



## City of Attleboro, Massachusetts

### PART C – Self-Evaluation Summary

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## Introduction

This Americans with Disabilities Act (ADA) Self-Evaluation report includes a summary of the City's policies obtained by an on-line ADA questionnaire developed by the Institute for Human Centered Design (IHCD). There was a good response to the survey by department heads. This Self-Evaluation report also includes a summary of architectural barriers identified during accessibility surveys performed by IHCD teams between December 2020 and March 2021.

Together these findings are designed to help move the City towards full compliance with its obligations under the Title II of the Americans with Disabilities Act (ADA) and/or the 521 CMR Massachusetts Architectural Access Board regulations.

For clarity, this ADA Self-Evaluation report is organized as follows:

- Legal Overview;
- Summary of the Evaluation of Policies in Programs, Services, and Activities;
- Summary of the Evaluation of Facilities.

## 1. Legal Overview

The City of Attleboro is obligated by both Federal laws and State codes concerning the rights of people with disabilities in the daily provision of programs, services, and activities. At the end of this report, there is a comprehensive list of relevant laws.

### **Federal Obligation: American with Disabilities Act (ADA)**

Based on the 1964 Civil Rights Act and expanding upon the obligations of the 1973 Rehabilitation Act, the 1990 ADA prohibits discrimination against people with disabilities. The ADA provides civil rights protections to individuals with disabilities similar to those afforded to individuals on the basis of race, color, sex, national origin, age, and religion. The cornerstone of Title II of the ADA, which applies to state and local governments, is clear: no qualified person with a disability may be excluded from participating in, or denied the benefits of, the programs, services, and activities provided by state and local governments because of a disability.

The 2008 Amendments to the ADA (ADAAA), signed into law on September 25, 2008, describes in more detail the range of conditions covered by the civil rights protections of the ADA. The amendments expand the definition of “disability” to include impairments that substantially limit a major life activity and states that when determining whether someone qualifies as having a disability, one cannot take into account assistive devices, auxiliary aids, accommodations, medical therapies and supplies. The amendments also address episodic disabilities that may go into remission but still can significantly limit a major life activity when active, such as epilepsy and post-traumatic stress disorder. The ADA defines a disability as<sup>1</sup>:

- A physical or mental impairment that substantially limits one or more major life activities (i.e. working, talking, hearing, seeing, caring for one's self);
- Having a record of a physical or mental impairment that substantially limits one or more major life activities;

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<sup>1</sup> To learn more about qualified individuals with disabilities or to read the full text of the ADA, please visit <http://www.ada.gov>

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- Being regarded by others as having an impairment such as individuals with severe facial scarring.

It is important to stress that the primary obligation to public entities such as the City of Attleboro, under Title II of the Americans with Disabilities Act, is to ensure that, when *viewed in their entirety*, the programs, services, and activities offered are equally available to people with disabilities. The City is required to follow the 2010 ADA Standards for Accessible Design in new construction and alterations. The 2010 ADA Standards must also be used for corrective actions if existing conditions don't comply with the original ADA Accessibility Guidelines. Municipalities also must relocate programs or otherwise provide access to programs located in inaccessible older facilities (e.g. facilities built before the ADA went into effect January 26, 1992). Ensuring program access may require capital investment when there is no alternative solution and should be a priority for corrective action.

Note that the websites of Title II entities are also considered "*programs*" and should be accessible to the standards of the Web Content Accessibility Guidelines 2.0 AA. A review of the City of Attleboro's website is included under the scope of work.

The City must **communicate effectively** with people who have hearing, vision, or speech disabilities. The City is also required to make reasonable modifications to policies, practices, and procedures where necessary to ensure the equal participation of people with disabilities. Whatever is written or spoken or otherwise communicated must be as clear and understandable to people with hearing, vision, speech or other disabilities as they are defined in the Americans with Disabilities Act as it is for people who do not have disabilities. In addition, the ADA requires the provision of "auxiliary aid and service" to meet the responsibility for effective communication. Auxiliary aids and service refer to readers, notetakers, sign language interpreters, assistive listening systems, open and closed captioning, text telephones (TTYs), videophones, information provided in large print, braille, audible, or electronic formats, and other tools for people who have communication disabilities.

