



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

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

Minutes

Meeting of the
Board of Elevator Regulations
October 17, 2023, at 1:00 p.m.

1000 Washington Street
Boston, MA 02118
1st Floor-Room 1D
Hybrid Meeting via Microsoft Teams

Board Members Present:

Eric Morse, Acting Chair
David Gaudet (remote)
Neil Mullane
Brian Ronan
Anthony Buonopane
Tim Morgan
Christopher Towski

Division of Occupational Licensure Staff:

Peter Kelley
Gayle Richardson
Johnny Rubyck

Petitioners/Guests:

Daniel Scotto – VP of Engineering – Next Step Healthcare
Keven Clancy – Project Manager - Great Wolf Lodge
Henry Tessman – General Manager - Great Wolf Lodge
Carl Faille – Consultant
Samantha Fereno – General Manager – Otis
Ryan Myers – Executive VP - Harding Steel
Patrick Flaherty – Regional Director - Harding Steel
Matt Damico – Elevator Mechanic - MD Lifts
Bill Damico

Call to Order: 1:06 p.m.:

1. Roll call.



2. **VAR23-0062**
40 Martin Street Melrose [Exhibit 1]
State ID: 178-P-59
Code: 524 CMR
Petitioner: Daniel Scotto

The petitioner is back before the board with the documentation requested; a letter from CMS containing life safety code waiver through March 1, 2024.

The petitioner explained that there is no correspondence related to loss of funding or admissions, because of the life safety survey waiver granted by CMS, but that those consequences are expected in the absence of compliance with the waiver. The petitioner explained that a Life Safety Survey was conducted on the facility on March 1st, 2023, and Melrose Healthcare was not found in substantial compliance with the requirements for participation in Medicare/Medicaid, 42 CFR, 483.90(a-d), by failing to provide sprinkler protection for the elevator and hydraulic elevator machine room. The petitioner has submitted and been approved for a Life Safety Code Waiver that expires March 1st, 2024.

A motion was made by Christopher Towski to grant the petitioner's request for a variance from 524 CMR 35:00 §2.8.3.3 to allow the installation of sprinkler coverage in the elevator machine room with the justification being hardship resulting from the withholding of federal funding due to waiver issued by CMS. Written variance should contain prior provisions related to safety restrictions related to compliance. The motion was seconded by Neil Mullane. Vote 7-0-0

Motion: Christopher Towski

Seconded: Neil Mullane

Vote: 7-0-0 Granted

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• 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

Brian Ronan exited the meeting at 1:34 p.m. and returned at 1:41 p.m.

3. **VAR23-0066 – VAR23-0071**
150 Great Wolf Drive Fitchburg [Exhibit 2]
State ID # 97-P-158, 97-P-159, 97-P-160, 97-P-161, 97-P-162, 97-P-163
Code: ASME A17.1 2013 Section 2.8.1
Petitioner: Christine Parnell

The petitioner seeks variance from code ASME A17.1 2013: Section 2.8.1. They are performing a modernization at this location, and per the code are required to bring the units up to the current code year. The petitioner is requesting that the duct equipment which is used to control the airflow for the entire building is issued a variance as the building is unable to have this removed to comply with the current elevator code of non-elevator equipment being within the elevator machine room.

Samantha Fereno gave an overview of the current situation in that 6 cars share a machine room with a large air conditioning duct. The board reviewed the photographs submitted and then

inquired as to the code in effect at the time of installation. Board also inquired if relocation of the ductwork or the equipment could make code compliant. Petitioners requested additional time to research these options.

A motion was made by Christopher Towski to place this item on hold no longer than December 16, 2023, to gather more information and complete additional research. If the petitioners continue to seek this variance, then to provide the dimensions of the ductwork and schematics of the building. The motion was seconded by Tim Morgan. Vote 7-0-0.

