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Minutes

**Meeting of the
Board of Elevator Regulations
December 5, 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
Brian Ronan
Anthony Buonopane
Tim Morgan
Christopher Towski

Division of Occupational Licensure Staff:

Lynn Read
Gayle Richardson
Thomas Lacey (remote)
Walter Zalenski (remote)
Martin Guiod (remote)

Board Members Absent:

Neil Mullane

Guests Present (all remote):

Gary West – Gillespie Corporation
Richard Bosse, Bosse Pickle LLC
Bryan Dunkelberger – 53 Design
Megan Fitzgerald – 53 Design
Mike Saba – MJ Development
Greg Thompspon – Gillespie Corporation
John Linsley – Gillespie Corporation
Daniel Doyle – Otis
Nicolle Komberec – Otis
Ben Stone – Stukel Group
Cheryl Schweiker – Jarmel Kizel Architects & Engineers Inc
AJ Jenkins - TAPCO



1. Roll call.
2. **VAR23-0080** [Exhibits 1 & 1A]

310 Speen Street Natick

State ID #: 198-P-260

Code: 524 CMR Chapter 35.00 – ASME A17.1-2013 §2.15.9.2(b), §3.4.1.1, §3.4.1.6, §3.4.4, and §3.4.7 of the Safety Code for Elevators and Escalators ASME A17.1- 2013 as adopted and amended by 524 CMR 35.00

Petitioner: Gary West

The petitioner seeks a variance from 524 CMR Chapter 35.00 – ASME A17.1-2013 §2.15.9.2(b), §3.4.1.1, §3.4.1.6, §3.4.4, and §3.4.7 of the Safety Code for Elevators and Escalators ASME A17.1-2013 as adopted and amended by 524 CMR 35.00, requesting the use of a Gillespie Shallow Pit Safety System for an elevator located over occupied space.

The petitioner gave an overview of the facility and explained that the limitation is an existing loading dock, which is currently being used, that will be below the elevator and that the research done to install the elevator in a different spot was not feasible due to the space restrictions of the existing building. Gary West indicated that he did not submit documentation of the pit and stated that he would email that document to the board but did not have it to share with the board, at that moment. Mike Saba shared his screen to show the board a lower-level floor plan that was not submitted to the board and gave a summary of the document, showing the entrance space to the garage area and the existing mechanical room that contains a large HVAC unit and duct work. [Exhibit 1A]

After a discussion by the board, David Gaudet made a motion to table item for 90 days until March 4, 2024, to provide additional documentation, specifically further details of the current machine room and sectional drawings to support the hardship. Chris Towski seconded the motion. Vote: 6-0-0 Deadline March 4, 2024

Motion: David Gaudet

Seconded: Chris Towski

Vote: 6-0-0 Table 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 |
| • 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 |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |

3. **VAR23-0100** [Exhibit 2]

515 West Main Street Franklin

Code: 524 CMR 3.7.1.11 C - Location of Machine Rooms - The distance from the hoistway to the machine room shall not exceed three meters (ten ft.).

Petitioner: Dan Doyle/Samantha Finney

The petitioner seeks variance from code 524 CMR 3.7.1.11 C “the distance from the hoistway to the machine room shall not exceed three meters (10 feet)” for The Learning Experience. This

building is being designed to be a daycare and originally designed the machine room to be located 13' ½ feet from the hoist way.

The petitioner gave an overview of why the design of the building was done with the machine room being placed further than 10 feet from the hoistway. Cheryl Schweiker provided further information including the state recommendations of classroom sizes and visual disruptions within the classrooms. Ms. Schweiker also indicated that other design suggestions were brought to the tenant for review but were ultimately rejected. This is a new building construction, but the foundation, elevator shaft, framing and roofing have already been done. The building is on a slab, with no basement. David Gaudet inquired if all other 524 CMR code will be met, and Daniel Doyle confirmed that it will be.

David Gaudet moved to grant the motion for variance allowing the machine room to be further than 10 feet from the hoistway provided that all other 524 CMR code be met. The motion was seconded by Eric Morse. Motion failed, due to a tie vote, so motion was Denied. Vote: 3-3-0

Motion: David Gaudet

Seconded: Eric Morse

Vote: 3-3-0 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
• Christopher Towski	<input type="checkbox"/> aye	<input checked="" type="checkbox"/> nay	<input type="checkbox"/> abstain
• Tim Morgan	<input type="checkbox"/> aye	<input checked="" type="checkbox"/> nay	<input type="checkbox"/> abstain
• Brian Ronan	<input type="checkbox"/> aye	<input checked="" type="checkbox"/> nay	<input type="checkbox"/> abstain
• Anthony Buonopane	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain

4. VAR23-0078 [Exhibit 3]
25 Isabella Street Boston
TP2h1d Semi-Automated Parking System
Petitioner: AJ Jenkins

The petitioner is back in front of the board from the November 7, 2023, meeting to provide additional documentation, for seeking variance from code 524 CMR 26.07 and 26.11 for a Semi-Automated Parking system, showing that alternate means of safety will be met and providing the information requested by the board regarding alternative options for the 42" perforated gate.

