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**Commonwealth of Massachusetts
Division of Occupational Licensure**

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OCCUPATIONAL LICENSURE

Minutes

**Meeting of the
Board of Elevator Regulations
October 25, 2022 at 1:00 p.m.**

**1000 Washington Street
Boston, MA 02118
1st Floor – Room 1D**

Board Members Present:

Eric Morse, Acting Chair
Neil Mullane
David Morgan
Brian Ronan
Thomas McDermott
Christopher Towski

Board Members Absent:

David Gaudet

Guests Present:

Christopher DeOrsay
Daniel Boudreau
Steven Mullen
Joe Holland
Caitlin McGovern
Gregory Rideout
Kaja Savasta
Patrick Sampson

Division of Occupational Licensure Staff:

Peter Kelley
Ruthy Barros

Call to Order 1:11 p.m.:

1. **5 Sabrina Farm Road, Wellesley [Exhibit 1]**

New Installation

Appealing Inspector's Report

Petitioner: Gary Loveman

The petitioner was originally in front of the Board on August 30, 2022, seeking a variance on the prohibition against a window in the hoistway wall and elevator car of a new elevator to be installed in an addition to the existing dwelling. A motion was made to place the petitioner's request on hold for no more than 60 days (October 29, 2022) to allow the petitioner time to provide the Board with additional information, including but not limited to equipment, elevation plans, specifications, labeling, and glass rating. The petitioner's representative was present and described the project as being a two-story addition to the existing single-family owner-occupied dwelling, where the owner is proposing to install a three-stop residential elevator. Mr. DeOrsay stated the double hung windows will be operable with a cage in the exterior. Mr. DeOrsay described the grading as custom 16" square shaped, 3/8 1/2" metal grade that is bolted to the exterior door, and will cover the entirety of the windows, including the casing. Mr. DeOrsay stated the signage will be located on the elevator shaft on the structure below the window. Mr. DeOrsay also stated the glass should be within the building envelope wall, if it is in the interior, it would likely be within the window pocket. Mr. Morse advised Mr. DeOrsay that there cannot be a ledge or bevel, and the windowsill would qualify as a ledge. Mr. Towski inquired if there has been any contact with the Wellesley Fire Chief or Fire Department, Mr. DeOrsay replied not to his knowledge. Mr. DeOrsay stated the building permit submission included the shaft when the building permit was issued, and to his knowledge, the Fire Chief of Wellesley wanted the proposed type of grading system. Mr. DeOrsay suggested an alternative to the grading. Mr. Morgan asked if this elevator would meet the code for the glass elevator because significant temperature changes could become a hazard for passengers. Mr. Morgan also stated there should be proper ventilation per the code. Mr. Towski read the code section with signage requirements. A motion was made by Eric Morse to place the request for variance on hold, to allow the petitioner time to provide the Board with additional information to include, signage for outside, indicating the hoistway and detail description on that signage, details on the glass to be used in the hoistway, details on the window setup, details on the grading and positioning of the hoistway, details on the reasoning for the request, distance off the property line from the wall, and a much better detail of the arrangement of the window on the hoistway wall. The motion was seconded by David Morgan. Board members had concerns regarding the windows being operable and agreed it should be permanently fixed.

Motion: Eric Morse
Seconded: David Morgan
Vote: 6-0; Placed on hold.

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

2. **249 A Street, Boston [Exhibit 2 and 2A]**

State ID: 1-P-11122

524 CMR

Petitioner: Daniel Boudreau

The petitioner was in front of the Board seeking an extension on an existing 90-Day violation, to allow for additional time to complete the fire alarm upgrade in the building. Mr. Boudreau stated that last October, the above elevator did not pass inspection due to there being no fire recall in the elevator penthouse due to the addition of a HVAC, which was a recommendation from an elevator consultant hired to review the elevator. Upon learning of the issue, the fire alarm vendor was contacted to remedy the issue. When the issue was reviewed by the vendor, the owner learned that the additional control could not be added to the current fire panel due to the age and incapability. The owner sought emergency replacement of the fire alarm panel but learned this would not be an option due to the age of the building and code changes since the original installation. Mr. Boudreau stated a new fire alarm consultant has been hired to design a new system for the entire building and that the climate control and damper can be manually closed and that there is a fire alarm design in place, but it would need approval. Mr. Muller stated that this will be a \$192,000 expense and he is not sure if the cooperative board would approve the expense. The building is being used as affordable housing for artists and it is owned by the cooperative. Mr. Boudreau stated he offered at the onset decommission that the HVAC system return to its prior condition while the issues were worked through. Mr. Muller stated the building the original elevator was removed, and a new elevator was installed in the same elevator shaft approximately 20-25 years ago, original acceptance test on 10/16/02. Mr. Morse stated that it sounds like the unit was not compliant prior and once the vent was modified, the inspector was 100% correct in citing the violation. Mr. Morse also stated that the owner could leave his HVAC system in place, but the vent would have to go back to what was originally required by code, i.e., 1/3

