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**Minutes**

**Meeting of the  
Board of Elevator Regulations  
December 19, 2023, at 1:00 p.m.**

**1000 Washington Street  
Boston, MA 02118  
1<sup>st</sup> Floor-Room 1D  
Hybrid Meeting via Microsoft Teams**

**Board Members Present:**

Eric Morse, Acting Chair  
Christopher Towski  
Neil Mullane  
Anthony Buonopane  
David Gaudet  
Brian Ronan

**Division of Occupational Licensure Staff:**

Peter Kelley  
Gayle Richardson  
Johnny Rubyck  
Walter Zalenski

**Board Members Absent:**

Tim Morgan

**Guests Present Remotely:**

Josh Andreasen - Tenant  
Kevin Hastings – Museum of Science  
Angela Nelson – Museum of Science  
Elizabeth Clarkin – Consigli Construction  
Gary West – Gillespie Corporation  
Greg Thompson – Gillespie Corporation  
John Linsley – Gillespie Corporation  
Mike Saba – MJ Development Inc

Nikul Patel - William Rawn Associates  
Sindu Meier - William Rawn Associates  
Marina Archangeli - William Rawn Associates  
Bryan Dunkelberger - S3 Design, Inc.  
Megan Fitzgerald - S3 Design, Inc.  
Richard Bosse - Bosse Pickle LLC

Call to Order: 1:08 p.m.:



1. Roll call.

2. **VAR23-0099** [Exhibit 1]

**25 Porter Street Boston**

**State ID # 1-W-22254**

**Code:** 524 CMR 2012 34.09 (1) - Vertical Wheelchair Lifts - Controls and Electrical Equipment

**Petitioner:** London Flats Condominium Trust c.o. Josh Andreasen

The petitioner was issued a violation, from a 2021 installation and 2022 annual inspection, of § 34.09(1) of the 2012 Elevator Code, 524 Code Mass. Regs. § 34.00, not the current elevator code and by its terms applicable only to installations prior to June 7, 1991. Petitioner seeks variance to dismiss or avoid the consequences of the issued violation.

The petitioner testified that there is no phone in the lift. Anthony Buonopane stated the permit set showed a keypad and not key switches. David Gaudet notified the board that in 2010 the Board of Elevator Regulations was required to remove key switches by the federal government. The board discussed that the current applicable 524 CMR code does not regulate key switches on wheelchairs and the CMR 521 2006 key switch language.

The board and counsel discussed how the situation might be handled by the department when an inspector cites the wrong code on an inspection report, namely that if someone disagrees with the results of an inspection report, it should be an appeal of the inspection report and not a variance request.

Eric Morse moved to deny the variance with the justification that the code cited is not applicable and therefore no variance can be allowed. Motion was seconded by Neil Mullane.  
Vote: 5-1-0

Note: Ms. Richardson will provide the petitioner with the contact information for Chief of Elevator Inspections, Anthony Buonopane, so that they can work on rectifying the issue within the department.

**Motion:** Eric Morse

**Seconded:** Neil Mullane

**Vote: 5-1-0 Denied**

**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
• 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. **VAR23-0101** [Exhibit 2]

**Museum of Science Drive Boston**

**New Elevator Installation**

**Code:** 524 CMR 35.00 (ASME A17.1-2013) Section 3.4.1.1 - which requires a 24" minimum clearance between the elevator car and pit.

**Petitioner:** Kevin Hastings

The petitioner is seeking a variance from 524 CMR 35.00 (ASME A17.1-2013) Section 3.4.1.1 - which requires a 24" minimum clearance between the elevator car and pit, as they are designing and building a new theater/convening space in the existing Blue Wing of the museum. In order

to provide access to the distributed accessible seating and control booth, they are proposing to install an 8" shallow pit elevator.

Nikol Patel testified that the 8-foot pit depth would be limited by the existing beam pockets and the 8-foot clear width would be from steel to steel and 2-inch fireproofing around would still need to be added. Additional limitations were that the Mezzanine space must be within the column supports and limited to the existing pockets and that the hoistway cannot be reduced due to the current ADA (Americans with Disabilities Act) requirements. Marina Archangeli verified that the wheelchair access would be for the seating area and the control room.

Mr. Towski requested that the petitioner clarify the address listed on the variance and the petitioner confirmed that the correct Cambridge address is 1 Science Park, Cambridge.