Following the passage of the ADA, the Department of Justice (DOJ) issued the 1991 ADA Standards for Accessible Design to address physical access to facilities and transportation. These standards were based almost exclusively on the US Access Board's guidelines (ADA Accessibility Guidelines – ADAAG). In 1994, slight technical amendments were made. Then in 2004, the US Access Board issued new guidelines that were promptly adopted by the US Department of Transportation and other federal agencies. But only in 2010 did the Department of Justice issue a revised and updated ADA Standard called the 2010 ADA Standards for Accessible Design (2010

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ADA Standards) that would apply to all Title II and Title III entities. These standards revised requirements for policies such as ticketing and service animals, and for physical elements such as assembly seating, established construction tolerances for certain elements and formalized long-standing guidelines for play areas, golf courses, recreational boating facilities, swimming pools, and other recreational facilities.

Facilities that met or exceed the 1991 ADA Standards when they were built or modified are not required to make changes to the new 2010 Standards except in the case of renovation. For elements that are non-compliant, the corrective measures must align with the 2010 ADA Standards. It is not expected that the buildings will meet or be brought up to all of the 2010 ADA Standards absent significant or total renovation. State and local governments must ensure that individuals with disabilities are not excluded from services, programs, and activities because buildings are inaccessible. This means Title II entities do not need to remove physical barriers, such as stairs, in all existing buildings, as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility.

#### Alterations to historic properties under the ADA

Alterations to historic properties must comply with the specific provisions governing historic properties in the 2010 ADA Standards, to the maximum extent feasible. Under those provisions, alterations should be done in full compliance with the alterations standards for other types of buildings. However, if following the usual standards would threaten or destroy the historic significance of a feature of the building, alternative solutions may be used. The decision to use alternative solutions for that feature must be made in consultation with the appropriate historic advisory board as designated in the 2010 ADA Standards (for Massachusetts, the Massachusetts Historical Commission), and interested persons should be invited to participate in the decision-making process.

Note that any corrective actions needed to ensure program accessibility would also have to comply with the requirements of the 2010 ADA Standards for historic facilities.

#### **State Obligation:**

##### Massachusetts Constitutional Amendment – Article 114

The Massachusetts Constitution states:

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“No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity within the Commonwealth.”

Article 114 is written broadly. It prohibits discrimination based on disability on any level within the state, not just for recipients of state or federal funds. For example, City meetings must be held in an accessible location with sign language interpreters provided if needed, and the City cannot refuse to do business with an individual based on the person’s disability.

#### Massachusetts Architectural Access Board

The Architectural Access Board (AAB) is a regulatory agency whose mandate is to develop and enforce regulations designed to make public buildings accessible to, functional for and safe for use by persons with disabilities. See the Rules and Regulations of the Architectural Access Board 521 CMR. In addition to writing regulations, the Board decides on variance requests, provides training on its regulations, issues advisory opinions and makes decisions on complaints. Local building inspectors are responsible for enforcing the regulations which are a specialized section of the Massachusetts Building Code. See 780 CMR.

The construction, reconstruction, remodeling, alteration, or change of use of a building or facility that is open to the public triggers the authority of the Architectural Access Board. New construction must fully comply.

For renovation, remodeling, or alteration:

- The work being done must comply with the regulations.
- If the work done in any 36-month period is greater than \$100,000, the “work being performed” is required to comply. In addition, an accessible entrance and an accessible toilet room, telephone and drinking fountain (if toilets, telephones and drinking fountains are provided) shall also be provided.
- If the work done in a 36-month period is more than 30% of the “full and fair cash value” of the building<sup>2</sup>, the entire building must come into compliance.

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<sup>2</sup> This is usually the assessed value established by the city or City. See 521 C.M.R. § 5.38 for details about establishing value where no assessment exists.

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Enforcement: Anyone can file a complaint with the Architectural Access Board. The Board has the authority to issue variances and/or impose fines of up to \$1000 per violation per day of noncompliance with its order.