open of 3 ½ % of elevator hoistway (3sq ft) and then 2/3 plain glass, and he believes the petitioner has options. A motion was made David Morgan to grant a 30-day extension to correct the violation, because a life safety issue is raised, but that petitioner is proceeding with all deliberate speed to correct the condidion. The motion was seconded by Eric Morse, with proviso that the current configuration remains disconnected and open at all times. Manual opening capability should be inoperable. Mr. McDermott advised the petitioner to contact the department for the 30-day extension, pending the Board's motion.

Motion: David Morgan

Seconded: Eric Morse

Vote: 6-0; Must be code compliant within 30 days.

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

The Board recessed at 2:22 p.m. and resumed at 2:28 p.m.

3. 40 Union Park, Boston [Exhibit 3]

New Installation

A17.1-2013 Section 5.3.1.10.3

Petitioner: Liam Sage

The petitioner appeared before the Board seeking a variance from A17.1-2013 Section 5.3.1.10.3, allowing a residential elevator to travel 54'-9" in a single family-owner occupied dwelling. Mr. Holland stated that the homeowner's elderly mother will be moving in with her and suffers from Parkinson's Disease, often having trouble with walking and balance. The disease has been gradually progressing over time and walking up many flights of stairs had become a challenge. Mr. Holland stated he has previously sought and obtained other similar relief before the Board. Mr. Morgan queried why a commercial elevator cannot be installed. Mr. Holland replied that a commercial elevator would take over too much footprint. Mr. Morgan then asked why the elevator must travel to the lowest level (basement), indicating that travel higher than the code required 50' presents a safety concern. Mr. Holland testified that it would adversely impact the floor plan to not hit all six floors. Mr. Morgan reiterated the Board's concern that the Elevator division can no longer inspects residential single-family units, per change in statute. Mr. Morse stated the Board is reluctant to exceed the 50'

maximum travel, as this is the safety standard that has been set by the national code committee and where residential units are not inspected beyond the install/acceptance test, the national code committee determined that 50' is the maximum safe rise for these units. Mr. Holland stated the fourth floor is where the suite for the mother's bedroom, a living quarters and full bath, would be located. Mr. Holland then went on to explain each floor level and also mentioned there is a roof deck. The project is 8 months to completion and the elevator has been framed. Mr. Morgan questioned Mr. Holland on proceeding with new framing and new construction prior to seeking a variance, especially considering these circumstances. Mr. Mullane reiterated the Board's concern of the excess of 4'-9" since the legislation change. Mr. Holland stated he is unfamiliar with risk of the additional 4'-9" of travel and still not sure what the safety concern is. Mr. Mullane and Mr. Morgan stated that residential and commercial elevators are different and residential equipment is not designed to travel more than 50'. A motion was made by Eric Morse to deny the variance request, with the justification being that the national code committee and standards require no more than a maximum of 50' of travel for private residential elevator. The motion was seconded by David Morgan.

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

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Brian Ronan recused himself prior to the below hearing, taking no part in the discussion of or deliberation upon the below matter.

4. **1 City Hall Square, Boston [Exhibit 4]**
State ID: 1-P-2294
524 CMR 35.00 Section 2.1.4
Petitioner: Gregory Rideout

