

**Report:**  
**Handicapped Access Committee**  
**for Petersham Town Hall**

June 30, 2017



**Summary**

As of this date, the Petersham Town Hall's main level is closed to all public functions due to the fact that it is not code compliant with Federal and Massachusetts state requirements for accessibility by handicapped or disabled persons. The present Committee was appointed in February 2017 to investigate this problem and to recommend solutions. The Committee has done so. It has solicited the views of citizens and officials who have an interest in this issue, and examined the problems that make accessibility to this building particularly difficult. The findings are explained in this report.

The Committee recommends installing a 3-stop mechanical device at the southwest corner of the building. This would be accomplished by lowering the existing door threshold down to grade level and installing a device directly inside the door. It could then carry a wheelchair from exterior grade level up to the main level inside (a rise of 37"), or down to the basement level (a descent of 84" or 7'). It could also be used inside the building for travel from one level to the other. This device would thus solve for the Town Hall two significant non-compliance issues.

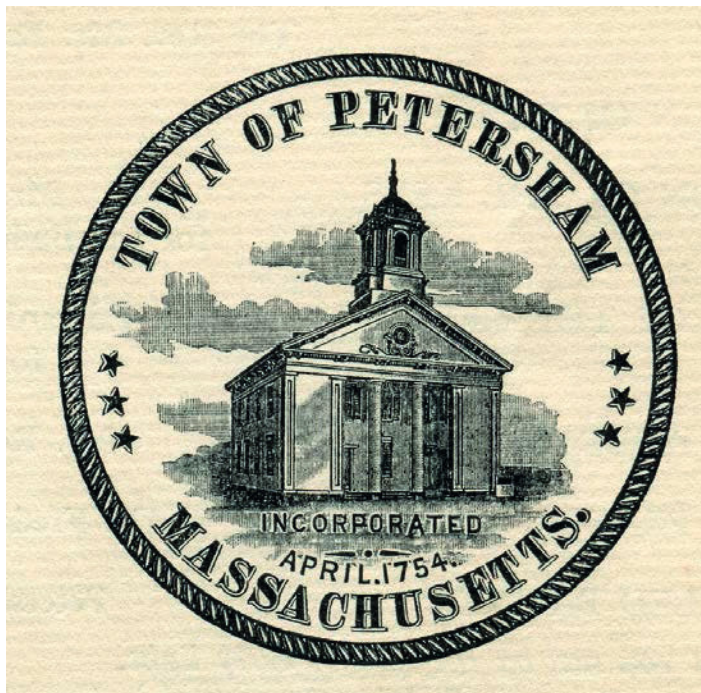
If there are political reasons for not installing a lift at this time, the Committee recommends a ramp running alongside the south side of the building, ending at the existing southwest door. However, this would eliminate only one of the building's several accessibility deficiencies, and leave the town exposed to more state enforcement actions.

The Selectboard must now decide which option to pursue.

## Report of the Committee

### Town Hall Background

The present Town Hall building is the township's 5<sup>th</sup> town hall and the third building on this site. Since the separation of church and state in Massachusetts in 1835, the town hall has been free-standing. The predecessor of the present building, and the one shown on the town seal, was built in 1850. It was completely destroyed by fire on January 19, 1957. This replacement was dedicated on August 21, 1960. It is an accurate replica of the earlier one in its external appearance, and the town seal was not changed. Thus, although the present building does not actually date from the Greek Revival period in which its predecessor was built, it is a faithful duplicate and is therefore very much a contributing structure to the National Register-listed Petersham Center Historic District.



Town Seal,  
adopted by a vote at the Town Meeting in 1900

### Code Analysis

The existence of physical barriers against people with disabilities, and consequently their lack of independence, began to be recognized after World War II as the 'disability rights movement'. In the late 1960's, the Federal government adopted some basic accessibility standards for handicapped people with respect to its own buildings. Accessibility regulations proliferated over the years at the Federal level and in many states. Partly to establish a uniform national standard of handicapped access instead of a 50-state patchwork of different codes, the Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush, modeled on the civil rights laws of the 1960's. The ADA is one of the nation's most comprehensive pieces of civil rights legislation, affecting all areas of American

public and commercial life everywhere. It intends to guarantee that people with disabilities have the same opportunities as everyone else to participate in American life, including employment opportunities, the purchase of goods and services, and participation in programs and services open to the public. A public entity is thus required to ensure that all services, programs, and activities in existing public buildings are available to individuals with disabilities by altering and retrofitting those buildings to the extent feasible. The law has become even more pertinent today, with increasing numbers of senior people who have mobility issues as they age.

Massachusetts has had its own statewide architectural access regulations since the 1970's, well before the advent of the Federal government's ADA. The state's regulations now incorporate Federal standards and are in some situations more stringent. They are issued by the Massachusetts Architectural Access Board (AAB), and are included in the State Building Code as Section 521 CMR. They are the controlling regulations for the town.

As required by the ADA and by the state, the Town commissioned a "Town of Petersham Accessibility Plan" in 2003 from James M. Mazik of Hardwick, a self-evaluation covering all town buildings and properties. Mr. Mazik's Petersham Self-Evaluation is a solid foundation document which needs to be updated, a task he says he is willing to do. Mr. Mazik's explanation (p. 8) of Massachusetts's accessibility code is clearly presented and is worth reproducing here:

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 [but less than 30% of cash value]**, then the work being performed is required to comply and an accessible toilet, telephone and drinking fountain is required per floor. (emphasis added)

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. ...

An 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 Architectural Access Board to allow alternate accessibility.

The \$100,000 and 30%-of-valuation triggers are calculated within three year brackets of time, based on the date of the building permits taken out for work. (Routine maintenance work is not included in this calculation, and since permits are not required for painting work, re-painting inside or out should not be included either.) This longer time bracket renders the requirement more burdensome, since all work on the building (except maintenance) is aggregated over that period. The Town Hall is presently assessed as being worth \$386,300, according to the Town Assessor. Therefore, 30% of its assessed value is \$115,890.<sup>1</sup> Thus, any non-maintenance expenditure on the Town Hall over a three year period in excess of that limit would require full ADA/AAB compliance for the entire building.

The Town Hall has no public telephones or drinking fountains, so those mandates do not apply. At present, the Town Hall's outstanding non-compliance items are, in descending order of importance:

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<sup>1</sup> Although not relevant here, its replacement cost is estimated to be \$811,000.

- the lack of dedicated handicapped parking at the main entrance;
- outside access into the main floor (about a 37” difference in levels);
- inside floor-to-floor access (a 10’ difference), and
- main floor to stage access (a 36” difference).
- The balcony is also non-accessible, but since it is small and no events or meetings could ever be held up there, it is very much a candidate for a variance excusing it. (It would be inappropriate to apply for such a variance until the other major access issues listed above were on their way to resolution.)