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## 2. Summary of the Evaluation of Policies in Programs, Services and Activities

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities by public entities. Activities covered include all services, programs and activities offered by the public entity, all aspects of employment, services carried out by contractors, all activities of the local legislative and judicial branches and public transportation.

A thorough understanding of the requirements of Title II of the ADA is an essential responsibility of public entities.

Please note that a complete summary of the City's policies, practices and procedures is included in Part B – Evaluation of Non – Discriminatory Policies and Practices in Programs, Services and Activities.

The ADA administrative requirements help to ensure that the needs of people with disabilities are addressed in all services, programs and activities that the City operates. A Title II entity is required to:

1. Designate a Responsible Employee (ADA Title II - 28 CFR Part 35.107 (a)) to coordinate compliance with the ADA. The purpose of having a responsible employee – ADA Coordinator - is to ensure that when the public deals with a state or local government agency, the public is able to identify a person who is knowledgeable with the requirements of the ADA.

The City of Attleboro has met its obligation to designate a responsible employee as the City's ADA Coordinator. Building Commissioner, William McDonough is the City's current ADA Coordinator, which includes all obligations associated with an ADA Coordinator. Note: Mr. McDonough's listing within the City's staff directory on the municipality's website does not bear the ADA Coordinator designation.

The City should consider clarifying for its entire community and City employees the name and scope of responsibilities of the ADA Coordinator. Highlighting this information will improve compliance and make for more efficient operations with respect to the needs of members of the public with disabilities. Mr. McDonough's name and role as ADA Coordinator should be made clear on the City's website, employee information, and notifications.

2. Adopt and distribute a public Notice (ADA Title II - 28 CFR Part 35.106) of the provisions of the ADA to members of the public who may participate in the City's programs, services and activities. The effective notice should state the City's obligations under the ADA and include the complete contact information of the ADA Coordinator.

From the responses submitted by staff it appears that the City of Attleboro does not have a uniform policy regarding the posting of ADA Non-Discrimination Notices for members of the public. Responses from City departments include: "I do not know", "No", "n/a" and "Currently not posted." A small number of survey respondents believe there are notices posted "At the entrance of the Zoo," "At the main entrance to the facility," and "Under EEOC notice in the break room." It is not clear if notices on the Family Medical Leave Act or Occupational Safety and Health Administration information may be misinterpreted for ADA notification.

The municipality's website does provide an accessibility notice statement related to digital accessibility. However, this is not an ADA Non-Discrimination Notice that covers all City programs, services, and activities beyond those provided in an online format.

The City should take steps to clarify the posting of the Notice of Non-Discrimination policy to comply with the ADA Title II that states that public entities shall take initial steps to notify program/service participants, beneficiaries and employees of its obligations.

IHCD recommends distributing the Notice to all department heads, publishing the Notice in all the materials distributed by the City, posting the Notice on the City's website home page and posting copies in public locations in the City's buildings.

3. Develop and distribute Grievance Procedures (ADA Title II - 28 CFR Part 35.107 (b)) for prompt resolution of any complaint regarding disability discrimination.

It is not clear that a Grievance Procedure with an associated appeals process exists. The City's website has a portal to "Submit a Request" that leads to a page for the "Citizen Request Tracker;" however, there is no clear instruction or link to begin a complaint or request. Council for Human Rights has a form to report incidents; yet again, it is not clear that this would be used to report disability related issues. Furthermore, it is not clear where an employee may file a grievance. It is not clear if staff in all departments is aware of their ADA obligation and the process for meeting the requirements for grievance

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procedures. Regarding grievance procedures, several survey responses indicate they defer issues to another department; e.g. schools, Mayor’s Office, Personnel Department. Furthermore, other department responses include: “We have no such procedures,” “Not applicable,” and “None are in place.”

IHCD recommends the City take steps to clarify its grievance procedure with an associated appeal process by distributing it to all department heads, and posting copies in noticeable locations in each of the City’s public buildings. Furthermore, ensure the City’s employees are aware of the Grievance Procedure process and can provide information to members of the public about the process when appropriate. Ensure the Grievance Procedure form is in an accessible format on the City website.

