

51-E-14  
59 Exeter St.  
USM Law Clinic  
USM

#2003-0079

250 Holm Ave.  
Portland, Maine 04102  
(207) 772-2522  
May 6, 2003

Ms. Sarah G. Hopkins  
City of Portland, Maine Department of Planning and Development  
389 Congress Street  
Portland, Maine 04102

Re: USM Law Clinic  
51-E-14  
R-5 Zone

59 Exeter Street  
Portland, Maine

Dear Sarah;

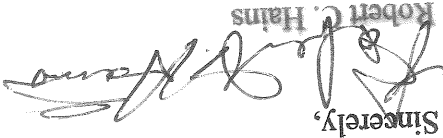
I am writing to express two concerns with comment on the above project.

First a concern with comment. This is the second or third plan for the expansion of a building that I have reviewed in the last week or week and a half that did not have a plot or site plan attached. Whenever I have tried to build a project, not only did I need a site plan, but I was also required to have a full survey by a registered land surveyor. When reviewing the projects that I am referring to it was impossible to tell if setbacks, as required by the zoning ordinances of the city, were being adhered to. Therefore I question the setbacks in this case. The front yard must be twenty feet (20') or the average of the two lots on either side. The side yards (this building from the appearance of the pictures submitted, is a 2 1/2 story structure) are to be fourteen feet (14') each; though one may be reduced to as little as eight feet if the other is increased correspondingly to twenty feet. I do not believe that the rear yard will be a problem in this instance.

If the University is going to suggest that they own the properties on each side of this building as well as the property to the rear of it they are right. However, per the assessor, Mr. Blackburn, this property still stands on its' own for two reasons. 1) The University has not submitted a survey and site plan incorporating all or some of the properties owned by it into one lot or parcel. 2) The University has on occasions sold buildings owned by it back into the marketplace, placing those properties back on the tax rolls. Therefore, I would conclude that this parcel still stands on its' own.

My second concern is that the addition proposed to the front of the building will not be in keeping with the rest of the neighborhood. The new front appearance will not look like any other building on the street, per the photographs as submitted by the applicant.

I have no objection to the addition proposed at the rear of the building. I would suggest that rather than adding to the front of the building that the rear be expanded to accommodate the uses proposed for the front and if need be the existing interior be modified slightly to accommodate all requirements for needed space.

Sincerely,  
  
Robert C. Hains

96 Falmouth Street  
P.O. Box 9300  
Portland, ME 04104-9300  
(207) 780-4160  
TTY (207) 780-5646  
FAX (207) 780-4538

June 4<sup>th</sup>, 2003

Sarah Greene Hopkins  
City of Portland, Dept of Planning and Development  
389 Congress Street  
Portland, ME 04101

Subject: Project # 2003-019; 59 Exeter Street ADA Accommodations, University of Southern  
Maine, Portland Campus, Portland, Maine

Dear Sarah:

This letter is to confirm the University's parcel of land at 59 Exeter Street (Chart # 51, Block # E, Lot # 14) has been considered to be contiguous with the adjoining property owned by the University since its purchase in 1970.

Please do not hesitate to contact me for further assistance in this matter.

Sincerely yours,



David J. Early  
Executive Director of Facilities Management

Cc: Rick Blackburn, Assessor, City of Portland  
Sam Andrews  
D. Gray  
Project File

96 Falmouth Street  
P.O. Box 9300  
Portland, ME 04104-9300  
(207) 780-4160  
TTY (207) 780-5646  
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June 4<sup>th</sup>, 2003

Sarah Greene Hopkins  
City of Portland, Dept of Planning and Development  
389 Congress Street  
Portland, ME 04101

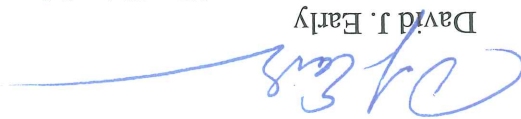
Subject: Project # 2003-019; 59 Exeter Street ADA Accommodations, University of Southern  
Maine, Portland Campus, Portland, Maine

Dear Sarah:

This letter is to confirm the University's parcel of land at 59 Exeter Street (Chart # 51, Block # E, Lot # 14) has been considered to be contiguous with the adjoining property owned by the University since its purchase in 1970.

Please do not hesitate to contact me for further assistance in this matter.

Sincerely yours,



David J. Early  
Executive Director of Facilities Management

Cc: Rick Blackburn, Assessor, City of Portland  
Sam Andrews  
D. Gray  
Project File

Department of Planning & Development  
Lee D. Urban, Director



## CITY OF PORTLAND

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services  
Alexander Q. Jaegerman, AICP  
Planning  
John N. Lufkin  
Economic Development

June 10, 2003

Dana Gray  
USM  
PO Box 9300  
Portland ME 04104-9300

RE: USM Law Clinic 59 Exeter Street

CBL: 051 E014001

Dear Mr. Gray:

On June 6, 2003, the Portland Planning Authority granted minor site plan approval for accessibility modifications to the USM Law Clinic at 59 Exeter Street, as shown on the approved plan.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building City contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM**

2003-0079

Planning Copy

Application I. D. Number

03/31/2003

Application Date

USM Law Clinic

Project Name/Description

59 - 59 Exeter St, Portland, Maine

Address of Proposed Site

051 E014001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  Building Addition  Change Of Use  Residential  Office  Retail

Manufacturing  Warehouse/Distribution  Parking Lot

Other (specify) **Access modifications**

1062 s.f.

