

**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**

**April 6, 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:**

Patrick Flaherty – Sales Representative, PARKPLUS  
AJ Jenkins – National Sales Director, PARKPLUS  
Maria Bauza – Project Manager, PARKPLUS  
Robert Graham – Board of Directors, IUEC Local Union No. 4  
Samantha Finney – Otis  
Franz Michel – Otis  
Codi Hopper – Otis  
Kevin Hannigan – Otis  
Thomas Guild – Verizon  
Thomas MacKenzie – Otis  
Jefferey J. Louro – UMASS Dartmouth

**The Board discussed the following:**

Acting Chair, Eric Morse recused himself.

**1. 11 Dana Ave – Hyde Park, MA [Exhibit 1]**

**Product Variance**

**Manufacturer: JG Parking**

**Product Name: Semi-Automated Lift Sliding System Model PSH-2L-JG: ParkPlus LS2h0d**

**Petitioner: Ryan Astrup**

The petitioner was originally in front of the Board on March 2, 2021, seeking a product variance for a 10 car semi-automated lift sliding system model: PSHL-3-JG: ParkPlus LS2h0d. The two code sections that the petitioner stated he will not meet are 524 CMR § 26.07 – Protection at Other Levels and § 26.11 – Car Enclosures and Car Gates. The ParkPlus machine will not have dividers or ropes 42” high between parking cubicles. The petitioner’s representative stated that the operation of the system would be impossible if dividers were installed between parking cubicles. Also, the machine will not have 42” high rails on sides not used for entrance and exit. The system will be impossible to operate if these were installed. At that time the Board had concerns of numerous areas in the elevator machine room that are non-compliant, including relocation of the disconnect to the hinged wall, visual communication, siting of the switch and other possible violations of 524 CMR. The petitioner provided the Board with revised drawings that addressed the Board’s concerns. The petitioner’s representative stated that there will be no electrical car charging stations installed. Robert Graham expressed concerns of the possibility of remote manipulation and AJ Jenkins assured the Board that ParkPlus has never and will never have the capability for remote manipulation at any of their projects. An amended motion was made by Cheryl Davis to grant the product variance request. The unit(s) is required to meet all standards of 524 CMR and applicable codes, apart from § 26.07 and § 26.11 as requested and a Board site visit prior to the acceptance test is required. The justification of the motion is that the unit will meet the safety standard. The motion was seconded by David Morgan.

**Motion:** Cheryl Davis

**Seconded:** David Morgan

**Vote: 5-0; 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
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	Recused	

**2. 50 Leo M Birmingham – Brighton, MA [Exhibit 2]**

**Product Variance**

**Manufacturer: JG Parking**

**Product Name: Semi-Automated Lift Sliding System Model PSH-2L-JG: ParkPlus LS2h1d**

**Petitioner: Ryan Astrup**

The petitioner was originally in front of the Board on March 2, 2021, seeking a product variance for a 48 car semi-automated lift sliding system model: PSHL-3-JG: ParkPlus LS2h1d. The two code sections that the petitioner stated he will not meet are 524 CMR § 26.07 – Protection at Other Levels and § 26.11 – Car Enclosures and Car Gates. The ParkPlus machine will not have dividers or ropes 42” high between parking cubicles. The petitioner’s representative stated that the operation of the system would be impossible if dividers were installed between parking cubicles. Also, the machine will not have 42” high rails on sides not used for entrance and exit. The system will be impossible to operate if these were installed. The petitioner’s representative testified that the proposed system and site is fully code compliant, aside from the two sections of code for which the petitioner is seeking a variance. The Board had similar concerns of numerous areas in the elevator machine room that are non-compliant, including relocation of the disconnect to the hinged wall, visual communication, siting of the switch and other possible violations of 524 CMR. The petitioner provided the Board with revised drawings that addressed the Board’s concerns, including confirming occupancy sensors in the units and pit access doors that will meet code. The petitioner’s representative stated that there will be no electrical car charging stations installed and assured the Board that ParkPlus has never and will never have the capability for remote manipulation at any of their projects. A motion was made by David Morgan to place this product variance under advisement for further discussion. The motion was seconded by Cheryl Davis.

**Motion:** David Morgan

**Seconded:** Cheryl Davis

**Vote: 5-0; Placed under advisement.**

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

Eric Morse returned to the meeting at 10:23 a.m.