4. Modify its Policies, Practices and Procedures (ADA Title II – 28 CFR Part 35.130(b)(7)) when necessary to avoid discrimination.

From all of the responses submitted by staff, there is no evidence that the City was unable to provide a reasonable modification. However, there is also no evidence on the City’s website that a reasonable modification policy exists.

IHCD recommends the City provide a reasonable modification policy and take additional steps to ensure that City’s employees can provide information to members of the public about the process of requesting reasonable modification of policies when appropriate. The City should provide a form for requesting reasonable modifications of policies on the City’s website, and state the commitment to provide copies in accessible formats upon request.

5. Provide Reasonable Accommodation (ADA Title II – 28 CFR Part 35.140(a)) to qualified employees with disabilities. This requirement may include modifying work schedules, job restructuring, and making facilities used by employees readily accessible to an employee with a disability, or moving the employee, if possible without compromising job responsibilities, to an accessible location.

From the responses to the ADA questionnaire, over half of the responses indicate that their department has a reasonable accommodation policy in place. In contrast, several respondents do not believe that their department stated a reasonable accommodation policy. Nevertheless, there is no evidence that the City has failed to provide reasonable accommodations to its employees.

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Regarding questions about reasonable accommodations and other related topics, IHCD recommends that the City of Attleboro becomes familiar with the excellent free national resources from the *Job Accommodation Network* (<https://askjan.org>).

6. Provide *Auxiliary aids and services* (ADA Title II – 28 CFR Part 35.160) to ensure effective communication with people with disabilities. This provision requires ADA Title II entities to take steps to ensure that communication with members of the public and employees with disabilities is as effective as communication with others. This requirement may include but is not limited to providing sign language interpreters, providing Computer-Assisted-Real-time-Translation (CART), written materials for persons who are deaf or have difficulty hearing, braille or large print information or information in digital format for people who are blind or have difficulty seeing.

From the questionnaires received, there is no indication that an accommodation or modification was denied to a person with a disability. One department “provides various types of communication to ensure people with disabilities receive equal and effective communication.” However, several other departments provide service ad hoc or are not clear on a procedure to secure auxiliary aids and services for people who are visually impaired or blind.

The municipality’s website provides a field for users to determine “How do I...:” access, apply for, contact, find, and pay for several services, programs, and activities. Yet none lead users to a link to secure effective communication through auxiliary aids and services (CART, ASL, materials in braille, etc.).

As was offered in IHCD’s response to the RFP for this project, IHCD’s New England ADA Center staff can provide training on effective communication if the City is interested.

The City should consider developing and publicizing clear processes for members of the public and employees to request auxiliary aids and services. Ensure that the City’s website and other web-based services are and continue to be accessible to people with disabilities. It is the Department of Justice’s position that when services are provided on a website, those services too must be made accessible. The website should be considered a “program” of the City.

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### 3. Summary of the Evaluation of Facilities

The analysis of existing conditions that encompasses the body of this evaluation is based on observations and documentation completed by IHCD team during site visits. This accessibility survey included the following facilities:

#### City Facilities

Animal Shelter  
City Hall  
City Hall Annex  
Council on Aging  
DPW Facility  
Fire Department on Union Street  
Fire Department on West Street  
Library  
Parks and Forestry Building  
Police Station  
Recreation Center – Armory  
Recycling Facility  
Wastewater Department  
Water Department

#### Public School Buildings

Brennan Middle School  
Coelho Middle School  
Hill-Roberts Elementary School  
Hyman Fine Elementary School  
Studley Elementary School  
Thacher Elementary School  
Wamsutta Middle School  
Willett Elementary School

#### Parks, Playgrounds and Open Spaces

Angell Park  
Capron Park Zoo

Finberg Fields  
Fran Driscoll Field  
Hayward Fields  
Lee’s Pond Park  
Poncin Hewitt Fields  
Tilda B. Stone Fields

#### City Parking Garages and Lots

Library Lot  
Mechanic Street Lot  
Sanford Street Garage  
YMCA Lot

### **Building Facilities Overview**

Under Title II of the ADA, the City of Attleboro must make sure that “No qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity” [28 CFR Part 35.149].