Proposed Building square Feet or # of Units

Acraege of Site

Zoning

R5

**Check Review Required:**

Site Plan  Subdivision  # of lots

Flood Hazard  Shoreland  Historic/Preservation

Zoning Conditional  Zoning Variance

Use (ZBA/PB)  Other

Fees Paid: Site Plan \$400.00 Subdivision Engineer Review \$300.00 Date 08/01/2003

**Planning Approval Status:**

Reviewer Sarah Hopkins

Approved

Approved w/Conditions

Denied

See Attached

Approval Date 06/10/2003 Approval Expiration 06/10/2004 Extension to  Additional Sheets Attached

OK to Issue Building Permit

Sarah Hopkins

08/15/2003

signature

date

Performance Guarantee  Required\*  Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted

date

07/31/2003

amount

\$300.00

amount

Building Permit Issue

date

Performance Guarantee Reduced

date

Temporary Certificate of Occupancy

date

Final Inspection

date

Certificate Of Occupancy

date

Performance Guarantee Released

date

Defect Guarantee Submitted

submitted date

amount

expiration date

Defect Guarantee Released

date

signature

April 3, 2003

Prepared by:  
Denis R. Pratt, AIA  
Architect / Accessibility Specialist  
Alpha One, South Portland, Me

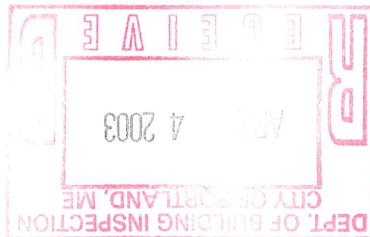
for:  
USM Law School  
Portland, Maine

USM Law Clinic Modifications  
59 Exeter Street  
Portland, Maine



CITY of PORTLAND  
Site Plan Application  
for  
Minor Development Review

*Powering Independent Living*



<p><b>SITE PLAN APPLICATION</b></p>	<p><b>1</b></p>
<p><b>WRITTEN STATEMENT</b></p>	<p><b>2</b></p>
<p><b>ALPHA ONE ACCESSIBILITY EVALUATION</b></p>	<p><b>3</b></p>
<p><b>EXISTING PHOTOS</b></p>	<p><b>4</b></p>
<p><b>EXISTING &amp; PROPOSED PLANS</b></p>	<p><b>5</b></p>



# City of Portland Site Plan Application

If you or the property owner owe real estate taxes, personal property taxes or user charges on any property within the City of Portland, payment arrangements must be made before permit applications can be received by the Inspections Dept.

Address of Construction: 59 Exeter Street, Portland Zone: R-5

Total Square Footage of Proposed Structure Existing 2,600sqft/ Add 1,062 sq ft  
 Square Footage of Lot Part of overall USM site

Tax Assessor's Chart, Block & Lot Chart # 51 Block # E Lot # 14  
 Property owner, mailing address: USM PO Box 9300 Portland Maine 04104-9300 Telephone: 780-4742  
 Consultant/Agent, mailing address, phone & contact person AlphaOne 127 Main St South Portland 767-2189 Denis R Pratt,AVA  
 Applicant name, mailing address, telephone #/Fax#/Pager#: USM PO Box 9300 Portland ME Dana Gray 780-4742/780-4538  
 Project name: USM Law Clinic

Proposed Development (check all that apply)  New Building  Building Addition  Change of Use  Residential  Office  Retail  Manufacturing  Warehouse/Distribution  Parking lot  
 Subdivision, amount of lots \$25.00 per lot \$  
 Site Location of Development \$3,000, except for residential lots which are then \$200 per lot  
 Traffic Movement \$1,000  Stormwater Quality \$250.00  Other Access Modifications  
 After the fact review - Major project \$1,500.00 After the fact review - Minor project \$1,200.00

Plan Amendments: Major Development \$500.00 Minor Development X \$400.00  
 Board review \$200.00 Staff review \$100.00  
 Who billing will be sent to: Dana Gray c/o USM Facilities Management P.O. Box 9300 Portland ME 04104  
 Contact person: Dana Gray Phone: 780-4742  
 State and Zip:

Submittals shall include (9) separate folded packets of the following:

- a. copy of application
  - b. cover letter stating the nature of the project
  - c. site plan containing the information found in the attached sample plans check list
- Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, and c)

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x11) you may also visit the web site: [cl.portland.me.us](http://cl.portland.me.us) chapter 14

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: *Dana Gray*  
 Date: 3-31-2003

This application is for site review ONLY, a building permit application and associated fees will be required prior to construction.

ALPHA ONE COPY



University of Southern Maine Law Clinic  
59 Exeter Street  
Portland, ME

Statement of Existing Conditions & Intent  
for

City of Portland Minor Development Site Plan Review

**A. ACCESSIBILITY EVALUATION**

August, 2002

Alpha One was contracted by the USM Office of Facilities Management to evaluate the site and structure at 59 Exeter Street for compliance with Section 504 and ADA Title II physical and programmatic requirements mandated under both regulations. Continued funding from outside sources for the law clinic housed at 59 Exeter Street required an assessment and improvements towards compliance with the regulations. A report was generated outlining applicable regulations, compliance requirements, and recommendations for improving physical and programmatic access to programs and services offered by the clinic at the 59 Exeter Street location.

The report contains recommendations based on evaluating the level of accessibility to the standards outlined in the Americans with Disabilities Act and other current applicable federal and state accessibility regulations. A copy of the report has been provided with this written statement.

Applicable Accessibility Regulations to USM Law Clinic

In researching current accessibility laws and guidelines, the following regulations were found to be applicable to the University of Southern Maine Law Clinic:

- Section 504 of the Rehabilitation Act of 1973; referenced standards are the Uniform Federal Accessibility Standards (UFAS)
- The Maine Human Rights Act, Title 5, Sub-Chapter III, Fair Employment
- The Maine Human Rights Act [MHR A], Title 5, Sub-Chapter V, Public Accommodations, Paragraph 4591. Equal Access to Public Accommodations, and 4592. Unlawful Public Accommodations, pp. 27 thru 29; paragraph 4593. Existing Facilities, p. 30; referenced standards are the ADA Accessibility Guidelines (ADAAAG).
- The Maine Human Rights Act [MHR A], Title 5, Sub-Chapter V-B, Educational Opportunity, pp. 45 and 46.

