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**Minutes**

**Meeting of the  
Board of Elevator Regulations  
November 29, 2022 at 1:00 p.m.**

**1000 Washington Street  
Boston, MA 02118  
1<sup>st</sup> Floor – Room 1D**

**Board Members Present:**

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

**Board Members Absent:**

David Morgan

**Guests Present:**

Gary Leger  
Paul Farnsworth  
Mathew Montgomery

**Division of Occupational Licensure Staff:**

Peter Kelley  
Sarah Wilkinson  
Ruthy Barros

**Call to Order 1:03 p.m.:**

- 1. 447 Hill Street, Northbridge [Exhibit 1]  
State ID: 216-P-9 and 216-P-31  
524 CMR 35:00 § 2.8.3.3  
Petitioner: Gary Leger**

The petitioner appeared before the Board seeking a variance from 524 CMR 35:00 § 2.8.3.3, to allow the installation of sprinklers into the hoist ways, pits, machine rooms and control spaces. The petitioner provided a CMS letter stating the denial of payment for new admissions is effective on December 13, 2022, and termination of existing patients is effective on March 13, 2023, if the facility does not comply. The petitioner stated he is unaware of the existence of sump pumps in the hoistways. A motion was made by Thomas McDermott to grant the petitioner's request with the justification being hardship resulting from the withholding of federal funding due to an inspection by the Centers for Medicare & Medicaid Services (CMS) for non-compliance with NFPA 13 – 1999 Edition of the Standard for the installation of Sprinkler Systems. Specifically, that sprinklers are not installed in the elevator machine room, hoistway and pits. Established guidelines will be issued with the variance decision. The motion was seconded by Neil Mullane.

**Motion: Thomas McDermott**

**Seconded: Neil Mullane**

**Vote: 6-0; Granted.**

**2. 1154 Washington Street Unit #9, Boston [Exhibit 2 and 2A]**

**New Installation - Manufacturer: Pneumatic Vacuum Elevators, LLC (PVE)**

**524 CMR**

**Petitioner: Paul Farnsworth**

The petitioner appeared before the Board seeking a site-specific product variance for the installation of a PVE 52 Residential Vacuum Elevator to serve two landings and two openings. Code sections from which the petitioner is seeking a variance are as follows: 524 CMR 35:00 § 5.3.1.3; 5.3.1.4.1; 5.3.1.4.2; 5.3.1.9.2; 5.3.1.11.2; 5.3.1.11.3; 5.3.1.12; 5.3.1.16.2; 5.3.1.17.1; 5.3.1.17.2. 6. The petitioner stated that approximately 5 years ago, in 2017 the PVE 37 was approved and since then dozens have been installed in the Commonwealth. The PVE 52 will accommodate a wheelchair and an adult or three people. 20,000 PVE units have been installed worldwide, with approximately 10,000 of those being installed in the United States, ESC 200 in total of 4 states. The PVE 52 has 7 turbines, with a lift capacity of 525lb, and 35ft/min in traveling speed. Other than those components, the PVE 52 is identical to the PVE 37. Mr. Morse stated that the petitioner will need to add other code sections to his variance request, including § 2.1.1.1, § 2.7.1.1. The petitioner agreed to modify his petition to include the code sections where the product does not meet 524 CMR. Mr. Morse questioned the life span on the glass panel and the petitioner stated the life span is 10 years, and after 10 years replacement/maintenance would involve one day of labor. The polycarbonate certification agency felt that after the 10-year life span of the glass is

proactive. Mr. Gaudet and Mr. Mullane expressed concern that residential equipment does not receive annual inspections. The petitioner stated that the control room is typically located in a closet or attic space or on top of the tower, and there is no interlock on the door. A motion was made by Eric Morse to deny the request for variance, as the unit does not meet many sections of the code and cannot be inspected by the department, therefore no means of maintenance. Justification being that the unit is unsafe. The motion was seconded by Christopher Towski.

**Motion: Eric Morse**

**Seconded: Christopher Towski**

**Vote: 6-0; Denied.**

**3. 44 North Road, Bedford [Exhibit 3]**

**State ID: 24-P-163**

Petitioner is requesting a variance from A17.1-1987,1989, 1996 § 211.3c(1)(c) – Firefighter Phase II Emergency In-Car Operation. To be rescheduled at petitioner's request.

The Board recessed at 2:33 p.m. and resumed at 2:38 p.m. Eric Morse recused himself from the next hearing at 2:38 p.m.

**4. 100 Water Street, Haverhill [Exhibit 4]**

**State ID: 128-P-191**

Petitioner is seeking an extension on the Board's previously granted temporary relief, originally expiring no later than November 28, 2022. A motion was made by Brian Ronan to grant an extension to December 13, 2022. The motion was seconded by Neil Mullane.

**Motion: Brian Ronan**

**Seconded: Neil Mullane**

**Vote: 5-0; Granted.**

Brian Ronan left the meeting at 2:50 p.m. and Eric Morse returned at 2:50 p.m.

**5. Approval of meeting minutes from September 20, 2022 [Exhibit 5]**

A motion was put forth by Christopher Towski to accept the minutes as corrected. The motion was seconded by Neil Mullane. **Vote: 5-0; Granted.**

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

Chief McDermott explained that since the notice that was issued in October, to obtain the permits, he didn't realize how extensive the incoming permits applications would be and the department does not have the capacity to process such a large volume of permits. As of

August 2021, the department has issued 8,589 violations and as of today, 7,559 units are still outstanding and in need of repair. Approximately 3,914 alternation permits have been processed, in which 80% are for stop-switch. 754 alteration permits have been issued. Mr. Morse stated that the Board determined what was necessary and fair to comply, and the elevator contractor can apply for a permit without a finalized proposal. Deputy Commissioner Wilkinson addressed the Board and voiced agency concerns, stating the agency has received numerous inquiries from the Governor officials, owners, and agencies. The Board discussed whether to consider another form of extension, possibly moving the compliance date to 2024, and maybe a note on the certificate until then. The Board will continue this discussion at the next Board meeting.

**Motion to Adjourn: Christopher Towski**

**Seconded: Neil Mullane**

**Vote: 6-0; Adjourned.**

Hearing concluded at 4:04 p.m.

Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Variance packet for 447 Hill Street, Northbridge
- Exhibit 2: Variance packet for 1154 Washington Street Unit #9, Boston
- Exhibit 2A: Supplemental information
- Exhibit 3: Variance packet for 44 North Road, Bedford
- Exhibit 4: Variance packet for 100 Water Street, Haverhill
- Exhibit 5: Meeting minutes September 20, 2022