**3. 221 Pine Street – Northampton, MA [Exhibit 3]**

A withdrawal request was received by the petitioner prior to the meeting. No further action taken.

**4. 67 Pleasant Street – Arlington, MA [Exhibit 4]**

**State ID: 11-P-69**

**524 CMR**

**Petitioner: Samantha Finney**

The petitioner was in front of the Board seeking a variance from 524 CMR to return the elevator to service. The petitioner stated that in order to return the elevator to service, they are proposing to remove the existing cage that was installed, as there is nothing in the machine room other than elevator equipment. The cage was installed to access the roof through the machine room. The petitioner requested to lock the closet door that provides access to the machine room and add signage to the machine room door, then only allowing access to the roof to licensed elevator mechanics. A motion was made by David Gaudet to deny the petitioner's variance request with the justification that no hardship was displayed and allowing the request would create an unsafe condition. The motion was seconded by David Morgan.

**Motion:** David Gaudet

**Seconded:** David Morgan

**Vote: 6-0; 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
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<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

Brian Ronan joined the meeting at 11:00 a.m.

**5. 285 Old Westport Road – Dartmouth, MA [Exhibit 5]**

**State ID: 72-P-20**

**524 CMR §17.02**

**Petitioner: Samantha Finney**

The petitioner was in front of the Board seeking a variance from an Inspector's report from August 18, 2020, regarding machine room access, citing, "Accessible to roof through door that locks on pass through. Keyed on outside personnel can be locked on roof. 524 CMR §17.02". The petitioner was requesting that the Board allow the door to remain locked on both sides. The reason for this request would be for safety and security. The building owner's representative stated that in many instances students were on the roof and not having the door locked with provide access to other pathways for possible burglaries in adjoining buildings. Board member Brian Ronan expressed concerns of an egress issue to lock the outside roof door to access the building. The Chief of Elevator Inspections will work with the Building Division to determine the proper code application. A motion was made by Jacob Nunnemacher to deny the petitioner's variance request as presented with the justification that the petitioner submitted the request beyond the 10-day appeal period. The motion was seconded by David Gaudet for further discussion. Jacob Nunnemacher rescinded his motion. Legal counsel suggested that the Board deny the petitioner's request and that DPL explore the issue further. A motion was made by David Gaudet to deny the petitioner's variance request with the justification that the variance from §17.02 is not appropriate. The motion was seconded by Jacob Nunnemacher.

**Motion:** David Gaudet

**Seconded:** Jacob Nunnemacher

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

## 6. 165 Bearses Way, Hyannis [Exhibit 6]

**State ID: 21-W-121**

On March 10, 2021, the petitioner requested an extension from the original deadline date of March 18, 2021, to allow for formal approval from the Architectural Access Board. A

motion was made by Sarah Wilkinson to grant the petitioner's request and allow an extension to May 17, 2021. The motion was seconded by David Morgan.

**Motion:** Sarah Wilkinson

**Seconded:** David Morgan

**Vote: 7-0; Extension granted to May 17, 2021**

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

## 7. Approval of meeting minutes:

**March 30, 2021 [Exhibit 7]**

A motion was put forth by Cheryl Davis to accept the minutes as written. The motion was seconded by Sarah Wilkinson. **Vote: 6-0; Granted.** David Gaudet was not present during voting.

Roll Call Vote:

• 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

The Board unanimously agreed to table agenda item #9 (brief overview of supporting spreadsheet) and #10 to the next available meeting.

**Motion to Adjourn:** David Morgan

**Seconded:** Sarah Wilkinson

**Vote: 7-0; 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
• Brian Ronan	<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 |

Hearing concluded at 11:56 a.m.  
Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Variance packet for 11 Dana Ave, Hyde Park
- Exhibit 2: Variance packet for 50 Leo M Birmingham, Brighton
- Exhibit 3: Variance packet for 221 Pine Street, Northampton
- Exhibit 4: Variance packet for 67 Pleasant Street, Arlington
- Exhibit 5: Variance packet for 285 Old Westport Road, Dartmouth
- Exhibit 6: Email request from 165 Bearses Way, Hyannis
- Exhibit 7: Meeting minutes from March 30, 2021