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**Division of Occupational Licensure**  
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COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Minutes**

**Meeting of the**  
**Board of Elevator Regulations**  
**January 21, 2025, at 1:00 p.m.**

**1000 Washington Street**  
**Boston, MA 02118**  
**6<sup>th</sup> Floor Main Conference Room**  
**Hybrid Meeting via Microsoft Teams**

**Board Members Present:**

David Gaudet, Chair  
Christopher Towski - Remote  
Tim Morgan - Remote  
Brian Ronan - Remote  
Anthony Buonopane  
Neil Mullane- Remote

**Division of Occupational Licensure Staff:**

Peter Kelley  
Gayle Richardson  
Jay Ryan – Remote  
John Rubyck - Remote  
Walter Zalenski - Remote

**Guests Present:**

David Lucitt – Access Elevator & Lift (remote)  
Matt Brett – Home Grown Builders (remote)  
Earl Baker – NEIEP (remote)

**Call to Order: 1:03 p.m.:**

1. Roll call.

2. VAR24-0103

136 W 8<sup>th</sup> Street Boston

State ID: New Install

Code Reference: 524 CMR - 2.27.12

Petitioner: David Lucitt

**[Exhibit 1]**



The petitioner is seeking a variance from code 524 CMR 2.27.12 to install a Vertical Platform Lift instead of an elevator.

Matt Brett summarized the request for variance by explaining that this is new construction of a four-story condominium that originally was not approved by the Board of Zoning Appeals (ZBA) as the project is in the Coastal Flood Resiliency Overlay District. The ZBA required that there be no ground floor living space. The project was updated and to meet the accessibility requirements of the building code for a type two convertible unit, a ramp or lift is required. A ramp is not geometrically feasible.

They presented a variance request to the Architectural Access Board, (AAB) to install a wheelchair lift in lieu of a full commercial elevator. The variance was granted by the AAB due to the excessive cost and loss of living space associated with a full commercial elevator.

After a discussion of the requested variance, Tim Morgan moved to deny the requested variance. The elevator code referenced, MA exception § 2.27.12(1)(a), does not require the installation of an elevator in these circumstances, therefore a variance from its provisions is unnecessary. Chris Towski seconded the motion. Vote: 6-0-0

**Motion: Tim Morgan**

**Seconded: Chris Towski**

**Vote: Denied**

**Roll Call Vote:**

- |                     |   |                              |                                  |
|---------------------|---|------------------------------|----------------------------------|
| • David Gaudet      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Tim Morgan        | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Chris Towski      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan       | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

**3. Request for approval of continuing education program pursuant to G. L. c. 143, § 71C(1), ¶ 4. [Exhibit 2]**

Before Earl Baker was sworn in as the petitioner for this item, Board member Tim Morgan, asked Peter Kelley, board counsel, if he should recuse himself from this item. Peter Kelley advised that if he can be fair and impartial, then he would not be required to recuse himself. Mr. Morgan confirmed that he can be fair and impartial regarding the item brought before the board.

Earl Baker from National Elevator Industry Educational Program (NEIEP) seeks Board approval of a new on-line 8-hour Continuing Education program. The curriculum includes Harassment and Discrimination in the Workplace, Understanding the Impact of Drug and Alcohol Awareness in the Workplace, Mental Health Awareness in the Workplace, and 2016 ASME Suspension Means Code Course.

Earl Baker gave an overview of the new on-line course curriculum. Board discussed prior approval of NEIEP course last year and reviewed standard for continuing education

content, that it relate to “new and existing provisions of the regulations of the board of elevator regulations”, contained in G. L. c. 143, § 71C(1). The board agreed that Harassment and Discrimination in the Workplace, Understanding the Impact of Drug and Alcohol Awareness in the Workplace, and Mental Health Awareness, although important, would not be considered continuing education, as not meeting the definition of continuing education in § 71C(1).

David Gaudet moved to deny NEIEP MR025 Course Outline as presented, as an 8-hour Continuing Education Program, because 4 hours of the on-line course is not directly related to provisions of the BER regulations. Chris Towski seconded the motion. Vote 5-0-1.

**Motion: David Gaudet**

**Seconded: Chris Towski**

**Vote: Denied**

**Roll Call Vote:**

- |                      |   |                              |   |
|----------------------|---|------------------------------|---|
| • David Gaudet       | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |
| • Christopher Towski | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |
| • Tim Morgan         | <input type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |
| • Brian Ronan        | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |
| • Neil Mullane       | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |
| • Anthony Buonopane  | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |

4. Request for 30-day extension for VAR24-0086, 93 Pleasant Street Warren, for additional documentation.

The petitioner made a request to the department for an additional 30 days to provide the requested documentation. Chris Towski moved to approve the extension request, with a new deadline of February 18, 2025. Neil Mullane seconded the motion. Vote 6-0-0.

**Motion: Chris Towski**

**Seconded: Neil Mullane**

**Vote: Approved**

**Roll Call Vote:**

- |                      |   |                              |                                  |
|----------------------|---|------------------------------|----------------------------------|
| • David Gaudet       | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Christopher Towski | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Tim Morgan         | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan        | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane       | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane  | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

5. Matters not reasonably anticipated 48 hours in advance of meeting.
6. Chris Towski moved to Adjourn the meeting. Motion was seconded by Brian Ronan. Vote 6-0-0.

**Motion: Chris Towski**  
**Seconded: Brian Ronan**  
**Vote: Granted**  
**Roll Call Vote:**

- |                     |   |                              |                                  |
|---------------------|---|------------------------------|----------------------------------|
| • David Gaudet      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Tim Morgan        | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Chris Towski      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan       | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

Meeting adjourned at 2:12 p.m.  
Prepared by: Gayle Richardson

**Exhibit List:**

- Exhibit 1: Variance packet for 136 W 8<sup>th</sup> Street Boston  
Exhibit 2: NEIEP MR025 Course Outline