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**Commonwealth of Massachusetts
Division of Occupational Licensure**

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COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Minutes

**Meeting of the
Board of Elevator Regulations
February 15, 2022 at 1:00 p.m.**

Microsoft Teams meeting

Board Members Present:

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

Division of Occupational Licensure Staff:

Peter Kelley
Ruthy Barros

Guests Present:

Tony Amato
Dan Collins
Colin Delany
Erik Eklund
Andy Shanahan
Christopher Grossmann
Talha Algur
Shaun Leonard
Kaan Konuk
AJ Jenkins
Patrick Flaherty
Michael O'Bryan
Maria Bauza

Call to Order: 1:03 p.m.

The Board discussed the following:

1. **774 Boylston Street, Boston [Exhibit 1]**

State ID: 1-P-12749

524 CMR 35.00 §2.7.9.2

Petitioner: Christopher Quinn

The petitioner's representative was in front of the Board seeking a variance from 524 CMR 35.00 §2.7.9.2. The building owner believes that the existing ventilation is within code and doesn't need to be modified. As part of the proposed tenant improvement work, an existing elevator will be used to provide vertical access between the first and second story of the high-rise building. Mr. Collins stated that Delta-Beckwith managed the elevator since the installation and no work is being done at this time. Mr. Amato stated the venting appears to have been omitted from the original design but no documentation regarding this installation could be found. As the elevator only extends to the second story with a hotel above, providing elevator venting retroactively is a logistical challenge. WB Engineers and Consultants has reviewed the existing conditions related to the elevator shaft at the referenced project site and noted that the existing hoistway ventilation complies with the requirements for new construction, 524 CMR 35.00 §2.7.9.2 and ASME A17.1 §2.4.1. As such, no elevator hoistway ventilation is proposed to be installed as part of this project. Mr. Morgan commented that building plans should exist that illustrate the original ventilation. A motion was made by Eric Morse to deny the variance as requested with the justification that ventilation was required at the time of installation, was inspected with a condition found to the plenum space, and no alternative means proposed for control of smoke and hot gasses. The motion was seconded by David Morgan.

Motion: Eric Morse

Seconded: David Morgan

Vote: 7-0; Denied.

Roll Call Vote:

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

2. **1550 Soldiers Field Road, Boston [Exhibit 2]**

New Installation

524 CMR §26.11

Petitioner: Christopher Grossmann

The petitioner was in front of the Board seeking a variance from 524 CMR §26.11 – Car Enclosures and Car Gates. The petitioner stated that the proposed 2 level puzzle parking system is a sliding door system and will not have a pit and will not penetrate a floor.

There will be two sensors at the front, double sensors on the sides and one sensor in the back. There were discussions of safety beams on all sides and openings. The petitioner explained that the side beams move with the platform. A motion was made by Neil Mullane to grant the variance as requested with the justification safety beams meet the intent of the 524 CMR §26.11. A site visit by the Board of Elevator Regulations is required. The motion was seconded by Thomas McDermott.

Motion: Neil Mullane

Seconded: Thomas McDermott

Vote: 7-0; Granted.

Roll Call Vote:

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

3. **21 Soldiers Field Place, Boston [Exhibit 3]**

New Installation

524 CMR §26.11

Petitioner: Christopher Grossmann

The petitioner was in front of the Board seeking a variance from 524 CMR §26.11 – Car Enclosures and Car Gates. The petitioner stated that the proposed 2 level puzzle parking system is a sliding door system and will not have a pit and will not penetrate a floor. Mr. Gaudet expressed his concerns regarding the side slide doors. There will be two sensors at the front, double sensors on the sides and one sensor in the back. The petitioner demonstrated the door safeties. The control room will be in the electric closet underneath the stairwell. A motion was made by Neil Mullane to grant the variance as requested with the justification safety beams meet the intent of the 524 CMR §26.11. A site visit by the Board of Elevator Regulations is required. The motion was seconded by Thomas McDermott.

Motion: Neil Mullane

Seconded: Thomas McDermott

Vote: 7-0; Granted.

Roll Call Vote:

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

The Board recessed at 2:30 p.m. and resumed at 2:35 p.m. Eric Morse recused himself from the below hearing and David Morgan took over the Acting Chair responsibilities.

4. **472 West Broadway – Boston, MA [Exhibit 4]**

New Installation

524 CMR §26.07

Petitioner: Ryan Astrup

The petitioner's representative was previously in front of the Board on January 18, 2022, seeking a variance from 524 §26.07 – Protection at Other Levels. The petitioner's request was placed on hold for no more than 60 days. The petitioner is proposing to install a 10 car semi-automated, two lift slide system 2H1D2W at the above address. The variance being requested is due to the Park Plus machine will not have dividers or ropes 42" high between parking cubicles. Operation of the system would be impossible if dividers were installed between parking cubicles. Park Plus will provide a photoelectric sensor mounted at 42" high model: Datalogic S62-PA-5-B01-PP or equivalent, mounted on the rear leg between spaces with a 3" reflector mounted on the gates. The parking system will not operate if an object or person is detected between platforms prior to moving. There will be sliding segmented gates at the front, as opposed to a lift gate and the control room will be labeled and keyed in accordance with 524 CMR Section 35.00. Mr. O'Bryan addressed the Board and presented the history of Park Plus and parking devices nationally. Mr. Gaudet mentioned he believed that a 3502 key cannot be used for pit access. A motion to grant the variance, which was made by Mr. Mullane and seconded by Mr. Gaudet, did not pass (Gaudet y Towski n Ronan n Mullane y McDermott n Morgan n). A motion was made by David Morgan to take the case under advisement and the Board will further discuss the matter in closed session. The motion was seconded by David Gaudet.

Motion: David Morgan

Seconded: David Gaudet

Vote: 6-0; Placed under advisement.

Roll Call Vote:

- | | | |
|----------------------|-----------------------------------------|------------------------------|
| • David Gaudet | <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 |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

Motion to Adjourn: Christopher Towski

Seconded: Thomas McDermott

Vote: 6-0; Adjourned. Eric Morse was not present.

Roll Call Vote:

- | | | |
|----------------------|-----------------------------------------|------------------------------|
| • David Gaudet | <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 |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

Hearing concluded at 4:00 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 774 Boylston Street, Boston
- Exhibit 2: Variance packet for 1550 Soldiers Field Road, Boston
- Exhibit 3: Variance packet for 21 Soldiers Field Place, Boston
- Exhibit 4: Variance packet for 472 West Broadway, Boston