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GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

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ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
**Division of Professional Licensure**

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UNDERSECRETARY OF CONSUMER  
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REGULATION

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

**Minutes**

**Board of Elevator Regulations**

**This meeting was held remotely via Microsoft Teams**

**March 23, 2021 at 9:00 a.m.**

**Board Members Present:**

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

**Division of Professional Licensure Staff:**

Peter M. Kelley  
Ruthy Barros

**Guests Present:**

Christopher Imming – Gordon College  
Leo Cleary – Gordon College  
Kevin Swenson – Garaventa Lift Co.  
Michael Driscoll – Operations Coordinator, Safety and Security  
Matthew Carew – Interim Facilities Director, Safety and Security  
Chris Lawson – CityLift Parking  
Ernesto Chavarria – CityLift Parking  
Jennifer Brissette – CityLift Parking  
Kevin Kostiner – EverCharge  
Justin Lau – Beach 64 Realty, LLC  
Deborah Bouvette – Atlantic Elevator Service

**The Board discussed the following:**

1. A motion was made by David Morgan to move into closed session pursuant to G. L. c. 30A, § 18, ¶ 5(d), for the purposes of conducting an adjudicatory conference and Board Counsel Report. The motion was seconded by Sarah Wilkinson.

**Motion:** David Morgan

**Seconded:** Sarah Wilkinson

**Vote: 6-0; Moved into closed session.**

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
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

Board member Brian Ronan joined the meeting and was acknowledged by the Acting Chair at 9:06 a.m.

A motion was made by David Gaudet to move back into open session at 10:00 a.m. The motion was seconded by Sarah Wilkinson.

**Motion:** David Gaudet

**Seconded:** Sarah Wilkinson

**Vote: 7-0; Moved into open session.**

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:

**March 16, 2021 [Exhibit 1]**

A motion was put forth by Jacob Nunnemacher to accept the minutes with the noted corrections. The motion was seconded by Sarah Wilkinson. **Vote: 7-0; Approved.**

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

3. **24 Hull Street – Wenham, MA [Exhibit 2]**  
**New Installation**  
**ASME A18.1-2014 § 2.7.1**  
**Petitioner: Christopher Imming**

The petitioner was in front of the Board seeking a variance from ASME A18.1-2014 § 2.7.1 – Limitation of Load, Speed, and Travel. The petitioner stated that on behalf of Gordon College, he is requesting a variance for additional travel beyond the maximum allowed by code of 168 inches, to reach the existing site conditions of 179 inches.

Garaventa Lift Co. has proposed a Pass-Through Genesis EN model to account for the existing site conditions. The college seeks to locate the lift at the primary entrance of the field and bleacher system, as this is the most convenient location for those requiring mobility accommodations. Site conditions inhibiting the practical use of a ramp include a block retaining wall, a landscaping berm running the length of the bleachers, stairs and structural support for the bleacher system, as well as line and low voltage electrical services. This location also serves as one of two emergency vehicle access points to the playing surface, thus preventing the use of a switch back ramp which would impede emergence response teams. David Morgan asked the petitioner if the college has researched other options such as raising the ground or the possible installation of a retractable inclined lift. The petitioner stated he has reviewed other options and believes the proposed unit and location is the best possibility. A motion was placed by David Morgan to deny the petitioner's variance request, with the justification being that the exceeding the maximum height allowed in 524 CMR presents a safety concern. The motion was seconded by Cheryl Davis.

**Motion:** David Morgan  
**Seconded:** Cheryl Davis  
**Vote: 7-0; Denied.**

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

4. **60 Regal Street – Whitman, MA [Exhibit 3]**

**State ID: 338-W-37**

**ASME A18.1-2017 § 3.1.2.1**

**Petitioner: Michael Driscoll**

The petitioner was in front of the Board seeking a variance from ASME A18.1-2017 § 3.1.2.1: Incline lift headroom clearance at upper landing. The petitioner testified that the existing incline lift was installed in 1999. The petitioner stated that the Duval Elementary School is seeking a variance to use an incline lift because the overhead clearance when the lift is parked at the upper landing is less than 79 inches. The petitioner stated that the existing lift is what connects the two buildings and modifying this area to meet the 79 inches of overhead clearance is not feasible due to structural issues and existing pipes in the area. The petitioner proposed that where the low overhead is, it will be painted yellow with warning signs, students will be accompanied by a trained aide or school employee and the remote control for the lift will only be used by the aide. A motion was made by Eric Morse to deny the variance request with the justification being that the significant reduction of the required overhead clearance presents a safety concern. The motion was seconded by David Morgan. Board member Jacob Nunnemacher left the meeting at 10:28 a.m., prior to voting.