Chris Towski moved to grant the petitioner's request for a variance from 524 CMR 35.00 (ASME A17.1-2013) Section 3.4.1.1, with the justification that hardship was proven, and with additional safety conditions—automatic deployment of mat and appropriate signage and warnings. 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	<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
• 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

4. The board took a recess from 2:38 p.m. until 2:44 p.m.

**5. VAR23-0080 [Exhibit 3]**

**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

**Petitioner:** Gary West

The petitioner returning to the board, having appeared previously at the December 5, 2023, meeting, and providing additional documentation including plans and pictures of the current machine room. Seeking 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, requesting the use of a Gillespie Shallow Pit Safety System for an elevator located over occupied space.

The petitioner gave an overview of the new documentation submitted and addressed the specific items the board had originally questioned, including the loading dock area, which is used by the whole mall and cannot be modified, as 18-wheel tractor trailers must be able to utilize the loading dock space, pictures of the existing machine room that belongs to the mall and cannot be used for a pit, verifying that pulling the elevator disconnect disables all elevator functions including the battery lowering and the Gillespie safety system, and providing the outline of inspection procedures, on how to test with and without building power, that will remain in the elevator with the controller.

Bryan Dunkelberger shared his screen to review the new documentation submitted [Exhibit 3] and highlight the specific areas that the board had previously requested. Members had specific questions about what the mall/landlord would allow and what the particular hardships were to justify the requested variances.

Chris Towski moved to table the matter for 90 days to allow the tenant to discuss additional options with the mall, to work with the elevator company manufacturer to review the specific code that cannot be met and to provide any detailed documentation showing hardship from relevant parties involved, including the landlord of the space. Motion was seconded by Neil Mullane. Vote: 6-0-0 Deadline March 18, 2024

**Motion:** Chris Towski

**Seconded:** Neil Mullane

**Vote:** 6-0-0 Tabled 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 |
| • 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 |

6. The board took up the following board business out of order from the meeting notice:
7. **Approval of November 21, 2023, meeting minutes. [Exhibit 4]**

Chris Towski moved to accept the minutes as presented. The motion was seconded by Neil Mullane. Vote 4-0-2

**Motion:** Chris Towski

**Seconded:** Neil Mullane

**Vote:** 4-0-2 Accepted as written

**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 |
| • Chris Towski      | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |
| • Brian Ronan       | <input type="checkbox"/> aye <input type="checkbox"/> nay <input checked="" 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 |

8. **Approval of November 28, 2023, meeting minutes. [Exhibit 5]**

Chris Towski moved to accept the minutes as presented. The motion was seconded by Neil Mullane. Vote 5-0-1

**Motion:** Chris Towski

**Seconded:** Neil Mullane

**Vote:** 5-0-1 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 |
| • Chris Towski | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |

- Brian Ronan ☐ aye ☐ nay ☒ abstain
- Neil Mullane ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

9. The board discussed scheduling a visit to an operational fully automated track parking system. Eric Morse stated that 1 Post Office Square, Boston is available for the board to visit at any time. Ms. Richardson will provide a list of suggested dates and times for review at an upcoming meeting.
10. Anthony Buonopane brought to the board a request to discuss the current variance application process, including possible updates to the application(s) [Exhibit 6] and/or providing guidelines to clarify the requirements. After a discussion and review of the online application process, the board agreed that the process should be reviewed in detail at a future meeting.
11. Ms. Richardson inquired as to a quorum for Board of Elevator Regulations meeting scheduled for December 26, 2023. Due to a lack of quorum, Board of Elevator Regulations meeting for December 26, 2023, will be cancelled.
12. Chris Towski moved to Adjourn. Motion was seconded by Brian Ronan. Vote was Granted. Vote 6-0-0

**Motion: Chris Towski**

**Seconded: Brian Ronan**

**Vote: 6-0-0**

**Roll Call Vote:**

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

Meeting adjourned at 4:09 p.m.

Prepared by: Gayle Richardson

**Exhibit List:**

- Exhibit 1: Variance packet for 25 Porter Street Boston
- Exhibit 2: Variance packet for Museum of Science Drive Boston
- Exhibit 3: Plans and pictures for 310 Speen Street Natick
- Exhibit 4: Meeting Minutes November 21, 2023
- Exhibit 5: Meeting Minutes November 28, 2023
- Exhibit 6: Copy of blank Variance and Product Variance applications