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Division of Occupational Licensure
Office of Public Safety and Inspections**

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OCCUPATIONAL LICENSURE

Minutes

**Meeting of the
Board of Elevator Regulations
October 24, 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
Neil Mullane (Remote)
Anthony Buonopane
Tim Morgan

Division of Occupational Licensure Staff:

Peter Kelley
Gayle Richardson
Johnny Rubyck
Walter Zalenski

Board Members Absent:

Christopher Towski
Brian Ronan

Guests Present:

Ryan Myers – Executive VP - Harding Steel
Patrick Flaherty – Regional Director - Harding Steel
Matt Damico – Elevator Mechanic - MD Lifts
Bill Damico - - MD Lifts
Ann Masterson – Administrator – New Bridge on the Charles
Fernando Rodrigues - Director of Engineering – New Bridge on the Charles
Margaret Kolm – Petitioner/homeowner
David McCallie – Petitioner/ homeowner
Doug Sacra – Architect - Maple Hill Architects, LLC
Michael Morton - Director of Production - Platt Builders



1. Roll call.
2. **VAR23-0049 - 93 Bennington Street Revere** – This item was tabled and postponed at the request of the petitioner.
3. **VAR23-0050**
400-408 West Broadway Boston [Exhibit 1 – 1A]
Semi-Automated Parking Device
Code: 524 CMR 26.07 – Protection at other levels 524 CMR 26.11 – Car Enclosures and Car Gates

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 of the CombiLift 543, while presenting an updated diagram [Exhibit 1A] with the board. This system is a three-level system with twenty-three parking bays. The PLC is a dedicated control room. There will be a single point of access for each pit (2) by stairs or ladder. Residents will self-park by being assigned to specific bays based on the size and weight of the vehicle. Ground floor level shifts left and right to open a space for the upper part to come down or lower part to come up. The systems are all guarded at full height 7' 2" tall, safety access gates, and the guarding between each car will be done by a photoelectric eye system. The PLC room is immediately adjacent to the car stacker pit one. The height of the vehicles will be limited to 6'9" (80.7") on the pit and ground level and less than 6' (69") on the top level. Discussion of § 26.15(1), requiring minimum weight load based on max weight of MV to be parked and not less than 5K lbs. per vehicle,

After questions and discussion by the board, a motion was presented by Eric Morse to hold this item until November 22, 2023, for the petitioner to confirm the lift weight capacity code compliance. Motion was seconded by Neil Mullane. Vote 5-0-0

Motion: Eric Morse

Seconded: Neil Mullane

Vote: 5-0-0 Granted to hold for 30 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 |
| • 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 |

4. **VAR23-0063**
7000 Great Meadow Road Dedham [Exhibit 2]
State ID: 73-P-204
Code: 524 CMR 35:00 §2.8.3.3

Petitioner: Ann Masterson

The petitioner seeks variance from 524 CMR 35:00 §2.8.3.3. Petitioner contends per NFPA 13, 2010 Edition, Section 8.15.5, and LSC Section 19.3.5.1, 19.3.5.4 and 9.7.1.1, the facility failed the CMS Comparative Survey on August 2, 2023, by failing to provide sprinklers in the elevator shaft.

After discussion, Neil Mullane moved to grant the variance to add sprinklers to the elevator shaft with the additional technical information typically included with the variance. The justification for the motion is the financial hardship that the facility would incur, should the funding from CMS be stopped. Motion was seconded by Tim Morgan. Vote 5-0-0

Eric Morse reminded the petitioner that they should review code 524 CMR for other related elevator code requirements along with checking the local building code prior to installation.

Motion: Neil Mullane
Seconded: Tim Morgan
Vote: 5-0-0 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 |
| • 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 |

5. The board addressed the following board business, out of order from the meeting notice:

a. **Approval of June 27, 2023, meeting minutes. [Exhibit 4]**

Neil Mullane moved to accept the minutes as written. The motion was seconded by Tim Morgan. Vote 5-0-0

Motion: Neil Mullane
Seconded: Tim Morgan
Vote: 5-0-0 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 |
| • 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 |

b. **Approval of meeting minutes from October 17, 2023. – tabled.**

The board recessed from 2:04 p.m. until 2:11 p.m.

6. **VAR23-0064**
1 Weir Meadow Path Wayland [Exhibit 3]

State ID: N/A - Proposal from C.M.C. Elevator Company
Code: ASME A17.1 – 2013 Section 5.3.1.10.1 – Capacity

Petitioners: Margaret Kolm & David McCallie

The petitioners seek a variance from ASME A17.1-2013 Section 5.3.1.10.1 for the installation of a residential elevator.

Doug Sacra provided a summary of the variance request to install a 42” x 60” residential elevator in the home of the petitioners with a capacity of 950 pounds.

The board had a discussion/review regarding the capacity of a residential elevator as per § 5.3.1.10.1(b), which should be 1100 here instead of 950 and the safety concerns of it. Residential elevators are designed for specific platform size and capacity. Mr. Eric Morse moved to deny the variance due to the inadequate capacity under current code, justified by this safety concern, compounded by the lack of any ongoing inspections of elevators installed in single-family, owner-occupied residences. Motion was seconded by Tim Morgan. Vote 5-0-0

After the vote was taken and recorded, Eric Morse indicated the written decision would have instructions on following up with any appeal process, if desired.

Motion: Eric Morse

Seconded: Tim Morgan

Vote: 5-0-0 Denied

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 |
| • 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 |

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

- a. Discussion about the next scheduled Board of Regulations meeting on October 31, 2023, which will be a visit to an operational automated parking system. Gayle will send out an email for a mutually agreeable time for the visit to take place with a quorum.**

8. A motion to adjourn was made by Tim Morgan. The motion was seconded by Anthony Buonopane. Vote was Granted. Vote 5-0-0

Motion: Tim Morgan

Seconded: Anthony Buonopane

Vote: 5-0-0

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 |
| • 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 ☒ aye ☐ nay ☐ abstain

Meeting adjourned at 2:50 p.m.

Prepared by: Gayle Richardson

Exhibit List:

- Exhibit 1: Variance packet for 400-408 West Broadway Boston
- Exhibit 1A: Updated Schematic for 400-408 West Broadway Boston
- Exhibit 2: Variance packet for 7000 Great Meadow Road Dedham
- Exhibit 3: Variance packet for 1 Wier Meadow Path Wayland
- Exhibit 4: Meeting Minutes June 27, 2023

If you need reasonable accommodations to participate in the meeting, please reach out to Cheryl Yebba at 617-701-8711. While the Board will do its best to accommodate you, certain accommodations may not be available if requested immediately before the meeting.