A public entity may not deny the benefits of its programs, services and activities to individuals with disabilities because its facilities are inaccessible. This means that each program, service and activity of the City, when viewed in its entirety, must be readily accessible to and usable by individuals with disabilities.” This requirement is known as Program Accessibility [28 CFR Part 35.150].

The program accessibility requirement does not necessarily require the City to make each existing facility accessible or to take any action that would threaten or destroy the historic significance of a historic property. Or require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of the program or in an undue financial and administrative burden.

The City may comply with the requirements through such means as redesign or acquisition of equipment, reassignment of services to accessible buildings, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, or any other methods that result in making the City’s services, programs or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural

changes in existing facilities where other methods are effective in achieving compliance with this section.

In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

IHCD recommends the following improvements at the following City facilities:

### City Facilities

#### **Animal Shelter**

- Renovate exterior routes.
- Provide compliant signage.
- Provide three (3) automatic door openers.
- Renovate two sinks.
- Renovate accessible parking space.
- Install stair handrails.
- Renovate toilet room.

#### **City Hall**

- Renovate toilet rooms.
- Provide compliant door hardware.
- Renovate a drinking fountain for seated users and provide a drinking fountain for standing users.
- Provide compliant signage.
- Provide compliant work surfaces.
- Provide an assistive listening system.
- Renovate a curb ramp
- Provide an accessible sink
- Provide compliant service counters.

#### **City Hall Annex**

- Provide compliant signage.
- Provide compliant work surfaces.
- Renovate the single-user toilet room.

- Provide a drinking fountain for standing users.
- Renovate service counter.

#### **Council on Aging**

- Provide compliant accessible parking signage.
- Provide compliant egress and designation signage.
- Renovate toilet rooms.
- Relocate seated drinking fountain to provide knee clearance.
- Provide compliant elevator signage.

#### **DPW Facility**

- Provide a van accessible parking space.
- Provide a cane-detectable barrier at wall mounted equipment.

#### **Fire Department on Union Street**

- Given the accessibility issues related to approaching and entering the small public portion of the Union Street fire station, and the extremely limited range of public programming that takes place there, IHCD recommends relocating any public programming presently provided at the Union Street fire station to the fire station on West Street.

#### **Fire Department on West Street**

- Renovate toilet rooms.
- Renovate sink.
- Provide an assistive listening system.

#### **Library**

- Renovate toilet rooms.
- Renovate doors (provide two (2) automatic door openers).
- Renovate sinks.
- Renovate a drinking fountain for seated users and provide a drinking fountain for standing users.
- Renovate and provide egress, directional and designation signage.
- Provide an assistive listening system in the Balfour Room.
- Renovate exterior route.

- Renovate service counter.
- Provide compliant work surfaces.

### **Parks and Forestry Building**

- Provide a van accessible parking space.
- Provide compliant door hardware.
- Renovate exterior access route.

### **Police Station**

- Renovate accessible parking spaces.
- Secure mats.
- Provide signage at the inaccessible entrance at the base of the stairs.
- Relocate the fingerprinting shelf.

### **Recreation Center – Armory**

- Renovate exterior routes.
- Provide compliant entrance, egress and designation signage.
- Provide an intercom with audible and visible signals at the accessible entrance to the lower level and the main level.
- Renovate doors including providing one (1) automatic door opener and widening two (2) doors.
- Provide a two-stop Limited Use Limited Application (LULA) elevator between the lower level and main level.
- Provide four (4) accessible work surfaces.
- Renovate two (2) toilet rooms.
- Provide a drinking fountain for seated users.
- Renovate accessible parking spaces.
- Provide stair handrail extensions.

### **Recycling Facility**

- Provide an accessible route to the book exchange shed (a ramp is required).
- Ensure that snow is cleared.
- Relocate visual signage.

### **Wastewater Department**

- Provide one van accessible parking space.
- Renovate one curb ramp.
- Renovate exterior access route.
- Provide a compliant egress sign and informational sign.

### **Water Department**

- Provide an accessible picnic table on an accessible route.
- Renovate toilet rooms.
- Repair curb ramp surface.
- Provide a van accessible parking space.
- Renovate service counter.
- Provide compliant signage.
- Renovate door threshold.
- Provide an accessible exterior route to one bench in each area.

