



**MAURA HEALEY**  
GOVERNOR

**KIM DRISCOLL**  
LIEUTENANT GOVERNOR

**YVONNE HAO**  
SECRETARY, EXECUTIVE OFFICE  
OF ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
**Division of Occupational Licensure**  
**Office of Public Safety and Inspections**  
**Architectural Access Board**  
1000 Washington Street, Suite 710  
Boston, Massachusetts 02118

**LAYLA R. D'EMILIA**  
UNDERSECRETARY, CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

**SARAH R. WILKINSON**  
COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Subcommittee on Regulations Meeting Minutes -October 23, 2024**  
**Teams Meeting**

This meeting was open to the public and began approximately at 10:04 AM.

Subcommittee member attendance:

- Jeff Dougan (JD)- Chairperson
- Ana Julian (AJ)
- Michael Kennedy (MK)
- Paul Logan (PL)
- Patricia Mendez (PM)
- Elizabeth Myska (EM)
- Joe Prochilo (JP)

Division of Professional Licensure Employees attendance:

- William Joyce – AAB Executive Director (WJ)
- Richard Holtz- Board Counsel (RH)
- Molly Griffin – Program Coordinator (MG)

JD opened the meeting for Roll Call:

AJ, MK, PL, PM, EM, JP

1. 10:05 AM            227 Sales and Service

- WJ: The first area of discontinuity is an exception to 227.2 the checkout aisles
- JD: So, they'd only require 1 aisle
- WJ: Yes, even if you have 5-8 aisles, if the space is less than 5,000 sq feet they're only requiring 1
- JD: I'd like to see this applied to the numbers but one of each aisle still required (to be accessible)
- PM: I do agree with you JD that each type should be accessible.
- WJ: The blue text is saying we can't make you have more than one, but you can have more than one aisle
- JP: Can we say, "at least one?"

- WJ: Someone could arguably interpret that could require 2. This is meant to reduce ambiguity. If someone sues, what is the strictest requirement possible?
- JD: I'm wondering what the average grocery store is in square feet
- WJ: The average is 40,000 square feet
- JD: Okay, so 5,000 is kind of reasonable
- WJ: This applies to all retail
- PL: What about "no less than 1?"
- WJ: That would also include 0
- JD: My thought would be, I would add clarification on the type of check out aisles

Motion to add language regarding types of checkout aisles to 227.2 by PL

2<sup>nd</sup> by JP

By Acclamation/Carried

- WJ: Ok, so the exception
- JD: Do we want to change the exception?
- WJ: This applies to all retail; the average size of a retail stop in the US is 10,000 sq feet
- PL: Mom and pops are usually less
- WJ: I think that is what this is intended to cover. This would mostly cover convenience-store sized stores

Motion to Accept the exception as written by JP

2<sup>nd</sup> by PL

- PL: I still don't like the language, but WJ says it's standard, but standards can change

By Acclamation/Carried

- WJ: Food Service Lines, this is basically saying at least 50% but no fewer than 1 shall comply
- PL: As opposed to saying no more than 50% this one is saying at least 50%
- WJ: Right, because it is not talking about what is required

Motion to Accept 227.4 as written by PL

2<sup>nd</sup> by MK

By Acclamation/Carried

2. 10:25AM            228 Depositories, Vending Machines, Change Machines, Mailboxes, and Fuel Dispensers

- WJ: The only difference is an that talks about drive-up only depositories, but our regs do not contemplate drive-up. Height ranges for controls don't make sense here because they are assuming someone is sitting in a vehicle
- JD: Any worries? Is this something we would need to move to accept?
- WJ: Yes, because this is not in the draft

Motion to Accept the exception to 228.1 by PM

2<sup>nd</sup> by PL

By Acclamation/Carried

3. 10:29 AM 231 Judicial Facilities

- WJ: 521 structures this differently, but I don't think it's controversial that judicial facilities must comply and be accessible. Because right now in our regs, they do not have their own separate rules
- JD: I like that it's calling out different types of holding cells
- JD: How do people feel?
- WJ: These are relatively non-controversial

Motion to Approve 231.1, 231.3.1, and 231.3.2 by PL

2<sup>nd</sup> by MK

By Acclamation/Carried

- WJ: Okay, 231.4.1; if you have a counter for non-contact and not serving an accessible cell it does not have to comply, on the detainee-side only. The public side would have to comply
- JD: The detainee-side would have to have some right?
- WJ: yes

Motion to Approve the exception to 231.4.1 by PL

2<sup>nd</sup> by MK

- JD: So, visitor sides will comply, what's the restriction of making the other side accessible?
- WJ: We're not making them do it for detainees who don't require those accommodations

By Acclamation/Carried

4. 10:36 AM 232 Detention Facilities

- WJ: So, the exception to 232.2 I think we can strike. There is no reason to give the AG of the US veto power

Motion to Strike the exception to 232.2 by PM

2<sup>nd</sup> by PL

By Acclamation/Carried

- WJ: 232.2.1, we require 3% but no fewer than 1 and the feds require 2% but no fewer than 1
- JD: Can we do 5%
- WJ: 3% is what we currently require also

Motion to Adopt the language and change 2% to 3% to 232.2.1 by JP

2<sup>nd</sup> by PM

By Acclamation/Carried

Motion to Adopt the language and change 2% to 3% in 232.2.2 by PL

2<sup>nd</sup> by MK

By Acclamation/Carried

Motion to Strike exception to 232.3 by PL  
2<sup>nd</sup> by PM  
By Acclamation/Carried

- WJ: Okay, 232.5.1 exception, this is in the prison context

Motion to Accept the exception to 232.5.1 by PL  
2<sup>nd</sup> by JP  
By Acclamation/Carried

5. 10:44 AM            234 Amusement Rides

- WJ: So, 521 actually has more exceptions here that are listed as partial exceptions
- JD: So ADAAG is silent on these two?