**Motion:** Eric Morse

**Seconded:** David Morgan

**Vote: 6-0; Denied.**

Roll Call Vote:

David Gaudet	<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

5. **34 Munroe Street – Lynn, MA [Exhibit 4]**

**Product Variance**

**Manufacturer: EverCharge**

**Product Name: EV002 Electric Vehicle Charger**

**524 CMR**

**Petitioner: Chris Lawson**

The petitioner was in front of the Board requesting approval to install six Electric Vehicle Charging (EV002) stations on vehicle lift pallets within the car lift puzzle system. The petitioner stated that the 10 in. length by 61 in. high Level 2 EV charger pedestal will be

mounted on the pallet and will always be mounted on the left side of the vehicle. There will be a power supply and disconnect in the back of the system. Chief Sarah Wilkinson stated that on a previous DPL site visit, there was a charger pedestal installed with a non-retractable cord and there was immediate concern. The petitioner stated the proposed system will have retractable cords. The Board expressed a future site visit to observe the proposed product. A motion was made by David Morgan to place the petitioner's request on hold for 90 days (June 21, 2021) for the petitioner to supply the Board with code references, Fire Department and Building Department code approval, and a site visit. The motion was seconded by David Gaudet.

**Motion:** David Morgan

**Seconded:** David Gaudet

**Vote: 6-0; Placed on hold for 90 days (June 21, 2021).**

Roll Call Vote:

David Gaudet	<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

Board member Jacob Nunnemacher returned to the meeting at 11:27 a.m. and Board member Brian Ronan left the meeting at 11:39 a.m. Acting Chair, Eric Morse rescued himself from the following case.

**6. 64 Beach Street – Boston, MA [Exhibit 5]**

**State ID: P-3-8387 (Old City ID)**

**524 CMR**

**Petitioner: Justin Lau**

The petitioner was in front of the Board seeking a variance from 524 CMR to secure the doors from the landing side. The petitioner testified that this unit has been out of service since 1983 and the owner understood that it had been decommissioned. In 1983, the elevator was under the jurisdiction of the City of Boston. Being that the unit had not been in service, it was not transferred to the Commonwealth records when the State took over jurisdiction of elevators. Recent construction in the building determined that while all power had been removed from the elevator, the hoist ropes were still supporting both car and counterweight. The owner is proceeding with the work to properly decommission the elevator in accordance with 524 CMR, but securely bolting the doors from inside the

hoistway is presenting a safety concern. The elevator is of the overhead winding drum type and has wooden guide rails. While the lowering of the car and counterweight is possible, accessing the inside of the landing doors from the elevator is not advisable as the ropes and the rails have been sitting in place for 40 years and their condition is not known. As an alternative to bolting the landing door from inside the hoistway, the owner is seeking a variance to secure the doors from the landing side. Securing the doors would include utilizing angles to bolt the doors to the frame and sill to prevent opening and closing then walling the entrances over to prevent the doors from being tampered with. Prior to walling up the entrances, the method of securing the doors would be reviewed by the State Inspector. Arrangements have been made with the DPL to list the elevator by owner, address, and the old Boston ID number at the time of permit filing. Deborah Bouvette stated that the car will be lowered, and the ropes will be removed, but the wood rails have been exposed to weather and is unsafe to ride. Board member David Morgan had concerns with not securing the doors from the interior. A motion was made by David Morgan to deny the petitioner's request with the justification of safety concerns for the public and mechanics. The motion was seconded by Cheryl Davis.

**Motion:** David Morgan

**Seconded:** Cheryl Davis

**Vote: 5-0; Denied.**

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
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	Recused	

The Board did not discuss agenda item #7, 165 Bearses Way – Hyannis. This matter will be placed on the March 30, 2021 agenda.

**Motion to Adjourn:** Jacob Nunnemacher

**Seconded:** Sarah Wilkinson

**Vote: 5-0; Adjourned.**

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
Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Sarah Wilkinson

☒ yea

☐ nay

Hearing concluded at 12:08 p.m.

Prepared by: Ruthy Barros

**Exhibit List:**

Exhibit 1: Meeting minutes from March 16, 2021

Exhibit 2: Variance packet for 24 Hull Street, Wenham

Exhibit 3: Variance packet for 60 Regal Street, Whitman

Exhibit 4: Variance packet for 34 Munroe Street, Lynn

Exhibit 5: Variance packet for 64 Beach Street, Boston