The petitioner appeared before the Board seeking a variance from 524 CMR 35.00 Section 2.1.4, to not install hoistway venting. The petitioner stated that City Hall was built in 1969 and has been on a Boston Landmark Commission watch list since 2007 to be considered for National Register of Historic Places status. The mayor's P9 elevator is one of nine elevators

being modernized. The existing P9 elevator shaft was constructed without ventilation. The elevator serves the mayor's office exclusively on the 5th floor. The location of the shaft is not on an exterior wall and does not extend to the roof. At the 5th floor lobby rear doors open to a monumental two-story vestibule with windows on one side and wood paneling on the other two sides. The petitioner stated that this space is an important architectural feature in the mayor's office suite allowing the infiltration of light into interior spaces. Constructing a duct enclosure to run the horizontal exhaust duct to an exterior window would severely impact the architectural design of this space. The petitioner testified that other routes investigated require penetrating multiple floors to reach roof level or again penetrating through cast-in-place concrete walls, floors, and removing windows in the mayor's suite. Mr. Savasta stated that at the time of installation, code did require to the hoistway to be ventilated. The speed and capacity, travel, classification, and machine room location will remain the same. Mr. Morse stated that it appears venting wasn't required at the time of installation per ELV2 Section 13 – Venting of Hoistways, and the unit seems to meet the exception, except the sprinkler requirement, where Massachusetts has removed the requirement for sprinklers in all hoistways. Mr. Kaja testified that Phase I and Phase II are currently in existence and if it is required to be updated, it can be. Mr. Morgan described a similar situation where Phase I and II operated correctly. Mr. McDermott stated that the current permit issued for a modernization expires on 6/15/23. A motion was made by David Morgan to grant the variance request with the condition that a registered design professional provide a control of smoke and hot gases letter under the MA building code, with the justification being structural hardship and this option is safe for new elevators. The motion was seconded by Neil Mullane.

Motion: David Morgan

Seconded: Neil Mullance

Vote: 5-0; Granted.

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Brian Ronan returned to the meeting at 3:23 p.m.

5. **50 Park Street, Boston [Exhibit 5]**

State ID: 1-P-12081

524 CMR § 1.14(3) (approval of single prototype)

Petitioner: Patrick Sampson

The petitioner appeared before the Board seeking a variance 524 CMR to install a pit ladder with proper electrical switches that will remove power from the driving machine motor when person is detected on the ladder. The proposed pit ladder was demonstrated to the Board by Scott Russell on November 2, 2021. Mr. Sampson also included the language in A17.1-2022 edition that has passed and slated to print. The proposed product would shut the elevator off if you're on the ladder. There would be a guard on the actual ladder itself so if that guard was open to access that, it would also shut the elevator off and is fully compliant with current code. This would only enhance safety by adding a switch. Mr. Morgan mentioned that the ASME committee did not want the manual option. Mr. Morse reiterated that is would only be adding additional safety features, and that the ladder is fully compliant as is. A motion was made by David Morgan to approve the porotype pursuant to 524 CMR § 1.14(3) with Board approval on-site prior to the acceptance test. The justification being the this would improve safety for elevator mechanics. Temporary signage on top of ladder, letting the mechanic/apprentice know that the ladder is there "Elevator safety ladder installed". The motion was seconded by Christopher Towski with comment that maybe the signage should mention that the ladder is electronically controlled. Petitioner agreed to revise the sign as the Board sees fit. Mr. Mullane commented he has concern that a safety ladder could become an alternative means to a stop switch.

Motion: David Morgan

Seconded: Christopher Towski

Vote: 6-0; Approve on a prototype basis.

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

6. Continued discussion regarding the operation of the in car stop switch during Firefighters Emergency Operation. [**Exhibit 6**]

The Board reviewed proposed draft notice and a motion was made by David Morgan to accept the draft as written. The motion was seconded by Christopher Towski. The Board will discuss the matter further.

Motion: David Morgan

Seconded: Christopher Towski

Vote: 6-0; Approved as written.

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

4:00 p.m. Mr. Morgan exited the meeting

Motion to Adjourn: Thomas McDermott

Seconded: Brian Ronan

Vote: 6-0; Adjourned.

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input type="checkbox"/> yea	<input type="checkbox"/> nay

Hearing concluded at 4:04 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 5 Sabrina Farm Road, Wellesley
- Exhibit 2: Variance packet for 249 A Street, Boston
- Exhibit 2A: Pictures of existing condition and email from Andrew Sheehan, Systems Consultant – AFA Protective Systems, Inc.
- Exhibit 3: Variance packet for 40 Union Park, Boston
- Exhibit 4: Variance packet for 1 City Hall Square, Boston

- Exhibit 5: Variance packet for 50 Park Street, Boston
- Exhibit 6: Variance packet for Constant Contact Draft

