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Statement from the Board of Andover Trails

February 12, 2024

Andover Trails supports the town’s objective of making the attractive natural environment of the Haggett’s Pond Trail more accessible to people of all abilities. We have revised the description on our website to more accurately describe its current conditions. Our letter of support for this objective is part of the public record. As the Town’s February 2023 plans have become more detailed, some well-founded criticism of them has arisen. We continue to endorse improvements that will meet the objective of easing access, especially for users of wheelchairs, conforming to state and local wetlands regulations, but also "treading lightly" on the natural environment.

It’s our opinion that central to the disagreements on this accessibility project are well-intended but different interpretations of the applicable legal standards. For important reasons, the codes which establish standards for pedestrian “trails” are distinct and different from an “outdoor recreation access route” leading to a developed facility. Additionally, “shared-use paths” for pedestrians and bicyclists have their own requirements.

These are important distinctions since, according to both the federal ADA regulations and Massachusetts’ Architectural Access Board, only “outdoor recreation access routes”—like those leading to a bathroom, a boardwalk or a viewing platform—are required to meet specific design requirements as described in the Department of Justice’s 2010 ADA Standards for Accessible Design. These regulations do not address outdoor “trails” developed specifically to provide access only to the natural environment. The MA Architectural Access Board has oversight jurisdiction for “recreational access routes” leading to developed facilities but not to “trails.”

Also, importantly, neither of these two designations require asphalt paving, as long as the finished surface is “firm, stable, and slip-resistant.” The Haggett’s Pond Trail would neither be “out of compliance” nor seriously vulnerable to a successful lawsuit if the Town were to choose a compromise or hybrid design that meets most of our collective objectives. We acknowledge that asphalt paving may be the preference of groups like the Massachusetts Office of Disability and the U.S. Access Board, and perhaps viewed by some people as easier to maintain, but these views and preferences are subject, by both state regulation and our local bylaws, to consideration of their potential impact on the immediate environment, and specifically the adjacent wetlands and high-priority endangered species areas.

The Board of Andover Trails regrets that this issue threatens to come to the point of a Special Town Meeting, which will result in a winning and a losing side, and not a compromise with the potential to satisfy a majority of the involved parties. Pending, of course, the determinations of the State’s Natural Heritage and Endangered Species Program, and a vote by the Conservation Commission, we strongly encourage continued and good-faith discussions between stakeholders, perhaps facilitated by a professional mediator. We hope that Andover Trails can help facilitate an approach which preserves high-quality outdoor recreation experiences at Haggett’s Pond, protects its special natural environment, improves the safety of the parking, and simultaneously provides access for all to portions of the trail network. We also believe that Haggett’s Pond should not be the town’s only accessible property, and that improvements to other Conservation and Recreation properties are warranted.