Motion to Accept the exception (#3) to 234.3 by PL  
2<sup>nd</sup> by AJ  
By Acclamation/Carried

- WJ: Alright, so this is only for wheelchair seats
- PL: If they're permanent structures, they have to move 30% correct in order to trigger?
- WJ: Or if they were altering the relevant part of the rides
- PL: How often does this happen?
- WJ: I think it is relatively rare, but I am not sure
- WJ: My suspicion is that this is included to assuage fears and make us look reasonable

Motion to Approve the exception number 2 by PL  
2<sup>nd</sup> by AJ  
By Acclamation/Carried

- WJ: Any other comments on the language in 234?

6. 10:51 AM            235 Recreational Boating Facilities

WJ: Any comments? There are no conflicts

7. 10:51 AM            238 Golf Facilities and 239 Miniature Golf Facilities

- WJ: The advisory is offering up some best practices as the requirement is at least 50% of holes
- PL: Do we think 50% is enough? Can we recommend any changes?
- WJ: Yes
- PL: Is it illegal if we change 50 to 100%?
- WJ: Right now we started at 0%, because many existing golf courses have multi-level holes, and requiring them to put in a ramping system would generate many variances where we would have to give them the variance
- PL: Are we able to say new golf facilities?
- WJ: Yes
- PL: Existing we leave alone, new 100%
- JD: I'm not in disagreement, but even the new ADAAG didn't do that

- WJ: I'd argue under the existing regs, if they built stairs they would need to build a coinciding ramp system. I think drawing the line between new and old makes sense

Motion to Add 239.2 by PL  
 2<sup>nd</sup> by JP  
 By Acclamation/Carried

- WJ: Do you have any alterations to 239.3?
- WJ: This is basically saying the 50% of accessible holes should be consecutive. We'll let you do a break in the holes, provided that you cover the last hole

No change made

8. 11:09 AM            240 Play Areas

- WJ: Big piece is 240.1.1, there is no equivalent in 521

Motion to adopt 240.1.1 by PM  
 2<sup>nd</sup> by PL  
 By Acclamation/Carried

- WJ: 240.2.2, how 521 and ADAAG handles this is slightly different. 521 wants one of each type, ADAAG wants 50% of the total
- WJ: ADAAG is slightly less elegant, but comes to a better outcome that will be more consistent across playgrounds creating a consistent experience
- JD: So what are people's thoughts?
- PL: That makes sense

Motion to Accept 240.2.2 by PL  
 2<sup>nd</sup> by MK  
 By Acclamation/Carried

9. 11:14 AM            242 Swimming Pools, Wading Pools, and Spas

- WJ: There is a difference here. 521 is more concerned about having an accessible route around the pool. ADAAG is more concerned with you getting into the pool but not around it

Motion to Accept 242.2.1 and apply it to wading pools as well by PL  
 2<sup>nd</sup> by PM

- WJ: do you want this to only apply to swimming pools?
- PL: What would be your recommendation?
- WJ: I don't think it makes much sense for wading pools and spas
- PM: A wading pool could be for a parent supervising

By Acclamation/Carried

10. 11:17 AM 243 Shooting Facilities

- WJ: We have made it to the end
- WJ: We need to talk about 202 next time, so we're going to talk about the 30% rule and \$100,000 rule
- WJ: My recommendation on the \$100,000 rule would be to adjust for inflation. The 30% rule is complicated
- JD: Has there ever been a time where the Board has considered a regional cost evaluation?
- WJ: No, just because administratively it would be tough
- JD: And it's only been a percentage?
- WJ: Yes
- WJ: So, 202 next and then housing. How do you want to handle November and December? In past years the subcommittee has not met.
- PM: Yes, we should meet
- JD: I think one meeting out of the two months rather than two
- WJ: Let MG know what weeks of those two months you would be available
- WJ: How about early December?
- PL: What about the 13<sup>th</sup> of November?
- JD: Can I also offer December 11<sup>th</sup>

11. 11:29AM Minutes

Motion to Approve Minutes the September 25, 2024, Meeting by MK

2<sup>nd</sup> by PL

Roll Call Vote

JD- yes

AJ- yes

MK- yes

PL- abstain

PM- yes

EM- abstain

JP- yes

5 yes, 2 abstentions, 0 no's- Motion Passes

Motion to Adjourn by PL

2<sup>nd</sup> by MK

By Acclamation/Carried