Motion: Christopher Towski

Seconded: Tim Morgan

Vote: 7-0-0 Hold for 60 days

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• 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

4. VAR23-0072 – VAR23-0077

150 Great Wolf Drive Fitchburg [Exhibit 3]

State ID # 97-P-158, 97-P-159, 97-P-160, 97-P-161, 97-P-162, 97-P-163

Code: 524 CMR: Section 3.7.1.11

Petitioner: Christine Parnell

The petitioner seeks variance from code 524 CMR: Section 3.7.1.11 - They are performing a modernization at this location, and per the code are required to bring the units up to the current code year. The petitioner is requesting that the oil piping be left in the current condition as they are unable to make the changes required by code without impacting the structure of the building. They are unable to reroute the pipes which are lined to go from the machine room to the shaft of the elevator as they would not be able to get pipe long enough into place without fittings.

Samantha Fereno indicated that some of the existing piping has Victaulic fittings. The petitioners confirmed that there are 4 passenger cars with 1 hoistway that will have minimal work done in the pit, and 2 service cars with 1 hoistway, that they will be replacing the power units and doing some hydraulic work in the pit.

After a discussion of the requested variance, a motion was made by Christopher Towski to place this item on hold no longer than January 15, 2024, to provide the petitioner with time to gather more information and provide the board with how the pipes are running from the machine room to the service hoistway, what the distance is and where they are exposed, the hoistway specs and a building floor plan. The motion was seconded by Brian Ronan. Vote 7-0-0. Deadline.

Motion: Christopher Towski

Seconded: Brian Ronan

Vote: 7-0-0 Hold for 90 days

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• 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 |

The board took a recess from 2:08 p.m. to 2:13 p.m.

5. **VAR23-0048**

14 Green Street Brookline [Exhibits 4-4C]

2- level Semi-Automated Parking Structure

Code: 524 CMR 26.07 and 26.11

Petitioner: Bill Damico

The petitioner seeks variance from code 524 CMR 26.07 and 26.11 for a Semi-Automated Parking Device for this specific site by showing that alternate means of safety will be met.

Ryan Myers gave an overview, the product is called CombiLift 542, while presenting an updated diagram [Exhibit 4A], showing device at 144 Old Colony Rd., a different site, with the board. This system is a two-level system, with stairs from the pit to the first level doors, the power unit is in the shaft and the PLC controller is in the machine room. Provisions have been made for electric cars, which will be on the ground level and the charging station will be attached to the pallet, so that it moves with the car. The height of the pallets differs from 6 1/8 to 7 1/2 as the spaces will be assigned to specific vehicles based on the size and weight of the vehicle. Each resident will be provided with an RFID fob that will be used to enter and exit the parking structure for safety with a solid panel with no touch screen. [Exhibit 4B] The gate is 2 cm by 2cm mesh [Exhibit 4C]. There are sensors and the reflective eye at 42-inch and 48-inch guardrail height (which is now a standard package from the manufacturer) with full height gates that are interlocked with the controls. Sprinklers will be on all levels including the pit.

After discussion by the board, Neil Mullane made a motion to grant the request for variance of 524 CMR 26.07 and 26.11 for this site with the justification that alternate means of safety, particularly the electric eyes between parking pallets, are met. The motion was seconded by Tim Morgan. Vote 5-1-1

Motion: Neil Mullane

Seconded: Tim Morgan

Vote: 5-1-1 Granted

Roll Call Vote:

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|----------------------|---|---|---|
| • Eric Morse | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet | <input type="checkbox"/> aye | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |
| • Christopher Towski | <input type="checkbox"/> aye | <input checked="" 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 |

6. **VAR23-0046**

585 Essex Street Lynn [Exhibits 5-5A]

3-level Semi-Automatic Parking Structure

Code: 524 CMR 26.11

Petitioner: Bill Damico

The petitioner seeks variance from code 524 CMR 26.07 and 26.11 for a 3- level Semi-Automated Parking Structure for this specific site by showing that alternate means of safety will be met.

Ryan Myers gave an overview, the product is called CombiLift 543, while presenting an updated diagram [Exhibit 5A] with the board. This is a three-level parking system with the PLC machine room in the basement. There are three separate systems for this address. One side has a manual access door into the pit and the other side has one access door on the east side and one access door on the west side of the dual pit.

The height of the stackers differs from 5 ½ to 6 feet on the upper level to 7 feet on the pit and grade level. The spaces will be assigned to specific vehicles based on the size and weight of the vehicle. The top level and pit level move up and down and the ground floor level moves left to right. The gate is 2 cm by 2cm mesh. There are sensors with the reflective eye from front to back. Sprinklers will be on all levels including the pit. Illumination in the pit will be provided with convenience outlets. The control room will be fully compliant and there will be no remote manipulation.