Smaller, less inexpensive items need to be made compliant as well, such as:

- Signage,
- Some hardware, and
- The basement kitchen (a “non-commercial kitchen in a public facility and community room”) needs clearances for at least one work counter and appropriate cabinet heights, compliant cabinet hardware, and sink-stove-refrigerator modifications as needed.

Parking around the Town Hall has always been informal with no marked spaces, and vehicles in the parking area are of necessity partially on the state highway right-of-way and certainly back up into it as they leave, just as they do at the Country Store and at the Town Office Building.

Town Hall parking has also been minimal--- no more than 5 or 6 vehicles can park directly in front of the building at one time. There is no parking lot. So the Architectural Access Board’s minimum requirement of just one compliant parking space large enough for a van (“van accessible”), as prescribed in Section 23.2.1, is the applicable rule. Furthermore, Section 23.4.3 mandates that the parking surface shall be virtually level: “Slope: Parking spaces shall be *level* with surface slopes not exceeding 1:50 (2%) in all directions.”

The Town Hall’s ‘Allowable Occupant Load’ is listed on the Commonwealth’s Certificate of Inspection on file at the town office, of which the most recent copy was signed by the Municipal Building Commissioner Brianna Skowyra on February 1, 2015. The breakdown is as follows:

Basement Level:	214 persons
First Floor:	282 persons
Balcony:	66 persons
Stage:	34 persons
Building Total:	596 persons maximum



## **Prior Efforts to Address Town Hall's Handicapped Access:**

In about 1993, a “temporary,” visibly non-compliant plywood ramp was quickly installed from the front pavement to the front vestibule. It has been there ever since. This is the ramp that provoked the anonymous complaint in the spring of 2016, as described below.

In 2007, the Selectboard contracted with Margo Jones Architects of Greenfield, MA, to design accessibility compliant alterations at both the Town Hall and Town Office building. A package of working drawings and specifications was prepared that would have made both buildings fully compliant with all codes. (The plans for the Town Hall included an exterior ramp at the southwest corner, an interior three-stop elevator, and a lift at the stage.) A professional estimate of construction costs arrived at a figure of \$1.225 million for the project. Grants were applied for and a \$1 million grant was lined up with the help of the Montachusett Regional Planning Commission, thus reducing Petersham's share of the cost to \$225,000. A proposal to proceed with this project was put to an open vote in town meeting on November 19, 2007 and was approved with the necessary 2/3 majority. However, because the sum involved (\$225,000) would have required the town to borrow money in excess of “Proposition 2-1/2” limitations, a Special Town Election for a “Debt Exclusion” was held on December 17, 2007 with secret ballots. The proposal lost.

Since then, using Selectboard operating funds, some accessibility improvements have been made inside the building such as ADA-compliant washrooms at both the basement and the main levels, progress that removed a significant point of non-compliance. However, the main level access from the street has remained non-compliant, not to say hazardous due to the poor condition of that old ramp. In the spring of 2016, an anonymous complaint was filed with the Department of Labor Standards regarding the poor condition of the ramp and its non-compliance with the handicapped access code. The letter resulted in a “Written Warning and Order to Correct” from the Department, dated August 16, 2016. The Board of Selectmen voted to close the non-compliant ramp on December 16, 2016, and the main level of the building was therefore closed to any official town business from that date.

At Special Town Meeting on December 12, 2016, the Selectboard secured funding of \$35,000 by a majority vote to construct a new compliant ramp for access to the main floor. This sum was added to \$12,000 which had been approved for construction of a new ramp at the June 1, 2015 Annual Town Meeting. Thus the total project budget stands at \$47,000.

On February 14, 2017, the Selectboard presented for approval by the town's Historic District Commission (HDC) a variation of the 2007 ramp design that had been previously drawn up by Margo Jones Architects. Questions were raised about the design, and the proposal was withdrawn.

To allow interested residents to submit their input, the Selectboard appointed the present committee in February 2017 as the Handicap Access Committee for Petersham Town Hall. The Charge of the Committee, dated February 28, 2017, is “to investigate, review, present solution(s), and help implement installation of code compliant handicap access for the main hall of Petersham's Town Hall.”

### **Alternatives Considered by the Committee:**

The Committee looked at three locations inside the building that might be arranged in such a way so as to ensure code-compliant access from outside to the main level, for handicapped people on crutches or in a wheelchair. It also considered outside ramp alternatives.

### **Scheme 1: the northeast corner.**

This possibility seeks to capitalize on the existing exterior door at the northeast corner of the basement level. The location includes an almost flat area immediately outside along East Street that is presently demarcated as a handicapped parking space.

#### Work Required:

- Installation of a lift to rise next to the building wall, with stops at the basement vestibule inside the door, at the main level, and at the stage level. Issues of how and in which direction the lift would open at different levels would have to be resolved.
- The large window above the door might have to be blocked off;
- The existing stair would have to be re-arranged or blocked;
- The existing stage would have to be altered at the north end;
- The existing door would have to be automated;
- The parking area outside would have to be leveled and marked.

#### Advantages:

- Interior access to both principal levels of the building;
- The only Scheme to have a single lift connecting those two levels plus the stage;
- Makes use of an existing door opening with an adequate vestibule inside;
- Parking space is immediately adjacent.

#### Disadvantages:

- Scheme blocks an important, visible window inside and possibly out, thus unbalancing the appearance inside the main hall;
- Direction of horizontal travel is not consistent at stage level, requiring a turn inside the lift;
- People using this building entrance for a main level event would have to come around to the north side, far from everyone else entering the main doors;
- People using the lift would be deposited directly at the front of the main room, next to the stage, and facing the audience, a possibly disconcerting situation that would be awkward for any late arrivals.

#### Opinion of the Committee:

The disadvantages of this Scheme seem to outweigh its advantages. The proposed handicapped building entry is far from the normal entrance for everyday use. Anyone using the lift would be uncomfortable arriving at the main level in full view of the audience. The aesthetics of the main hall would be unbalanced by the intrusion of a large lift to the left of the stage.

### **Scheme 2: the northwest corner.**

This possibility assumes entry into the building via either the existing exterior door at the northeast corner of the basement level, and its nearby parking space (see Scheme 1 above), or by means of an outside ramp to the southwest corner door. This Scheme envisions a lift next to

the northwest stairway, rising from a new built-out enclosure at the basement level into the large closet at the main level and possibly continuing on to the balcony above.

