

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**MIKE KENNEALY**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts  
Division of Professional Licensure**

1000 Washington Street, Suite 710  
Boston, Massachusetts 02118

**EDWARD A. PALLESCHI**  
UNDERSECRETARY OF CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

**LAYLA R. D'EMILIA**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**Minutes**

**Board of Elevator Regulations**

**This meeting was held remotely via Microsoft Teams  
December 8, 2020 at 9:00 a.m.**

**Board Members Present:**

Eric Morse, Acting Chairman  
Sarah Wilkinson  
Jacob Nunnemacher  
David Gaudet  
Cheryl Davis  
Brian Ronan  
David Morgan

**Division of Professional Licensure Staff:**

Peter M. Kelley  
Charles Kilb  
Ruthy Barros  
Chris Eckler

**Guests Present:**

Maria Maffei – Director of Redevelopment, Brookline Housing Authority  
Diane Ozelius – Senior Architect, BWA Architects  
Garrett Anderson – Senior Technical Specialist, Brookline Housing Authority

**The Board discussed the following:**

- 1. 61 Park Street – Brookline, MA [Exhibit 1]  
State ID(s): 46-P-485  
524 CMR 35.00 Section 5.10  
Petitioner: Maria Maffei**

The petitioner was in front of the Board seeking a variance from 524 CMR 35.00 Section 5.10 – Elevators Used for Construction. The petitioner’s request is to allow both elevators to operate as passenger elevators accessible to the public and that the larger elevator be allowed for use in transporting interior finish construction materials only during work hours. The petitioner’s representative stated that the project is primarily an interior renovation of an existing low-income elderly and disabled housing project. The building is ten (10) stories high and has two adjacent existing elevators. The renovation work is performed on a limited number of apartments at a time, while the remaining of the building remains occupied. The renovation areas on each residential floor are separated from occupied apartments by a temporary partition. The petitioner’s representative stated that by allowing transport of construction personnel and construction materials in the existing passenger elevators in the building does not violate the intent of 524 CMR, as there are no falling object hazards introduced, there are no construction areas that can directly be accessed from the elevators by non-authorized personnel and loading and use of the of the elevators are within the rated amounts and strictly monitored by the contractor. The larger elevator will be isolated when transporting materials for the renovation. Lastly, the petitioner’s representative stated that restricting the use of one elevator for construction only, 24/7 during the renovation period is a hazard for emergency responders and a hardship for the property’s residents. In addition, the petitioner will endure a financial hardship due to having an operator always present to enable use. A motion was made by David Gaudet that the Board take no action for the placard removal. The Board recommends that DPL proceed with the placard removal procedure once the petitioner files a placard removal permit, and the Board will close this case in 30 days if no action is taken by the petitioner or DPL. The Acting Chair, Eric Morse cautioned the petitioner that there are restrictions to using the larger elevator for the proposed use, and that the elevator must remain in full compliance with 524 CMR Section 2. The motion was seconded by Brian Ronan.

**Motion:** David Gaudet

**Seconded:** Brian Ronan

**Vote: 7-0; No action taken.**

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

- |                   |   |                              |
|-------------------|---|------------------------------|
| • Cheryl Davis    | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan    | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Sarah Wilkinson | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

**2. Approval of meeting minutes from November 17, 2020 [Exhibit 2]**

A motion was put forth by David Gaudet to accept the minutes as corrected. The motion was seconded by Cheryl Davis. **Vote: 6-0; Granted.**

Roll Call Vote:

- |                     |   |                              |
|---------------------|---|------------------------------|
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Cheryl Davis      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Sarah Wilkinson   | Abstained                               |                              |

3. The Board went on to discuss A17.1-2019 code adoption and modifications to 524 CMR sections and reserving the last Tuesday of every month strictly for code review, beginning with 524 CMR Section 1.00. The Board suggested possibly forming a subcommittee for Section 26. The Board also discussed the August 3, 2004 Gahr Finney letter, specifically the Chief of Elevator Inspections, Sarah Wilkinson was seeking clarification on behalf of the Elevator Technical Code Coordinator, if the letter or portions of the letter still apply, which would avoid upgrading certain wiring. Acting Chair, Eric Morse referenced 524 CMR Section 10 and alterations in A17.1 Section 8.7. Section 15 referenced in the letter no longer exists in the current code.

**Exhibit List:**

- Exhibit 1: Variance packet for 61 Park Street – Brookline, MA
- Exhibit 2: Meeting minutes from November 17, 2020
- Exhibit 3: Meeting minutes from October 27, 2020

**Motion to Adjourn:** Jacob Nunnemacher  
**Seconded:** Brian Ronan  
**Vote: 6-0; Adjourned.**

Roll Call Vote:

- David Gaudet
- Jacob Nunnemacher
- Brian Ronan
- Cheryl Davis
- Sarah Wilkinson
- Eric Morse
- David Morgan

<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Left the meeting.

Hearing concluded at 11:00 a.m.  
Prepared by: Ruthy Barros