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GOVERNOR

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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**  
**March 14, 2023, at 1:00 p.m.**

**Microsoft Teams Meeting**

**Board Members Present:**

Eric Morse, Acting Chair  
David Gaudet  
Christopher Towski  
Neil Mullane

**Board Members Absent:**

David Morgan  
Brian Ronan

**Division of Occupational Licensure Staff:**

James Plotkin  
Sarah Wilkinson  
Terry Ascii

**Guests Present:**

Austin Blount  
Mark Farley  
Nate Brevard  
Eric Zachrison  
Francesco Chierigatti Spoldi  
Remington Stigers  
Susan Barreda  
Christine Parsons  
Cheri Allen  
Bruce Nolan

**Call to Order: 1:15 p.m.:**

**1. 29 Endicott Street, Worcester [ Exhibit 1 ]**  
**New Installation**

Continued discussion on 29 Endicott Street, Worcester - Closed session, adjudicatory conference pursuant to G. L. c. 30A, § 18, ¶ 5(d) [Exhibit 1] A motion was made to exit open session and enter into closed session pursuant to G. L. c. 30A, § 18, ¶ 5(d) by Sarah Wilkinson and seconded by Neil Mullane.

At 1:45 p.m., a motion was made by Neil Mullane to exit closed session and enter open session. The motion was seconded by Sarah Wilkinson.

Roll Call Vote:

- |                      |   |                              |
|----------------------|---|------------------------------|
| • Eric Morse         | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Sarah Wilkinson    | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Neil Mullane       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

During closed session, the Board took the following action:

A motion to Grant variance on the conditions of safety pad & pull, signage in machine room, hoistway, hall at lowest landing, rear wall of hoistway with language to be submitted for review and approval: “shallow pit”, “safety device must be deployed prior to entry into pit”.

**Motion: Sarah Wilkinson**

**Seconded: Neil Mullane**

**Vote: 5-0: Granted.**

Roll Call Vote:

- |                      |   |                              |
|----------------------|---|------------------------------|
| • Eric Morse         | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Sarah Wilkinson    | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Neil Mullane       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

## 2. 129 Sturbridge Road, Charlton [Exhibit 2 and 2A]

**State ID: 54-V-21318**

Petitioner is seeking a variance from an inspector’s report from August 18, 2022, citing “Operating Protective Safety Switch – § 32.08 no SOS”. Placed on hold for 90 days to allow the petitioner additional time for compliance.

Austin Blount presented the drawings (Exhibit 2) and explained the sequence of the power shut off. Austin Blount shared an additional drawing (Exhibit 2A). The Chair, Eric Morse inquired about the load cell that senses the load and asked Austin Blount to demonstrate it. Austin Blount states that the load cell is done manually. Eric Morse clarified that the cable separates and turns the pump unit off. Neil Mullane inquired if this is a non-manual reset and that it may get some slack and asks petitioner for clarification. Austin Blount verified that there is the potential for slack on both when manually reset. Mark Farley added that the panels are set up with a password and it cannot be reset to fix the problem, it will trip. Mark Farley stated that someone with authority would have the ability to change the password. Neil Mullane inquired if a variance was necessary. The Chair opened to the Board for questions, comments, and motions. Neil Mullane made a motion to Grant the variance with a comment that the cable tension device with the non-manual reset at the lowest landings and the device meets all other safety requirements. The motion was seconded by Sarah Wilkinson.

**Motion: Neil Mullane**

**Seconded: Sarah Wilkinson Vote:5-0**

Roll Call Vote:

- |              |   |                              |
|--------------|---|------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
|--------------|---|------------------------------|

- Sarah Wilkinson  yea  nay
- David Gaudet  yea  nay
- Neil Mullane  yea  nay
- Christopher Towski  yea  nay

The Board recessed at 2:25 pm and reconvened at 2:31 pm.

3. Approval of meeting minutes from December 13, 2022 [Exhibit 3]  
A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by Neil Mullane.

**Vote:5-0: Granted.**

Roll Call Vote:

- Eric Morse  yea  nay
- Sarah Wilkinson  yea  nay
- David Gaudet  yea  nay
- Neil Mullane  yea  nay
- Christopher Towski  yea  nay

4. Approval of meeting minutes from December 20, 2022 [Exhibit 4]  
A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by Neil Mullane.

**Vote: 5-0: Granted.**

Roll Call Vote:

- Eric Morse  yea  nay
- Sarah Wilkinson  yea  nay
- David Gaudet  yea  nay
- Neil Mullane  yea  nay
- Christopher Towski  yea  nay

**5. 64 Haynes Street, Boston [Exhibit 5]**

**State ID: TBD**

Petitioner is seeking a variance to cover an additional three feet of rise on a LULA, citing Section 5.2.1.16.5 and ADA Standards Section 408 Limited-Use/Limited Application Elevators. 25' code rise restriction. Seeking 28' travel.