Work Required:

- Installation of an interior elevator, with the attendant reconstruction of the closets in the basement, the storage closet at the main level, and perhaps some of the levels at the balcony.
- New storage space for the tables and chairs now in the main level closet would have to be found.
- A new closet for the American Legion in the basement would have to be found.

Advantages:

- Interior access to both principal levels of the building, with balcony access a possibility;
- Arrival of handicapped people from below is directly into the general circulation vestibule, in common with everyone else.

Disadvantages:

- Lift is not adjacent to any outside door,
- Direction of horizontal travel is not consistent, requiring a turn inside the lift;
- Handicapped people arriving via the basement level door would have to cross the basement room, a difficult situation if the room is being used for another event;
- New storage space for the displaced closets is not obvious, especially the main level tables and chairs;
- Disruption of the existing building is complex and seems excessive;
- Balcony access by lift is not important.

Opinion of the Committee:

The disadvantages of this Scheme also seem formidable, and it does not address the issue of entering the building.

**Scheme 3: southwest corner.**

This Scheme envisions a Limited Use-Limited Application ('LULA') elevator being installed where the southwest door is now. A LULA device is a light gauge elevator for the sole purpose of providing handicapped access to different levels of a building. A LULA elevator in this location would address two of the most pressing issues regarding handicapped access to the Town Hall--- access from outside into the main level, and from floor to floor inside the building.

The LULA would be placed just inside the southwest outside door---it is a snug fit in the main level vestibule but after measuring it out and reviewing it with a sales representative, the Committee thinks that it would work. The southwest door would be relocated by cutting the foundation wall beneath it 37" down to grade---lowering the door (very similar to what was done at the Unitarian Church across the Common). The existing bathroom door would also have to be moved about 15" to the north, closer to the main vestibule. The LULA shaftway would start at the main level and descend to the basement, with a stop at the new outside door. So, a wheelchair could enter from outside at the intermediate stop and rise to the main level or descend to the lower level. Of course, the LULA could be used inside as well to go from level to level.

Work Required:

- Removal of existing stoop and cutting down foundation below door to grade level;

- Reconfiguring what is now the inside vestibule floor and the ceiling of the room below to allow installation;
- Moving to the side the mechanical equipment now in the basement closet (the equipment, presently not in use, is for blowing a horn in the event of a fire emergency to summon firefighters, so it is here called the ‘hornblower’ room);
- Relocating some closets & partitions in the basement to allow for a clear passageway for wheelchairs out into the main basement room;
- Moving washroom door further north;
- Installation of automatic door hardware at the relocated exterior door;
- Minor regrading outside and demarcation of handicapped parking space;
- Architectural alteration of window above door to maintain consistency of the elevation;
- Possible construction of a small roof over the door against the weather.

Advantages:

- Convenient proximity from adjacent handicapped parking space to the lift and then to the principal levels of the building;
- Direction of horizontal travel remains constant;
- Arrival of handicapped people is into the general circulation vestibule, in common with everyone else;
- Interior access between the principal floors.

Disadvantages:

- Technical complexity of cutting down the foundation and re-working the floor framing inside to allow a lift;
- Relocation of hornblower equipment in the basement area.

Opinion of the Committee:

The advantages of this Scheme appear to be the most impressive, in that it resolves 2 important accessibility code problems: access to the main level from an outside door, near the main entrance and with parking close by, and the interconnection inside between floors. Disturbance to the interior of the building is minimized, and visual impact outside is negligible.

Therefore: THIS OPTION IS RECOMMENDED BY THE COMMITTEE.



Conceptual photo rendering of the lowered side door to allow for wheelchair access to a lift behind.



#### **Scheme 4: southwest corner ramp.**

A ramp is the non-mechanical way of providing wheelchair access into older public buildings. In this case, due to the 37" elevation difference from grade up to the main level, there would have to be about 37 feet of inclined ramp length at a 1:12 incline (rise to run), with the required level platforms not included in that 37 feet of inclined ramp. Because ramps are not allowed to exceed 30' in a single length without a landing, a segmented design will be necessary, which can be configured in different ways. The ramp would deposit the wheelchair traveler on a platform directly outside the existing door opening. Small truck and ambulance access between the town hall and the town office building must remain open, so the width of the whole ramp assembly must be limited in order to not block off the down-slope area.

##### Work Required:

- Removal of existing stoop;
- Construction of new ramp with a 1:12 incline and compliant handrails;
- Installation of automatic door hardware in the existing door;
- Minor grading and demarcation of handicapped parking space.

##### Advantages:

- Convenient proximity from adjacent parking space to the ramp and then into the principal level of the building;
- Arrival of handicapped people into the general circulation vestibule, in common with everyone else;
- Minimal disturbance to the building, inside and out.

##### Disadvantages:

- Ramp is open to the weather, and so must be kept clear of ice and snow;
- The issue of access from one level to another inside the building is not addressed.

##### Opinion of the Committee:

A ramp does not seem to be an overly popular access alternative among the people who might be using it (see below), although it perhaps has appeal for a hardy few as well as mothers with baby carriages. The issue of creating a continuous surface on which to roll dollies or large exhibits into the main hall for special events does not justify a handicapped ramp structure, since collapsible, portable ramps can be easily stored and pulled out as needed for use on the front steps.

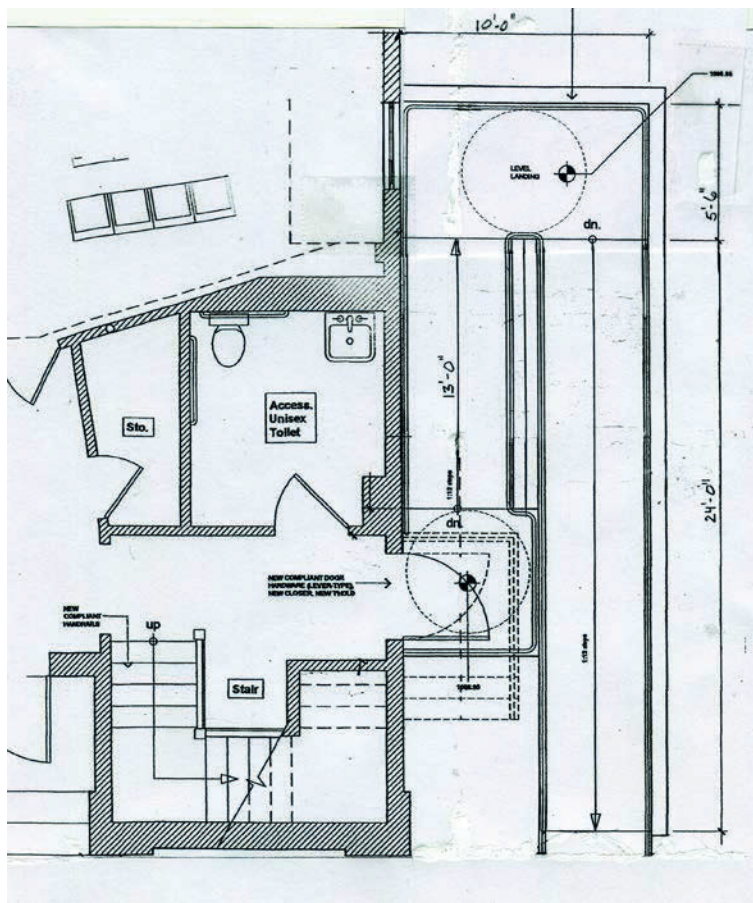
The disadvantages of a ramp are as stated above, and are not to be dismissed. However, in view of the fact that the ramp option is likely to be the least expensive option, the Committee arrived at a ramp possibility that it deemed unobtrusive.