### Public School Buildings

#### **Brennan Middle School**

- Renovate exterior access routes.
- Renovate three (3) and replace one (1) curb ramps.
- Correct thresholds with excessive change in level at egress doors and provide accessible door hardware.
- Provide accessible designation and egress signage.
- Provide an unenclosed interior lift to the stage in the cafeteria.
- Provide an assistive listening system in the band practice room and in the cafeteria where a stage is located.
- Provide 16 accessible work surfaces in classrooms.
- Provide accessible sinks with knee and toe clearance and wrapped plumbing in 19 classrooms.
- Renovate toilet rooms (Correct toilet centerline, provide knee and toe clearance at lavatory, provide compliant hardware and fix self-closing hinge at accessible compartment, etc.).
- Provide an accessible shower in the boy's locker room.
- Provide knee and toe clearance at five (5) seated drinking fountains, provide two (2) drinking fountains for seated users and provide two (2) cane-detectable skirts at standing drinking fountains.
- Locate bike rack not on accessible route.

- Provide benches with back support in locker rooms.
- Provide accessible picnic tables.

### **Coelho Middle School**

- Renovate and provide exterior accessible routes to areas of sport activity and team seating.
- Provide accessible work surfaces in classrooms.
- Provide at least 5% accessible lockers.
- Renovate four (4) drinking fountains.
- Renovate toilet rooms.
- Provide an assistive listening system in the auditorium.
- Close stair risers.
- Provide compliant locker room benches.

### **Hill-Roberts Elementary School**

- Renovate exterior access routes around school.
- Provide compliant egress, directional and designation signage.
- Renovate doors (including providing accessible door hardware and renovating door thresholds).
- Provide a lift to the stage and to the music room.
- Provide an assistive listening system by the stage in the cafeteria.
- Renovate toilet rooms including seven (7) single-user toilet rooms.
- Renovate nine (9) drinking fountains.
- Renovate seven (7) sinks.
- Provide accessible routes to the boundary of sport activity at the softball fields and to the team seating.
- Provide accessible routes to and around the interior of two (2) playground locations (poured-in-place rubber).
- Provide accessible work surfaces in five (5) classrooms.
- Provide compliant signage at elevator.

### **Hyman Fine Elementary School**

- Renovate exterior access routes.
- Provide compliant egress, directional and designation signage.

- Renovate doors (including providing accessible door hardware and lowering door thresholds).
- Provide a lift to the stage and to the music room.
- Renovate toilet rooms including seven (7) single-user toilet rooms.
- Renovate ten (10) drinking fountains.
- Renovate eight (8) sinks.
- Provide accessible routes to and around four (4) playground locations.
- Provide accessible routes to and around the interior of six (6) playground locations (poured-in-place rubber).
- Provide accessible work surfaces in three classrooms.
- Provide compliant elevator signage.
- Provide “Van Accessible” sign at van accessible parking spaces.

### **Studley Elementary School**

- Renovate exterior access routes.
- Renovate four (4) curb ramps.
- Provide and renovate accessible parking.
- Provide compliant egress, directional and designation signage.
- Renovate doors (including providing twelve [12] automatic door openers).
- Provide accessible dining and work surfaces.
- Provide one (1) accessible picnic table.
- Renovate toilet rooms.
- Renovate seven (7) drinking fountains.
- Renovate twelve (12) sinks.
- Provide accessible routes to and around the playground.
- Provide a route to the stage.

### **Thacher Elementary School**

- Renovate curb ramps.
- Provide access aisles at the three (3) accessible parking spaces that are provided and provide one additional car accessible parking space and one van accessible parking space.
- Provide compliant egress and informational signage.
- Provide cane-detectable barriers at protruding objects.
- Renovate doors, including providing one (1) automatic door opener.
- Provide one (1) accessible dining and six (6) accessible work surfaces.