Nate Brevard, the project manager, described the project as new construction of a three unit residential with parking on the first floor located in a neighborhood. The living areas will be located on the third and fourth floors. The LULA meets the needs and the costs. Christopher Towski inquired about the restriction from using a commercial grade elevator and the hardship. Nate Brevard explained that the hardship is the cost and the size of the unit. The building is on a small lot and space is tight, and a non-commercial grade LULA would be beneficial. Christopher Towski inquired if the petitioner had the documents to share with the Board relative to costs and sizes. Nate Brevard replied that the current plans show a standard elevator and not a LULA. With regards to costs not all quotes for the job have been received. Chair, Eric Morse inquired as to why the new

building did not have to meet the stretcher requirements. Nate Brevard spoke to an accessibility consultant, regarding the regulations and it was under assumption that a LULA would be sufficient for the size of the building. Eric Morse stated the plans that are drawn are set up with the offset door to carry a stretcher. Nate Brevard added he doesn't have more information. Eric Morse asked the type of building usage. Nate Brevard it's a residential with two residential on the third and fourth and parking on the bottom floors. Francesco Chieregatti Spoldi added that the two smaller units are for the in-law and that those required a variance. Neil Mullane inquired if the elevator was designed to open on two sides. Francesco Chieregatti Spoldi answered no, a design error, it's only meant to open on one side. Neil Mullane asked for the explanation for hardship. Francesco Chieregatti Spoldi explained in detail about the family member's health mobility challenges and the difficulty with stairs. Neil Mullane referred to medical services requirements for a stretcher and was not sure if the accessibility consultant was helpful to the petitioner with regards to the cost sheet and difference for both. The plans show that a commercial grade elevator would fit. Neil Mullane added that it would be helpful to know the cost differences. Francesco Chieregatti Spoldi said he can put together the cost sheet and stretcher information. Eric Morse stated the Board needs more research for clarification as to why stretcher sized elevator accessibility is not a requirement in this apartment building. Nate Brevard said he can get the additional information in a week to a few weeks' time. Eric Morse inquired if the petitioner could do it in thirty days. Nate Brevard stated yes. Neil Mullane inquired the status of the project. Nate Brevard said that the foundation will be started at the end of March. Neil Mullane stated it needs to meet the code requirements for excavating the pit area and for other mechanical services. Neil Mullane stated that the petitioner needs the time to submit a more comprehensive request and can the commercial application be submitted without issue. David Gaudet referred to the couple of drawings 803 and 810 and stated that it looked as if it were a different building and asked the petitioner for clarification. Nate Brevard stated that it was another building and that the plans referred another project. Christopher Towski deferred to the owner, the unit stays with the property and not be moved. David Gaudet asked the Chair for more clarification with regards to code and travel. Eric Morse replied yes, however the Board needs to know specific information as to why the stretcher requirement isn't required. Motion made by Eric Morse to place on hold for 30 days (**April 15, 2023**) for petitioner to get more information on the size and type of elevator and any hardships and to provide more drawings. Christopher Towski seconded the motion.

**Motion: Eric Morse**

**Seconded: Christopher Towski Vote:5-0**

Roll Call Vote:

- |                      |   |                              |
|----------------------|---|------------------------------|
| • Eric Morse         | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Sarah Wilkinson    | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Neil Mullane       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

**6. Old Business (the Board may or may not discuss):**

- **Discussion regarding FS90 repairs and permit filing.**

Neil Mullane brought up. Sarah Wilkinson will bring the information in the future to a meeting and verified that the department is not behind on permits. The supervisors worked overtime in January to process the permits.

**Motion to Adjourn: Christopher Towski**

**Seconded: Neil Mullane**

**Vote: 5-0; Adjourned at 3:17 p.m.**

Roll Call Vote:

- |                      |   |                              |
|----------------------|---|------------------------------|
| • Eric Morse         | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Sarah Wilkinson    | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Neil Mullane       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

Prepared by: Terry Ascii

**Exhibit List:**

- Exhibit 1: Variance packet for 29 Endicott Street, Worcester
- Exhibit 2/2A: Variance packet for 129 Sturbridge Road, Charlton
- Exhibit 3: Meeting minutes of December 13, 2022
- Exhibit 4: Meeting minutes of December 20, 2022
- Exhibit 5: Variance packet for 64 Haynes Street, Boston