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COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Minutes**

**Meeting of the  
Board of Elevator Regulations  
May 23, 2023, at 1:00 p.m.**

**Hybrid Meeting via Microsoft Teams**

**Board Members Present:**

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

**Division of Occupational Licensure Staff:**

Peter Kelley  
Terry Ascii

**Board Members Absent:**

Neil Mullane

**Guests Present – All Remote:**

Michael Taylor  
John Poirier  
Robert King  
William Smith – Brookline DPW  
Scott Schreiber – WSP, Consultant  
Don Kindsvatter – Urban Idea Lab, Consultant

**Call to Order: 1:06 p.m.:**

1. Roll call.
2. **VAR23-0033** [Exhibit 1-1A]  
**220 Main Street, Northampton**  
**State ID: 214-P-191**  
**Code: 524 CMR 2.27.3.3.1 (d)**  
**Petitioner: Michael Taylor**



Petitioner is seeking relief from 524 CMR 2.27.3.3.1 (d) a waiver variance from the FS90 stop-switch repair requirement.

Michael Taylor provided additional photos of the exterior doors to the landing ground level (Exhibit 1A) supplementing the original submission, explaining the layout of the environment. Petitioner argues that fire services are unlikely to use this elevator. Board indicated that unlikely is not the same as 'never'.

David Morgan moved to deny the request of the petitioner due to the safety issues for the public and the first responders and to provide consistency with prior Board rulings on this subject. The motion was seconded by Chris Towski. Vote 6-0-0.

**Motion:** David Morgan

**Seconded:** Chris Towski

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

**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 |
| • David Morgan      | <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 |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |

**3. VAR23- 0035 [Exhibit 2-2A]**

**68 White Place, Brookline**

**Petitioner: Robert King**

**Install**

The petitioner is seeking relief from ASME A18.1.2014 para 2.7.1, as incorporated by reference in 524 CMR 38:00, for the use of an enclosed wheelchair lift with a vertical travel in excess of the maximum specified ASME A18.1 for access to the proposed replacement bridge carrying Davis Path over the MBTA Green D Line.

Robert King explained and provided an overview of the project of the footbridge as a rehabilitation project of a 1911 footbridge that existed in the Town of Brookline. They are working with the Commission on Disability on a replacement footbridge.

Scott Schreiber shared slides to which Robert King spoke about to support the variance sought and the proposal of a lift versus an elevator [Exhibit 2A]. Petitioner emphasized slide page 4 (the Project Goal and Bridge Context) and how the bridge will provide the connection between one side of the MBTA corridor and the other. Don Kindsvatter gave an overview of the project plans and project elevation.

Scott Schreiber referenced ASME 18.01-2014 Section 2.7.1 and indicated that they would like to increase the footage to 18 feet, from 14' and increase the vertical travel to 48 inches to provide clearance of the MBTA Green Line tracks and its catenary wires. Mr. Schreiber highlighted the following points regarding a wheelchair lift; would meet universal access to Davis Path, will decrease the construction complexity near MBTA ROW, significantly reduce the impacts on MBTA ROW, will avoid potential security issues on White Place, will avoid visual impacts on White Place and with lower installation and maintenance costs, as a wheelchair lift will not require a deep foundation or an accompanying machine room. Mr. Schreiber shared slides that included the scale and footprint of the bridge, the necessity of the increase of vertical travel and

space, the challenges of installing an elevator, the accessibility goals and community support, the design of White Place entrance, and a sample lift by Savaria.

Questions from the board included the hours of operation of the lift, who owns the property where the lift will be housed, how will the lift be regulated to prevent unintended usage and be code compliant, to which Scott Schrieber provided all answers. The board commented on its concerns about safety with public access and usage, the disconnect being accessible to the public, which could cause an entrapment, the maintenance that would be required as these units are not usually exposed to the elements. Mr. Schrieber and Mr. King addressed the concerns brought by the board. Eric Morse inquired about using a LULA as opposed to a wheelchair lift. Mr. Schrieber said yes and that it became a matter of practicality in the area for a machine room to be required. David Morgan inquired about the stop-switches and referred to code 2.10 and expressed concern if the unit were to be accidentally shut down with someone in it.

David Gaudet made a motion to deny the request for variance of 524 CMR 18.12.7.1, with the justification that the national standard for safety is 14' and this request exceeds that standard by four feet. The motion was seconded by Chris Towski. Vote 6-0-0.

**Motion:** David Gaudet

**Seconded:** Chris Towski

**Vote:** 6-0-0; Deny

**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 |
| • David Morgan      | <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 |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

4. Noted that closed session for adjudicatory conference pursuant to G. L. c. 30A, § 18, ¶ 5(d) is no longer required, as the petitioner withdrew the request on March 22, 2023, for Terminal E 1 Harborside Drive, Boston which included State IDs: 1-E-23157, 1-E-23158, 1-E-23402, 1-E-23403, 1-E-22986, 1-E-22987, and 1-E-23499.

5. **Approval of March 14, 2023, meeting minutes. [Exhibit 3]**

Chris Towski moved to accept the minutes as presented. The motion was seconded by David Gaudet. Vote 3-0-3.

**Motion:** Chris Towski

**Seconded:** David Gaudet

**Vote:** 3-0-3 Accepted as presented

**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            |
| • David Morgan      | <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 |
| • Anthony Buonopane | <input type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |

6. **Approval of March 21, 2023, meeting minutes. [Exhibit 4]**

Chris Towski moved to accept the minutes as written. The motion was seconded by David Gaudet. Vote 4-0-2.

**Motion:** Chris Towski

**Seconded:** David Gaudet

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

**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            |
| • David Morgan      | <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 checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |
| • Anthony Buonopane | <input type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |

7. Matters not reasonably anticipated 48 hours in advance of meeting.

- Peter Kelley discussed the use of old business and new business and when it is appropriate to discuss those older items or to request new business be added to a future meeting.
- Terry Asci requested confirmation that the next board meeting will be June 20, 2023, due to a Board of Elevator Regulations site visit which is scheduled for June 6, 2023. The board confirmed that the next board meeting will be June 20, 2023, as is scheduled.
- Terry Asci referred to a possible discussion of changing the set time for the Board of Elevator Regulations board meetings to a morning meeting time. The board meeting is currently set at 1:00 p.m. and the board did not feel a change was needed.
- David Gaudet wanted to let the board know that the Massachusetts Elevator Safety Association has a field trip planned to the Elevator Museum, which has moved to Amesbury, and that board members, in an unofficial capacity, are always welcome to join that field trip on June 13, 2023.
- Commissioner Sarah Wilkinson addressed the board about moving forward with Hybrid meetings. This would entail being back in the building in one of the conference rooms on the first floor and utilizing the OWL technology. Commissioner Wilkinson will have the OWL tested and verify that it will work as expected for hybrid meetings.
- David Morgan announced that he is resigning as a board member of the Board of Elevator Regulations and that today will be his last meeting as a board member. Members expressed appreciation and gratitude for Mr. Morgan's service with the Board.

8. Motion was put forth by Chris Towski to Adjourn. 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 |
| • David Morgan      | <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 |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

Meeting adjourned at 2:47 p.m.

Prepared by: Gayle Richardson using Terry Ascii notes.

**Exhibit List:**

- Exhibit 1: Variance packet for 220 Main Street, Northampton
- Exhibit 1A: Photos of exterior doors to the landing ground level
- Exhibit 2: Variance packet for 68 White Place, Brookline
- Exhibit 2A: Additional documents submitted during meeting
- Exhibit 3: Meeting Minutes for March 14, 2023
- Exhibit 4: Meeting Minutes for March 21, 2023