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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  
June 7, 2022 at 1:00 p.m.**

**Microsoft Teams Meeting**

**Board Members Present:**

Eric Morse, Acting Chair  
David Gaudet  
Brian Ronan  
David Morgan  
Thomas McDermott

**Division of Occupational Licensure Staff:**

Peter Kelley  
Ruthy Barros

**Board Members Absent:**

Christopher Towski  
Neil Mullane

**Guests Present:**

Robyn Sloniecki  
Amy Tetreault  
Matt Wasdyke  
Tim Mansfield  
Kevin Swansen  
Adam Bishop

**Call to Order 1:03 pm:**

**1. 134 North Street, North Reading [Exhibit 1]**

**State IDs: 213-P-5 and 213-P-24**

**524 CMR**

**Petitioner: Robyn Sloniecki**

The petitioner appeared before the Board seeking a variance from 524 CMR 35.00 §2.8.3.3,

“Sprinklers shall not be permitted in power passenger or freight elevator hoistways, pits,

machine rooms or control spaces”. The petitioner stated that this facility is facing financial hardship as denial of payment for new admissions will go into effect on May 28, 2022, due to non-compliance with NFPA 13-1999 edition of the standard for the installation of sprinkler systems. to comply with the Centers for Medicare & Medicaid Services’ (CMS) mandate and avoid denial of payment for patient admissions. A motion was made by Thomas McDermott to grant the petitioner’s request with the justification being hardship resulting from the withholding of federal funding due to an inspection CMS for non-compliance with NFPA 13 – 1999 Edition of the Standard for the installation of Sprinkler Systems. Specifically, that sprinklers are not installed in the elevator machine room, hoistway and pits. Prior established guidelines will be issued with the variance decision. The motion was seconded by David Morgan.

**Motion: Thomas McDermott**

**Seconded: David Morgan**

**Vote: 5-0; Granted**

Roll Call Vote:

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

**2. 1430 Massachusetts Ave, Cambridge [Exhibit 2 and 2A]**

**New Installation**

**ASME A18.1-2014 §3.1.2.3**

**Petitioner: Amy Tetreault**

The petitioner appeared before the Board seeking a variance from ASME A18.1-2014 §3.1.2.3. Due to the limitations of the existing building construction, the conditions provide less than the required 79” of vertical clearance at the top landing of the lift loading platform. The design of a continuous incline lift is proposed in order to provide greater accessibility from multiple existing non-compliant ramps connecting three floor levels in a Harvard Square building that dates to 1812. The petitioner stated that both compliant ramps and a traditional platform lift were studied as possible solutions but were found to be infeasible due to the limitations of the existing building construction. A variance has already been granted by the Architectural Access Board (AAB) to install a new incline lift in the proposed location, but Board members pointed out that the AAB application did not reference a low overhead clearance. The petitioner stated that new stairs on the third floor are being

designed to replace previous non-compliant ramps but the existing structural conditions on site dictated the new top stair location however the result limited vertical clearance available at the topmost loading platform. 68 inches of vertical clearances available at the topmost landing platform instead of the 79 inches as required per code. The petitioner stated existing floor structure above the existing utilities at the ceiling are barriers to achieving the vertical clearance required. Mr. Mansfield shared his screen and explained the supporting documentation in the petitioner's submission. Mr. Swansen stated Garaventa Lift could add one or two audio and visual warnings, at the corner near the hazard. A motion was made by David Morgan to grant the variance request on low overhead, with proper signage indicating the low overhead condition and electric eye sensor to stop lift, should anything or anyone on the lift be in a position to impact the low overhead area. Justification being that the existing building conditions prevent full compliance with the applicable codes. The motion was seconded by Thomas McDermott

**Motion: David Morgan**

**Seconded: Thomas McDermott**

**Vote: -0; Granted.**

Roll Call Vote:

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

### 3. **Approval of meeting minutes from March 1, 2022 [Exhibit 3]**

A motion was put forth by David Morgan to accept the minutes with the requested correction. The motion was seconded by David Gaudet **Vote: 4-0; Granted.** Eric Morse abstained.

**Motion: David Morgan**

**Seconded: David Gaudet**

**Vote: 4-0; Granted.**

Roll Call Vote:

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

4. **Approval of meeting minutes from March 15, 2022 [Exhibit 4]**

A motion was put forth by David Morgan to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 5-0; Granted.**

**Motion: David Morgan**  
**Seconded: Brian Ronan**  
**Vote: 5-0; Granted.**

Roll Call Vote:

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

5. Old business:

• **204 Forest Avenue, Newton**

Petitioner was in front of the Board on March 22, 2022, requesting a product variance for the installation of a Pneumatic Vacuum Elevator Model PVE 52. Placed on hold for 60 days (until May 21, 2022) to come back in front of the Board with additional information. Mrs. Barros contacted the petitioner on May 19<sup>th</sup> and June 1<sup>st</sup>, requesting that the petitioner provide a list of where they vary from code. The petitioner will be advised that that on or about June 28, 2022, the Board will vote on the matter.

- Continued discussion and review of 524 CMR Section 26.00: Certain Elevator Equipment Used as Motor Vehicle Parking Devices. There was Board discussion of 50 Leo M Birmingham parking device and the Board expressed safety concerns. A meeting will be scheduled on June 21, 2022, to address parking devices.

**Motion to Adjourn: David Morgan**  
**Seconded: Brian Ronan**  
**Vote: 5-0; Adjourned.**

Hearing concluded at 2:59 p.m.  
Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Variance packet for 134 North Street, North Reading
- Exhibit 2: Variance packet for 1430 Massachusetts Ave, Cambridge

- Exhibit 2A: AAB packet for 1430 Massachusetts Ave, Cambridge
- Exhibit 3: Meeting minutes from March 1, 2022
- Exhibit 4: Meeting minutes from March 15, 2022

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