- The Americans with Disabilities Act (ADA), Title I Employment and Title II State and Local Governments, referenced standards are the ADA Accessibility Guidelines (ADAAAG)

Applicable Accessibility Regulations to the City of Portland

- The Americans with Disabilities Act (ADA), Title I Employment and Title II State and Local Governments, referenced standards are the ADA Accessibility Guidelines (ADAAAG)

Regulatory Compliance Requirements for the USM Law Clinic

Based on the applicable accessibility regulations listed above, the USM Law Clinic is required to:

- comply with Section 504, MHRRA, and ADA non-discrimination mandates that prohibit discrimination or denial of "program access" to persons with physical or mental disabilities; offer the same educational opportunity in an integrated fashion by using reasonable accommodations, if required;
- assign courses and classrooms in a way that maximizes integration of disabled and non-disabled students;
- honor a particular student's request to participate in a "regular program" by providing "accommodations" to make the program accessible to that individual;
- physically renovate existing facilities to meet program accessibility requirements when alternatives (e.g. rescheduling and/or relocating programs) are unsuccessful;
- assure that new construction and alterations made to existing structures are fully accessible to persons with disabilities and comply with ADA accessibility guidelines for new construction [ADAAAG].

Regulatory Compliance Requirements for the City of Portland

Based on the Title II regulations, qualified individuals with disabilities cannot be excluded from participation, denied benefits, services or access to programs or activities, or be subjected to discrimination by any public entity.

- People with disabilities must be assured an equal opportunity to participate in the programs and activities offered.
- Policies, practices, and procedures must be modified when necessary to avoid discrimination against people with disabilities unless to do so would fundamentally alter the nature of the service, program, or activity.

**B. EXISTING PHYSICAL / PROGRAMMATIC CONDITIONS**

As a result of our on-site observations, it can be safely concluded that the existing USM Law Clinic facility and program is *generally NOT accessible and usable by persons with disabilities* with substantial physical modifications required at the Exeter Street location to accommodate students, faculty, and clients with disabilities. Recommendations for improvements made below are presented to outline physical changes necessary to satisfy program access requirements of the regulations.

Space at the Law Clinic is also very limited for students; workstations and rooms being used by students are limited in available space and not conducive to accommodating accessible approach, entry, and use of student work spaces and offices frequented by students as part of their curriculum.

Some spaces / offices used by students are only available at the second floor level of the clinic; moving those spaces to the lower level of the building will be necessary to provide complete program access.

### Recommendations for Physical Accessibility Improvements

- Designate, re-stripe and identify at least one van accessible parking space in the rear portion of the Law School parking lot closest to 59 Exeter Street.
- Repair or replace existing wooden steps and handrails to meet ADAAG compliance design standards for stairs and handrails
- Physical access to the building is best suited at the rear entrance due to pedestrian traffic considerations and space limitations at the front of the building. Access can be provided by either:

- 1) A vertical lift and enclosure. Commercial lift applications require fully enclosed / protected installations. This would require a new rear structure incorporating a new stair and porch structure, a fully enclosed lift, and a new rear entrance door, or
- 2) A wood ramp alongside the building. A wood ramp, configured in either a dogleg or switchback fashion, approximately 60' long could be installed along the right hand side of the building. Other improvements required include new stairs, a new wood deck / platform at the rear entrance, and a new entrance door

- Remove and replace the rear door that access the student workstation with a minimum 34" wide door with accessible hardware
- Provide at least one accessible workstation in the rear workstation
- Widen the door opening to the central hallway to 42" in order to provide adequate turning into the narrow hall
- Widen the existing restroom door to 42", swinging inward but taking care to not swing into the approaches to toilet fixtures, if possible. Install new accessible fixtures including a new lavatory and new HC toilet; re-finish the entire restroom
- Widen the door opening into the waiting room to a minimum clear width of 32"
- Install a new 36" wide door with accessible hardware to the existing conference room
- Widen the existing door frame to the front hallway a minimum clear width of 32"
- Install accessible hardware on the existing front entrance door
- Remove the existing doorstops on the doorframe to the front office; re-finish the frame
- Replace all door hardware on existing doors to remain with accessible hardware
- Relocate staff / student break area to first floor level
- Relocate Law Library to first floor level professor's office; relocate professor's office

Under both Section 504 and ADA Title II regulations, programs shall be operated so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities. Individuals with disabilities cannot be excluded from services, programs, and activities, however, because buildings are inaccessible. It is not necessary to remove physical barriers in existing facilities as long as programs are made accessible to individuals who are unable to use an inaccessible existing facility. Physical Program accessibility can be provided by relocating a service to an accessible facility. Physical barriers at existing facilities must be removed, if removal is the only alternative to providing program

Although the addition of space both at the front and rear of the building appears to expand the capability and potential services being offered by the Law Clinic, it is ONLY necessary to accommodate service and programmatic needs of the Law Clinic and compliance with the ADA.

The expansion of office space in the front of the building will better accommodate student participation and access to very tight workstation conditions there. The proposed ten foot expansion at the first floor only is compatible with the streetscape and existing setbacks of other residential structures along that side of the street. As presented in the photo documentation section of this application, the former existing front elevation of the building, at one time, had an eight foot two-story porch addition on the front of the building. The photo documentation section of the application also documents the existing streetscape and verifies the compatibility of the front expansion with existing surrounding residential structures that also have front porch structures; some two stories high.

The rear expansion at both levels will provide physical access via a new vertical lift and provide the much needed additional space for student workspace, a break area, and larger conference / library room to accommodate the number of students participating in the program. The current library is located at the second floor level but not accessible and in a confined space. The rear addition is designed to have minimal or no impact on the overall appearance of the building while providing the much needed access to the building.

**D. COMPATIBLE ADDITION OF SPACE w/o EXPANSION of SERVICES**

To correct existing program and space requirements to accommodate persons and students with disabilities, additional square footage is needed to accommodate the existing use and program. Enlarging the existing space will not enlarge or change the existing use but only accommodate compromised conditions that must be changed to meet Title II requirements.