It is possible to have the entire ramp run alongside the south side of the building, with one switchback. The ramp would start from a point aligned with the face of the Town Hall and run straight east for 25', arrive at a landing and then turn to run 13' back towards the west, arriving at the landing outside the southwest door. There is space for a handicapped parking space that would be on level ground immediately adjacent to the end of the ramp. Furthermore, with this ramp installed, there would be clearance of about 14' left over for a driving lane between the two buildings, a width that is certainly adequate for ambulances and utility vehicles. And the ramp, being off to the side, does not detract from the main façade of the Town Hall.

The Committee thought that the ramp should be made largely of wood. For the flat surfaces that are most exposed to the weather, synthetic planks can be used that are similar to wood in appearance and which are very long-lasting ("Trex" is a widely known trade name). Such materials are splinter-free, and can be obtained with the same textured, non-slip surface as was

called for on the concrete ramp designs formerly considered by the town (see discussion of concrete below). Wood railings and simulated wood planks seem much more likely to blend in unobtrusively than would an all-concrete ramp with pipe railings, as is demonstrated by several awkward concrete ramps built in neighboring towns. Both the initial cost and the demolition expense of a wooden ramp are substantially less than concrete, if the town should later decide to install a lift accessible from the exterior such as Scheme 3.

A schematic plan of this arrangement is shown below. THE COMMITTEE RECOMMENDS THIS RAMP OPTION IF A RAMP IS TO BE BUILT.

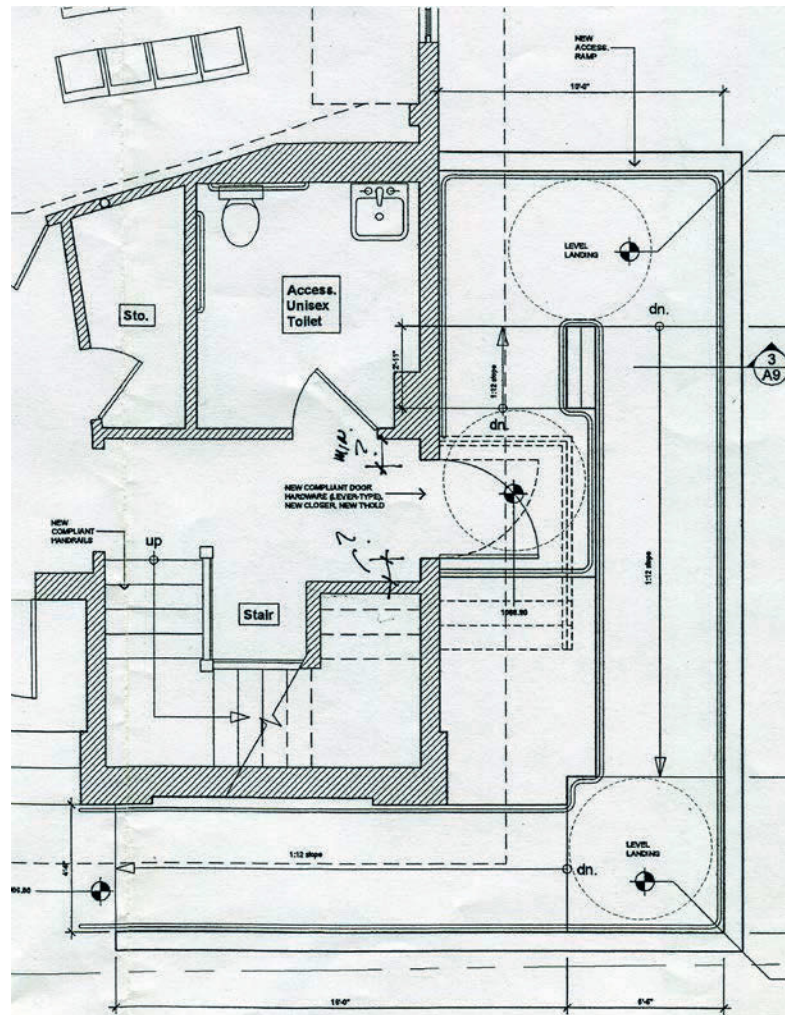


Plan of southwest corner of Town Hall. Ramp is entirely on the south side. North is to the left.

### **Older Ramp Schemes:**

Other ramp schemes have been considered by the Selectboard in several configurations over the past 10 years. These were reviewed by the Committee in its spare time.

1) The 2007 accessibility proposal from the office of Margo Jones Architects included an exterior ramp terminating at a landing outside the southwest door. The ramp began in front of the southern-most front steps, ran south across the face of the building, then turned to run east to a landing, and finally switched back to run west to the door landing. Thus there were three runs of ramp, including the one partially across the front, as shown in this sketch reproduced below from the 2007 documents:



Plan of southwest corner of Town Hall, with ramp. North is to the left.

There were a number of drawbacks to the design. The east edge of state highway Rt. 32's right-of-way runs about 16' west of the building's front steps, and moving traffic on Rt. 32 is perhaps 39' beyond the steps. Parking for the building (and for the town office building) has always been random and perpendicular to the building's façade, sticking out towards Rt. 32, so that parking impinges on the right-of-way, since a standard parking space is 9' wide by 20' long. Thus, any ramp along the front would push the parked cars further out towards Rt. 32, even before allowance was given to the clearances that might be required for a comfortable, worry-free zone for a wheelchair person to maneuver onto the ramp.

