



**MAURA HEALEY**  
GOVERNOR

**KIM DRISCOLL**  
LIEUTENANT GOVERNOR

**YVONNE HAO**  
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**Commonwealth of Massachusetts**  
**Division of Occupational Licensure**  
**Office of Public Safety and Inspections**

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**SARAH R. WILKINSON**  
COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Minutes**

**Meeting of the  
Board of Elevator Regulations  
July 18, 2023, at 1:00 p.m.**

**1000 Washington Street  
Boston, MA 02118  
1<sup>st</sup> Floor-Room 1C  
Virtually via Teams**

**Board Members Present:**

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

**Division of Occupational Licensure Staff:**

Peter Kelley  
Gayle Richardson

**Board Members Absent:**

David Gaudet

**Guests Present:**

Robyn Sloniecki  
Mikayla Sequera  
Bob Hicks  
Jackie Haley

**Call to Order: 1:05 p.m.:**

1. Acting Chairman Eric Morse requested that Roll Call be done.
2. Acting Chairman Eric Morse gave instructions on how to proceed with a Hybrid meeting.
3. **209 County Road, Falmouth**  
**State IDs: 96-P-7, 96-P-9**  
Both elevators on same property, seek the same type of variance, and were considered by the Board collectively. Petitioner is requesting a variance to 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". Building is facing financial hardship due to denial of



payment for new admissions will go into effect if the facility remains out of compliance with NFPA-13- 1999 Edition of the Standard for the Installation of Sprinkler Systems.

Petitioners Robyn Sloniecki and Mikayla Sequera were sworn in by Chris Towski. Robyn Sloniecki explained that they yearly Life Safety Inspections. Chairman Eric Morse asked if they had received a letter from CMS that provides the cutoff date? Petitioner stated they had and that they had submitted a second time waiver request and the date of cutoff is February 8, 2024. CMS letter previously submitted to Board is different than the latest received by the petitioner. Petitioner emailed latest CMS letter (Exhibit 1A) to Ms. Gayle Richardson, who then shared the contents of the correspondence with the Board. Eric Morse asked if a request for a time waiver was not granted, was it correct that all funding would be removed in May and/or August? Petitioner stated yes. Anthony Buonopane questioned if the wording of the Variance could be stated so if the code changes, it would include that within the wording. Eric Morse stated he did not believe that can be done as we have to go by the current code wording. Peter Kelley stated that was accurate and that the variance is for the code now as it is written, and we cannot add future conditions. Mr. Kelley stated that if and when code changes, it possibly could be reviewed and discussed during an annual inspection, but for this variance we can only use current code. Anthony Buonopane agreed that this might have to be addressed in the future during an annual inspection as an unsafe issue, if code were to change. Eric Morse asked if there were any questions/comments? Chris Towski moved to grant a variance for both elevator IDs with conditions as had been previously included. Brian Ronan seconded the motion. Eric Morse called for a roll call vote and the vote was 6-0.

**Motion: Chris Towski**

**Seconded: Brian Ronan**

**Vote: 6-0; Granted**

4. Meeting recessed for a 5-minute break. Meeting reconvened at 1:40 P.M.

**5. 6 Joy Street, Boston**

**State ID: 1-L-10164**

**Unit Replacement**

Petitioner was in front of the Board seeking relief from 524 CMR, incorporating ASME A18.1- 2. 7.1, which requires: "Travel of lifts conforming to paras. 2.1.1 and 2.1.3 shall not exceed 4250 mm (168 in.)" or 14 feet. Previous hearing on May 16<sup>th</sup>, 2023. Placed on hold to come back in front of the Board with additional information. Contingent upon providing requested documentation. (3 Exhibits submitted)

Petitioners Bob Hicks and Jackie Haley were sworn in by Chris Towski. Eric Morse stated that the petitioners were back before the board to clarify if their variance requested concerns a wheelchair lift or a limited use/limited application elevator, known as a LULA. Bob Hicks stated Garaventa is calling this a Commercial Platform Lift not a LULA. Chairman Eric Morse inquired of member questions. Neil Mullane asked if this was an existing 21ft lift. Bob Hicks replied yes. Eric Morse asked if it was fully enclosed all around. Bob Hicks replied yes. Anthony Buonopane asked if there were Phase 1 Fire Service in the hallway with a Fireman's Key Switch. Bob Hicks and Jackie Haley replied yes. Chris Towski asked if the elevator had a previous variance isn't this a kind for kind replacement? Bob Hicks stated the AMAB(?) requires a new variance. Anthony Buonopane asked if it would have power operated doors. Bob Hicks replied no, it will have swing doors that are manual doors. Anthony Buonopane stated that the front door only might need to have power doors but that that may be an AMAB question. Eric

