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**Minutes**

**Board of Elevator Regulations**  
**1000 Washington Street**  
**Boston, MA 02118**  
**1<sup>st</sup> Floor – Room 1C**  
**January 21, 2020**

**Board Members Present:**

Stephen Sampson, Chairman  
Eric Morse  
David Gaudet  
Brian Ronan  
Paul Vigneau

**Guests Present:**

Jay Barfield (Otis Elevator)  
Jesse LaMontagne (Related Beal LLC)  
Donald Partington (United Elevator)  
Suzanne Walsh (United Elevator)  
Janet Moore (Syska Hennessy Group)  
Grace Nugroho (Perkins & Will)  
Andrew Grote (Perkins & Will)  
Emil Giordano (Turner Construction Co.)

**Board Members Absent:**

David Morgan  
Cheryl Davis

**Division of Professional Licensure Staff:**

Ruthy Barros  
Charles Kilb

1. **370 Harrison Avenue – Boston, MA [Exhibit 1]**  
**State ID: 1-P-19491, 1-P-19492, 1-P-19493, 1-P-19494, and 1-P-19495**  
**524 CMR Section 2.27.9**  
**Petitioner: Samantha Finney**

The petitioner's representative Jay Barfield was in front of the Board seeking a variance from 524 CMR Section 2.27.9, requesting to change fire signage coloring to contrast

against a stainless steel black face plate. Mr. Barfield stated the request for variance is strictly due to aesthetic purposes only. The fire signage would be engraved on the same call button plate in alternating red and white colors instead of the red and black, which is required by code. Board member Eric Morse questioned Mr. Barfield as to why the design team couldn't mount a separate sign above the call station and Mr. Barfield replied that the client wanted to eliminate extra signage and the amount of face plates needed due to aesthetic preference. Board members were concerned that altering the colors would make the fire signage visibly difficult to make out. A motion was placed by Eric Morse to deny the variance request under the justification that there is another alternative to mounting the sign and the colors that are stated in the code. The motion was seconded by Paul Vigneau.

**Motion:** Eric Morse

**Seconded:** Paul Vigneau

**Vote: 5-0; Denied.**

## 2. **Agenda item #5:**

Charles Kilb, legal counsel, addressed the Board that it has come to DPL's attention that apparently there is a Federal standard which has been adopted by the Federal government, specifically a 1999 edition of NFPA 13, which requires sprinklers in the hoistways and machine rooms. This standard is in contradiction with 524 CMR 35:00 Section 2.8.3.3, which states sprinklers shall not be permitted in power passenger or freight elevator hoistways, pits, machine rooms or control spaces. Assisted living facilities in Massachusetts are being affected by this discrepancy because if they do not abide by the NFPA 13-1999 edition sprinkler requirement, they could lose all Federal funding.

Legal counsel will provide the Board with a copy of the NFPA 13-1999 edition, the NFPA 99-2012 edition and the NFPA 101-2012 edition. The Chairman will also provide the Board with documents that might clarify previous BER members' assessment regarding this matter. This matter will be placed on the next agenda for further discussion.

3. **928 Boston Post Road East – Marlborough, MA [Exhibit 2, 2A and 2B]**  
**State ID: 170-V-347 and 170-V-348**  
**524 CMR Section 32.09**  
**Petitioner: Charlene Walsh**

The petitioner's representatives Donald Partington and Suzanne Walsh were in front of the Board seeking a variance from the Inspector's report citing, "No slack rope switches 32.09". Mr. Partington stated that the units in question are chain driven hydraulic elevators and the manufacturer, PFlow, confirmed that there is no place to mount a slack rope switch because the units are chain driven. Mr. Partington stated that in the case the chain breaks, the car will automatically go on safeties. A motion was placed by Eric Morse that the Board does not grant a variance to Section 32.09, as none is required based on the design of the equipment. The chain is keeping tension on the hydraulic jack and when that chain becomes slack the safeties do set. The Board will grant relief from the Inspector's report. The motion was seconded by David Gaudet.