The grade at the front of the steps is also not level, which it would have to be in order to be compliant (see level requirements in the Code Analysis section of this report). Since the present asphalt surface slopes away from the steps in a noticeable pitch, the grade would have to be altered so as to be level at that area, and thus provide a designated handicapped parking space that does not incline a wheelchair out towards the traffic. Creating a flat uniform grade will require mounding up the surface in front of the building. Achieving even, consistent surfaces may well be difficult. The grade levels, the handicapped parking space and the starting point of the ramp would have to be reconciled.

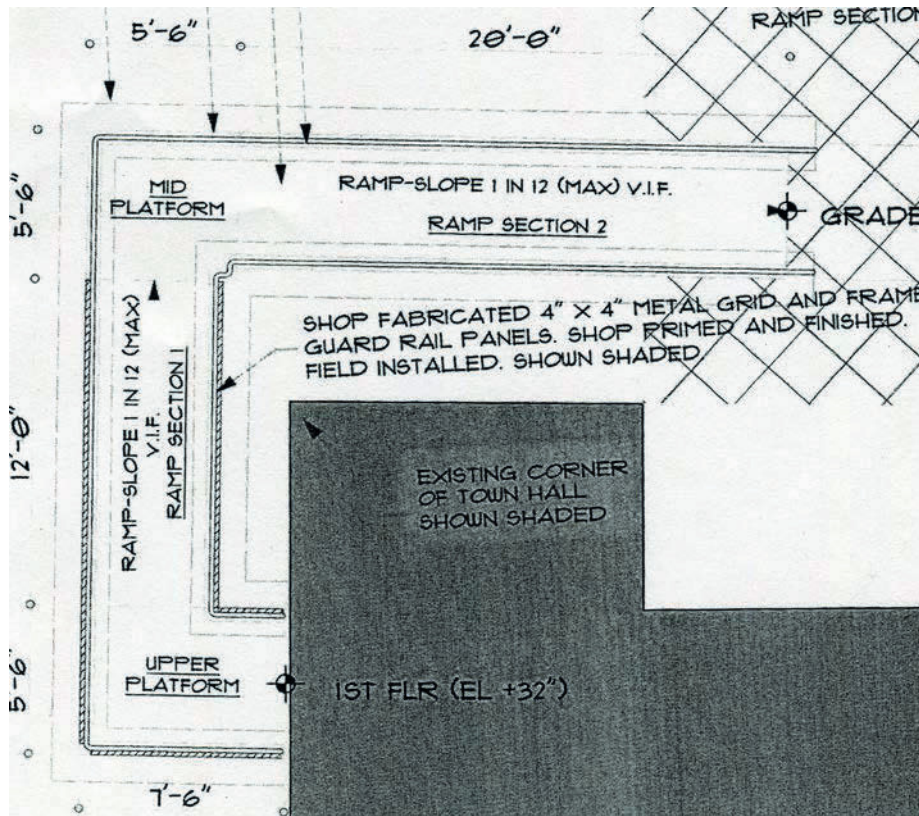
Finally, the ramp would disrupt the look of the town hall, which, as we have seen at the beginning of this report, is the town's most iconic building. If an alternative ramp design were



possible, it would be preferable to muddling up the front facade with this ungainly but necessary new structure.

2) In response to the 2016 “Written Warning and Order to Correct,” the Margo Jones scheme was revived in an altered form. This new configuration sought to eliminate the switchback in the former ramp design and gain the required 37” of rise in two runs of ramp, starting from a point both further north towards the middle of the building façade and further west, closer to Rt. 32. After a 20’ run upwards to the south, the ramp then turned the corner and ascended to a platform outside the southwest door. This scheme was submitted to the Historic District Commission in February of this year.

The shortcomings of the earlier scheme are present here as well: disfiguring the front elevation of the Town Hall, cramping the parking area in front, and facing unresolved difficulties with grades and slopes. In order to eliminate the switchback, the ramp fits awkwardly with the geometry of the building and site, extending out in front of the steps and leaving areas of unused space between the ramp and the building that would be unsightly and would surely become catchment areas for debris and gravel.



Plan of southwest corner of Town Hall, with second ramp proposal. North is to the right.



Conceptual photo rendering of a ramp in front of the Town Hall

3) Both ramp designs were proposed to be built of concrete, with metal railings, under the assumption that concrete is “permanent” and would therefore be less maintenance for the town over the years. This is a mistaken assumption. The most obvious point is that the maintenance burden for every ramp of any material will be the job of keeping it clear of ice and snow when the town hall is being used. Unless the ramp were to be covered, an unlikely option here, every ramp will need to be shoveled off. If keeping it clear will be too onerous, then a lift accessible from the outside, such as Scheme 3, should be considered.

Concrete might have short term appeal as an impervious, immovable material. But concrete ages just as surely as everything else, and is much harder and more expensive to repair or replace when its luster has faded. It is certainly vulnerable to damage. The arrangement of the ramps in these two schemes puts the concrete edge of the ramp right out where the snow plows will whack it in the winter, so chips and cracks will accrue in short order. Concrete is expensive to repair. Pipe railings, embedded in concrete for support, will rust and spall the concrete over time, chipping away at the material and discoloring it. Concrete is also by far the most expensive (and complex) type of ramp to build as well as repair, or even demolish, if the time should come when a LULA is installed at the southwest door.

In addition, one might ask whether concrete is appropriate for this use, in this town and in this location. Almost every house in town has a porch or a stoop or a deck made of wood. Maintenance duties for them are not great; repairs and upkeep are readily accomplished. To make a prominent ramp at the center of town in concrete with pipe rails seems unnecessary and out of place. The character of the materials used is important. It is perhaps similar to having the platform of the bandstand be replaced with concrete, under some hope that it would be more ‘permanent’. Aside from the hardened, dreary look, its maintenance almost certainly would be just as problematic as wood after 10 years, and much more difficult to refresh.



## Persons Consulted for this Report

### Dana Robinson, Petersham Fire Chief (May 24, 2017, with Stephanie Selden):

With respect to the SW corner Main level interior hallway, Dana had no concern about eliminating the door that separates that hallway from the Main Foyer. He expressed no concern about an interior Lift installation in that hallway.

With respect to the Lower Level hornblower room at the Lift entry and exit point that the Committee has discussed, Dana had no concerns and expressed the view that the contents of the Boy Scout closet could be relocated to other closets or condensed to make space for any lift-related modifications. Dana said that he hopes that the compressor for the horn unit can be relocated close to the horn so that it could be hooked up again in the future, if desired.

With respect to the exterior space between the Town Hall and Town Office Building, Dana said that width for a fire truck is not necessary. He said that a passage width of 10'-12' for an ambulance would be desirable along with adequate width for a truck to service the well head. He pointed out that, in addition to above ground propane tanks behind Town Hall, there is an underground propane tank behind the Town Office Building which is reached by hose.

