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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 28, 2020 at 9:00 a.m.**

**Board Members Present:**

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

**Board Members Absent:**

Cheryl Davis

**Division of Professional Licensure Staff:**

Charles Kilb  
Ruthy Barros  
Martin Guiod (Sworn in at 9:19 a.m.)

**Guests Present:**

Adam Malicia (Schindler)  
Daniel Collins (Delta-Beckwith Elevator)  
Louis Delafano (Otis)  
Russell Larson (Otis)  
Steve Meader (Otis)  
Richard Pierce (Otis)  
Joe Drown (Perkins Eastham Architects)  
Kevin Hastings (Hastings Consulting)  
John Moriarty Jr. – John Moriarty and Associates  
Lynne Thompson – Owner's Project Manager  
Robert DeSalvio – Embarc  
Jonathan Hardy – Lodige  
Peter Costache – Lodige

The Board discussed the following:

1. **800 Boylston Street - Boston, MA [Exhibit 1]**

**Product Variance**

**Product Name: Gen3 LED UV-C Handrail Module (Model #MD1002-1)**

**Manufacturer: EHC Global**

**524 CMR**

**Petitioner: Adam Malicia**

The petitioner was in front of the Board seeking a product variance for a prototype to be installed at the above location. The above proposed product is an escalator handrail sanitizing device that would be installed in the balustrade. The mounting will be site specific. The petitioner stated that this device will be installed internally, so there are no safety concerns on the outside of the handrail. With Board approval, the petitioner would like to install 20 of these proposed devices. The unit will need a power source that will be picked up by the controller. The petitioner stated that the manufacturer does provide various types of signage that can be mounted at the top, on the bottom, and on the balustrade and at the disconnect for the 12-volt power source. Board member David Morgan stated he would personally like to see some type of signage, warning/notifying Elevator Mechanics that there is a UV device in the unit. The petitioner will confirm if a cover can be installed which will disallow any light to escape from the device. Also, the petitioner will confirm if the device has undergone any changes since the 2018 submitted drawings and if there has been any UL or Intertek testing on the device. Board member David Gaudet stated that the petitioner must provide a strict standard operating procedure for the safety of the mechanics. A motion was placed by David Morgan to tentatively approve the installation of only one device, subject to further board review in the understanding that if a variance is ultimately not granted and/or have been determined by the board to be unsafe, the device must be removed at the direction of the Board and/or DPL. Along with the prototype installation approval, the petitioner is required to mount signage at the top and bottom ends alerting anyone working inside of the inherent dangers with UV light exposure and notification that these devices are present and how to disconnect power to the devices. The motion was seconded by Brian Ronan.

**Motion:** David Morgan

**Seconded:** Brian Ronan

**Vote: 5-0; Installation of prototype 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
• 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. **334 Huntington Avenue – Boston, MA [Exhibit 2]**

**Product Variance**

**Product Name: Otis Cab Air Purifier**

**Manufacturer: Otis**

**Petitioner: Daniel Collins**

The petitioner was in front of the Board seeking a product variance for a prototype to be installed at the above location. The above proposed product is an Otis Cab Air Purifier which uses bipolar ionization technology that significantly reduces airborne bacteria and viruses in elevators. The petitioner stated that essentially Otis will modify the existing exhaust fan to an intake fan and add the Otis Cab Air Purifier. The unit continuously purifies air without having to be changed, refilled, or cleaned outside of regular elevator maintenance. Board member David Morgan stated that in his opinion, he believes that the proposed device does not require a variance. Mr. Morgan stated that under Section 2.14.2.3.1 (a-g), whether the proposed device pushes or pulls the air, it meets code. The petitioner confirmed that the proposed device does meet Section 2.14.2.3.1 (a-g) and meets the code for top of car clearances. Richard Pierce stated that there is no maintenance requirements or safety concerns that they are aware of for the device, which has a life expectancy of 12-15 years. Mr. Pierce stated that the device was originally developed for HVAC systems and there are four versions of it, depending on the power supply, the one that would be used at the above location would be 110-volts AC and when the fan is turned off, the device is turned off. According to the manufacturer's website, the device has received UL 2998 approval. A motion was placed by David Gaudet to take no action and allow the petitioner 30 days to come back in front of the Board if need be. The motion was seconded by David Morgan.