The petitioner provided two additional alternative options, with example one being a single gate lift and example two being a hybrid with a 3-bay full lift gate. Mr. Jenkins shared his screen presenting the documentation submitted [Exhibit 3] and summarized that all three examples are fail safe and have the same sensors placed both in front and in the back of the bays and they will not be traversing. Example two does not meet 524 CMR 26.06 (3) Hoistway gates shall be provided with interlocks, mechanical locks and contacts, or separate mechanical locks. But there is an exception as the locking devices are not required on vertically sliding gates for which the unbalanced weight is 65 lbs. or more when the car is not at the landing, and the petitioner confirmed this gate is over 65lbs.

Anthony Buonopane made inquiries regarding the gate material, constant pressure of the gate to open/close, a reversing edge, and if the gate has drift. Petitioner provided answers with some explanation to all inquiries.

Tim Morgan moved to grant the petitioner's request for a variance from 524 CMR 26.07 and 26.11 provided all other aspects of 524 CMR are met with the justification being the petitioner provided the requested alternative solution documents request by the board and the alternative meets the intent of code for safety. The motion was seconded by Anthony Buonopane.

Vote: 4-1-1

Motion: Tim Morgan

Seconded: Anthony Buonopane

Vote: 4-1-1 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 checked="" 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 |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

5. VAR23-0079 [Exhibit 4]
220 Old Colony Avenue Boston
TP2h1d Semi-Automated Parking System
Petitioner: AJ Jenkins

The petitioner is back in front of the board from the November 7, 2023, meeting to provide additional documentation, for seeking variance from code 524 CMR 26.07 and 26.11 for a Semi-Automated Parking system, showing that alternate means of safety will be met and providing the information requested by the board regarding alternative options for the 42" perforated gate.

The petitioner provided two additional alternative options, with example one being a single gate lift and example two being a hybrid with a 3-bay full lift gate. Mr. Jenkins shared his screen presenting the documentation submitted [Exhibit 4] MP-4.0 and summarized that all three examples are fail safe and have the same sensors placed both in front and in the back of the bays and they will not be traversing. Example two does not meet 524 CMR 26.06 (3) Hoistway gates shall be provided with interlocks, mechanical locks and contacts, or separate mechanical locks. But there is an exception as the locking devices are not required on vertically sliding gates for which the unbalanced weight is 65 lbs. or more when the car is not at the landing, and the petitioner confirmed this gate is over 65lbs.

Anthony Buonopane moved to grant the petitioner's request for a variance from 524 CMR 26.07 and 26.11 provided all other aspects of 524 CMR are met with the justification being the petitioner provided the requested alternative solution documents request by the board and the alternative meets the intent of code for safety. The motion was seconded by Tim Morgan. Vote: 4-0-2

Motion: Anthony Buonopane

Seconded: Tim Morgan

Vote: 4-0-2 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 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 ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

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

- David Gaudet asked AJ Jenkins about being available if the board decided to have an open discussion with some manufacturers regarding the Board's automated parking device regulations, 524 CMR Code Section 26.00. AJ Jenkins welcomed the opportunity to have that type of discussion with the board and feels it would work for everyone involved and help streamline the process. Lynn Read provided information that it would be best to put a meeting like that on the agenda and open it up to the public so that others can join the conversation.

7. Chris Towski moved to Adjourn. Motion was seconded by Brian Ronan. Vote 6-0-0.

Motion: Chris Towski

Seconded: Brian Ronan

Vote: 6-0-0 Granted

Roll Call Vote:

- Eric Morse ☒ aye ☐ nay ☐ abstain
- David Gaudet ☒ aye ☐ nay ☐ abstain
- Tim Morgan ☒ aye ☐ nay ☐ abstain
- Chris Towski ☒ aye ☐ nay ☐ abstain
- Brian Ronan ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

Meeting adjourned at 3:00 p.m.

Prepared by: Gayle Richardson

Exhibit List:

- Exhibit 1: Variance packet for 310 Speen Street Natick
- Exhibit 1A: Lower-level floor plan shared by Mike Saba
- Exhibit 2: Variance packet for 515 West Main Street Franklin
- Exhibit 3: Variance packet for 25 Isabella Street Boston with additional documentation
- Exhibit 4: Variance Packet for 220 Old Colony Avenue Boston with additional documentation