### Brianna Skowyra, Building Inspector for Petersham (May 31, 2017, with John Woolsey and Stephanie Selden):

With respect to the SW corner Main Level interior hallway, Brianna had no concern about eliminating the door that separates that hallway from the Main Foyer. She also expressed no concern about an interior Lift installation in that hallway.

With respect to the Lower Level exit and entry point for the Lift that would be in the hornblower room, a scheme that the Committee has discussed, Brianna expressed no concerns.

With respect to handicap accessibility of the Town Hall in general, Brianna said she had not had a chance to make a comprehensive review of all the recent modifications to the building. However, she said she had the impression that the building is compliant in most respects with the exception of access to the Main Level. She said that variances might be necessary regarding access to the stage and to the balcony but thought that these should not be problematic.

### Jeffrey Dougan, Assistant Director for Community Services, Executive Department, Office on Disability, Commonwealth of Massachusetts (April 26, 2017 & subsequent emails, with entire Committee):

Regarding compliance, Jeff said that building improvements totaling more than 100k or 30% of the building value in a three year time frame ('look back') would trigger a full compliance requirement. He said that variances are frequently made in the case of historic buildings and that a discussion with Tom Hopkins, Executive Director of the Architectural Access Board would be useful.

Regarding planning and construction grants, Jeff said that applications for fiscal 2017 have to be made by June 30, substantiated by an invoice for the work. He said that relatively few applications have been made. He said that grants for work in the case of Petersham Town Hall might total \$40-50k. He said that the grant cycle for 2018 will begin on July 1, 2017.

Regarding eligibility for grants, Jeff said that both a town 'Self Evaluation' document and a commitment to the state's Community Compact are required. He explained that the CC is designed to encourage towns to commit to best practices on a wide spectrum of issues and that a minimum of three areas must be "checked off". He thought it likely that Petersham already complies in a number of areas. He said that a town-funded match improves the chances of receiving a grant.

Regarding parking, Jeff said that would have to be a fully compliant, van-size handicap designated parking space.

Thomas Hopkins, Director, Mass Architectural Access Board (June 9, 2017 phone call with John Woolsey):

Mr. Hopkins was surprised that the anonymous complaint of last year had been sent to the Bureau of Labor Standards rather than to him at the Architectural Access Board. When the Town Hall situation was described, he thought that providing access to the balcony was probably "without substantial benefit" and was therefore a good candidate for a variance. Inside floor-to-floor access was important, however, and should be addressed.

Kevin Flynn, Consultant on Grant Writing, Community & Economic Planning. Mr. Flynn is based in Phillipston (April 26, 2017, with whole Committee):

Kevin informed the Committee of the plans in Phillipston and Royalston to install elevators. Phillipston chose a 3-stop elevator design with a chair lift for the stage area. He said that the cost of the chair lift is \$25k.

Royalston chose a 4-stop elevator. He said that block grants were obtained for these access solutions with 10% contribution coming from the town. He suggested that a Planning Grant might cost \$10-12k if a grant writer were hired. He suggested that Petersham should update its Self Evaluation document from September 2003.

Paul McCarthy, Sales Associate, Garaventa USA, Inc., lift manufacturers (April 26, 2017 with whole Committee):

Garaventa manufactures elevators, 'Limited Use Limited Application' elevators ("LULA's") and lifts. Paul explained that he had been in Petersham before to install the elevator in the First Parish Church and had toured the Town Hall before.

Re applicable solutions for Town Hall Main level access, Paul recommended either a Vertical Platform Lift or a LULA type elevator unit.

Re the LULA, Paul said that the unit with fully rated shaft occupies a 6'x6' area with a 35" deep base pit. He ball-parked the cost of a two stop unit at \$75k.

Re the Lift, Paul said that the vertical travel distance cannot exceed 12' (or 14' with variance) and that a 3" deep pit at the base is required. He estimated the Lift purchase and installation cost at \$30k not including building modifications. If an automated door is required, the additional cost is \$2k. The unit has a 750lb limit, a length of 54" and widths of either 36" or 39" with little cost difference.

Re Lift maintenance, Paul said that the Garaventa Lift is warranted for 2 years and that the law requires no maintenance. Garaventa offers a maintenance contract. He said that annual state inspection might amount to about \$800.

Nancy Allen, Chairperson, Petersham Selectboard (various encounters and emails):

Nancy was able to furnish much of the background information for the Town Hall accessibility issue and assisted the Committee in compiling this report.

Douglas Cameron, carpenter (February 2017):

Doug provided early conceptual drawings of the south side ramp proposal which were extremely helpful.

Stephen Kieras, Clearview Contracting, 15 North Main Street, Petersham, general contractor (May 23, 2017, with Stephanie Selden):

After reviewing the SW corner Lift access solution that the Committee has discussed, Stephen offered cost estimates for work required. He emphasized that without detailed drawings, the estimates are approximate.

With respect to 2-stop Lift solution at the south west corner (Ground level to Main Hall level), work includes the exterior work of removing the existing concrete stair, lowering the south side door and associated frame/carpentry, and the interior work of moving the bathroom door slightly to the north, moving light switches and building a platform in the floor framing as a base for the Lift. Stephen estimated the cost to be about \$15k exclusive of automatic door opener hardware and new asphalt work.

With respect to a 3-stop Lift solution in the southwest corner (that is, stops at the Lower Hall level, at Ground level outside and at the Main Hall level), work would include moving the compressor tank, jack-hammering the concrete basement floor (or ledge) to create a level area for the Lift base, moving the sump pump about 12 inches north, framing a new doorway through the Boy Scout closet or nearby area, and lighting of the new passageway. Stephen estimated \$10k for this work, exclusive of automatic door opener hardware.

Stephen also noted that the existing asphalt-paved slope on south side of Town Hall from street parking to the Lower Hall door seems to be about 1:12, which is the code-mandated slope of a handicap ramp. He thought that the experience of a handicapped person using the existing sloped asphalt might be similar to that of using a ramp. It would need railings, in any case.

Other Town Citizens :

The Committee solicited input from 14 senior citizens at the Council on Aging lunch program on April 24th. After expressing their dissatisfaction with any handicap access solutions that would fail to connect the upper and lower floors of the Town Hall, the seniors initiated a straw vote that indicated their unanimous preference for an interior mechanical device.

They expressed dissatisfaction over any plans that would provide access solely to the lower floor without providing interior access to the upper level. The proposal for a ramp at the south side door to provide access only to the upper level was discussed, and the seniors unanimously agreed this would not be a satisfactory solution to their needs for interior access between the two floors. Also, they indicated their fears about trying to navigate a wheelchair up a long ramp, especially in poor weather. When asked if they would be apprehensive about entering a mechanical device such as a lift, they were clear in their preference for a mechanical device.