**Motion:** David Gaudet

**Seconded:** David Morgan

**Vote: 5-0; No action taken and placed on hold for 30 days if a variance request is required.**

**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 |
| • 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 |

3. **174 Ipswich Street – Boston, MA [Exhibit 3]**  
**New Installation**  
**ASME A18.1-2014 Section 2.1.1.1**  
**Petitioner: Kevin Hastings**

The petitioner was originally in front of the Board on May 5, 2020 seeking a variance from ASME A18.1-2014 Section 2.1.1., to allow a 30” high guard at the upper landing. Joe Drown stated that the project involves the design and construction of a new high school for the city of Boston. The building includes a full theater with a vertical wheelchair lift to provide access from the seating area to the orchestra pit to comply with 521 CMR. The accessible platform lift is designed to serve the orchestra pit whenever it is needed and is located within the pit itself. It will, however, remain mostly covered with the independently supported pit filler platform designed to maximize the stage area for the school and its performers. The lift will only be used by students and staff, not the general public. Due to the function of the stage, when in its upper landing position, will not have a 42” guard wall surrounding the hoistway. The stage floor is 36” above the upper landing position and does not have fall protection around it. This is a function of being a stage and is unavoidable. Since the stage is only 36” above the upper landing, the upper landing gate for the lift will need to be customized and fabricated to a height lower than 42”. The petitioner provided the Board with written confirmation from the Architectural Access Board that this unit has been granted. The petitioner stated that the Architectural Access Board did essentially grant two variances. The first variance granted was the allowance of the lift to be covered when not in use and the second variance was to allow the unit to be locked with a key when not in use. When the lift is in operation, the cover will come off and the 36” high wall will come down, leaving the 30” gate and the other three sides will remain a 42” high wall. The petitioner stated that signage indicating a fall hazard can be mounted. The Board expressed safety concerns regarding the proposed 30” barrier/gate. Mr. Drown stated that he could see if there is a modification that could accommodate for a higher configuration. A motion was placed by Eric Morse to deny the variance request for a barrier less than 42” with the justification being that through design and other options, it certainly appears that there may be some other avenues for the petitioner to be in compliance. The motion was seconded by David Morgan.

**Motion:** Eric Morse  
**Seconded:** David Morgan  
**Vote:** 5-0; **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 |
| • 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 |

4. **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 building will be for commercial use by the owner and is designed to accommodate a fully automated car parking system for 7 parking spaces on the basement floor. Entry to and exit from the system is gained through a transfer cabin located on the ground floor. When the lift goes down, the lift will ride on rails to a position to turn and once turned right further to connect with the puzzle. For the lift to travel sideways, the floor in the entry cabin will be hoisted up. This will be the 4th project with the 5BY2 puzzle system in Boston. The parking garage lift on 10-11 Arlington St. will be identical to the lifts installed at 88 Wareham St. and 401 Beacon St. and driven by three rigid chains and is equipped with two overspeed/anti fall devices. The first variance the petitioner is seeking is from Section 26.06: Hoistway Gates in Non-Fire-Resistive Hoistways. The distance from the overhead doors to the lift is 3 feet 7 inches. The petitioner would like the requirement of a safety gate to be waived do to the fact that the lift travel is always without a person. The petitioner stated that Boston fire Department can enter through the lobby door, which is easier, and has a window to assess the situation inside the cabin. Should the lift not be in the entry cabin, the fire is in the basement and access should be through the doors there. The second variance the petitioner is seeking is from Section 26.07: Protection at Other Levels. The petitioners stated no ropes or other dividers are used. The hoistway is open at the lower landing. The rail/ transport system protects the hoistway opening. The third variance the petitioner is seeking is from Section 26.11: Car Enclosures in Car Gates. The petitioner stated the lift does not have an enclosure of 42 inches of

