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**Subcommittee on Regulations Meeting Minutes -May 29, 2024**  
**Teams Meeting**

This meeting was open to the public and began approximately at 10:08 AM.

Subcommittee member attendance:

Jeff Dougan (JD)- Chairperson  
Carol Steinberg (CS), Vice Chairperson  
Michael Kennedy (MK)  
Patricia Mendez (PM)  
Elizabeth Myska (EM)  
Deborah Ryan (DR)  
Ana Julian (AJ)  
Joe Prochilo (JP)  
Paul Logan (PL)

Division of Professional Licensure Employees attendance:

William Joyce – AAB Executive Director (WJ)  
Jamie Dalton – Board Counsel (JaD)  
Molly Griffin – Program Coordinator (MG)

JD opened the meeting for Roll Call:

CS, MK, PL, PM, DR arrives at 11:12 AM

1. 10:10 AM            206.2.2

Motion to Reopen 206.2.2 Exception by CS

2<sup>nd</sup> by PL

JD: Reads exception. How would people get to those buildings?

- WJ: They would use the same path that everyone uses. This is intended to cover situations that covers a very large site, if you have two locations that are 10 miles apart like that.
- CS: I can understand certain situations, but I am racking my brain to find a way to limit this.
- CS: What if we add to that it is technologically infeasible

- WJ: We should never add that to the base code
- CS: I object to this because they can get a variance
- WJ: I think the point of this is to cut out a situation where the Board can grant a variance every single time

Roll Call Vote

CS- yes

MK- yes

PL- yes

PM- yes

- Motion Passes, 4 yes, 0 no, 0 abstention

CS: Can we add something about the length, like “longer than a mile?”

- WJ: What about a half mile situation where the elevation changes 400 feet?
- CS: Do people understand my point that this encourages people to build vehicular ways with no pedestrian access?
- PM: Yes, and I agree with you
- WJ: This is a vehicular way not providing pedestrian access, it needs to be something that is reasonable that pedestrians will not use it
- WJ: We’re trying to write something as broad as possible and clear as possible
- CS: My issue is the wording “not providing” It’s their choice not to provide it
- WJ: In this case it is describing the vehicular way
- JD: Do we want to put this in a more positive way to say it?
- CS: This leaves it to the discretion of the developer

Motion to Eliminate this exception by CS

2<sup>nd</sup> by PM

Roll Call Vote

PM- yes

PL- yes

MK- yes

CS- yes

Motion Passes, 4 yes, 0 no, 0 abstentions

## 2. 10:30 AM Section 206.2.3 Exceptions

- WJ: We had discussed adding an exception 8
- WJ: These are exceptions where you can add an alternative device in lieu of an elevator
- WJ: Currently 521 CMR has an exception where it states that two different levels with no internal communication and both entrances are accessible, we don’t require an elevator. Exception 8 would be replicating this
- CS: Do we want to go through and vote? I’m still against 3 but I am in favor of 6.
- WJ: The view on 2 was unanimous, discusses rest of variances as a refresher

Motion to Accept Exception 1 as modified by CS

2<sup>nd</sup> by PL

By Acclamation/Carried

Motion to Strike Exception 2 as proposed by PL

2<sup>nd</sup> by MK

By Acclamation/Carried

Motion to Strike Exception 3 by CS  
2<sup>nd</sup> by PL

CS: I just don't understand the "why" of this. Common use areas should never be inaccessible period. We should have a bottom line that common use areas should be accessible in a new building

