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Division of Occupational Licensure**

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COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Minutes**

**Meeting of the  
Board of Elevator Regulations  
April 5, 2022 at 1:00 p.m.**

**Microsoft Teams Meeting**

**Board Members Present:**

Eric Morse, Acting Chair  
David Gaudet  
Christopher Towski  
Thomas McDermott  
Neil Mullane  
Brian Ronan  
David Morgan

**Division of Occupational Licensure Staff:**

Peter Kelley  
Ruthy Barros

**Guests Present:**

Henrietta Mei  
Meichi Peng  
Noel Herchell  
Jim Hogan  
Ramsey Bakhoun  
Michael Teller  
Glenn Gary  
Janet Moore  
Christopher Grossman  
Josh Russell  
Anil Kaan Kurtay  
Talha Algur  
Shane Sampson  
Tristen Moore  
Patrick Liden

**Call to Order: 1:01 p.m.**

The Board discussed the following:

**1. 95-97 Broadway, Boston [Exhibit 1]  
New Installation  
524 CMR  
Petitioner: Henrietta Mei**

The petitioner appeared before the Board seeking a variance to allow a commercial grade Limited-Use/Limited-Application (LU/LA) elevator serving as a residential elevator in a two-family residential condo, and for this commercial grade LU/LA to travel 33'-7" instead of 25'-0", the maximum rise allowed per code. The petitioner is also seeking a variance from 524 CMR Section 5.2, a pit depth of 35" to 14" per the LU/LA manufacturer. The petitioner stated that the proposed lift would service two residential units, elevator ground floor lobby and a private basement/storage. Mr. Gaudet expressed concerns of the requested rise, 8' 7", being in excess of more than 33% from the recommended national standard, and he believes a gurney sized passenger elevator would be more appropriate for the building. Mr. Morgan agreed with Mr. Gaudet's concerns. A motion was made by David Morgan to the deny the above requested variances with the justification being that General Law (G. L. c.143, §68, ¶ 2) cannot be varied and the LU/LA extended height and pit depth are above the national standard and deemed a safety issue. The motion was seconded by David Gaudet.

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

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

**2. MBTA Kendall Station Headhouse, Main Street, Cambridge [Exhibit 2]  
New Installation  
A17.1-2013 §2.11.10.1.1  
Petitioner: Noel Herchell**

The petitioner was in front of the Board seeking a variance from A17.1-2013 §2.11.10.1.1, metal fascia requirement and substitute with glass fascia. The petitioner stated that the MBTA is proposing to install two new MRL elevators and the MBTA is

required, per its settlement with the Boston Center for Independent Living, to provide maximum transparency of the elevator cab in an effort to promote safety through visibility. A smooth glass fascia, exceeding the properties of the .055” thick smooth steel, is proposed for use at the street level in lieu of the smooth steel. The remaining fascia will be smooth steel, as required by code. The petitioner ensured the Board that the glass will be ANSI Z97.1 compliant and the glass would comply with A17.1-2013 §2.1.1.2.2 (e) “Enclosures shall be permitted to be glass, provided it is laminated glass conforming to ANSI Z97.1, 16 CFR Part 1201, or CAN/CGSB-12.1, whichever is applicable. Markings as specified in the applicable standard shall be on each separate piece of glass and shall remain visible after installation”. A motion was made by David Morgan to grant the variance request from A17.1-2013 §2.11.10.1.1 and allow marked laminated glass that exceeds the safety standard, in lieu of the smooth steel fascia in the presented locations. The motion was seconded by Christopher Towski.