- 1. It is not physically accessible to persons with disabilities receiving legal services
- 2. It is not physically accessible to students participating in the program
- 3. Some program spaces used by students are located on the second floor level of the building
- 4. Program spaces on the first floor level of the building are too small to accommodate students with disabilities

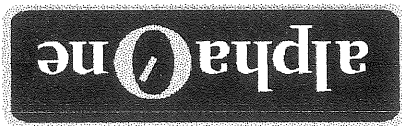
because:

Currently, the 59 Exeter Street location for the USM Law Clinic provides legal services to the general public that qualify for those services. Students participate in this clinic as part of their student curriculum training. The building and program is not in compliance with Title II ADA regulations

**C. EXISTING and PROPOSED USE**

Due to the operational requirements of the Law Clinic program, however, relocating parts of the program and/or services is not recommended because it would not be compatible with the operation and delivery of services to clients and accommodating students participating in the program; fundamentally altering the program and services. Physical changes to the building are therefore recommended.

If not, alternative methods of providing the services must be offered, if they, in turn, do not fundamentally alter the program or service or create an undue financial and administrative burden.



**August 2002**

**Assessment and Recommendations  
for  
Accessibility**

**University of Southern Maine – Law Clinic  
59 Exeter Street  
Portland, ME**

**I. Authorization:**

This report outlining existing barriers to accessibility and recommendations for improvements at the University of Maine Law Clinic at 59 Exeter Street in Portland, Maine was authorized by David Barbour, Director, USM Facilities Management at the Portland campus.

**II. Background Information:**

At the request of David Barbour, Alpha One performed a preliminary on-site walk-thru and existing facilities inspection of the Law Clinic on June 27, 2002 with David Gray, project coordinator for the Office of Facilities Management. Final and detailed on-site observations were made and transcribed and are part of this report. The notes documenting existing conditions at the existing site and building at 59 Exeter Street serve as the basis for all recommendations made in this report.

It is our understanding that this assessment and report of accessibility issues at the USM Law Clinic are the result of concerns expressed by funding and accreditation sources for the Clinic over possible Section 504 and/or ADA Title II violations due to program and physical access limitations at the Exeter Street location. To satisfy those concerns, accessibility issues and recommendations to correct program access deficiencies are presented in this report for action by Law School and Clinic administrators. At their request, this report will identify: 1) immediate improvements to the existing site and facility that would need to be made to accommodate students and/or potential clients with disabilities at the 59 Exeter Street location and at the same time correct non-compliance with current applicable accessibility regulations and, 2) recommend alternative and/or long term solutions to meeting program access requirements of the Law Clinic program.

This report contains recommendations based on evaluating the level of accessibility to the standards outlined in the Americans with Disabilities Act and other current applicable federal and state accessibility regulations.

### III. Applicable Accessibility Regulations

In researching current accessibility laws and guidelines, the following regulations were found to be applicable to the University of Southern Maine Law Clinic:

- Section 504 of the Rehabilitation Act of 1973; referenced standards are the Uniform Federal Accessibility Standards (UFAS)
- The Maine Human Rights Act, Title 5, Sub-Chapter III, Fair Employment
- The Maine Human Rights Act [MHRHA], Title 5, Sub-Chapter V, Public Accommodations, Paragraph 4591. Equal Access to Public Accommodations, and 4592. Unlawful Public Accommodations, pp. 27 thru 29; paragraph 4593. Existing Facilities, p. 30; referenced standards are the ADA Accessibility Guidelines (ADAAAG).
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- The Americans with Disabilities Act (ADA), Title I Employment and Title II State and Local Governments; referenced standards are the ADA Accessibility Guidelines (ADAAAG)

#### NOTE:

Employment provisions covered under both the MHRHA and the ADA for accommodating employees are **not addressed** in this report and should be undertaken as a separate effort by the school department to meet these obligations.

### IV. Regulatory Compliance Requirements

Based on the applicable accessibility regulations listed above, the USM Law Clinic is required to:

- comply with Section 504, MHRHA, and ADA non-discrimination mandates that prohibit discrimination or denial of "program access" to persons with physical or mental disabilities; offer the same educational opportunity in an integrated fashion by using reasonable accommodations, if required;
- assign courses and classrooms in a way that maximizes integration of disabled and non-disabled students;
- honor a particular student's request to participate in a "regular program" by providing "accommodations" to make the program accessible to that individual;
- physically renovate existing facilities to meet program accessibility requirements when alternatives (e.g. rescheduling and/or relocating programs) are unsuccessful;
- assure that new construction and alterations made to existing structures are fully accessible to persons with disabilities and comply with ADA accessibility guidelines for new construction [ADAAAG].

### V. Physical Barriers Observed and Recommendations

Physical and programmatic barriers to accessibility observed and serving as basis for the recommendations below are outlined in detail in this report. A detailed review of the Law Clinic building and site on Exeter Street in Portland was done at David Barbour's request; all barriers to

accessibility were observed, noted, and documented during an inspection conducted on August 14, 2002. As a result of our on-site observations, it can be safely concluded that the existing USM Law Clinic facility and program is *generally NOT accessible and usable by persons with disabilities* with substantial physical modifications required at the Exeter Street location to accommodate students, faculty, and clients with disabilities.

Recommendations and budget estimates for improvements made below are presented to outline physical changes necessary to satisfy program access requirements of the regulations.

Note: The following information was transcribed & edited into report format from on-site notes dictated on August 14, 2002; barriers to accessibility observed are highlighted in bold print. *Suggested corrective measures, when made in this report, are presented in italics.*

Budget Estimates presented reflect work to be performed by outside contractors including overhead and profit. Estimates are not based on pricing or bidding by local contractors but on currently available historical information from cost data generated by the R.S. Means Company, Inc., of Kingston, MA and Adaptive Environments, of Boston, MA. Cost data researched and used in this report is specific to ADA Compliance modifications outlined in these publications and / or on local historical data from similar construction projects.

## EXTERIOR OBSERVATIONS

### General Site and Building Observations

The building in question at 59 Exeter Street is a two-story, wood frame structure, formerly a private residence that was acquired by USM for placement of the community outreach Law Clinic program. There are two entrances to the building – one in the front on Exeter Street with a very short walkway from the public street sidewalk and another in the rear of the building that is approached by paved walkways from the USM Law Building parking lot. The rear entrance is the most used entrance since it is closest to the campus and student parking.

The front of the building has a limited amount of green space; there is pavement on both sides of the building. The front porch is close to the sidewalk, the first step being approximately 8" or so from the edge of the concrete public sidewalk on the street. The front porch is one step down [7-8"] from finished floor and it is covered, protected and would be more difficult to make accessible other than using a lift.