- WJ: The rationale is that modern prisons have pods and each pod has their own common use areas, so it's saying that in a pod with no accessible cells doesn't have to have an elevator to access it
- CS: There's no reason it shouldn't be accessible. What if someone needs an elevator and they're not in an accessible cell?
- WJ: This applies to existing buildings as well as new buildings
- JD: The marginalization within these facilities is already pretty huge. I would strongly advise new construction or a major rehab where we put a value that they should be treated like other buildings, and it should be accessible. I am strongly for accessibility in detention/correctional facilities
- PL: Let's craft it, do we say a new and renovated detention facility?
- JD: Yeah, I'm thinking we have a \$500,000 exception for like roof work. The 30% trigger can be met pretty easily with this so do we want a different value? Maybe not the \$100,000 rule but the 30% or \$500,000 for new construction, like we do in scoping
- CS: I think we have a problem if we put in different standards than we have for other buildings
- PM: I agree with CS and JD and the only thing that I would add is that by requiring the same requirements to other buildings then these really expensive facilities will have more flexibility in the future
- WJ: The reason why they are treated differently than other facilities is because of the different usage patterns. I think that's why they are written the way they are, people cannot move freely it is highly regimented and controlled
- JD: As a thought, would it make sense to build in security protocols, but ensure that the elements are accessible. They can modify the elements
- PL: New buildings and new construction has good reason to move forward with this motion.

Moves to question.

Roll Call Vote

CS- yes

MK- yes

PL- yes

PM- yes

JD- yes

Motion Passes, 5 yes, 0 no, 0 abstentions

Motion to Table Exceptions 4 and 5 until we discuss Dwelling Units by CS  
2<sup>nd</sup> by PL

By Acclamation/Carried

Exception 6

WJ: My understanding is that this is the way it is based off of the noise and light generated by elevators

Motion to Accept Exception 6 as proposed by PL  
2<sup>nd</sup> by MK  
By Acclamation/Carried

Motion to Strike Exception 7 in its entirety by PL  
2<sup>nd</sup> by CS  
By Acclamation/Carried

- WJ: Just a note, when we strike we are reserving them so the numbering can remain consistent
- WJ: Do we want to add an exception 8?  
CS: I know we're trying to avoid variances, but I don't want to encourage people to build places this way because it is not optimal. Is this in ADAAG?  
WJ: No, ADAAG exempts two story buildings altogether
- WJ: The only time we ever really see these is when they build a building on a hill
- PL: So a new two story building comes our way we don't require them to put in an elevator?
- WJ: No, we would the feds wouldn't
- CS: So there's no staircase, but able-bodied people can go outside and, would I have to drive?
- WJ: If they're providing a pedestrian route, then it has to be accessible. Why would we require an elevator in a building where there is no communication between the levels at all?  
CS: I just think people can apply for a variance for that
- WJ: The presumption of the regulations is equal access, with this exception
- CS: We shouldn't have a blanket rule

Motion to Not Accept Exception 8 by CS  
Motion Dies

Motion to Move Forward with Exception 8 with the language as written and adding the unrelated use language by PL  
2<sup>nd</sup> by MK

- DR: What difference does it make if the uses are related and everyone has to go outside?  
If there's an exterior route it has to be accessible
- DR: The existing regs say no internal stair, why did we change it to no internal communication?
  - WJ: I think it was to cover non-compliant ramps, dumb waiters, or other things. Broadest possible term
  - DR: I would just add the word "internal"

Roll Call Vote

CS- yes

MK- yes

PLL- yes

PM- yes

DR- no

JD- no

Motion Passes, 4 yes, 2 no, 0 abstentions

3. 11:50 AM            206.2.4 Spaces and Elements

- WJ: Reads exceptions
- CS: Exception 1 absolutely not, everything should be accessible. For lawyers there is sometimes a need to get by the Judges' bench. There's no reason, new courthouses should be totally accessible
- PL: I agree, new construction should be accessible
- WJ: This exception is redundant because we already don't have jurisdiction over those places
- PL: If a new courthouse is built today, none of these areas have to be accessible?
- WJ: Yes, legislature can change if we have jurisdiction over areas

Motion to Delete Exception 1 by CS

2<sup>nd</sup> by MK

By Acclamation/Carried

MK Leaves at 12:00 PM

Exception 2

- WJ: We require a certain percentage of accessible seating

Motion to Keep Exception 2 by DR

2<sup>nd</sup> by PL

By Acclamation/Carried

Exception 3

- WJ: I think we can strike this

Motion to Strike Exception 3 by CS

2<sup>nd</sup> by PM

By Acclamation/Carried

4. 12:06 PM            206.2.5 Restaurants and Cafeterias

- JD: So this is talking about accessible routes in restaurants
- WJ: This is just accessible routes
- WJ: I think we can strike Exception 1 based on the exceptions we struck earlier

Motion to Strike Exception 1 by PL

2<sup>nd</sup> by CS

By Acclamation/Carried

### Exception 2

- WJ: So this is talking about altering an existing building, I think we would be safe to strike this
- CS: No, and also you can't eat outside?

