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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**  
**July 16, 2024, at 1:00 p.m.**

**1000 Washington Street**  
**Boston, MA 02118**  
**1<sup>st</sup> Floor-Room 1D**  
**Hybrid Meeting via Microsoft Teams**

**Board Members Present:**

Eric Morse, Acting Chair  
David Gaudet  
Neil Mullane  
Brian Ronan  
Anthony Buonopane  
Tim Morgan (remote)  
Christopher Towski

**Division of Occupational Licensure Staff:**

Peter Kelley  
Richard Holtz  
Gayle Richardson  
John Rubyck (remote)  
Michael Morton (remote)  
Martin Guiod (remote)  
Phillip Chan (remote)

**Guests Present:**

Jennifer Sheran – Otis  
Noel Herschell – VDA  
Ryan McClain – Elkus Manfredi Architects  
James Divver - AdviniaCare Wellesley  
Carlos Paul - AdviniaCare Wellesley  
Jason Irving – Schindler  
Michael Brown – Point Group  
Tom Mangin – Silman Industries  
Tyde Biggerstaff – Silman Industries  
Derek Freeman – Institution for Savings  
Lisa Mead – Institution for Savings  
Kristi Mynhier - Scholara



1. Roll call.

**2. VAR24-0029 & VAR24-0030**  
**271 Carew Street Springfield**  
**State IDs: 281-P-120 & 281-P-121**  
**Code Reference: 2.26.2.21**  
**Petitioner: Otis Elevator Company- Agawam**

**[Exhibits 1 & 2]**

The petitioner seeks variance from code 2.26.2.21 to allow the elevators to run until the completion of modernization that will be taking place under permits ELV24-1653.

The petitioner provided a summary of the variance request and explained that they are asking for an extension of the FS90 updates until the end of the modernization project being completed.

After discussion by the board, the petitioner chose to withdraw the petition for variance. No vote required by the board.

**3. VAR24-0034**  
**421 Park Drive Boston**  
**State ID: New Install**  
**Code Reference: A17.1-2013, rule 2.11.10.1.1**  
**Petitioner: Noel Herchell**

**[Exhibits 3 & 3A]**

The petitioner seeks variance from code A17.1-2013, rule 2.11.10.1.1 for the metal fascia requirement. They propose substituting sheet metal with laminated glass fascia on three new passenger elevators. The laminated glass fascia will exceed the properties of the .055" thick smooth steel.

Noel Hershell summarized the request for variance and added that the request is more specifically for the aesthetic of the building. The elevator will serve a parking garage as well as 3 floors. Mr. Hershell shared on screen [Exhibit 3A] with the board, the document labeled A152 – South Jump Lobby Plan -Level 1, after it had been submitted to Gayle Richardson for the record.

After a discussion by the board, a motion was made by Neil Mullane to grant the petitioner's request with the justification that the board has previously granted the MBTA requests to ensure the safety and visibility into the elevators at all times and that the glass fascia will be a glass alternative to be in full compliance with ANSI Z97.1 requirements. The motion was seconded by Brian Ronan with a friendly amendment. As amended, the motion made is to grant the variance with the following conditions: the glass fascia will be a glass alternative to be in full compliance with ANSI Z97.1 requirements and the hourly fire rating of the enclosure will be maintained as per the state building code. Vote 6-0-1

**Motion:** Neil Mullane  
**Seconded:** Brian Ronan  
**Vote: 6-0-1 Granted with conditions**  
**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 |

- |                     |   |
|---------------------|---|
| • Tim Morgan        | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |
| • Chris Towski      | <input type="checkbox"/> aye <input type="checkbox"/> nay <input checked="" type="checkbox"/> abstain |
| • Brian Ronan       | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |
| • Neil Mullane      | <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. **VAR24-0032 & VAR24-0033** **[Exhibits 4 & 5]**

**694 Worcester Street Wellesley**

**State IDs: 317-P-178 & 317-F-179**

**Code Reference: 524 CMR 35.00 2.8.3.3**

**Petitioner: James Divver**

The petitioner seeks variance from code 524 CMR 35:00 §2.8.3.3, to install sprinklers in the elevator shafts and control rooms, to comply with CMS mandate and avoid denial of payment for admissions.