After discussion by the board, Neil Mullane made a motion to grant the request for variance of 524 CMR 26.07 and 26.11 for this specific site with the justification that alternate means of safety are met and that the variance will include that the installation be subject to notification to Lynn Fire Department or appropriate municipal agency related to access at pit levels. The motion was seconded by Eric Morse. Vote 5-1-1

Motion: Neil Mullane

Seconded: Eric Morse

Vote: 5-1-1 Granted

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• David Gaudet	<input type="checkbox"/> aye	<input type="checkbox"/> nay	<input checked="" type="checkbox"/> abstain
• Christopher Towski	<input type="checkbox"/> aye	<input checked="" 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

7. Approval of meeting minutes from September 19, 2023. [Exhibit 6 (Unedited)]

Christopher Towski moved to accept the minutes as written. The motion was seconded by Neil Mullane. Vote 6-0-1

Motion: Christopher Towski

Seconded: Neil Mullane

Vote: 6-0-1 accepted as written

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• David Gaudet	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Christopher Towski	<input type="checkbox"/> aye	<input type="checkbox"/> nay	<input checked="" 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 ☒ aye ☐ nay ☐ abstain

8. Approval of meeting minutes from September 26, 2023. [Exhibit 7 (unedited)]

Christopher Towski moved to accept the minutes as written. The motion was seconded by Neil Mullane. Vote 7-0-0

Motion: Christopher Towski

Seconded: Neil Mullane

Vote: 7-0-0 accepted as written

Roll Call Vote:

- | | |
|----------------------|---|
| • Eric Morse | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |
| • 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 |

9. Review of comments from October 4th, 2023, BER Board of Regulations Public Hearing. [Exhibits 8-8C]

Board reviewed, reserving further action on any commentary related to changes to code until such time as the Board has those code sections under review (e.g., § 26, dumbwaiters). No action taken on matters under the jurisdiction of the legislature or the department.

3:45 p.m., Brian Ronan exits meeting.

10. Matters not reasonably anticipated 48 hours in advance of meeting.

- Eric Morse gave an update on the possibility of a visit to see an operating automated parking system at 1 Winthrop Square. Staff will coordinate visit, which will be subject to open meeting law requirements.
- Anthony Buonopane provided an update on the possibility of a visit to see an operating automated parking system providing that 235 Old Colony is open to a visit on October 23, 2023, or October 24, 2023, also subject to open meeting law requirements.
- Christopher Towski advised the board that a blind shaft demo will be conducted at 40 Thorndike St. in Cambridge in December, will update the board with more details as they become available.

11. A motion to Adjourn was made by Christopher Towski. The motion was seconded by Tim Morgan. Vote was Granted. Vote 6-0-0

Motion: Christopher Towski

Seconded: Neil Mullane

Vote: 6-0-0 Granted

Roll Call Vote:

- | | |
|----------------------|---|
| • Eric Morse | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |
| • 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 |
| • 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 concluded at 3:56 p.m.

Prepared by: Gayle Richardson

Exhibit List:

- Exhibit 1: Variance packet for 40 Martin Street Melrose
- Exhibit 2: Variance packet for 150 Great Wolf Drive Fitchburg
- Exhibit 3: Variance packet for 150 Great Wolf Drive Fitchburg
- Exhibit 4: Variance packet for 14 Green Street Brookline
- Exhibit 4A: Updated documentation submitted for 14 Green Street Brookline
- Exhibit 4B: Image of example gate
- Exhibit 4C: Image of example panel
- Exhibit 5: Variance packet for 585 Essex Street Lynn
- Exhibit 5A: Additional documentation submitted for 585 Essex Street Lynn
- Exhibit 6: Meeting Minutes September 19, 2023
- Exhibit 7: Meeting Minutes September 26, 2023
- Exhibit 8: Summary of oral comments presented during October 4th, 2023, Public Hearing
- Exhibit 8A: Written comment for October 4th, 2023, Public Hearing
- Exhibit 8B: Written comment for October 4th, 2023, Public Hearing
- Exhibit 8C: Written comment for October 4th, 2023, Public Hearing