Morse agreed that that would be an AMAB question. Eric Morse noted the old unit had a 1400 lb. capacity and new unit has a 1000 lb. capacity, are there any other differences and will it be a complete removal or a replacement? Bob Hicks replied that it will be complete replacement of everything but the shaft with a new unit from same manufacturer, Garaventa. Board discussed the differences between a Wheelchair lift and a Lula. This request seems to be a hybrid request between a Wheelchair lift and Lula. Eric Morse asked if this would be in a federal facility. Jackie Haley replied no, it is leased via the museum which is not federal. Neil Mullane asked if the petitioners had verified if a LULA would fit in the current shaft? Bob Hicks replied, they had not. Bob Hicks asked if a LULA can be used, if that means that a variance would not be needed? Eric Morse stated yes but they would still need to verify with the AMAB. Bob Hicks asked what the difference was between a Wheelchair lift and a LULA. Eric Morse explained that they have different safety features, and a LULA has more height, up to 25 ft., and has more safety features than a Wheelchair Lift. Eric Morse stated his opinion is that the Hoistway would be big enough for a LULA, which would be fully compliant as to the height requirement. It is his opinion that it would work. Eric Morse asked if there are any other comments or questions from the board. Eric Morse made a motion to deny the request for a variance for a Wheelchair Lift, as this unit is classified, which has travel limited to 14 ft, with the justification that there is a tremendous discrepancy in the proposed vs. allowable height, as well as there being a question as to the correct classification of this proposed elevator. Chris Towski seconded the motion. Eric Morse called for a roll call vote and the vote was 6-0. Eric Morse suggested they go back to Garaventa about a LULA. Bob Hicks indicated he was disappointed in the outcome. Eric Morse let the petitioners know that they can appeal from date of their receipt of the decision up to 30 days. Jackie Haley asked if they get a LULA would they have to resubmit the drawings and come back. Eric Morse explained that a LULA should be up to code so they would probably only have to file to install.

**Motion: Eric Morse**

**Seconded: Chris Towski**

**Vote: 6-0; Denied**

**6. 72 Church Green, Taunton**

**State ID: 293-P-216**

Petitioner was in front of the Board seeking relief from 524 CMR 11.02. The building owner is looking to put the elevator back in service. Elevator was decommissioned in 2019. Tenants moving back into building and would like to get elevator back in service. Placed on hold to come back in front of the Board with additional information including a detailed report of the unit from Buckley Elevator indicating the unit's deficiencies. Contingent upon providing requested documentation. **Deadline: July 15, 2023.**

Eric Morse asked Gayle Richardson if we had ever heard back from petitioner or received new paperwork as requested in previous hearing dated May 16<sup>th</sup>, 2023. Gayle Richardson confirmed we had not received any documentation or communication regarding the request and verified that the deadline was July 15, 2023. Eric Morse stated that this would then be considered abandoned. Eric Morse asked if there were any questions or comments. Eric Morse and Peter Kelley discussed what it means to be considered abandoned. Chris Towski moved that the petition be considered as abandoned and taken off the docket with the justification that it had passed the deadline without response from the petitioners. Neil Mullane seconded the motion. Eric Morse called for a roll call vote and the vote was 6-0.

**Motion: Chris Towski**  
**Seconded: Neil Mullane**  
**Vote: 6-0; Granted**

7. New business-- Board discussion – regarding next meeting July 25, 2023, to be a hybrid meeting to discuss code. Specifically, Sections 26 and 29.
8. Discussion regarding FS90 repairs and permit filing. Eric Morse asked Anthony Buonopane for an update on the FS90 repairs and permit filing. Anthony gave an update, and the discussion will be left on agenda for old business.
9. Peter M. Kelley Board Counsel requested to address the Board of Elevator Regulations to discuss two Administration items:
  - a. Reimbursements to Board Members - \$50 reimbursement per meeting is not reimbursable but mileage and parking are still reimbursable.
  - b. Board of Elevator Regulations Meeting room location – Peter has worked to try to keep the meetings in conference room 1D for all meetings and may only have once a month issue based on another board's meeting schedule.
  - c. Eric Morse asked Peter Kelley are there were any updates regarding reappointments and Peter Kelley responded, no

**Motion to Adjourn: Chris Towski**  
**Seconded: Tim Morgan**  
**Vote: 6-0; Adjourned at 3:15 p.m.**

Prepared by: Gayle Richardson

Exhibit List:

- Exhibit 1: Variance packet for 209 County Road, Falmouth
- Exhibit 1A: Letter from CMS to petitioner
- Exhibit 2: Variance packet for 209 County Road, Falmouth
- Exhibit 3: Variance packet for 46 Joy Street, Boston
- Exhibit 3A: Email forwarded from Petitioner Jackie Haley
- Exhibit 3B: Documentation from Garaventa regarding Lift (NE)
- Exhibit 3C: Documentation from Whirlteq regarding handicap Lift systems
- Exhibit 4: Variance packet for 72 Church Green, Taunton