MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections

1000 Washington Street, Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY, CONSUMER AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF OCCUPATIONAL LICENSURE

Minutes

Meeting of the
Board of Elevator Regulations
October 2, 2024, at 1:00 p.m.

1000 Washington Street
Boston, MA 02118
1st Floor-Room 1D
Hybrid Meeting via Microsoft Teams

Board Members Present:
Eric Morse, Acting Chair
David Gaudet
Neil Mullane
Brian Ronan
Anthony Buonopane
Tim Morgan

Division of Occupational Licensure Staff:
Richard Holtz
Gayle Richardson
Jay Ryan
John Rubyck (remote)
Martin Gouid (remote)

Board Members Absent:
Christopher Towski

Guests Present:
Anna Darrow
Michael Ray
Bill Kiniry
Dean Stevens
Christle Rawlings-Jackson
Sandra Ruiz Harris
Charlie Welch
Paul Hasbrouck
Lee Pouliot
Robert Alger
Janet Moore
Michelle Muro
Marc Loranger

Call to Order: 1:02 p.m.:

1. Roll call.

2. **VAR24-0054** **[Exhibit 1]**
12 Roxanna Street Framingham
State ID: 100-P-449
Code Reference: 524 CMR § 35.00, 3.19.4.7.3 (Mass. amendment)
Petitioner: Christen Parsons

Michael Ray was before the board on August 6, 2024, when the board requested additional documentation including a letter signed by a certified welder or welding company certifying whether the coupling to the jack can or cannot be welded. The petitioner is seeking a variance from code 524 CMR § 35.00, 3.19.4.7.3 as code requires threaded rupture valve but they are proposing installing a victaulic valve in lieu of a threaded valve.

Michael Ray reviewed the submitted pictures with the board, pointing out the coupling to the jack and the amount of space available to do the work. He then reviewed the letter provided by Deborah Bouvette stating that William Kennedy Jr., a licensed welder and certified welding instructor for NEIEP, "surveyed the condition and concurred welding in the particular area is not feasible." When questioned by David Gaudet if William Kennedy Jr. had himself submitted a written letter stating whether the coupling to the jack can or cannot be welded, as specifically requested by the board, Michael Ray stated that he had not.

Anthony Buonopane moved to grant the variance for a victaulic valve to be installed with a bell reducer and changing all rubber on the victaulic fittings. Justification is the greater safety of installing a victaulic valve instead of a threaded valve at the jack, given the limited conditions on-site to meet the safety code. Eric Morse seconded the motion. Vote: 6-0-0

Motion: Anthony Buonopane
Seconded: Eric Morse
Vote: 6-0-0 Granted
Roll Call Vote:

- Eric Morse ☒ aye ☐ nay ☐ abstain
- David Gaudet ☒ aye ☐ nay ☐ abstain
- Tim Morgan ☒ aye ☐ nay ☐ abstain
- Brian Ronan ☒ aye ☐ nay ☐ abstain
- Neil Mullane ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

3. **VAR24-0077** **[Exhibit 2]**
565 Boylston Street Boston
State ID: 1-P-1384
Code Reference: 524 CMR 17.02 (10) (citation to 2012 BER regulations)
Petitioner: Dean Stevens

The petitioner, Dean Stevens, seeks variance from code 524 CMR 17.02 (10), which states "Where entrance to a machine rooms and overhead machinery spaces is more than five feet above the adjacent floor or roof surface, access shall be provided by means of a metal ladder or stairway having an angle not exceeding 60 degrees from the horizontal."

The petitioner gave an overview of the current situation in that he believes the inspector may have interpreted the code incorrectly and that the ladder is code compliant. Mr. Stevens confirmed there has been no modernization or change to the machine room access. While reviewing the documentation submitted [Exhibit 2] the board suggested that it would be a good idea to have signage on the roof side of the door indicating the door leads to the elevator room and that there is a fall hazard.