Other input included three letters from town residents supporting a mechanical device, and one letter supporting a ramp solution. Two others expressed support verbally for a ramp, mainly out of concern for the on-going cost (occasional maintenance and required inspections) of a

mechanical device. One former Selectman attended the Committee's regularly scheduled meeting on April 26. He described his frustration with the slope of the handicapped parking area on the lower north side, and advocated for a mechanical device at the southwest side door, in order to provide access as close as possible to the main entrance.

### **Possibility of Grants & the Grant Application Procedure**

Every year the Commonwealth of Massachusetts makes available funds for the sole purpose of assisting towns to achieve compliance with the Americans with Disabilities Act and with Massachusetts's own accessibility code. These grants are administered by the Massachusetts Office on Disability (MOD) through its Municipal ADA Improvement Grant Program. Grants are available for sums up to \$250,000. [See <http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>.] According to Jeffery Dougan in his discussion with this Committee described above, Petersham's likelihood of being awarded funds from the Municipal ADA Improvement Grant Program is greater than that of many other towns due to the fact that the town has already committed \$47,000 to upgrade ADA access to the Town Hall.

One requirement of the grant application process is for the Town of Petersham to commit to the state's Community Compact. As was pointed out by Jeff Dougan, the CC is designed to encourage towns to commit to best practices on a spectrum of listed issues, at least three of which must be "checked off" or committed to. Most if not all of these issues are non-controversial, good government guidelines with which it would be easy to agree. Petersham should enroll in this program (almost three quarters of the towns in the Commonwealth are in it including all of the surrounding towns, even Phillipston). Mr. Dougan thought it likely that Petersham already complies in a number of areas.

The ADA grant application must specify which ADA compliance project is proposed for implementation within an overview of town accessibility upgrades, so Petersham's self-evaluation report listing deficiencies must be current in order to complete the application. Therefore, the 'Town of Petersham Accessibility Plan' of 2003 by James Mazik needs to be updated. The Town should get a price from Mr. Mazik for his services to update and then apply for a small planning grant just for this purpose by the end of June 2017. (July 1 begins a new fiscal year for the state, and the money allocated for the 2016-2017 fiscal year is reportedly under-subscribed.)

After Mazik's Accessibility Plan is updated and the Community Compact application is submitted, Petersham can then apply for a construction grant during the 2017-18 fiscal year to bring the Town Hall into accessibility compliance. It would clearly be advantageous to apply for a single grant to address all the access issues at the Town Hall, as listed above under the Code Analysis section of this Report; requests for small amounts on a project-by-project basis might indicate anemic enthusiasm to ensure full handicapped access, and thus lessen chances for approval. It would also be a lot more paperwork. Jeff Dougan guessed that the Town Hall project might be awarded a grant of perhaps \$50k, but Mazik's updated Plan will have cost estimates broken out individually.

Grant writing for the ADA compliance application could be achieved by a Petersham citizen experienced in such matters, or by a member of the Board of Selectmen. It could be contracted out to a grant writer as well.

### **Possibility of Variances**

Under certain conditions and especially with older or historic buildings, the Massachusetts Architectural Access Board will grant variances or waivers that excuse towns and building owners from having to comply with specific provisions of the handicapped code. Variances are not easily given and cannot be presumed. In general, they are granted if full compliance is especially difficult technically, or is unusually expensive without a meaningful, significant benefit to handicapped individuals.

In the case of the Petersham Town Hall, it is not realistic to assume that any of the outstanding non-compliance issues listed under the Code Analysis section above would be granted a variance with one possible exception, which is access to the balcony. The permitted occupancy of the balcony is 66 persons, 11% of the Town Hall total. It is a sloped, tiered space, intended only for overlooking the Main Hall and nothing else; no meetings or events would ever be held up there. Thus, it is conceivable that the town would receive a waiver from the requirement to provide wheelchair access to the balcony.

Another, more minor area that might involve variances is the code sections regulating the installation of lifts and other re-arrangements proposed to conform with the accessibility code, if variance requests are reasonable and conform with established life safety conventions.

Variances should be submitted to the Access Board via a completed application form, which must include drawings and photos as required to make the case. The application should not be submitted until all the other outstanding access deficiencies have been addressed, or a project is underway in which they will be addressed. It is not feasible to resolve the balcony issue with a variance while still considering how and when to resolve the remaining issues.

### **Implementation:**

Reportedly \$47,000 of town funds has already been appropriated for the construction of a ramp leading to the southwest corner door. If the wooden ramp preferred by this Committee is to be built, together with a new door and its hardware, then that money is probably adequate. However, it would seem prudent to avoid the depletion of those funds without first determining further steps for resolving other significant handicap access problems in the building.

If the Selectboard should choose to take this Committee's recommendation of Scheme 3, then an Article needs to be brought to a town meeting to re-purpose the \$47,000. Hard estimates should be obtained of the cost, and a construction grant should be applied for. While the grant application is underway, an inexpensive, portable metal ramp could be obtained to provide legal HC access to the southwest door during the interim before construction starts. In both cases, either a permanent ramp or a LULA, an architectural firm should be retained to refine the project chosen by the Selectboard so as to obtain estimates, and assemble construction documents that can be put out to bid.

The Massachusetts Architectural Access Board falls under the state Office of Public Safety & Security because handicapped accessibility, in addition to being a right guaranteed by the ADA, is regarded as a life safety issue, as indeed it would be if handicapped people were inside a burning building. Petersham's Historic District Commission, similar to every such commission, cannot stand in the way of life safety regulations (see Section 6 of its Bylaws), so it is circumscribed in its ability to request changes to a scheme that would provide access to a public building in the district. Nonetheless, due regard for the opinions of fellow townspeople



would suggest that the HDC should be consulted about whatever changes are proposed to the exterior. When a scheme has been selected and refined, a package should be assembled for HDC review.

### **Conclusion**

The options for handicapped access to the Town Hall Main Floor have been evaluated by this Committee and presented in this Report. Recommendations have been made. It is now for the Selectboard to decide between them and to proceed.

It should be borne firmly in mind that the issue will not go away until it has been fully resolved in all its aspects. That is, the \$100,000 and the 30%-of-assessed-valuation triggers with respect to any work on the building will continue to hover over all capital projects so long as the Town Hall is not fully compliant. The local building inspector enforces the access code, but until the issues have been corrected, most especially concerning the three main problems--- outside access to the main floor, internal floor-to-floor access, and stage access --- the town will remain vulnerable to anonymous complaints, such as was filed last year with its follow on 'Order to Correct'. If it is not compliant, the building will constantly be threatened with closure, or at the least its usefulness heavily curtailed.