metal railing. No individuals travel with the lift, and then closure would restrict the driver to leave his or her vehicle or to get back in. In addition, the petitioner will deploy shaft protection to detect that a car has moved and cannot go through the shaft. The last variance the petitioner is seeking is from Section 26.13: Driving Machines. The petitioner stated the lifting table was engineered according to the EU machinery directive DIN EN-1570-2012, which states a minimum safety factor of buckling 3, to which this lifting table complies. At the request of the Board, the petitioner provided more information to the Board regarding the electrical charging portion of the system. The petitioner also addressed the Board's concerns regarding the control panels for the charging system being within the lift. Mr. Moriarty stated that a room has been established outside of the hoistway and the electrical switch gears in that hoistway. There will be two sub panels, one for the elevator equipment itself, another panel for the charging station and both panels connect into a single disconnect for the Elevator Mechanic to be able to kill power for everything that's associated with the hoistway. Board member David Morgan requested that the petitioner install a similar gate to the one that was installed at the 110 Broad Street project. Mr. Moriarty confirmed that there will be an NFPA 13 sprinkler system and access to both levels. Mr. Moriarty requested to withdraw the variance request from Section 26.06 without prejudice, so he may confirm the installation of a safety gate. A motion was made by David Morgan to grant the petitioner's request, with the exception of Section 26.06 and with the stipulation that there is adequate signage in the machine room, on the disconnect distinguishing which one is for the EV system and which one is for the unit and that the EV power stays on, even if there is no power to the unit. A formal decision will be forwarded to the petitioner reiterating stipulations and other restrictions that have been previously discussed. The motion was seconded by David Gaudet.

**Motion:** David Morgan

**Seconded:** David Gaudet

**Vote: 5-0; 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
• 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

5. **Draft communication regarding brake repair. [Exhibit 5]**

The Board reviewed the draft communication regarding an issue with permitting and testing when brake lines or pads are replaced. The reason for this public communication is that Elevator companies are changing brake pads out without pulling permits and testing the elevator, which is required under 524 CMR Section 10.03 (2)(d)(e). Board member Eric Morse will revise the draft communication and it will be placed on next week's agenda for discussion.

6. **Approval of meeting minutes from July 21, 2020 [Exhibit 6]**

A motion was put forth by Jacob Nunnemacher to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 4-0; Granted.** David Gaudet abstained.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	ABSTAINED	
• 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

7. **Review work to finalize draft decisions. [Exhibit 7]**

A motion was placed by Jacob Nunnemacher to move into quasi-judicial session to continue discussion regarding product variance requests for the allowance to install automated parking devices to be located at 30 Penniman Road, 29 Commonwealth Avenue and One Post Office Square, Boston. The motion was seconded by David Gaudet.

**Motion to move into quasi-judicial session:** Jacob Nunnemacher

**Seconded:** David Gaudet

**Vote: 5-0; Quasi-judicial session.**

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
• 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

A motion was placed by Jacob Nunnemacher to move into open session. The motion was seconded by Brian Ronan.

**Motion to move into open session:** Jacob Nunnemacher

**Seconded:** Brian Ronan

**Vote: 5-0; Open session.**

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 |
| • 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: Variance packet for 800 Boylston Street – Boston, MA

Exhibit 2: Variance packet for 334 Huntington Avenue – Boston, MA

Exhibit 3: Variance packet for 174 Ipswich Street – Boston, MA

Exhibit 4: Variance packet 10-11 Arlington Street – Boston, MA

Exhibit 5: Draft communication regarding brake repair.

Exhibit 6: Meeting minutes from July 21, 2020

Exhibit 7: Draft decisions for 30 Penniman Road, 29 Commonwealth Avenue and One Post Office Square, Boston.

**Motion to Adjourn:** David Gaudet

**Seconded:** Brian Ronan

**Vote: 5-0; 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 |
| • 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 12:10 p.m.

Prepared by: Ruthy Barros