- Provide three (3) aisle designated seats in the auditorium.
- Provide an assistive listening system in the auditorium.
- Provide one (1) accessible picnic table in the upper playground.
- Renovate toilet rooms.
- Renovate three (3) drinking fountains.
- Renovate two (2) sinks.
- Provide accessible routes around the perimeter of upper playground and the lower playground with swings.
- Provide a compliant impact-attenuating surface to and around playground components in all three (3) playgrounds.
- Renovate the media center service counter
- Provide accessible routes to exterior benches.

### **Wamsutta Middle School**

- Renovate exterior access routes.
- Renovate two (2) curb ramps.
- Provide compliant egress, directional and designation signage.
- Provide accessible dining and work surfaces.
- Provide one (1) accessible picnic table.
- Renovate toilet rooms.
- Renovate drinking fountains.
- Renovate sinks.
- Provide accessible parking spaces.
- Renovate door thresholds and provide compliant door hardware.
- Provide an accessible locker room bench.
- Provide an accessible route to team seating areas.

### **Willett Elementary School**

- Renovate and provide exterior access routes.
- Provide an accessible parking sign and a van accessible parking sign.
- Provide compliant egress, directional and designation signage.
- Provide four (4) automatic door openers.
- Provide accessible dining and work surfaces.
- Provide one (1) accessible picnic table.
- Renovate toilet rooms.

- Renovate four (4) drinking fountains.
- Renovate ten (10) sinks.
- Provide accessible routes around the playground and to one bench (cost estimate for asphalt route).
- Provide a compliant impact-attenuating surface to and around playground components.
- Provide an accessible route to the baseball field, including team seating areas.
- Renovate curb ramp transitions.
- Renovate door thresholds.
- Provide compliant elevator signage.
- Provide an accessible route to the gaga ball court.

## **Parks, Playgrounds and Open Spaces Overview**

The program accessibility obligation does not typically require that every outdoor area be made accessible. As noted before, “when viewed in its entirety” applies to programs for which there are multiple locations for comparable programs. Usually, a public entity determines which method it will use for meeting its program accessibility obligations. When structural changes are made to existing facilities, the changes must comply with the 2010 ADA Standards for Accessible Design. When choosing to purchase equipment or to make structural changes, the public entity should factor financial resources required to maintain program accessibility.

Over time, the City will need to reassess its compliance with program accessibility, and it may become necessary to acquire new accessible equipment or make structural modifications.

It is important to note that those elements in existing facilities that are subject to supplemental requirements of the 2010 ADA Standards (*e.g.* elements for which there are neither technical nor scoping specifications in the 1991 Standards) such as (C) *Recreational boating facilities*; (D) *Exercise machines and equipment*; (E) *Fishing piers and platforms*; (H) *Play areas*; (J) *Swimming pools, wading pools, and spas*; and (L) *Miscellaneous - (1) Team or player seating and Accessible route in court sports facilities*, need to be brought into compliance.<sup>3</sup>

IHCD recommends the following improvements at the following parks, playgrounds and open spaces:

### **Angell Park**

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<sup>3</sup> As described in 28 CFR 35.150(b)(2)(i) Title II ADA Regulations

- Renovate and provide curb ramps.
- Provide an accessible route to and around the playground.
- Provide an impact-attenuating accessible surface to, under and around the play elements in the playground (poured-in-place rubber).
- Provide an accessible picnic table.
- Provide an accessible route to a bench and an accessible picnic table, etc.).

### **Capron Park Zoo**

- Renovate and provide exterior accessible routes.
- Renovate accessible parking spaces and provide a van accessible parking space.
- Provide compliant egress, designation, directional and informational signage.
- Renovate doors (including providing two (2) automatic door openers and widening a door).
- Provide two (2) compliant service counters in the gift shop.
- Provide two (2) accessible picnic tables on accessible routes.
- Provide exterior routes to six (6) benches.
- Renovate toilet rooms.
- Install ramp handrail extensions.
- Provide accessible spaces in the amphitheater.
- Provide an accessible route to the amphitheater stage.

### **Finberg Fields**

- Renovate exterior accessible routes.
- Provide accessible parking spaces.
- Provide accessible picnic tables and accessible routes to picnic areas.
- Provide an accessible route to one bench in each area of the park that has a bench.
- Provide an accessible route around the playground.
- Provide an impact-attenuating accessible surface to, under and around the play elements in the playground (poured-in-place rubber).
- Renovate and provide an accessible route to all team and spectator seating areas.
- Relocate trash container.