There are two front doors into the building. As a former two family residence, it appears that there was a private entrance to the second floor. Only the right hand door is used today by the Clinic to access the first floor. Inside, an opening has been made to access the stairway to the second floor and offices up at that level.

The distance between the edge of the sidewalk and the face of the building is about 20-22". The width of the building is approximately 30'. The length of the building is approximately 50' from the right front corner to the right rear corner. There is a two-story bay structure that protrudes approximately half way down the right hand side of the building that extends the full height of the building and under the eaves of the building. A narrow door near the right rear corner of the building appears to provide access to the basement from outside.



Because of the University of Maine owns the two buildings on either side of the clinic, locating accessible parking will not be an issue. Any of the paved areas on either side of the building could be striped and dedicated to accessible parking.

Existing Parking

Three parallel parking spaces were observed alongside the left hand side of the Law Clinic building. On the right hand side of the building is what appears to be a driveway with no marked spaces. The three spaces that are marked on the right hand side of the building are up against 55 Exeter Street that houses the Classics Department and Foreign Languages.

Rear Parking Lot Spaces

What could be accessible parking was observed within the side parking lot along the side of the Law School building and directly behind the Classics Department and Foreign Languages building at 55 Exeter Street. There is an 8' wide striped area and 8' wide parking space on either side, but there is no signage indicating that this is accessible parking. This could be a good place to provide accessible parking for an accessible entrance at the rear of 59 Exeter Street.

*Recommendations:*

- *Designate, re-stripe and identify at least one van accessible parking space in the rear portion of the Law School parking lot closest to 59 Exeter Street. [§250]*

Front Entrance

The front porch of the building is approximately 39-40" above finished grade and another 7-8" step up to the first floor. There are a total of six steps that access the porch. The first step is concrete, 6" high, approximately 30-36" deep and is a pad that the wooden steps rest on. The wooden steps are +/- 7" each and have, however, projecting nosings at each step that are not considered accessible because they present a potential tripping hazard. The handrails on the steps are also not accessible – they are made of 1x6 and should be changed if someone with an ambulatory impairment were able to use the front entrance.

The step at the front entrance door is 7" high. The exterior combination storm / screen door is 33½" wide. The screen door opens outward. The height of the wood guardrail at the porch is 35" high. The spacing of the balusters at the rail is at or less than 4" as recommended by NFPA and the Boca Building Code.

*Recommendations:*

- *Repair or replace existing wooden steps and handrails to meet ADAAG compliance design standards for stairs and handrails [§1000]*

Rear Site Access via Pathways

From the Law School that is behind the building at 59 Exeter Street, there are 3-4' wide paved sidewalks that access the backside of this building and paved areas on either side of the building.

There is approximately 18' of green space depth from the edge of one of the sidewalks that runs along the rear of 59 Exeter Street to the face of the rear of the building.

Rear Entrance

The rear entrance to the law clinic consists of a set of pre-cast concrete steps with low black aluminum handrails and another step at the door. The height of the first floor at this location is between 45" and 47" above grade. The rear storm door that opens outward is 31" wide.

There is about 30' of available green space just to the rear of the Law Clinic on the left side of the entrance door, including the area that is now occupied by a short rear paved walk that approaches the pre-cast concrete step.

*Recommendations:*

- Physical access to the building is best suited at the rear entrance due to pedestrian traffic considerations and space limitations at the front of the building. Access can be provided by either:

1) A vertical lift and enclosure. Commercial lift applications require fully enclosed / protected installations. This would require a new rear structure incorporating a new stair and porch structure, a fully enclosed lift, and a new rear entrance door [835,000 to 840,000]; or

2) A wood ramp alongside the building. A wood ramp, configured in either a dogleg or switchback fashion, approximately 60' long could be installed along the right hand side of the building. Other improvements required include new stairs, a new wood deck / platform at the rear entrance, and a new entrance door [810,000]

**INTERIOR OBSERVATIONS – First Floor**

Rear Entrance Hallway

The rear entrance door opens inward and is 32" wide and has knob-type hardware. It is a wood panel door with a glazing panel approximately two-thirds of the way up the door. Latch side clearance at the exterior door is close to 1' with the door opening inward.

Once inside there is a small vestibule that provides access to stairways to the upper level and also the basement. The average width of this hallway is about 46". The hallway does break open and wider to the right, allowing some extra width at the door that enters the rear room of the Clinic; a student work area is 30" wide and has knob-type hardware. Threshold is approximately 3/4" high and may be as low as 1/2" because of the multiple layers of floor base and carpeting.

*Recommendations:*

- Remove and replace the rear door that access the student workroom with a minimum 34" wide door with accessible hardware [81500].

The hallway width is 38½" from face of plaster to face of plaster, not taking into consideration the thickness of the doorjamb and also baseboards. Just beyond the bathroom is a fire extinguisher that is mounted on the wall. This is a protruding object to the point where it does constrict the available space in the hallway for passage. The face of the fire extinguisher is 31½" away from the opposite wall face of plaster.

#### Rear Hallway

- Widen the existing restroom door to 42", swinging inward but taking care to not swing into the approaches to toilet fixtures, if possible. Install new accessible fixtures including a new lavatory and new HC toilet; re-finish the entire restroom [S7000].

#### *Recommendations:*

Observed the bathroom across the hall. The room is 7'-10" deep and 6'7" wide. The toilet is located adjacent to the hallway wall and very near the door opening. The lavatory is located on the opposite wall approximately in the center of the room. The room appears large enough and has space enough to allow a few scenarios for laying out an accessible restroom. None of the existing fixtures are accessible. The door is 30" wide and swings into the bathroom. Floor finish in the restroom is a 12x12 tile [possible source of asbestos].

