

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 5, 2020 at 9:00 a.m.

Board Members Present:

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

Division of Professional Licensure Staff:

Charles Kilb
Ruthy Barros

Guests Present:

Robert Miller (City of Boston Public Facilities Department)
Christopher Ingersoll (Fennick McCredie Architecture)
Michael Soucy (City of Boston Public Facilities Department)
Agnes Jacob (Fennick McCredie Architecture)
Jeff Perras (Code Red Consultants)
Kevin Hastings (Hastings Consulting)
Joe Drown (Perkins Eastman Architects)
Peter Cameron (Wilson Butler Architects)
Thomas Guild (Verizon)
Frantz Michel (Otis)

The Board discussed the following:

1. **18 Barnes Avenue – Boston, MA [Exhibit 1]
New Installation**

Interpretation
Petitioner: Robert Miller

The petitioner was in front of the Board seeking an interpretation from 524 CMR 35:00 Section 2.1.1.2.2. The petitioner stated that the elevator will be wrapped in a mesh system that complies with 524 CMR 35:00 Section 2.1.1.2.2 and will have Fire Service, Phase I and Phase II. Christopher Ingersoll and Jeff Perras stated that the existing building is a two-floor, flat-roof, brick-masonry former satellite library located in the Orient Heights neighborhood of East Boston. The building was originally constructed in 1950 and the Orient Heights branch of the Boston Public Library was the sole occupant from 1982 until 2013. The project includes the gut renovation of the existing building in order to provide a senior center for the Orient Heights community. Both floors will be fit out into multi-purpose spaces and meeting rooms. An addition, constructed as part of the project, a stair and elevator serving both floors. The stair is being designed as an unenclosed exit access stairway that wraps around the elevator per the 9th Edition of the Building Code 780 CMR Section 1019.3-1. The elevator will also be constructed without a rated shaft enclosure since it meets the following criteria (780 CMR 712.1.9):

- Does not connect more than two stories;
- Is not concealed within the construction of a wall or a floor/ceiling assembly;
- Is not open to a corridor in Group I and R occupancies;
- Is not open to a corridor on non-sprinklered floors; and
- Is separated from floor openings and air transfer openings serving other floors by construction conforming to required shaft enclosures.

A motion was placed by Eric Morse that based on the information presented to us regarding the construction of a non-fire resistant hoistway, if it's applicable, appears to be in full compliance with 524 CMR 35:00 Section 2.1.1.2.2. Mr. Morse further added that the determination of fire resistant or non-fire resistant construction is the determination of the Massachusetts Building Code 780 CMR and the local building officials. The motion was seconded by David Gaudet. Board member Brian Ronan will make a site visit to the above location.

Motion: Eric Morse

Seconded: David Gaudet

Vote: 7-0; Interpretation issued.

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 |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

**2. 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 seeking a variance from ASME A18.1-2014 Section 2.1.1., to allow a 36” high guard at the upper landing. Joe Drown and Peter Cameron 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 in order 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. We are proposing to use keyed controls to avoid improper use. The wheelchair lift will be key operated, a buzzer and intercom system will be installed at the lift and connected to a location within the building where the key is maintained. This will also present a further safety feature in the operation. 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 inches above the upper landing, the upper landing gate for the lift will need to be customized and fabricated to a height lower than 42”. A motion was placed by Eric Morse to place the petitioner’s request on hold for 90 days so the petitioner may provide the Board with written confirmation from the Architectural Access Board that this unit is acceptable, and the Board can review possible safety issues that may be present. As for the keyed controls, the removal of the key switch for all non-residential wheelchair lifts is a federal mandate. The Board has no authority to override this decision. The Architectural Access Board may allow a variance in order to gain security though the use of other devices such as touch pads, card swipes or similar means.

Shutting down the unit is always an allowable option when the building is not in use. The motion was seconded by Jacob Nunnemacher.

Motion: David Gaudet

Seconded: Jacob Nunnemacher

Vote: 7-0; Placed on hold for 90 Days.

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 |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

3. **67 Pleasant Street – Arlington, MA [Exhibit 3]**

State ID: 11-P-69

524 CMR Section 17.34 (2)

Petitioner: Samantha Finney

The petitioner’s representatives were in front of the Board seeking a variance from an Inspector’s Report citing, “Install an auxiliary disconnect in sight of elevator machine – 17.34 (2)”. Thomas Guild and Frantz Michel stated that in order for the above unit to meet code several years ago, Verizon was notified by the previous elevator maintenance company that is was required to install a cage around the disconnect to protect non-elevator personnel as there was a pass through that provided access to another section of the building. Mr. Guild and Mr. Michel stated they are unable to have the disconnect moved within the machine room due to the lack of physical space in the machine room. Mr. Guild stated he believes an auxiliary disconnect can be installed in sight of the elevator machine, which can kill the main power to that machine immediately. Mr. Guild has requested to withdraw his variance request and if for any reason, he is unable to meet code, he will reapply to come back in front of the Board.

Withdrawn.

4. **Approval of meeting minutes from April 28, 2020 [Exhibit 4]**

A motion was put forth by Cheryl Davis to accept the minutes as corrected. The motion was seconded by David Gaudet. **Vote: 7-0; Granted.**

Roll Call Vote:

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

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

The Board briefly discussed a site visit that took place on Thursday, April 30, 2020 at 51 Silver Street, Boston. The Board requested that this be placed on the upcoming May 12th agenda for further discussion. Also, Board member Eric Morse requested to place the subject matter of mounting video screens in elevator cabs, specifically three walls of the cab would be a video display on the May 12th agenda for further discussion.

Exhibit List:

Exhibit 1: Variance packet for 18 Barnes Avenue – Boston, MA

Exhibit 2: Variance packet for 174 Ipswich Street – Boston, MA

Exhibit 3: Variance packet for 67 Pleasant Street – Arlington, MA

Exhibit 4: Meeting minutes from April 28, 2020

Motion to Adjourn: Jacob Nunnemacher

Seconded: Brian Ronan

Vote: 7-0; Adjourned.

Roll Call Vote:

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

Hearing concluded at 10:46 a.m.

Prepared by: Ruthy Barros