After a discussion by the board, Eric Morse moved to deny the request for variance with the justification that no variance is required, as the ladder is code compliant, based on the code that is applicable at installation. The motion was seconded by David Gaudet. Vote 6-0-0

Motion: Eric Morse
Seconded: David Gaudet
Vote: 6-0-0 Denied
Roll Call Vote:

- Eric Morse ☒ aye ☐ nay ☐ abstain
- David Gaudet ☒ aye ☐ nay ☐ abstain
- Tim Morgan ☒ aye ☐ nay ☐ abstain
- Brian Ronan ☒ aye ☐ nay ☐ abstain
- Neil Mullane ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

4. **VAR24-0079** **[Exhibit 3]**
30 Elm Street Worcester
State ID: 348-F-306
524 CMR § 35.00, 3.7.1.11 (b)(Mass. amendment) Primary issue, A17.1-2013, § 3.19.2.7
Petitioner: Paul Hasbrouck

The petitioner seeks variance from code 524 CMR Section 35 3.7.1.11 (b) requesting that they are able to retain the existing piping in the new equipment installation of the freight elevator that is being converted to a passenger elevator.

The petitioner gave a summary that the owner of the elevator, Worcester Historical Museum, is trying to provide handicap access to the museum by converting a hydraulic freight elevator to a passenger elevator. Currently there is a remote machine room with exposed piping from the machine room to the hoistway with a 90-degree fitting with one flex coupling in the middle. The machine room is 4 feet from the hoistway with a corner-post car, so the pipe runs across the back of the hoistway and is approximately 10 feet long with a 90-degree angle into the hoistway. The existing configuration limits the path of the pipe. The machine room is compliant with self-closing and self-locking doors and is in a locked basement area of the facility.

They plan on adding a pit rupture valve for safety, should there be a loss of hydraulic pressure, the elevator will not fall. In addition, they are planning on having custom configured passenger slide doors added.

Neil Mullane moved to grant the petitioner's request for variance to retain the existing piping with an additional condition that the 90-degree coupling be threaded, any additional coupling be replaced or threaded, and the oil line must be identified. Justification for the variance is, given the existing conditions and limited space, rerouting is not feasible and the required rupture valve is added for safety. Tim Morgan seconded the motion. Vote 6-0-0

Motion: Neil Mullane
Seconded: Tim Morgan
Vote: 6-0-0 Granted with conditions
Roll Call Vote:

- Eric Morse ☒ aye ☐ nay ☐ abstain
- David Gaudet ☒ aye ☐ nay ☐ abstain
- Tim Morgan ☒ aye ☐ nay ☐ abstain
- Brian Ronan ☒ aye ☐ nay ☐ abstain
- Neil Mullane ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

5. The board took a recess from 2:20 p.m. until 2:30 p.m.

6. VAR24-0081 [Exhibit 4]
31 Springfield Street Chicopee
New Install of LULA
524 CMR Section § 35.00, 5.2.1.4.2 and 5.2.1.4.2.1 (Mass. amendments delete these sections; stating elevators conform to A17.1-2013, § 2.4.1)
Petitioner: Lee Pouliot

The petitioner seeks variance from code 524 CMR Section 35 5.2.1.4.2 and 5.2.1.4.2.1 regarding the bottom of the car clearance.

Janet Moore stated that they are looking to install a LULA with a 16" fit, which will provide handicap accessibility in the originally built building. The manufacturer will include a device to provide support and stability to the elevator car during maintenance and inspection activities of the LULA pit to ensure the safety of the elevator personnel. The device will be a structural steel support, with remote activation outside of the pit from the landing. The device will swing into position prior to the mechanic entering the pit. The device will have a switch that will deactivate power to the LULA elevator.

Also included will be a pressure sensitive pit mat on the pit floor, ensuring that, once it is stepped upon, a safety redundancy will disconnect the power to the elevator. The pressure sensitive switch mat activates at the press of any point. Additional signage that will warn that there is an insufficient bottom of car clearance and instructions on how to operate the device.