James Divver explained that the building is required to meet the sprinkler requirements by CMS and is seeking a variance from 524 CMR 35:00 §2.8.3.3, to install sprinklers in the hoistway and machine room, to comply with the June 16th CMS mandate and avoid denial of payment for patient admissions. The petitioner explained that a Life Safety Survey was conducted on the facility on February 8, 2024, and AdviniaCare Newton Wellesley was not found in substantial compliance with the requirements for participation in Medicare/Medicaid, 42 CFR, 483.90(a-d), by failing to provide sprinkler protection for the elevator and hydraulic elevator machine room. The petitioner has filed a plan of correction, which included the installation of sprinklers added to the elevator pit.

The board and the petitioner had a short discussion as to the requirement of a sump pump to be installed in the pit and the board stated that this is not a code requirement, but the board does ask the petitioner(s) if this will be part of the installation.

After a discussion by the board, a motion was made by Neil Mullane to grant the petitioner's request for a variance to install in the elevator machine room, hoistway and pits, including previous conditions as required by the board, with the justification being hardship resulting from the withholding of federal funding due to an inspection by the Centers for Medicare & Medicaid Services (CMS) for non-compliance with NFPA requirement section 8.15.5 of the Standard for the installation of Sprinkler Systems. The motion was seconded by David Gaudet. Vote 7-0-0

**Motion: Neil Mullane**

**Seconded: David Gaudet**

**Vote: 7-0-0 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 |
| • Tim 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 |
| • Neil Mullane      | <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 |

5. **VAR24-0051**

[Exhibit 6]

**Prototype Approval Variance**

**State ID: N/A**

**Code Reference: 524 CMR 35.00**

**Petitioner: Tom Mangin**

The petitioner seeks variance from code 524 CMR 35 and requests that the SilMan Automated Parking system be re-classified as an electro-mechanical device other than an elevator.

Tom Mangin gave a summary of the request and provided information as to why they feel that their new piece of equipment does not fall into the 524 CMR section 35.00 classification of being an elevator. Eric Morse reiterated that a parking device falls under section 26 of 524 CMR and is classified as an elevator. Mr. Morse then gave the petitioner the list of Class III definitions as written.

Mr. Morse explained to the petitioner that if a piece of equipment is code compliant then no variance is required, and a permit application may be submitted to the department for review. If a piece of equipment is not code compliant, then a variance must be submitted to the board for review. The board does not review the details of specific equipment for the petitioners to verify if it is code compliant, that should be determined by the petitioner before a variance application is submitted.

The petitioner chose to withdraw the petition for variance and no vote was required by the board.

6. Peter Kelley, Board Counsel, left the meeting at 2:41 pm.

7. **Approval of May 7, 2024, meeting minutes.**

[Exhibit 7]

Chris Towski moved to accept the minutes as written. The motion was seconded by Brian Ronan. Vote 5-0-2.

**Motion: Chris Towski**

**Seconded: Brian Ronan**

**Roll Call Vote:**

• Eric Morse	<input type="checkbox"/> aye	<input type="checkbox"/> nay	<input checked="" type="checkbox"/> abstain
• David Gaudet	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Tim 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
• Neil Mullane	<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

8. **Approval of June 25, 2024, meeting minutes.**

[Exhibit 8]

Chris Towski moved to accept the minutes as written. The motion was seconded by David Gaudet. Vote 5-0-2.

**Motion: Chris Towski**

**Seconded: David Gaudet**

**Roll Call Vote:**

- |                     |   |                              |   |
|---------------------|---|------------------------------|---|
| • Eric Morse        | <input type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |
| • David Gaudet      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |
| • Tim 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 type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |
| • Neil Mullane      | <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            |

9. Chris Towski moved to Adjourn the meeting. Motion was seconded by Brian Ronan.  
Vote 7-0-0.

**Motion: Chris Towski**

**Seconded: Brian Ronan**

**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 |
| • Tim 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 |
| • Neil Mullane      | <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

**Exhibit List:**

- Exhibit 1: Variance packet for 271 Carew Street Springfield  
Exhibit 2: Variance packet for 271 Carew Street Springfield  
Exhibit 3: Variance packet for 421 Park Drive Boston  
Exhibit 3A: A152 – South Jump Lobby Plan -Level 1 – additional document  
Exhibit 4: Variance packet for 694 Worcester Street Wellesley  
Exhibit 5: Variance packet for 694 Worcester Street Wellesley  
Exhibit 6: Variance packet for Approval of Silman Automated Parking System  
Exhibit 7: Meeting Minutes May 7, 2024  
Exhibit 8: Meeting Minutes June 25, 2024