### Motion to Strike Exception 2 by CS

2<sup>nd</sup> by PM

By Acclamation/Carried

### Exception 3

- WJ: This is intended to cover sports facilities with tiered dining areas that are on a slope
- JD: Would this allow the accessible seating to be on the lowest tier?
- CS: What does this do that we don't have already?
- WJ: This would just require access to some of the levels; our code doesn't contemplate the existence of this type of use
- PM: TD Garden has implemented new accessible seating in their new dining areas
- PL: So everybody could be on the first level with the 25% rule? Is that what is acceptable?
- WJ: It's basically saying you only need a route to 25% of the dining area, so it may not require an accessible route to every tier. The purpose of the different tiers is not to provide different views
- PL: And you're not paying different prices?
- WJ: You're paying for the food, not the seats
- DR: This is like the combination of a movie theater and a restaurant
- CS: I'm not sure why we should do this, for dining areas
- DR: Because it is also viewing; the dining is the viewing
- WJ: The argument here is that this is providing a minimal benefit to people with disabilities at a huge cost
- CS: Doesn't it encourage people to do the tiered dining areas?
- WJ: I don't think we want to discourage it, it provides a benefit to everyone
- PL: It doesn't necessarily provide a benefit to people with disabilities if they want to be on a higher tier
- JD: The bigger question is the "serving 25% of the dining area" is that 25% of the tiers?
- WJ: It's seating; you'd only need to provide a route to one of the tiers that gets you to 25%
- PL: Is this currently in the code?
- WJ: It is an area of conflict between 521 and ADAAG

### Motion to Accept as written by PL

2<sup>nd</sup> by DR

Roll Call Vote

DR- yes

PM- yes

PL- yes

CS- no

JD- yes

Motion Passes, 4 yes, 1 no, 0 abstentions

5. 12:30 PM            206.2.7 Press Boxes

- WJ: Exception 1 is different, we currently don't exempt any kind of press box
- JD: So the ADA allows a 499 square ft press box to not have an accessible route?
- WJ: Yes, this is like the classic high school press box. If you have three press boxes, all three of them have to add up to less than 500 square feet

Motion to Strike Exception 1 and Exception 2 by PM

2<sup>nd</sup> by PL

By Acclamation/Carried

Motion to Add Language for Exception 9 in 206.2.3 by PM

2<sup>nd</sup> by CS

By Acclamation/Carried

6. 12:37 PM            206.2.12 Court Sports

- WJ: We are currently very ambiguous about routes to where sports are carried out\
- JD: are we looking at these all as one?
- WJ: I am only calling out sections where there are distinct differences between the draft and ADAAG
- CS: So this covers something that 521 does not cover right now

Motion to Adopt 206.2.12 by PM

2<sup>nd</sup> by PL

By Acclamation/Carried

- DR: Can general counsel make sure we have authority over these going forward since this is a building code?
- JaD: All of the authority comes from the enabling statute which speaks broadly over facilities
- CS: Rather than start entrances, I would love to have time for public comment

7. 12:47 PM            206.4 Entrances

Motion to Delete Exception 1 and 2 by PL

2<sup>nd</sup> by CS

By Acclamation/Carried

JD: We will pick up at 206.4.1

Motion to Approve May 1, 2024 Minutes by PL

2<sup>nd</sup> by CS

JD Recuses

Roll Call Vote

JD- abstains

CS- yes

PL- yes

PM- yes

DR- yes

Motion Passes, 4 yes, 1 abstention, 0 no's

12:49 PM      Public Comment

Michael Muehe comments on behalf of the BCIL would like to applaud the Board on its actions today and their dedication to the work.

Motion to Adjourn by PL

2<sup>nd</sup> by CS

By Acclamation/Carried