

Minutes

Meeting of the Board of Elevator Regulations November 30, 2021 at 1:00 p.m.

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

Board Members Present:

David Gaudet
David Morgan
Christopher Towski
Neil Mullane
Thomas McDermott
Brian Ronan

Division of Occupational Licensure Staff:

Charles Kilb
Ruthy Barros

Board Members Absent:

Eric Morse

Guests Present:

Matthew Strauss
Eddie O'Brien
Katherine Watson
Shane Sampson
Christopher Grossman
Dean Tokatti
Anil Kaar Kurtay
Cuneyt Sener

The Board discussed the following:

- 1. 8 Lewis Point Road, Buzzards Bay [Exhibit 1]
State IDs: 36-P-6 and 36-P-7
524 CMR §2.8.3.3
Petitioner: Todd Funki**

The Board reviewed the variance submission that included the documents the Board previously requested; a copy of the formal Enforcement Notice from CMS, copy of installation plans for the sprinkler system, and a description of the current elevation equipment. The existing three-stop hydro elevators have a capacity of 3,500lbs. with a travel of 75fpm. The facility received a citation from CMS, in which the machine room and hoistway must comply with the CMS mandate to avoid denial of payment for new admissions effective November 19, 2021, and termination of provider agreement

effective February 19, 2022. A motion was made by David Gaudet to grant the variance request with the pre-approved language. The motion was seconded by Christopher Towski. Neil Mullane abstained from voting.

Motion: David Gaudet

Seconded: Christopher Towski

Vote: 5-0; Granted. Neil Mullane abstained.

2. **859 Willard Street, Quincy [Exhibit 2 and 2A]**

State ID: 243-P-409

524 CMR §5.03 (8)

Petitioner: Samantha Finney

The petitioner's representatives were previously in front of the Board on October 19, 2021, seeking a variance for the TOC handrail and the machine room vent – Inspector's report citing 524 CMR §5.03 (8). The variance request was placed on hold for 30 days (November 18, 2021) to allow the petitioner time to provide the Board with additional information. The petitioner's representative provided the Board with two solutions; 1. The petitioner added side retractable handrails and 2. Added signage. The limited overhead clearance will remain due to the limitations of the atrium. A motion was made by Neil Mullane to grant the variance request to allow the top of car handrail to be below the code required 42", with the provision that the handrail on the sides be retractable from 31" in the down position and 42" in the up position. Also, a switch must be added to each side handrail to limit automatic operation, and up travel on inspection. Justification being the existing conditions. Safety signage and rail markings as provided in exhibit 2A must be applied. The motion was seconded by David Gaudet.

Motion: Neil Mullane

Seconded: David Gaudet

Vote: 6-0; Granted.

3. **25 Fidelis Way, Boston [Exhibit 3 and 3A]**

New Installation

524 CMR §26.11

Petitioner: Shane Sampson

The petitioner was previously in front of the Board on October 19, 2021 seeking a variance to not have 42" rails or gates on the parking platforms as any type of barrier would prevent operation of the lift. The petitioner provided the Board with revised drawings. The petitioners' representative explained the proposed laser sensors in lieu of the code required 42" physical divider between the platforms. There will be three sensors; 1. Optic set of sensors, which will stop the system if there is an obstruction, 2. Rear

overflow sensors, and 3. Sensor on both sides. There will also be signage on the outside of the system stating only driver is allowed in the system, no passengers. Each operator must FOB in to confirm on kiosk. Sensors will be able to detect 23” to 32”. The petitioner described the pit access ladder details as illustrated in the four steps in the drawing provided. Training to local firefighters will be provided, in regards to the inspection key, which will be specific to the building stated above, and it will only be accessible to the local firefighters and elevator licensed personnel instead of the 3502 key. The petitioner stated there will be a kiosk system for the user and the hydraulic unit will not have remote capabilities. The proposed unit will move from left to right and there will be no gates within the platform and there will be no access from the rear of the system, with a total of four bays. The ladder should be OSHA compliant and will meet 524 CMR proper heights and angels, pit drains will be included, and the system will have fire protection⁹. A motion was made by David Gaudet to grant the variance request from 524 CMR §26.11, to allow 23” to 32” sensors in lieu of the code required 42” rails or gates. The justification of the motion being the limitation of equipment and safety standards will be meet. A site visit will be conducted by the Board prior to the acceptance inspection. The motion was seconded by Neil Mullane.

Motion: David Gaudet

Seconded: Neil Mullane

Vote: 6-0; Granted.

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4. **Approval of meeting minutes:**

August 31, 2021 [Exhibit 4]

A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 5-0; Granted.** David Gaudet was not present.

September 21, 2021 [Exhibit 5]

A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 4-0; Granted.** David Morgan abstained, and David Gaudet was not present.

5. The meeting minutes from September 28, 2021 and October 6, 2021 were unavailable for Board review.

Motion to Adjourn: Christopher Towski

Seconded: Brian Ronan

Vote: 5-0; Adjourned.

Hearing concluded at 3:37 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 8 Lewis Point Road, Buzzards Bay
- Exhibit 2: Variance packet for 859 Willard Street, Quincy
- Exhibit 2A: Additional pictures of 859 Willard Street, Quincy
- Exhibit 3: Variance packet for 25 Fidelis Way, Boston
- Exhibit 3A: Revised drawings for 25 Fidelis Way, Boston
- Exhibit 4: Meeting minutes from August 31, 2021
- Exhibit 5: Meeting Minutes from September 21, 2021