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**Minutes**

**Board of Elevator Regulations**

**This meeting was held remotely via GoToMeeting  
August 18, 2020 at 9:00 a.m.**

**Board Members Present:**

Eric Morse, Acting Chairman  
Jacob Nunnemacher  
David Morgan  
David Gaudet  
Cheryl Davis

**Board Members Absent:**

Brian Ronan

**Division of Professional Licensure Staff:**

Charles Kilb  
Ruthy Barros

**Guests Present:**

Christopher Sullivan (MBTA)  
Eric DiVirgilio (HDR)  
Michael Baskin (HDR)

The Board discussed the following:

- 1. 2 Washington Square - Worcester, MA [Exhibit 1 and 1A]  
New Installation  
524 CMR A17.1-2013 Section 2.1.5  
Petitioner: Christopher Sullivan**

The petitioner was in front of the Board proposing to install three new elevators that would require a variance from A17.1-2013 Section 2.1.5, which prohibits windows in hoistway walls or elevator cars. The petitioner stated that in accordance with the 2006

settlement agreement with the Boston Center for Independent Living, the MBTA is required to maximize transparency of elevators to promote safety by means of visibility. The petitioner stated that there is no requirement for the elevator shafts themselves to be fire resistant. The only place that a separation may be required would be at the lower level of elevator #1, where it comes down into the lobby space, and the shaft will be enclosed. Also, there will be cameras in the elevators. The petitioner submitted additional supporting documentation and the file was transmitted to the Board (Exhibit 1A). Acting Chairman Eric Morse stated that in his opinion, the hoistway as designed, meets the requirements of Section 2.1.1.2, which is non-fire resistant construction, and the variance the petitioner is requesting is not applicable because what was presented are not windows, based on the definition in A17.1. The Board stated that the petitioner should determine if there are additional code sections that might require a variance. The petitioner requested to withdraw his request to allow for further examination. There was no objection by the Board. **Withdrawn.**

**2. Review work to finalize draft decisions and continue discussion for 10 Park Plaza [Exhibit 2]**

A motion was placed by Jacob Nunnemacher to move into quasi-judicial session to continue discussion regarding product variance requests for the allowance to install automated parking devices to be located at 30 Penniman Road, 29 Commonwealth Avenue, One Post Office Square, and 10-11 Arlington Street, Boston. The Board also continued discussion regarding the product variance request to install a redesigned Clear Win Escalator Handrail UV Sterilizer on two escalators (State ID: 1-E-5876 and 1-E-5975) with a proposed solution to eliminate the pinch point concerns to be located at 10 Park Plaza, Boston. The motion was seconded by Cheryl Davis.

**Motion to move into quasi-judicial session:** Jacob Nunnemacher

**Seconded:** Cheryl Davis

**Vote: 5-0; Moved into quasi-judicial session.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

A motion was placed by Cheryl Davis to accept the final decision and order as written for 29 Commonwealth Avenue. The motion was seconded by David Morgan.

**Motion:** Cheryl Davis  
**Seconded:** David Morgan  
**Vote: 5-0; Granted.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

A motion was placed by Cheryl Davis to accept the final decision and order as written for 10-11 Arlington Street. The motion was seconded by David Morgan.

**Motion:** Cheryl Davis  
**Seconded:** David Morgan  
**Vote: 5-0; Granted.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

A motion was placed by Cheryl Davis to accept the final decision and order as written for One Post Office Square. The motion was seconded by David Morgan for discussion.

Mr. Morgan stated that his vote to approve is contingent on the removal of hazards.

**Motion:** Cheryl Davis  
**Seconded:** David Morgan  
**Vote: 4-0; Granted.**

Roll Call Vote:

• Jacob Nunnemacher	ABSTAINED	
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

A motion was placed by Jacob Nunnemacher to move into open session. The motion was seconded by David Morgan.

**Motion to move into open session:** Jacob Nunnemacher  
**Seconded:** David Morgan  
**Vote: 5-0; Moved into open session.**

Roll Call Vote:

- |                     |   |                              |
|---------------------|---|------------------------------|
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Cheryl Davis      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

3. **Old business (The Board may or may not discuss):**

55 Fruit Street, Boston, MA – The petitioner’s representatives were in front of the Board on May 12, 2020 seeking a variance to install PurHealth Escalator and Moving Walkway Handrail Disinfecting Systems at the above location. Placed on hold for 90 days for the applicant to revise the submission. **Deadline: August 10, 2020.** The Office of Public Safety and Inspections did not receive any further correspondences from the petitioner. Therefore, this request is to be considered withdrawn. **Withdrawn.**

4. **Approval of meeting minutes from August 4, 2020 [Exhibit 3]**

A motion was put forth by David Gaudet to accept the minutes as written. The motion was seconded by Cheryl Davis. **Vote: 5-0; Granted.**

Roll Call Vote:

- |                     |   |                              |
|---------------------|---|------------------------------|
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Cheryl Davis      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

Exhibit List:

Exhibit 1: Variance packet for 2 Washington Square – Worcester, MA

Exhibit 1A: Electronic submittal of additional supporting documentation

Exhibit 2: Draft decisions for 30 Penniman Road, 29 Commonwealth Avenue and One Post Office Square and 10-11 Arlington Street, Boston.

Exhibit 5: Meeting minutes from August 4, 2020

**Motion to Adjourn:** Jacob Nunnemacher

**Seconded:** David Morgan

**Vote: 5-0; Adjourned.**

Roll Call Vote:

- |                     |   |                              |
|---------------------|---|------------------------------|
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
|---------------------|---|------------------------------|

- David Gaudet
- Cheryl Davis
- Eric Morse
- David Morgan

☒ yea

☐ nay

☒ yea

☐ nay

☒ yea

☐ nay

☒ yea

☐ nay

Hearing concluded at 11:07 a.m.  
Prepared by: Ruthy Barros