**Motion: David Morgan**  
**Seconded: Christopher Towski**  
**Vote: 7-0; Granted.**

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

**3. 3 Museum Square, Lawrence [Exhibit 3]**  
**State IDs: 149-P-227 and 149-P-228**  
**Interpretation of 524 CMR §10.03 (3)**  
**Petitioner: Michael Teller**

The petitioner appeared before the Board seeking an official Board interpretation to confirm that a new sump pit/pump is not required for an existing elevator modernization project. The petitioner stated that although there will be updates to the equipment, the shaft, pit, and structure will not be altered in any way. The petitioner also assured the Board that there will be no changes to any of the criteria items listed under 524 CMR §10.03 (4), therefore a sump pit/pump is not required. Mr. Morgan addressed the existing conditions and code references in 524 CMR, A17.1-2013, and material change. The petitioner provided a Structural Engineer's report that supports the idea that the pit could not be retrofitted into the existing pit. The petitioner's representative shared a picture of

the pit and stated that the pit is one story below grade and is waterproofed. Chief McDermott testified that per a March 2022 acceptance test inspection, the inspector cited that there was water found in the pit. The petitioner replied that he believes the water came from water under the lobby door. Eric Morse made the following motion: It is the current opinion of the Board that a modernization under 524 CMR §10.03(3) does not include an installation of a sump pump. The motion was seconded by Thomas McDermott.

**Motion: Eric Morse**

**Seconded: Thomas McDermott**

**Vote: 5-1; Granted. David Morgan voted in opposition and David Gaudet abstained.**

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input type="checkbox"/> yea	<input checked="" type="checkbox"/> nay
• David Gaudet	Abstained	

The Board recessed at 2:30 p.m. and resumed at 2:35 p.m.

4. **100 Linden Street, Wellesley [Exhibit 4 and 4A]**

**New Installation**

**524 CMR §26.11**

**Petitioner: Christopher Grossman**

The petitioner appeared before the Board seeking a variance from 524 CMR §26.11 – Car Enclosures. The petitioner stated the code required 42” rails or gates at the car stacker platforms would prevent proper operation of lifts. The petitioner presented a 24-page document [Exhibit 4A] by screen sharing and explained the system and sensors to the Board. The petitioner stated that the semi-automated two-level parking system is an electric hydraulic system with three bay doors, where a single bay door opens one at a time. The petitioner testified there will never be an open platform at the access level and confirmed that there will be no EV charging stations. Mr. Towski requested that the applicant work with the local Fire Department and asked about a fall hazard beyond the entry doors. Next, Mr. Mullane asked about stop switches, pit access, disconnects and secondaries-auxiliary disconnects in pit. The petitioner and petitioner’s representative addressed the configuration and electrical system and testified that the doors do meet code. A motion was made by Christopher Towski to grant the variance as requested with

the justification that the alternative meets the intent of code for safety. The motion was seconded by David Morgan

**Motion: Christopher Towski**  
**Seconded: Thomas McDermott**  
**Vote: 7-0; Granted.**

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

5. Next, the Board reviewed and discussed a correspondence from Motion Control Engineering dated March 30, 2022 [**Exhibit 5**]. Mr. Morse explained that other stop switches in the car have not been reported as a problem. Board members agreed that the activation of the in-car stop switch affects the doors during Phase II.

Neil Mullane left the meeting at 4:00 p.m.

6. A motion was made by David Gaudet to table review and acceptance of the January 18, 2022 and January 25, 2022 meeting minutes. The motion was seconded by Christopher Towski.

**Motion: David Gaudet**  
**Seconded: Christopher Towski**  
**Vote: 6-0; Postponed.**

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

David Morgan left the meeting at 4:12 p.m.

**Motion to Adjourn: Christopher Towski**  
**Seconded: Brian Ronan**  
**Vote: 5-0; Adjourned.**

Hearing concluded at 4:17 p.m.  
Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Variance packet for 95-97 Broadway, Boston
- Exhibit 2: Variance packet for MBTA Kendall Station Headhouse, Main Street, Cambridge
- Exhibit 3: Variance packet for 3 Museum Square, Lawrence
- Exhibit 4: Variance packet for 100 Linden Street, Wellesley
- Exhibit 4A: Additional drawings for 100 Linden Street, Wellesley
- Exhibit 5: Motion Control Engineering correspondence from March 30, 2022