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Minutes

Meeting of the
Board of Elevator Regulations
December 17, 2024, 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
Brian Ronan
Anthony Buonopane
Tim Morgan
Christopher Towski - Remote

Division of Occupational Licensure Staff:

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

Guests Present:

Jerome Phillips, Stiltz - Remote
Bill Macmillan, 101 Mobility - Remote
Tyde Biggerstaff, SilMan - Remote
Garrett King, SilMan - Remote
Tim Chase, SilMan - Remote
Matthew D'Amico, MD Parking Lifts - Remote
Kristi Mynhier, Scalora - Remote
Jeff Murray, Scalora - Remote
Christopher Angelakis, ARC - Remote

Call to Order: 1:29 p.m.:

1. Roll call.



2. VAR24-0098

[Exhibit 1]

Product Variance

Petitioner: Jerome Phillips

The petitioner is again before the board, having previously received a prototype variance for the DUO ALTA model on August 6, 2024. The petitioner is now seeking a product variance for the same model, which will be a variance of 524 CMR § 38.00 incorporating by reference A18.1-2014 § 5.7.1 (Platform Lifts and Stairway Chairlifts) minimum rated load not less than 450lbs.

Jerome Phillips summarized this request by indicating that the prototype variance has been installed and has passed an acceptance test and he would like to move forward with a product variance, to allow the DOU ALTA to be installed in Massachusetts without having to come before the board with a variance request for each installation.

Following discussion of the requested variance, Tim Morgan moved to table the variance for no more than 60 days, to February 14, 2025, in order to allow the petitioner to submit corrected plans and to facilitate an in-person board view of the installed Duo Alta. Jerone Phillips will coordinate with both the homeowner and with Gayle Richardson for the proposed viewing dates. The motion was seconded by Neil Mullane. Vote 7-0-0

Motion: Tim Morgan

Seconded: Neil Mullane

Vote: Tabled 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
• 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. VAR24-0093

[Exhibit 2]

93 State Street Newburyport

Product Variance for New Parking System

Code Reference: Multiple 524 CMR codes requested: 524 CMR Section 26 - 26.05.1, 26.06.4, 26.11.1, and 26.11.2 / 524 CMR Section 35 - 35-2.26.4.1 (a) and 35-2.1.5

Petitioner: Tyde Biggerstaff

Mr. Brian Ronan took no part in the discussion of, or the deliberation upon this matter, removing himself from the meeting.

The petitioner is again before the board, having provided additional documentation requested by the board at its November 19, 2024, meeting. The petitioner is seeking a variance from multiple codes under 524 CMR including Section 26 - 26.05.1, 26.06.4, 26.11.1, and 26.11.2, Section 35 - 35-2.26.4.1 (a) and 35-2.1.5 related to the proposed installation of a puzzle parking system by Silman Industries.

Tyde Biggerstaff summarized the request by indicating that they are now limiting their variance request to only §§ 26.7(2) (42” enclosures), 26.11(2) (car gates) and 524 Code Mass. Regs. § 35.00, Section 2.1.5 (prohibiting windows in hoistway).

Jeff Murray gave a summary of an on-site meeting which took place with Newburyport Deputy Fire Chief, Barry Salt, including a walk-through of the newly designed machine room, how the interlocks for the pit hatches work, and access points.

Mr. Murray provided that the Fire Department has its own internal software system that lets them know where access points are for each building and it will be noted that the windows for this site are faux windows. Correspondence from Deputy Fire Chief, Barry Salt, has been submitted as Exhibit 2.

Following discussion, Neil Mullane made a motion to grant variances from §§ 26.7(2), 26.11(2), as alternate means of safety are achieved with electric eyes and photosensors and from 524 Code Mass. Regs. § 35.00, Section 2.1.5, for faux windows in the hoistway as they are sealed with fixed panels, preventing unexpected access from the hoistway side, reiterating the requirement for panel installation assisted by a Massachusetts licensed mechanic, providing the panels meet all applicable codes. The motion was seconded by Tim Morgan. Vote 4-0-2

Motion: Neil Mullane

Seconded: Tim Morgan

Vote: 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
• 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. Brian Ronan rejoined the meeting at 2:30 p.m.
5. Approval of meeting minutes from November 19, 2024, and December 3, 2024. – tabled.

The minutes were tabled for a future meeting. No action was taken on this matter.

6. Board Counsel, Peter Kelley provided an update on VAR24-0081, as the petitioner has withdrawn their request.
7. Gayle Richardson provided information on the following items:
 - a. DOL move update from Sarah Wilkinson, all divisions of the Department of Licensure will be located on the 6th floor of 1 Federal St., along with conference rooms and Public Meeting rooms, and parking at the building is limited.
 - b. Variance Administrative Decisions processed since the last BER meeting:
 - There were three approved variances **[Exhibit 3]** for the same address at 215 Bicentennial Highway Springfield under VAR24-0100 – VAR24-0102 under state IDs 281-P-51, 281-P-50, and 281-P-930. David Gaudet requested that we add the board packet information to the meeting minutes as exhibits.

8. Acting Chair, Eric Morse, notified the board that he will be resigning from the board and that today will be his last meeting.
9. Chris Towski moved to Adjourn the meeting. Motion was seconded by Brian Ronan. Vote 7-0-0.

Motion: Chris Towski
Seconded: Brian Ronan
Vote: 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 |
| • 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 2:44 p.m.
Prepared by: Gayle Richardson

Exhibit List:

- Exhibit 1: Product Variance packet for Duo Alta
Exhibit 2: Variance packet for 93 State Street Newburyport
Exhibit 3: Variance packets for 215 Bicentennial Highway Springfield (3)