#### Toilet Room

- Widen the door opening to the central hallway to 42" in order to provide adequate turning into the narrow hall [S1500]
- Provide at least one accessible workstation in the rear workroom [cost undeterminable]

#### *Recommendations:*

The room has four workstations and there is also a corner with a closet that is not used and could be sacrificed in order to make more room for workstations. There are three workstations that have knee clearance or lap clearance of 25", 2" shy of what's required. Either a new workstation could be purchased with the proper clearances and adjustable legs, or temporarily one of these stations could be raised a couple of inches in order to make it accessible to a wheelchair user. The typical knee opening measured at each workstation measures 28" in width.

The door that opens into this law student space but provides access to the hallway is located directly across from the bathroom. This door is only 28" wide and has knob-type hardware.

Location of furniture in this room adjacent to the door is an issue. No latch side clearance at the rear entrance door is available. The door opens inward. On the hinge side of the door is a radiator. I would therefore recommend that the door be widened on the latch side rather than on the radiator side unless the radiator can be swung 90 degrees against the other wall rather than the back wall.

#### Student Work Room

The short hallway between the waiting area and the front entrance of the building measures 35" from face of wall to face of wall, not taking into account baseboards. The depth of this short hallway is approximately 48". A door opening in a frame with the door removed toward the front of that

Front Hallway

Just beyond the waiting area is a cased opening that heads toward the front of the building. This is not a door opening but a cased opening, no stops. The clear width measured about 31½". This opening may be able to be maintained; 32" is the recommended minimum.

Front Hallway Door Opening

- *Install a new 36" wide door with accessible hardware [81500]*

- *Raise the existing conference room table by 2" to provide adequate knee clearance under the table apron.*

*Recommendations:*

Off of the waiting area is the conference room that is used by all students and people who are coming into the building for the initial interview. The door into this conference room is 30" wide and has no accessible hardware. Floor finish inside is a wood floor. A conference room table in the middle of the room has knee clearance at the apron of 26"; a little short to accommodate a wheelchair user.

Conference Room

- *Widen the door opening into the waiting room to a minimum clear width of 32" [8500]*

*Recommendations:*

Once beyond this door opening is the waiting area. Finished floor throughout except for the bathroom has been short pile level loop carpeting. There is ample room for circulation; chairs are arranged for sitting and waiting. Just beyond the door opening is a table that is approximately 6' long and 30" deep and it obstructs clear passage because there is also a copy machine adjacent or close to the door opening, so this table should be moved or reduced in size to maximize clear passage to 36" between obstructions.

Just beyond the fire extinguisher is a door opening where the door has been removed from its hinges and a clear passage there between the stops is approximately 29"; could gain another inch by removing the stops.

Waiting Area

- *Remove the fire extinguisher and mount it in a more appropriate but accessible location*

*Recommendations:*

short hallway is 30" in width and that does not take into account a stop on one side; stop on the other side has been removed already.

The width of the front door that swings inward is 34" with knob-type hardware.

*Recommendations:*

- Widen the existing door frame to a minimum clear width of 32" [\$500]
- Install accessible hardware on the existing front entrance door [\$250]

Front Office

The door to the front office has been removed as well and if the stops were removed, it would be a full 32" wide clear opening. Inside there appears to be enough room for circulation to the 2 or 3 workstations. Moving some equipment around may be necessary for an accommodation.

*Recommendations:*

- Remove the existing doorstops on the doorframe to the front office; re-finish the frame [\$250]

Doors [general]

None of the existing doors observed have accessible hardware. All the hardware in this building is knob-type.

*Recommendations:*

- Replace all door hardware on existing doors to remain with accessible hardware [\$250 per door]

Travel Distance

Measured the travel distance from the front office to the rear exit and there are about 51' to the center of the room, so it would be approximately 50-55'; depending on where a person would be seated in that room, would be the travel distance to the rear exit. It appears that the maximum allowable travel distance for a business occupancy of this type is 100'.

**INTERIOR OBSERVATIONS – Second Floor**

A small refrigerator and microwave oven that are located on the second floor are used by all staff and students and are not accessible because of their location.

The Law Library is also located on the second floor and not accessible to all because of its location. There are a total of four bookcases that would be required to be moved downstairs in order to relocate the "library". Also there are a few card files that could also be located in this room.

*Recommendations:*

1. In the waiting room on the first floor is a closet that is located underneath the stairway to the second floor. It could be possible to modify this closet space so that it can incorporate a student or staff kitchenette. This would allow moving the refrigerator and microwave oven now located on the second floor to an accessible location.

Currently the door to this closet is 30" in width. The depth of the closet is 40". The ceiling varies; the height of the ceiling varies because of the slope of the stairs that it is under, but there would be ample space for this equipment. There is room to expand the size of the door on the latch side although limited because of an existing radiator. It may be possible to expand the width of the opening and remove the door and provide a cased opening, which would make it more accessible [**\$3000**].

2. A staff office at the rear of the building, room #109, serves as a part-time office for one of the professors. I would recommend that this space be used to relocate the Law Library that is now on the second floor and not accessible. There are a total of four bookcases that would be required to be moved downstairs in order to relocate the "library". Also there are a few card files that could also be located in this room.

The door to this space is only 30" wide and would require widening the opening and the door. The hallway width limits opportunity. A 34" door within a new frame allowing for a full 32" of clear width is recommended [**\$2000**].

**The total anticipated cost of recommended physical improvements to 59 Exeter Street using the ramped entrance option is \$30,250; using the enclosed lift option is \$60,250.**

## VI. Program Access as an Alternative Solutions

Under both Section 504 and ADA Title II regulations, programs shall be operated so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities. Individuals with disabilities cannot be excluded from services, programs, and activities, however, because buildings are inaccessible. It is not necessary to remove physical barriers in existing facilities as long as program accessibility can be provided by relocating a service to an accessible facility, providing an aide or personal assistant, or providing services at alternative accessible sites.

"A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of §35.151. 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."

Physical barriers at existing facilities must be removed, if removal is the only alternative to providing program access. If not, alternative methods of providing the services must be offered, if they, in turn, do not fundamentally alter the program or service or create an undue financial and administrative burden. Integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the ADA. Public entities may not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective. Individuals with disabilities, however, have the right to choose to participate in the "regular" program.