**Motion:** Eric Morse

**Seconded:** David Gaudet

**Vote: 5-0; Grant relief from Inspector's report.**

4. **290 Main Street – Cambridge, MA [Exhibit 3 and 3A]**  
**State ID: 49-P-19359**  
**ASME A17.1-2004 Section 2.11.1.1 and 524 CMR 35:00**  
**Petitioner: Janet Moore**

The petitioner was in front of the Board seeking a variance from ASME A17.1-2004 Section 2.11.1.1 – Hoistway Landing Entrances and 524 CMR 35:00. The petitioner stated that the above address is a 28 story building, with a garage below that contains four elevators. Three elevators serve floors 1 to 28 and the service elevator listed above serves the one parking garage level at P1, has front and rear openings at level 1 and serves floors 2 through PH. It also serves the 5<sup>th</sup> floor level which is strictly mechanical. There is no other elevator that also accesses to the 5<sup>th</sup> floor level. Access to the 5<sup>th</sup> floor level is by authorized personnel only. At the 5<sup>th</sup> floor, Mechanical level, at the corner of the door opening there is a structural impediment at the corner of the door opening. All other areas of the door opening are 7 feet and the variance request is only for the section of the corner of the door that is under the required 80 inches. Lastly, the petitioner stated that this 5<sup>th</sup> floor will always remain a mechanical room, as there is no space for any possible future conversion. A motion was placed by David Gaudet to grant the variance from A17.1-2004 Section 2.11.1.1 and 524 CMR 35:00, for a low clearance obstruction with

the stipulations to add alternating stripes and safety signage on the beam on both sides and a sign in the car stating “Low Overhead” “Restricted Overhead, 5<sup>th</sup> Floor”. The justification is that the impediment should not be a safety concern with precautions. The motion was seconded by Brain Ronan.

**Motion:** David Gaudet

**Seconded:** Brain Ronan

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

5. **Old business:**

**252 Bridge Street – Salem, MA**

**State ID: 258-P-433 and 258-P-434**

**524 CMR**

**Petitioner: Justin DiConzo**

The petitioner’s representative Matt Beecy was in front of the Board on January 7, 2020 seeking a variance from an Inspector’s Report citing “Build platform and access door to hoist machine and governor 524 CMR 1103 ”07” 524 CMR 1.03”. A motion was placed by Eric Morse to place the variance request on hold until a field survey can be conducted with one of the State Inspectors; particularly looking for mechanical locks on the crosshead and the ability to move the car to a location where it is safe to work on the machine. The Chairman updated the Board on his findings from the field survey and stated that as is, he determined that the condition is unsafe and a working platform needs to be installed in order to work on the machinery, breaks and governor. A motion was placed by Eric Morse to deny the petitioner’s variance request and direct the applicant to install a platform in full accordance with the most current code. The motion was seconded by Brain Ronan.

**Motion:** Eric Morse

**Seconded:** Brian Ronan

**Vote: 5-0; Denied.**

6. **Approval of meeting minutes from January 7, 2020 [Exhibit 4]**

A motion was put forth by Paul Vigneau to accept the minutes as written. The motion was seconded by Brain Ronan. **Vote: 5-0; Granted.**

Exhibit List:

Exhibit 1: Variance packet for 370 Harrison Avenue – Boston, MA

Exhibit 2: Variance packet for 928 Boston Post Road East – Marlborough, MA

Exhibit 2A: Pictures of units 170-V-347 and 170-V-348

Exhibit 2B: 21 Series Hydraulic VRC 2 Post Straddle Installation Manual

Exhibit 3: Variance packet for 290 Main Street – Cambridge, MA

Exhibit 3A: Pictures of unit 49-P-19359 and the 5<sup>th</sup> floor, Maintenance level

Exhibit 4: Meeting minutes from January 7, 2020

**Motion to Adjourn:** Paul Vigneau

**Seconded:** Eric Morse

**Vote: 5-0; Adjourned.**

Hearing concluded at 2:38 p.m.

Prepared by: Ruthy Barros