

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure

1000 Washington Street, Suite 710
Boston, Massachusetts 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

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

Minutes

Board of Elevator Regulations

**This meeting was held remotely via GoToMeeting
May 19, 2020 at 9:00 a.m.**

Board Members Present:

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

Division of Professional Licensure Staff:

Charles Kilb
Ruthy Barros

Guests Present:

Melissa Fetter (Property owner – 71 Charles Street, Boston)
Monika Zofia Pauli (Pauli & Uribe Architects LLC)
John Born, P.E. (John Born Associates, Consulting Structural Engineers)
John Linsley (Gillespie Corporation)
Gary West (Gillespie Corporation)
Richard Pignataro (Pauli & Uribe Architects LLC)
Michael Barron (Upland Architects)
Christopher Lynch (Code Red Consultants)

The Board discussed the following:

1. The Board went into Quasi-Judicial Session pursuant to M.G.L. c. 30A, §18 to deliberate in the matter of produce variance request to install an automated parking device to be

located at 30 Penniman Road, Allston. By unanimous decision, the Board moved motion into closed session. Board member Brian Ronan entered the meeting at 9:57 a.m. and was not present during the roll call vote.

Roll Call Vote:

• Stephen Sampson, Chairman	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• 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
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

By unanimous decision, the Board went into open session.

2. **71 Charles Street – Boston, MA [Exhibit 1]**

New Installation

A17.1-2013 Sections 3.4.1.1, 3.4.1.3, 3.4.1.6, 2.15.9.2 and 2.15.9.2(b)

Petitioner: Gary West

The petitioner was in front of the Board seeking a variance for a shallow elevator pit from the requirements of 524 CMR Chapter 35.00 – ASME A17.1-2013 §2.15.9.2(b), §3.4.1.1, §3.4.1.6, §3.4.4 and §3.4.7. Additionally, the petitioner is requesting a variance to allow a non-standard machine room. The petitioner is proposing to install a new elevator at the north wall of the five-story townhouse-type structure at the above address, originally constructed circa 1850. The building is being renovated to be a commercial use, a bookstore and cafe. The elevator is designed to provide handicapped access to all floors where none exists at present. The elevator will serve the basement, 1st floor, 2nd floor, and 3rd floor. It was confirmed by the Structural Engineer that a solid granite slab has been encountered which protrudes laterally about 14 inches into the proposed elevator shaft. It is unclear whether this granite is a footing bearing on soil or is a pile cap resting on old timber piles. The Structural Engineer recommended that the granite slab not be disturbed since that might compromise the integrity of the party wall and the neighbors building. With the pit depth of 12 inches, the base of the elevator shaft can be designed without significant impact on the existing granite slab. The petitioner is requesting to install a Gillespie shallow pit safety system which uses electromechanical rail mounted safety bumpers to provide an equivalent level of safety by ensuring a safe refuge can be created and maintained. In addition, the petitioner is proposing to install a telescoping toe guard to provide a guard apron height per code. Lastly, with respect to the elevator machine room, a non-conventional machine room is being proposed. A retail bookstore

consulting firm has determined that a space of 2,000 square feet is ideally required for a bookstore to function well. The proposed location and size of the machine room allows the business to maximize the already limited retail space. A motion was placed by Eric Morse to grant the variance for the shallow pit elevator equipment but deny the variance request for the non-compliant machine room with the justification that the machine room was developed as a safety protection and the Board does not see any reason to grant the variance to that regulation. The motion was seconded by David Morgan.

Motion: Eric Morse

Seconded: David Morgan

Vote: 7-0; Granted installation of the Gillespie Shallow Pit System. Denied request for a non-compliant machine room.

Roll Call Vote:

• Stephen Sampson, Chairman	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• 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

3. **100 Federal Street – Boston, MA [Exhibit 2]**

New Installation

ASME A18.1-2014 Section 2.7.1

Petitioner: Michael Barron

The petitioner was in front of the Board seeking a variance to install an enclosed platform lift that exceeds the maximum allowed travel of 14 feet. The petitioner stated that the existing structural will not support a full elevator in the restaurant space. The space below the restaurant is a parking garage and egress corridor. The petitioner also stated that there is an existing elevator adjacent that the second level has access to. Access to the existing elevator on the ground level is through the kitchen space. The petitioner is proposing an enclosed platform lift adjacent to the restaurant bar and seating area to provide mobility restricted patrons a shared experience of the second level restaurant without having to leave the restaurant space in navigate to the existing elevator. The proposed travel would be 14'-6". A motion was placed by Eric Morse to deny the petitioner's request with the justification that during the most recent code upgrade, Massachusetts increased its allowable limit to meet the national standard of 14 feet and the national standard was set

on the basis of 14 feet being the furthest safest travel for this type of equipment . The motion was seconded by David Morgan.

Motion: Eric Morse

Seconded: David Morgan

Vote: 6-1; Denied.

Roll Call Vote:

• Stephen Sampson, Chairman	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input type="checkbox"/> yea	<input checked="" 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

4. **Old Business:**

The Board discussed the 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. Christopher Lynch explained to the Board his dialog with someone from the Center of Medicaid and Medicare Services, in regards to a section of NFPA 101 Safety Code, which Gets into the fact that in a building to be considered fully sprinkler protected, there is an allowance where it says approved alternative protection means by the authority having jurisdiction. Mr. Lynch had questions as to what would be considered alternative protection in Massachusetts. Legal counsel stated that the concerned Federal party/parties are welcome to come in front of the Board and express their concerns with the NFPA 13-1999 sprinkler requirement.

5. **Matters not anticipated 48 hours in advance of meeting:**

The Board briefly discussed escalator UV add-on concerns. The Chairman stated he will issue a Constant Contact to advise that escalator sanitizer equipment has not been approved by the Board. Also, Board member Eric Morse stated as buildings start to open again and operations resume, he has some concerns that elevator operations may be accomplished without license personnel present and it may make sense for OPSI to issue a reminder on access to machine rooms and how that is supposed to be accomplished.

6. **Approval of meeting minutes from May 12, 2020 [Exhibit 3]**

A motion was put forth by David Gaudet to accept the minutes as written. The motion was seconded by Jacob Nunnemacher. **Vote: 6-0; Granted.** David Morgan abstained.

Roll Call Vote:

• Stephen Sampson, Chairman	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• 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	ABSTAINED	

Exhibit List:

Exhibit 1: Variance packet for 71 Charles Street – Boston, MA

Exhibit 2: Variance packet for 100 Federal Street – Boston, MA

Exhibit : Meeting minutes from May 12, 2020

Motion to Adjourn: David Morgan

Seconded: Jacob Nunnemacher

Vote: 7-0; Adjourned.

Roll Call Vote:

• Stephen Sampson, Chairman	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• 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 11:19 a.m.

Prepared by: Ruthy Barros