Mark Loranger gave a summary which included that the building space needed to have underpins added to the existing footings and the four load bearing walls, where the shaft would go. They brought in an expert to review the three options of underpinning that they had available to them, and all were determined to be unsafe, which was when they started to look at a shallow pit LULA. The original pit that was designed for the project was only ten degrees at five and a half depth and the LULA provided them with a buffer of a 45-degree zone of loading influence.

Robert Alger provided the following additional information regarding the project; the building has been gutted, they are replacing the whole roof structure, the basement has been prepped for slab, they are hanging mechanical systems, the roughing of the building is under way and two corners are having repair work done. No construction of the pit or hoistway have been started yet. They reviewed the possibility of moving the elevator, including an outside elevator, but were unable to install an outside elevator for the following reasons: the adjacency of the building to the main city hall and annex building was too tight and the building itself has historical status designation. The placement within the basement is the only space that would not cause additional structural issues.

The board asked the following questions directed to Janet Moore, is the mechanical are electric or manually activated, to which Janet provided that they are electric. Ms. Moore was asked if the pressure point pit mat is stepped on, does that activate the mechanical arm, to which she replied, no, the pressure point pit mat is the second power shut-off redundancy. Ms. Moore confirmed that this can be designed so that the pressure point pit mat can also activate the mechanical arm but deferred to Paul Hasbrouck.

Paul Hasbrouck stated that he would have to investigate that as in previous installations the mechanical arm was controlled by a lever. Mr. Hasbrouck was asked, when the car comes down on top of the mechanical arm, what kind of clearance is underneath it, to which he replied he was unsure but Janet Moore provided that the 16 inches is always available. Anthony Buonopane provided that based on the drawings submitted, the dimension of the overall height is thirty-three inches and to the top of the platform is thirty-seven and three sixteenths.

When asked about Phase II which is indicated on the drawings submitted, Janet Moore confirmed that the drawings were a sample only and that the elevator would be Phase I not Phase II as indicated. Paul Hasbrouck stated that they wanted to get the authorization for the shallow pit before submitting for the permit using previously approved specifications.

After discussion by the board, Neil Mullane made a motion to put the request for variance on hold for 60 days, for the petitioner to provide the board with additional information regarding the safety devices for a shallow pit. Anthony Buonopane seconded the motion. Vote 6-0-0 Deadline December 11, 2024

Motion: Neil Mullane
Seconded: Anthony Buonopane
Vote: Placed on hold for 60 days
Roll Call Vote:

- Eric Morse ☒ aye ☐ nay ☐ abstain
- David Gaudet ☒ aye ☐ nay ☐ abstain
- Tim Morgan ☒ aye ☐ nay ☐ abstain
- Brian Ronan ☒ aye ☐ nay ☐ abstain
- Neil Mullane ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

7. **Variance Administrative Decisions processed since the last BER meeting.**

   None.

8. **Approval of meeting minutes from August 27, 2024. –** tabled.

   The minutes were tabled for a future meeting.

9. Brian Ronan moved to Adjourn the meeting. Motion was seconded by Anthony Buonopane. Vote 6-0-0.

Motion: Brian Ronan
Seconded: Anthony Buonopane
Vote: 6-0-0 Granted
Roll Call Vote:

- Eric Morse ☒ aye ☐ nay ☐ abstain
- David Gaudet ☒ aye ☒ nay ☐ abstain
- Tim Morgan ☒ aye ☐ nay ☐ abstain
- Brian Ronan ☒ aye ☐ nay ☐ abstain
- Neil Mullane ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

Meeting adjourned at 3:17 p.m.

Prepared by: Gayle Richardson

Exhibit List:

Exhibit 1: Variance packet for 12 Roxanna Street Framingham
Exhibit 2: Variance packet for 565 Boylston Street Boston
Exhibit 3: Variance packet for 30 Elm Street Worcester
Exhibit 4: Variance packet for 31 Springfield Street Chicopee