It is worth pointing out, in addition, that the on-going inaccessibility between the floors and from the main floor to the stage will be continuously unfair to those unfortunate people who are burdened with physical handicaps.

The town could ignore those spending limits and correct the unfairness, now and forever, if it decides to address these accessibility deficiencies. With respect to the 'Charge to the Committee', this would be an excellent opportunity to resolve with a single project the two most significant accessibility issues confronting the Town Hall, both building access and floor-to-floor access.

Therefore, the Committee recommends to the Selectboard Scheme 3.

Respectfully Submitted,

HANDICAPPED ACCESS COMMITTEE FOR PETERSHAM TOWN HALL

Candace Anderson  
Jana Dengler  
Roy Nilson  
Stephanie Selden, Secretary  
John Woolsey, Chair

## **APPENDIX:**

### **Accessibility Compliance in Public Buildings of the Neighboring Towns**

Athol, MA, a town with over 8,000 residents (C. Anderson):

Athol installed a stairway lift in its Town Hall during the 1990's, to provide access from the basement up to the 2nd floor. It is no longer used, and may be available free to Petersham for re-use if the town is willing to move it. Approximately 10 years ago a grant-funded elevator was installed in the Town Hall, rendering the lift unnecessary. There is still one metal ramp, constructed in 1990, in use at the Town Hall. The Athol Public Library was completely upgraded and enlarged in 2013.

Barre, MA, about 5,400 residents (S. Selden with H. Lemieux, Town Administrator, and B. Skowyra):

Re Henry Woods Municipal Bldg (town offices and police): 15 years ago, the town decided to install a four stop elevator at the back of the building. It is fully compliant. The maintenance expense is its annual inspection.

Re Barre Town Hall: Both agreed that the concrete ramp along the north side that provides access to main floor only, is not compliant. Neither knew exact date of construction but agreed it was definitely over a decade ago.

Re Henry Woods Memorial Library, Barre: The librarian said that a three stop elevator was installed 15 years ago. Despite the fact that the building is used by children and teens and is a venue for workshops, films, lectures with many out of town users, there have not been any instances of misuse or abuse to report.

Re Barre Congregational Church, Barre: Church members demonstrated their Accessibility Lift and said that it is frequently used by members of their largely elderly congregation (the Lift was installed 15 years or so ago and looks brand new---a handy, compact unit). They said it gets an annual inspection and they know of no problems or repairs. They did not know if the church has a maintenance agreement. They all view it very favorably. The Lift is reached by a ground level side door on west of building where there are two designated handicapped parking spaces. Once inside the door, one can enter the Lift to descend about 4' to basement level fellowship hall or ascend about 8' to main level sanctuary.

Hardwick, MA, a town of about 3,000 citizens (S. Selden):

Hardwick Municipal Building This brick building houses town offices for Hardwick and the Hardwick Police.

Town Administrator Teresa Gofske said their antiquated stair chair lift is completely insufficient since it is only useful for wheelchair

users move from ground level to the main level offices but not to the second floor offices nor to the basement. It is also useless for those with walkers, canes, crutches etc.

Hardwick applied for and received a state Planning Grant to do a "Barriers Study". This study is underway and near completion. They will use this survey to apply for a Construction Grant and hope to receive funds for an elevator since they have three floors to access. Teresa would be happy to answer further questions. Her contacts are: 413 477 6197\_ or [admin@townofhardwick.com](mailto:admin@townofhardwick.com)

#### Gilbertville Public Library

This historic building is set on a hillside. The historic Library front is reached by set of steep stone steps ascending from the street to the front door. The rear of the library is on a grade carved out of the slope.

Librarian Linda Paynor said that the library chose to make a handicap access entrance at the back of the building where the grade meets the main library floor rather than ascend the front by ramp. The library does not have a second floor. Basement is utility only.

She showed me the rear library entrance/exit which is accessed by a slightly sloped landscaped sidewalk, with handrail, leading from a designated handicap parking space.

#### **Hardwick Village Town Center:**

##### Paige Memorial Library

The library, built in 1892, is located in the historic town center, on National Register of Historic places. The library installed a LULA in 1989. It is located in a side stair hallway with elaborate woodwork off the main library hall. The unit looks very attractive.

Librarian Julie Bullock provided a tour of its features. This unit connects the ground level with children's' library to the main level library floor. She reported no issues with misuse or disrepair. She said it functions like new and would be glad to answer further questions. She can be reached at 413 476 6704.

The exterior exit/entrance is on the ground level which gives access, by landscaped pathway, to two designated hp spaces.

##### Historic Hardwick Town Hall

The main Hall is located on the second story, accessed by stairway from the main floor front entrance hallway. Hardwick chose to locate an elevator on the back west end of the building which is reached by a 50 ft walkway from the designated hp parking spaces on north side of the building . Apparently the elevator serves both ground and second floors (not sure about basement). The building was not open.

New Salem, MA, a town of about 900 souls (C. Anderson):

Ramps were installed a couple of decades ago at New Salem's town hall, and also in the building next to it where the selectboard meets. The second floor of the town hall was never made handicapped accessible.

Orange, MA, a town of about 7,800 people (J. Dengler)

The Town Hall does have a short ramp of concrete that looks compliant. Internally there is an elevator that was installed in the 1990's; no one seemed to know how it was funded. However, the person contacted said that Orange lags in its accessibility compliance. The library is about to be renovated, a project that will include an elevator. Orange seems to have a permanent ADA access committee. A new committee needs to be appointed, which may happen at the next town meeting.

Phillipston (1,700 people) and Royalston (1,300 people) are in the process of installing mechanical devices along with resolving other access issues where needed, according to Kevin Flynn during his appearance in front of the Committee. These projects are estimated to be several hundred thousand dollars each, and are being funded with state grants.

Pelham, MA, a town of about 1,300 people. (S. Selden)

No one could be reached at the Pelham Historical Society, which has a side ramp (wood) solution. According to rough measurements, the ramp appears to be compliant. This solution does not mar the front of the building nor is it very visible on the east side. Pelham has a new public safety complex that is up-to-date, as is the town library, which seems to be in the elementary school building.

Warwick, MA, a town of just over 700 residents (C. Anderson):

Warwick constructed a five-stop elevator in its Town Hall in 1999. The project expense was \$300,000, and it was funded entirely by a grant from the Department of Housing and Community Development. The annual maintenance fee is \$1500, and handicapped accessible parking is at the rear of the building.