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**Meeting Minutes**

**Board of Elevator Appeals**

**This meeting was held remotely via Microsoft Teams**  
**April 11, 2023, at 9:00 a.m.**

**Board Members Present**

Janet Moore, Chair  
Anthony Leonard  
James Read  
Chris Longchamps

**Board Member Absent:**

Michael Strachan

**Division of Occupational Licensure**

Jamie Dalton  
Terry Ascii

**Guests:**

Paul Farnsworth  
Caitlin McGovern  
Alexis Tkachuk  
Bradley Apone  
Liam Sage  
Joseph Holland

Meeting called to order: 9:04 a.m.

1. Attendance was taken via roll call.

**2. Hearing on APP-BEA23-0001 [Exhibit 1]**  
**1154 Washington Street, 9<sup>th</sup> Floor – Boston, MA**  
**Petitioner: Robert A. Wells**

Appealing the Board of Elevator Regulations' decision to deny a variance, for installation of a pneumatic elevator in a residence, from 524 CMR 35.00 Sections 5.3.1.3, 5.3.1.4.1, 5.3.1.4.2, 5.3.1.9.2, 5.3.1.11.2, 5.3.1.11.3, 5.3.1.12, 5.3.1.16.2, 5.3.1.17.1, and 5.3.1.17.2

Petitioner's representative, Paul Farnsworth, explained that the Board of Elevator Regulations (BER) denied their petition for product variance VAR22-0081 for a pneumatic vacuum elevator PVE 52, stating that the product is non-compliant with many sections of the code and by statute can no longer be inspected by the Department which presents a safety concern. Mr. Farnsworth referenced M.G.L. c. 143, § 62A, and stated his understanding that single-family residences are not required to have periodic



inspections but are not prohibited from being inspected. Mr. Farnsworth stated that on 8/9/2017, the BER approved their petition for a variance in VAR17-0037 for model PVE 37 which he contends is similar to PVE 52. In response to questions from the Board, Mr. Farnsworth described the proposed device, including the vacuum process and safety features. Mr. Farnsworth was directed to provide additional information to the Board regarding pneumatic elevators already installed in Massachusetts. The Chair requested that the Petitioner also supply plans and drawings for the proposed installation post-hearing. A motion was made by Chris Longchamps to adjourn the hearing. The motion was seconded by Tony Leonard. All in favor: 4-0: Hearing adjourned at 9:52 a.m.

Board recessed at 9:52 a.m. and reconvened at 9:57 a.m.

3. **Hearing on APP-BEA23-0002 [Exhibit 2]**

**40 Union Park – Boston, MA**

**Petitioner: Caitlin McGovern**

Appealing the Board of Elevator Regulations' decision to deny a variance from 524 CMR 35.00 Section 5.3.1.10.3- Rise shall not exceed 50'-0''.

Attorney Alexis Tkachuk represented the owner, Caitlin McGovern, and verified that a variance was being sought for travel of 53', 11". Joe Holland, Liam Sage and Bradley Apone also appeared on behalf of the Petitioner. Attorney Tkachuk described that the residence is a six-level brownstone that will house various generations of family with one family member, due to a medical condition, requiring the use of an elevator. Attorney Tkachuk stated that the proposed device for this new installation has a safe history and has been approved by the Board of Elevator Appeals (BEA) for usage at other specific locations in Boston. The Board and Petitioner's representatives discussed floor plans and whether alternative options had been considered; they had, but because of the family use expected in this property, Petitioner continued to seek this variance. Attorney Tkachuk agreed to provide updated documentation to the Board post-hearing clarifying the travel distance for the proposed device. Motion to adjourn the hearing made by Chris Longchamps. The motion was seconded by Tony Leonard. All in favor: 4-0. Hearing adjourned at 10:21 a.m.

4. Closed session – adjudicatory conference pursuant to G. L. c. 30A, § 18 regarding APP-BEA23-001 and/or APP-BEA23-0002. Jim Read made a motion to move into adjudicatory conference, and the motion was seconded by Chris Longchamps. All in favor: 4-0 at 10:24 a.m. The Board informed the public that the meeting would conclude after the closed session.

**List of Exhibits:**

- Exhibit 1: Variance packet for APP-BEA23-0001, 1154 Washington Street, 9<sup>th</sup> Floor, Boston
- Exhibit 2: Variance packet for APP-BEA23-0002 40 Union Park, Boston