side and has a 1" abrupt change in level surface on the Town Hall side
- Crosswalk across North Main Street near Town Hall has a 1" abrupt change in level surface at the ramp base
- Crosswalks (2) across North Main Street from the Town Common end in 7" granite steps on the Common side and at a street intersection at one crosswalk and in grass at the other crosswalk
- Crosswalk across Main Street from the Town Common to the Main Street businesses and white church building end in 4" to 5" granite curbing on both sides



#### Milford Street Sidewalks and Curb Ramps

The crosswalk in front of the VFW and Rose Garden Pub ends in 4" to 5" granite curbing on the VFW side. There is no formal curb ramp on the Rose Garden Pub side lacking a detectable warning strip and a level landing.

A telephone pole (#6) across from the VFW reduces the sidewalk clear width to 32". Due to the apparent removal of an older pole, there is an abrupt change in level surface of 1½".

A telephone pole (#4) "guy wire" near #10A Milford Street reduces headroom to less than 80" and is a protruding object



## **XV. APPENDICES**

- Appendix A: Survey Form
- Appendix B: Public Notice
- Appendix C: Sample Grievance Procedure
- Appendix D: Reasonable Accommodations Policy
- Appendix E: Reasonable Accommodations Request Form
- Appendix F: Funding Sources for Barrier Removal Planning, Design and Construction Projects

Appendix A: Survey Form

## Upton Self-evaluation Survey

**Department/Board/Commission:** \_\_\_\_\_

1. Location of department/program (name of building, floor level, street address):
  2. Describe the function of the department and any programs it offers or services that it provides.
  3. Are there any circumstances in which the participation of a person with a disability in any program or service offered by your department would be restricted or excluded?

4. Are any of these exclusions or restrictions necessary to the operation of the program/department or to the safety of non-disabled persons?
  5. Is staff aware it may be necessary to modify program policies or practices to enable people with disabilities to participate in and benefit from the programs?
  6. Is the public informed that these programs/services are prepared to make reasonable modifications?

7. Does the department/program have a formal or informal process for responding to requests for modifications?
  8. Briefly describe general office/service communications. Specifically, how is information disseminated and communicated? Are there assistive devices or auxilliary aids (ie. TTY, TDD, sign language interpreter) which are used or available?
  9. Are there any circumstances in which a person with a disability would be asked to pay a fee or meet any other requirements not imposed on other program/service participants? If yes, describe.

10. Does the program/service provide any separate activities for people with disabilities? If yes, describe.

11. Are there any circumstances in which a person with a disability would be prohibited from participating in regular activities because of the provision of separate activities?

12. Employment Practices.

a. Please list the number of full- and part-time employees.

b. Has any of these staff declared a disability? If yes, describe.



## Appendix B: Public Notice

**Town of Upton**  
**Public Notice Under**  
**The Americans With Disabilities Act**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA" hereafter), the Town of Upton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment.** The Town of Upton does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the United States Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication.** The Town of Upton will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Town programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to persons with speech, hearing and/or vision impairments.

**Modifications to Policies and Procedures.** The Town of Upton will make all reasonable modifications to policies and programs to ensure that persons with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

**Procedure and Contact.** Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the town of Upton should contact the ADA Coordinator as soon as possible but no later than 72 hours before a scheduled event.

The ADA does not require the Town to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints and requests concerning the accessibility of programs, services and activities of the Town should be directed to:

Janice Read Nowicki  
**Phone:** 508.529.4558  
**Email:** [jnowicki@uptonma.gov](mailto:jnowicki@uptonma.gov)

The Town of Upton will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids and services or reasonable modifications of policy.

## Appendix C: Sample Grievance Procedure

**Town of Upton**  
**Grievance Procedure Under**  
**The Americans With Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). This may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Upton.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the Town's ADA Coordinator:

Janice Read Nowicki  
**Phone:** 508.529.4558  
**Email:** [jnowicki@uptonma.gov](mailto:jnowicki@uptonma.gov)

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions.

Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Upton and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the Select Board.

Within 15 calendar days after receipt of the complaint, the Select Board will meet with the complainant to discuss the complaint and the possible resolutions.

Within 15 calendar days of the meeting, the Select Board will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee and appeals to the Select Board and responses from both will be retained by the Town Clerk for a period of at least 3 years.

## Appendix D: Reasonable Accommodation Policy

## Town of Upton

### Reasonable Accommodation Policy

In accordance with the Americans with Disabilities Act, the Town of Upton has adopted the following policy to address requests for reasonable accommodations made by people with disabilities in its employment, services, activities, policies, procedures, rules, and regulations.

Citizens, employees or applicants for employment of the Town of Upton with qualified disabilities should address any requests for accommodation to the Town's ADA Coordinator using the "*Reasonable Accommodation Request Form*" available on the town's website or from the Office of the Town Administrator.

Written requests should be sent to: (Note: : Alternative means of filing a request such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing).

#### **ADA Coordinator**

Janice Read Nowicki

**Phone:** 508.529.4588

Email: [jnowicki@uptonma.gov](mailto:jnowicki@uptonma.gov)

If the Town of Upton can grant the accommodation, the requestor will be notified within two weeks of receipt of the request and no further action will be required by the requestor. The request will then be implemented by the appropriate Town Department.

If the Town of Upton cannot grant the accommodation request, the requestor will be notified in writing of the decision, along with notification of the right to file a grievance under the Town's Grievance Procedure.