**VII. Alternative Programmatic Recommendations**

Based on observations at the Law Clinic there is limited available space within the first floor area of 59 Exeter Street to operate the program at the current level of community involvement. The cost of physical improvements to meet program access responsibilities, and the limits imposed on future expansion of the program within this space is justification on considering relocating the program to more suitable space directly associated with the Law School.

Options available to USM are to move staff and / or faculty out of the Law School into 59 Exeter Street and locate the Clinic within the Law School Building or other appropriate accessible space.

Another option is more visionary and long-term where miscellaneous student and school campus outreach programs may be located within a new structure that houses a variety of community outreach programs sponsored by USM.

**VII. Additional Considerations:**

- Maintenance of accessible routes is also a requirement of the ADA under Title II. It is crucial that all accessible routes, equipment, and elements be kept free and clear and in working order at all times
- Public entities must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited.

**VIII. Disclaimer:**

Alpha One believes that the recommendations made above will have the highest impact on improving accessibility at the University of Southern Maine Law School Clinic. Implementation of these recommendations will serve as "evidence of a good faith effort to comply" and in the "spirit of the law". USM must realize, however, that although Alpha One's opinion and suggestions for barrier removal outlined above, in most cases, represents the consensus of the disability community, individuals may or may not agree with our interpretation and recommendations. Ultimately, the responsibility for selecting and removing barriers to accessibility in an expeditious & cost effective manner and to accommodate the needs of individual students, staff, or clients remains with the school administrators.

\* \* \*

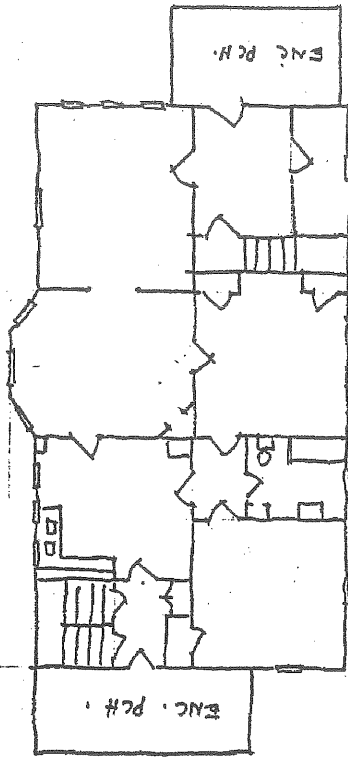
End of the University of Southern Maine Law School Clinic assessment for accessibility report.

Respectfully Submitted:

Denis R. Pratt, AIA  
Architect / Accessibility Specialist  
Alpha One, South Portland, Maine

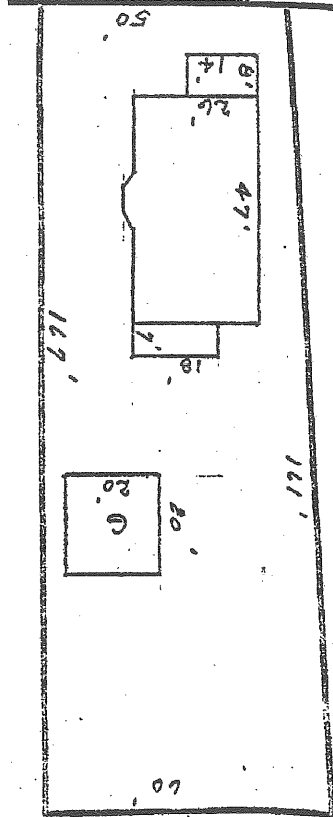
SECOND FLOOR PLAN

SCALE  $\frac{1}{16}'' = 1'7''$



Scale 1" = 40'

EXETER STREET



PLOT PLAN



51-E-14 AGAZARIAN

BUILDING DATA (Continued)

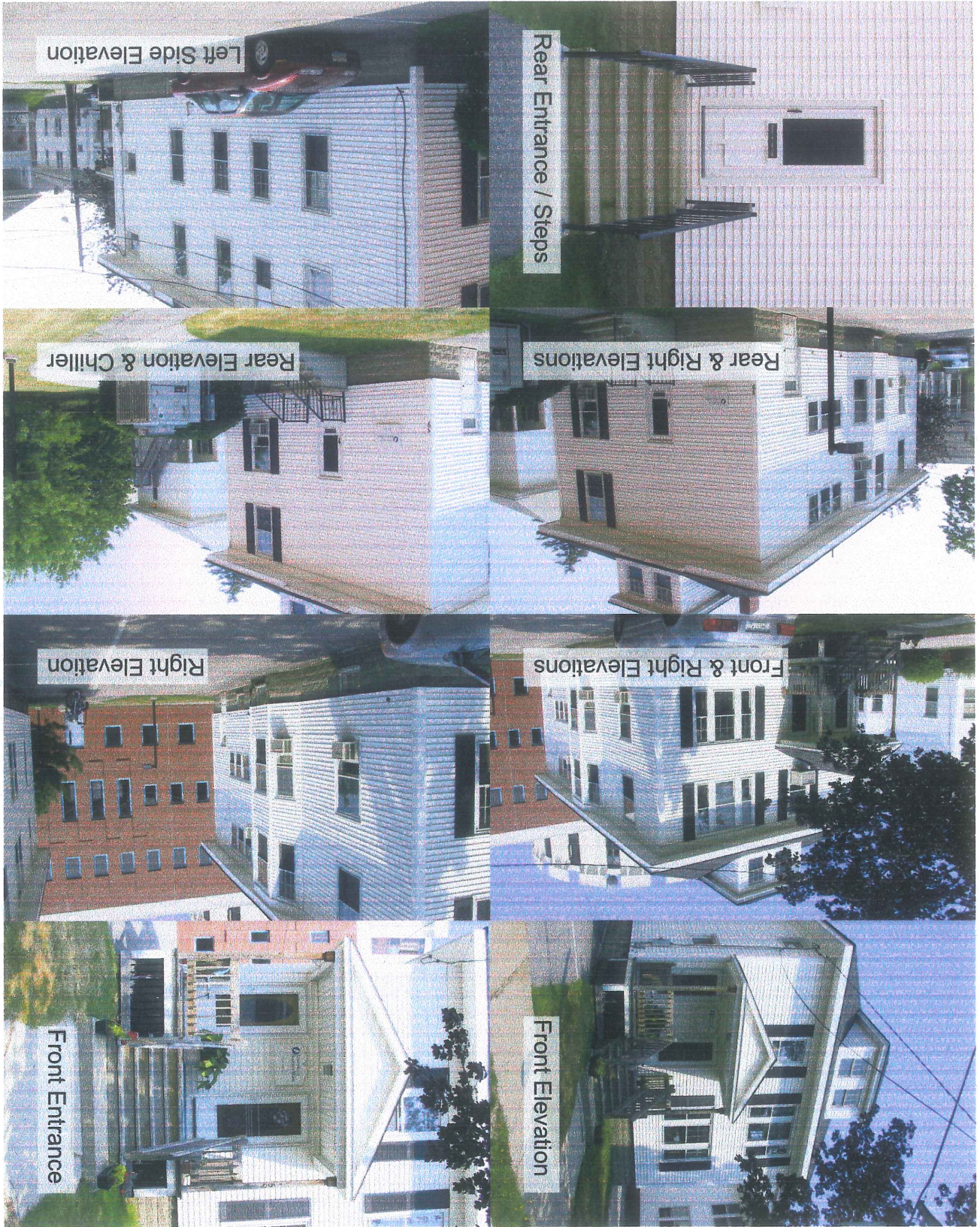
Second Floor	First Floor
Owner	\$125/Mo
5/1	5/1
Stm/Oil	Stm/Oil
Auto. Gas	Gas sidarm/tank.
FSCI	FSCI
Hardwood	Hardwood
Plaster	Plaster
Plaster	Plaster
Moulded	Moulded
Good	Good
Adequate	Adequate
Yes	Yes
Yes	Yes
Inoleum	Inoleum
Modern	Modern
Plastic	Plastic
Plaster	Ceramic Tile
Good	New