### **Fran Driscoll Field**

- Renovate exterior accessible routes.
- Provide curb ramps by new accessible parking spaces.

- Provide accessible parking spaces.
- Provide accessible picnic tables and accessible routes to picnic areas.
- Provide an accessible portable toilet.
- Provide an accessible route around the playground.
- Provide an impact-attenuating accessible surface to, under and around the play elements in the playground (poured-in-place rubber).
- Provide an accessible route to the baseball field and to team seating at the baseball field.
- Renovate gate threshold.
- Provide accessible spaces at baseball team seating.

### **Hayward Fields**

- Renovate existing exterior access routes.
- Provide accessible routes connecting existing walkways to the boundary of sport activity, the playground and all other facility amenities.
- Renovate and provide accessible parking spaces.
- Provide one accessible picnic table.
- Renovate toilet rooms.
- Provide three (3) accessible portable toilets.
- Provide a drinking fountain for seated users.
- Provide an impact-attenuating accessible surface to, under and around the play elements in the playground (poured-in-place rubber).

### **Lee's Pond Park**

- Renovate exterior accessible routes.
- Renovate and provide accessible parking spaces.
- Provide compliant handrails at two (2) exterior stairs by the pond.
- Provide one (1) accessible picnic table and an accessible route to the accessible picnic table.
- Provide one (1) accessible portable toilet.
- Provide an impact-attenuating accessible surface to, under and around the play elements in the playgrounds (poured-in-place rubber).
- Renovate and provide an accessible route to all areas of sport activity, and to all team and spectator seating areas.
- Renovate one (1) curb ramp.
- Provide accessible routes to benches and dog waste bag dispenser.

### **Poncin Hewitt Fields**

- Renovate and provide exterior accessible routes.
- Provide an accessible route to and around the playground.
- Provide an impact-attenuating accessible surface to, under and around the play elements in the playground (poured-in-place rubber).
- Renovate toilet rooms.

### **Tilda B. Stone Fields**

- Renovate exterior routes.
- Renovate and provide accessible parking spaces.
- Renovate doors (including enlarging three (3) doors).
- Provide one accessible picnic table.
- Renovate toilet rooms: \$22,970.
- Provide an accessible portable toilet.
- Provide a pool lift.
- Provide an accessible route to and around the playground.
- Provide an impact-attenuating accessible surface to, under and around the play elements in the playground (poured-in-place rubber).
- Provide an accessible route to the basketball court.
- Provide accessible routes to a bench and bike rack
- Provide compliant designation signage.

## City Parking Garages and Lots

### **Library Lot**

- Renovate exterior routes.
- Renovate signage.

### **Mechanic Street Lot**

- Renovate exterior routes.
- Renovate curb ramps.
- Renovate walkway.

### **Sanford Street Garage**

- Renovate exterior routes.
- Renovate accessible parking spaces and provide one additional standard car accessible parking space and a van accessible parking space.
- Provide a cane detectable barrier.
- Renovate curb ramp renovation.

**YMCA Lot**

- Renovate exterior routes.
- Renovate and provide parking signage.

## Reference List:

### Federal Laws:

- Americans with Disabilities Act (ADA)
- 2010 ADA Standards for Accessible Design

### State Law:

- 521 CMR Massachusetts Architectural Access Board – Rules and Regulations

### Guidance:

- ADA Action Guide for State and Local Governments: <https://www.adaactionguide.org>
- ADA Checklist for Existing Facilities: <https://www.adachecklist.org>
- Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas: <https://www.access-board.gov/attachments/article/1637/outdoor-guide.pdf>
- US Access Board: <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/guide-to-the-ada-standards/animations>
- ADA Checklist for Polling Places: <https://www.ada.gov/votingchecklist.htm>
- Solution for Five Common ADA Access Problems at Polling Places: [https://www.ada.gov/ada\\_voting/voting\\_solutions\\_ta/polling\\_place\\_solutions.htm](https://www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm)