



# Massachusetts Office on Disability

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## Sent Via Email

Janet and Justin:

Thank you for inviting me to the Conservation Committee On-Site Visit on Friday, December 1, 2023, for the Haggett's Pond Rail Trail project. As you have discussed, Andover has received a substantial grant to improve this trail, including the funding to pave it.

This large project will require compliance with the Massachusetts Architectural Access Board's rules and regulations (MAAB) and Title II of the Americans with Disabilities Act, as this is a town improvement project on town property.

As was apparent at the meeting on the 1st, many interested persons attended, who appeared to be advocating for the use of stone dust rather than paving the trail. While the MAAB does not suggest specific materials, I would offer the following suggestions to ensure the best access for all trail users, including individuals with disabilities.

In my 23-year career with MOD, and as MOD's accessibility expert, I have had the great opportunity to sit on the MAAB to adjudicate the hearings, variances, and complaints that come before them, along with the eight other members. I also Chair the MAAB's Subcommittee on Regulation Review, which looks to incorporate all the various accessibility codes into one book while updating the codes last revised in 2006.

The MAAB and ADA require a stable, firm, slip-resistant surface ([2006 MAAB, Section 29.1](#)). The surface should generally lie in a continuous plane with a minimum of surface warping ([2006 MAAB, Section 22.5](#)) with grading and drainage to minimize pooling of water or accumulation of ice or flow of water across walkways ([2006 MAAB, Section 22.6](#)).

The MAAB and Title II of the ADA require "Maintenance of Accessible Features" (MOAF), which requires accessible elements that fall out of compliance to be brought back into compliance. ([2006 MAAB, Section 2.6](#)) (Title III of the ADA – From the Federal Register).

The reason I share this with you is to stress that for trails that undergo the amount of work proposed in this project, along with my experience with the usage of stone dust throughout the Commonwealth, paving, in my opinion, is the logical option to ensure the following:

1. **Low Maintenance.** Pavement requires less maintenance than stone dust, which is prone to issues like shifting and poor drainage. Stone dust can trap water, which can degrade the surface significantly.
2. **Universal accessibility.** Someone using a stroller, a rolling wagon, a mobility device, a bike, or a scooter and people simply walking or running will benefit from a paved surface over a stone dust surface.
3. **Stability.** Paving offers a more stable surface, reducing the risk of shifting and movement, a significant concern for people using mobility devices. The stone dust ruts and uneven surfaces can negatively affect all users.
4. **Durability.** Paving is more durable than stone dust. Stone dust can break down over time, causing pavers to crumble (due to moisture trapped within the stone dust).
5. **Quicker Snowmelt and drainage.** Paving allows for more rapid snowmelt and drainage, reducing the risk of water re-freezing and causing a safety hazard.
6. **Slip Resistance.** Paving materials provide better slip resistance, making the route safer for users with mobility challenges.

In my experience, stone dust is, for true accessibility, appropriate for short walks or small pathways. Stone dust only remains in compliance for a short time. A good rainstorm or even light pedestrian traffic can bring stone dust out of compliance and trigger the MOAF obligations. As this is also a Title II obligation under the ADA, not meeting the MOAF obligations is a civil rights concern, not just building code compliance.

Finally, studies by wetland experts, as the COD and the project leaders relayed to me, have shown that paving will not harm the water supply. As this will be a non-vehicular way, any runoff from users will be minimal, unlike all the highways that touch the watershed and that potential runoff.

MOD fully supports the Andover Commission on Disability, the Building Inspector, and the ADA Coordinators' position to pave the 1.2-mile trail. Paving will create an accessible surface that allows many years of use before needing significant maintenance and will create universal access for all users. The use of pavement, rather than stone dust, for this trail would significantly reduce the overburdening of the maintenance staff every time there is a weather event or usage every month to ensure the trail remains compliant.

I appreciate you sharing this with the Conservation Commission, and if you or they have any additional questions, please let me know.

Sincerely,

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