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Division of Professional Licensure**

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REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

Board of Elevator Regulations

**This meeting was held remotely via GoToMeeting
July 14, 2020 at 9:00 a.m.**

Board Members Present:

Eric Morse, Acting Chairman
David Gaudet
Jacob Nunnemacher
Cheryl Davis
Brian Ronan
David Morgan

Division of Professional Licensure Staff:

Charles Kilb
Ruthy Barros
Martin Guiod

Guests Present:

Brandon Hall (ParkPlus, Inc.)
Ashley Johann Jenkins (ParkPlus Inc.)

The Board discussed the following:

1. A motion was placed by David Gaudet to appoint Eric Morse as acting Chairman, pending new governor appointment or further Board action. The motion was seconded by David Morgan.

Motion: David Gaudet

Seconded: David Morgan

Vote: 6-0; Granted.

Roll Call Vote:

- Jacob Nunnemacher
- David Gaudet

☒ yea

☐ nay

☒ yea

☐ nay

- | | | |
|----------------|---|------------------------------|
| • Cheryl Davis | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

1. **30 Penniman Road – Allston, MA [Exhibit 1]**

Product Variance

Product: Lift-Sliding Semi-Automated Parking System

Manufacturer: ParkPlus

Petitioner: Ted Makowski

The Board continued discussion regarding a product variance request for the allowance to install an automated parking device to be located at the above address. The petitioner's representative, Brandon Hall was originally in front of the Board on February 4, 2020 seeking a product variance for a 42-car tandem lift-sliding semi-automated parking system to be installed at the above location. Mr. Hall presented to the Board additional documentation and requested clarification of the stance of the petition as it stands today. Board member Jacob Nunnemacher stated that the concern for Fire Service is that if there is a fire, or an event down in the pit, the Fire Department will have to go through an access ladder. Mr. Nunnemacher acknowledged that Mr. Hall has improved the situation by moving the hatch to the front of the system versus at the rear of the unit. Mr. Nunnemacher stated that the problem remains that you still have to open the hatch and go down an open hatch to fight a fire and that is an extremely dangerous situation for a firefighter to be in and that is the reason the Board is looking for a door in the pit. Mr. Hall stated that at this time there cannot be any design changes to the foundation. Board member Brian Ronan pointed out to Mr. Hall that the project at the above address has not been issued a full building permit. The permit currently issued for the project is considered an "At will" building permit, which has been mentioned to Mr. Hall numerous times at various Elevator Regulations meetings. Board member David Gaudet advised Mr. Hall that on a previous Board hearing in May, Mr. Hall was notified by the Board to provide a detailed plan of the pit access including access paths, clearances and hatch dimensions, including details of the first floor and pit, citing 524 CMR A17.1-2013 Section 2.2.4. Mr. Nunnemacher also mentioned a concern of the proposed fire suppression system that Mr. Hall presented in his variance request. Mr. Nunnemacher stated that the fire sprinkler systems are not designed to extinguish the fire but are there to control the fire until Fire Service can get down to fight the fire. Now coupled with the advent of newer technology, if there are electric cars, hydrogen fuel vehicles etc., makes

the situation even more complicated and more necessary for safe pit access. Ashley Johann Jenkins stated that the opening to access the pit can be made larger.

A motion was placed by David Gaudet to take this matter under advisement for closed session to discuss further. The motion was seconded by David Morgan. Board member Brian Ronan will conduct a site visit and follow-up with Deputy Fire Chief Brian P. Tully Sr. of the Boston Fire Department.

Motion: David Gaudet

Seconded: David Morgan

Vote: 6-0; Board will deliberate in a closed session at the next meeting.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

2. Old Business:

• 291 Saint Botolph Street – Boston, MA

Product Variance

Petitioner: Daniel Collins

The petitioner was in front of the Board on June 23, 2020 seeking a product variance to replace the existing car fan with a fan that has UV light incorporated to sterilize the air as it circulates. The petitioner requested to withdraw his variance request. No action taken and the variance request is considered withdrawn.

• 174 Ipswich Street – Boston, MA [Exhibit 2]

New Installation

ASME A18.1-2014 Section 2.1.1.1

Petitioner: Kevin Hastings

The petitioner was in front of the Board on May 5, 2020 seeking a variance from ASME A18.1-2014 Section 2.1.1., to allow a 36” high guard at the upper landing. The petitioner provided the Board with additional information and the Board has requested that the petitioner come back in front of the Board and present all documentation including what was submitted to the Architectural Access Board.

Legal counsel to the Board, Charles Kilb left the meeting at 10:15 a.m.

- **10 Park Plaza – Boston, MA [Exhibit 3]**
State ID: 1-E-5875 and 1-E-5876
524 CMR Section 1.14
Petitioner: Don Partington

The petitioner was in front of the Board on June 2, 2020 seeking a product variance to install ClearWin Escalator Handrail UV Sterilizer systems on the two escalators at the above location. At the hearing conducted on June, 2, 2020, the Board tentatively approved the installation of the devices subject to further Board review and the understanding that if a variance is ultimately not granted and/or have been determined by the Board to be unsafe, they must be removed at the direction of the Board and/or DPL. OPSI Elevator Supervisor, Martin Guiod described his findings after a recent site visit. Mr. Guiod stated that he had safety concerns regarding the pinch point and the accessibility of the system for a child, which could cause harm. Based on this decision and safety concerns for the public, a motion was placed by David Morgan to deny the petitioner's request and have the devices removed immediately. The motion was seconded by Cheryl Davis.

Motion: David Gaudet
Seconded: David Morgan
Vote: 6-0; Denied.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

OPSI staff and the Chairman will follow-up with legal counsel on how to proceed with notifying United Elevator of the variance denial and immediate removal of the devices. Lastly, the Board would like to issue a public notice confirming the disallowance of exterior mounted handrail sanitizing units.

- **10-11 Arlington Street – Boston, MA [Exhibit 4]**
Product Variance
Manufacturer: GRUNDEI GmbH – Bergneustadt, Germany for 5YB2 US
Product name: Lifting Table FAU-40411378 [Scissors lift]
524 CMR and A17.1-2013 Sections 26.06, 26.07, 26.11 and 26.13
Petitioner: Lynne Thompson

The petitioner was in front of the Board on June 16, 2020 seeking a product variance to install a FAU-40411378 “Scissors table [lift] with rigid chain” to be used for a 5BY2 parking system. The petitioner provided the Board with additional information. The Board has requested that the petitioner come back in front of the Board to present the new information.

3. Approval of meeting minutes from June 23, 2020 [Exhibit 5]

A motion was put forth by Cheryl Davis to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 6-0; Granted.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Exhibit List:

Exhibit 1: Pictures from 30 Penniman Road, Allston

Exhibit 2: Decision from AAB for 174 Ipswich Street, Boston

Exhibit 3: Prototype pictures from Supervisor Martin Guiod of 10 Park Plaza, Boston

Exhibit 4: Additional information regarding EV charging capabilities for 10-11 Arlington Street, Boston

Exhibit 5: Meeting minutes from June 23, 2020

Motion to Adjourn: Brian Ronan

Seconded: Jacob Nunnemacher

Vote: 6-0; Adjourned.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Hearing concluded at 11:00 a.m.

Prepared by: Ruthy Barros