



Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

# The Commonwealth of Massachusetts Department of Public Safety

One Ashburton Place, Room 1301  
Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 727-5732

TTY (617) 727-0019

[www.mass.gov/dps](http://www.mass.gov/dps)

Daniel Bennett  
Secretary

Matt Carlin  
Commissioner

## Minutes

Board of Elevator Regulations  
One Ashburton Place, 13<sup>th</sup> Floor  
September 15, 2015, 1:00PM

### Board Members Present:

Walter Zalenski, Chairman  
David Gaudet, Member  
David Morgan, Member  
John O'Donoghue, Member  
Tom Riley, Member  
Cheri Davis, Member

### Board Members Absent:

Harold McGonagle, Member  
Michael Nicoloro, Member

### Guests Present:

Ryan Schueler (Park Side Apartments)  
Dave Kenney (Kone Elevator)  
Shawn Cleary (Cleary Elevator)  
Gregory Geyer (Northeastern University)  
Pamela Older (Pam Older Designs)  
Jeff Halley (Halley Elevator)  
Thomas P. Hopkins (AAB)  
Deirdre Hosler (DPS)  
Ethan J. Clough (DPS)

1. The Board of Elevator Regulations ("Board") reviewed the Meeting Minutes from August 25, 2015. A **motion to approve these minutes as amended was made by Cheri Davis, seconded by John O'Donoghue. 6-0 Vote.**
2. The Board reviewed the Meeting Minutes from September 1, 2015. A **motion to approve these minutes as amended was made by John O'Donoghue, seconded by David Gaudet. 5-0 Vote.** Davis abstained.

### The Board discussed the following:

3. **700 Huron Avenue  
524 CMR 17.38**

**Owner: Parkside Place**

**Petitioner: Ryan Schueler**

The petitioners came before the Board requesting relief from an Inspector's Report. The DPS Inspector cited 524 CMR 17.38 – "Safety rails on car top". A motion was put forth to deny the variance and a requirement to install Guard Rails on car top. Also, Kone Elevator is required to verify that the guard rails fit (Life Safety Issue 524 CMR 8.02, ASME A17.1 2.14.1.7.1, 2.10.2). The motion was seconded by Tom Riley.

**Motion by:** John O'Donoghue

**Seconded by:** Tom Riley

**Vote:** 6-0, Denied

4. **34 Beacon Street – Boston, MA**

**(1-P-10235) (1-R-10235)**

**Owner: Northeastern University**

**Petitioner: Shawn Cleary**

The petitioner came before the Board requesting to change the State ID # 1-P-10235 from a "Passenger" to a "Residential" elevator. This elevator is a single family residence, occupied by a single family, and was installed to meet ASME A17.1 § 5.3 and 524 CMR 23.00. A motion was put forth by David Gaudet to change the State ID designation to "Residential", but this unit will require an annual inspection because it is not a Single Family Owner Occupied residence. The motion was seconded by Tom Riley

**Motion by:** David Gaudet

**Seconded by:** Tom Riley

**Vote:** 6-0; Granted

**5. 0 Harvard Road – Shirley, MA**

**524 CMR 17.07**

**Owner: Mass Correctional Institute**

**Petitioner: Corey Hopkins**

The petitioner did not appear for the hearing. A motion was put forth to place this variance on hold until a petitioner is present and the Board is provided more information. The motion was seconded by Cheri Davis.

**Motion by:** David Morgan

**Seconded by:** Cheri Davis

**Vote:** 6-0, Placed on Hold

**6. 1 Charles Street – Newburyport, MA**

**524 CMR 32.09**

**Owner: JSM Management**

**Petitioner: Jeff Halley**

The petitioner came before the Board requesting a variance from a DPS Inspector's Report dated 5/15/15. The inspector cited 524 CMR 17.03 "Provide proper venting in machine room to code". According to the building owner, the existing vent system dates back to at least 1993, and very likely from 1983. The size of the machine room does not allow for a vent through to the hoistway. A motion was put forth by Dave Gaudet to place this petition on hold until the DPS receives a letter from the Heating Ventilation & Air Conditioning Engineer stating that the vent is adequate for the control of smoke and hot gases. The motion was seconded by David Morgan.

**Motion by:** Dave Gaudet

**Seconded by:** David Morgan

**Vote:** 6-0; Placed on Hold

**7. 42 Merrimac Street – Newburyport, MA**

**524 CMR 35**

**Petitioner: Pamela Older**

The petitioner reappeared before the Board, accompanied by Jeff Halley of Halley Elevator, seeking a variance for a semi-enclosed lift. The petitioners explained that the lift gate is located 3-inches from a busy public roadway. The Board was concerned with the space below the gate because a person or animal could become trapped. Tom Hopkins, Architectural Access Board, provided the Board with information relative to the proposed wheelchair lift at 42 Merrimac Street. A motion was put forth by David Gaudet to grant a variance to allow a 3-sided hoistway to be open in the front and to install a flashing caution light that is visible from the driveway to flash during operation of the unit. The motion was seconded by Tom Riley.

**Motion by:** David Gaudet

**Seconded by:** Tom Riley

**Vote:** 4-2, Granted; Davis, Morgan opposed

**8. Code Review**

The Board was not able to conduct a code review because of time restraints.

**Matters Not Reasonably Anticipated 48 Hours in Advance of Meeting**

**Exhibit List:**

Exhibit 1: Meeting Minutes from August 25, 2015 & September 1, 2015

Exhibit 2: 700 Huron Avenue – Cambridge, MA

Exhibit 3: 34 Beacon Street – Boston, MA

Exhibit 4: O Harvard Road – Shirley, MA

Exhibit 5: 1 Charles Street – Newburyport, MA

Exhibit 6: 42 Merrimac Street – Newburyport, MA

Exhibit 7: Code Review

Motion to Adjourn by David Morgan, seconded by John O'Donoghue. Hearing concluded at 3:00 p.m.

Prepared by: Ethan J. Clough