- Unit
- Rent
- Rooms/Bath
- Heat
- Hot Water
- Radiation
- Floors
- Walls
- Ceilings
- Trim
- Fireplace
- Elec. Fix.
- Closets
- Lin. Clo.
- China Clo.
- Kit. Fl.
- Cupbds.
- Cr. Top
- Stove/Oven
- Disposer
- Dishwasher
- Exh. Fan
- Bath Walls
- Bath Fix.
- Shower

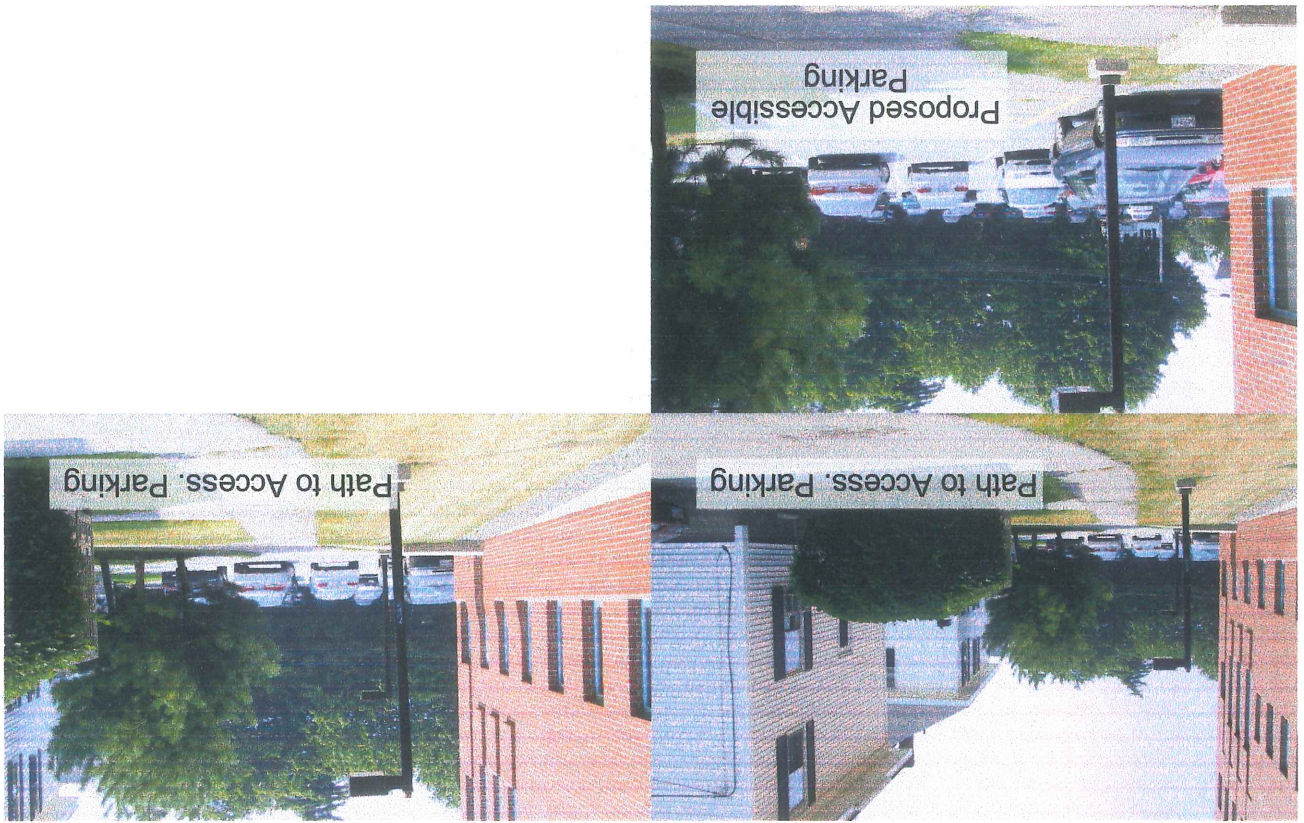


Property in better than average condition. Exterior needs to be painted. Minor interior decorating needed.

59 Exeter Street – Existing Conditions



59 Exeter Street – Existing Conditions





Exeter Street Streetscape



Exeter Street Streetscape