Appendix E: Reasonable Accommodation Request Form

**TOWN OF UPTON**  
**REQUEST FOR REASONABLE ACCOMMODATION FORM**

The Town requests the completion of this form to assist it in assessing your request for a reasonable accommodation. This initial information will be part of an interactive process with you as we explore your request. This form will be kept separate from your personnel file. The responses may generate the need for additional medical information.

**TO BE COMPLETED BY REQUESTOR**

Print Name \_\_\_\_\_ Date \_\_\_\_\_

Phone (work) \_\_\_\_\_ (personal) \_\_\_\_\_

Town employee  Application for Employment  Other (please explain) \_\_\_\_\_

Dept/Div \_\_\_\_\_ Job Title \_\_\_\_\_

**APPLICANT**

A. What limitation(s) is interfering with your job application process?

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B. How does your limitation(s) interfere with your ability to participate in your job application process?

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C. Describe any suggested accommodation(s) that you believe will assist you in addressing the above-referenced limitation(s): \_\_\_\_\_

D. Explain how the requested accommodations(s) will assist you: \_\_\_\_\_

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E. If applicable, identify the source and/or cost (if known) for providing the accommodation(s):

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**EMPLOYEE**

A. What limitation(s) is interfering with your job performance or accessing a benefit of employment?

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B. What job function(s) or benefits of employment are you having difficulty performing or accessing because of that limitation(s)? \_\_\_\_\_

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C. How does your limitation(s) interfere with your ability to perform your job function(s) or access a benefit of employment? \_\_\_\_\_

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D. Describe any suggested accommodation(s) that you believe will assist you in addressing the above-referenced limitation(s): \_\_\_\_\_

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F. If applicable, identify the source and/or cost (if known) for providing the accommodation(s):

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Requestor's Signature \_\_\_\_\_  
Date \_\_\_\_\_

**RETURN THIS FORM TO THE  
UPTON ADA COORDINATOR**

Appendix F: Funding Sources for Barrier Removal Planning,  
Design and Construction Projects

## **FUNDING SOURCES FOR BARRIER REMOVAL PLANNING, DESIGN, AND CONSTRUCTION PROJECTS**

*Note: This list of funding is not all inclusive and other local, private, state, and federal funding may be available to address accessibility related projects.*

### **MA Office on Disability Municipal Americans with Disabilities Act Improvement Grant Program**

There are two grant types available:

Planning Grant. These grants are for updating or creating a Self-Evaluation and/or Transition Plan as required under the Administrative Requirements of Title II of the ADA.

Project Grant. These grants are for removal of architectural or communication barriers that are present in a municipality. Design plans or applicant salaries are not eligible project grants. Project Grants are solely to remove barriers or to make physical/communication improvements at municipal properties or municipally owned facilities. Funds awarded cannot be used to make improvements to private businesses, private property, non-profit organizations, private homes, or other non-municipal properties.

### **Community Development Block Grant Funds (CDBG)**

CDBG Funds can be accessed directly from the federal Office of Housing and Urban Development (HUD) if a municipality is an entitlement community or a designated central city. Non-entitlement communities (such as Upton) can apply for CDBG funds on an annual state-wide competitive basis from the Massachusetts Department of Housing and Community Development. Eligible accessibility related projects include feasibility and planning projects; design and engineering for barrier removal; and physical construction improvements to remove architectural barriers, including but not limited to, sidewalks, curb ramps, building and facility access and building and facility modifications. Funding may also be awarded for accessible related communication and transportation improvements and purchases such as integrated and fixed ALS devices and COA/Municipal accessible vans.

### **MassWorks Infrastructure Program**

The MassWorks Infrastructure Program is a competitive grant program that provides a flexible source of capital funds to municipalities and other eligible public entities primarily for public infrastructure projects that support and accelerate housing production, spur private development, and create jobs throughout the Commonwealth. Although not specifically designed to address accessibility planning or barrier removal - housing projects would be required to include a percentage of units as accessible units and surface infrastructure projects would be required to construct compliant sidewalks and curb ramps as part of the overall construction project.

### **MA Chapter 90 Funding**

Municipalities may, upon MA DOT approval, use their allocated Chapter 90 funds for street and sidewalk improvements which would require compliance with the 2010 ADA Standards, 521 CMR, and PROWAG pertaining to sidewalk cross slopes, level changes, sidewalk widths, curb ramps, and pedestrian crossing signals.

### **MA Complete Streets Program**

The MassDOT Complete Streets Funding Program provides technical assistance and construction funding to eligible municipalities. Eligible municipalities must pass a Complete Streets Policy and develop a Prioritization Plan. Similar to the MassWorks Program, although not specifically designed to address accessibility projects, surface infrastructure projects would be required to construct compliant sidewalks and curb ramps as part of the overall construction project.

Inherent in the development of a Complete Street is meeting the most current accessibility guidelines outlined by the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB), which are upheld by Code of Massachusetts Regulations 521 (521 CMR).

### **MA Community Preservation Act (CPA)**

If a municipality has adopted through town meeting the CPA program, approved projects would have to adhere to applicable standards under ADA and 521 CMR. CPA funding is often used for historic building restoration and rehabilitation projects. Depending on the nature of the work and as part of the overall building project, funding may be attributed towards access into a building as well as interior improvements such as vertical access (lift, elevator), bathroom modifications, and related accessibility improvements.