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REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

Board of Elevator Regulations

This meeting was held remotely via Microsoft Teams
February 16, 2021 at 9:00 a.m.

Board Members Present:

Eric Morse, Acting Chairman
Sarah Wilkinson
Jacob Nunnemacher
David Gaudet
Cheryl Davis
David Morgan

Division of Professional Licensure Staff:

Peter M. Kelley
Ruthy Barros

Board Members Absent:

Brian Ronan

Guests Present:

Gary Skocay – United Way, Building Manager
David Yarkin – D.S. Yarkin Electric, Inc., Electrician
Gary West – Gillespie Corp.
Jennifer Morris – Shawmut
Kristine Jahn – Delta Beckwith Elevator Company
Alan Russo – IA Interior Architects, Senior Project Architect
David Galvez – Lucid Motors, Senior Construction Manager, Retail Development
Colin O'Donnell – United Elevator Corp., Project Manager
Paul Aparicio – J.J. Cardosi, Project Manager
Michael Lambros – Barnstable Public Schools, Director of Facilities
Paul McCarthy – Garaventa

The Board discussed the following:

1. **46 Park Street – Framingham, MA [Exhibit 1]**
State ID(s): 100-P-172
524 CMR Section 17.34
Petitioner: Paul Mina

The petitioner's representative was in front of the Board seeking a variance from an Inspector's Report citing, "17.34 – Code requires a fused main line disconnect. Disconnect in machine room is not fused". The variance request is to have the new fused disconnect installed in a new location. Mr. Skocay stated that he requested the electrician to replace the existing non-fused disconnect with a fused disconnect, but according to Mr. Yarckin, the location of the current disconnect would not allow the installation of a new fused disconnect because it is larger and would protrude into the door opening, impeding egress into the room safely. Mr. Yarckin testified that the existing 200 amp disconnect is not sized to code. David Morgan offered the possible solution of a lockable circuit breaker option. Mr. Morgan also went on to explain the use of the fuse and disconnect. David Gaudet advised the petitioner's representative that if they are moving the disconnect then the door swing must be changed. A motion was placed by David Morgan to grant a 90-day extension to comply, including signage in the machine room to notify mechanics that there is no disconnect on the wall, or revisit and provide the Board with additional information by May 17, 2021, or the case will be considered abandoned. The motion was seconded by Jacob Nunnemacher.

Motion: David Morgan

Seconded: Jacob Nunnemacher

Vote: 6-0; Extension granted.

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

2. 131 Seaport Boulevard – Boston, MA [Exhibit 2]

New Installation

524 CMR

Petitioner: Gary West

The petitioner was in front of the Board seeking a variance from 524 CMR: Section 35 – Shallow Pit, ASME A17.1-2013: Section 3.4 – Bottom and Top Clearances and Runbys for Car and Counterweights (§3.4.1.1, §3.4.1.3, §3.4.1.6), ASME A17.1-2013: Section 2.15 – Car Frames and Platforms [§2.15.9.2, §2.15.9.2(b)], and ASME A17.1-2013 §2.4.7.1. Lucid Motors, Inc. are planning to open a dealership showroom at the above address. The dealership will occupy 4,152 square feet in the existing building, on two levels and will require an ADA compliant elevator. The petitioner testified that due to existing structural constraints and the location of HVAC ducts and natural gas lines common to the entire building, the available space for the elevator pit and overhead is limited. The maximum pit depth is 1'-11" and there is only 10'-2" of overhead under the hoist beam. The existing building has large existing natural gas lines beneath the pit area that service the entire building. These gas lines are integral to the building and not subject to relocation. Mr. Russo testified that alternative sites for the elevator have been considered, but the retail space is already narrow with glass walls on two sides, and the only way to retain a reasonable amount of retail space is to locate the elevator into the southeast corner. A motion was made by Cheryl Davis to grant a two-week extension, in which the petitioner must provide the Board with documentation from an architect or engineer confirming that there is no other option for the location of the elevator by March 2, 2021, or the case will be considered abandoned. The motion was seconded by David Gaudet.

Motion: Cheryl Davis

Seconded: David Gaudet

Vote: 6-0; Extension granted.

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Legal Counsel, Peter Kelley left the meeting at 10:00 a.m.

3. 4 Hodges Street – Attleboro, MA [Exhibit 3]
State ID(s): 17-P-28
524 CMR
Petitioner: Colin O'Donnell

The petitioner was in front of the Board seeking a variance for the sump pump requirements as outlined in ASME A17.1-2013 Section 2.2.2 – Design and construction of pits for the modernization of the new five stop hydraulic passenger elevator. The petitioner stated that to construct a sump pit, the existing elevator pit slab would need to be demolished and a new pit slab constructed that incorporates a sump somewhere in the middle of the pit. Demolishing the pit slab presents several logistical issues including impeding construction schedule, pose potential safety risk to the workers, be disruptive to the elderly community and be costly to the project and the client. A second elevator will be added to the project, which includes the required sump pit and oil water interceptor. David Morgan reminded the petitioner that in a previously granted variance for the above address, it was asked by the Board, if the elevator will meet the rest of the code and the Board was assured that the unit would meet the code at the time of permitting. The modernization permit was issued on 12/4/2020. A motion was made by David Gaudet to grant a two-week extension, in which the petitioner must provide the Board with documentation from an architect or engineer on the existing building conditions. by March 2, 2021, or the case will be considered abandoned. The motion was seconded by David Morgan.

Motion: David Gaudet

Seconded: David Morgan

Vote: 6-0; Extension granted.

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

4. 165 Bearses Way – Hyannis, MA [Exhibit 4]
State ID(s): 21-W-121
524 CMR Section 10.03
Petitioner: Michael Lambros

The petitioner was in front of the Board seeking a variance from 524 CMR Section 10.03, which would require this incline lift modernization to meet all current “new test” specifications. The petitioner stated that the lift’s existing platform size and weight capacity (450 lbs.) will remain from the original 1992 design, which is restricted by a narrow existing stairway. The platform size is currently 30” W x 35” L and the Architectural Access Board (AAB) current minimum requirement is 30” W x 48” L for incline lifts. Mr. McCarthy testified that the existing rail and tube system will remain, but new ropes, a new platform and a new drive motor will be installed. The AAB granted a variance in 2017 for “continued use on the condition that the unit is maintained”. A motion was made by Eric Morse to grant a 30-day extension, in which the petitioner must propose these changes to the AAB and the petitioner must provide the Board with formal documentation from the AAB by March 18, 2021, or the case will be considered abandoned. The motion was seconded by Sarah Wilkinson.

Motion: Eric Morse

Seconded: Sarah Wilkinson

Vote: 6-0; Extension granted.

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

5. Discussion on 524 CMR Section 1.14, variances in relation to 39A Street, Boston – City Lift.

Chief of Elevator Inspectors, Sarah Wilkinson addressed the Board to discuss prototype variances versus product variances. The Chief stated that it is the understanding/belief of the elevator supervisors, that a new product to the Commonwealth is required to obtain at least a single prototype variance. Numerous Board members agreed that if the new product is code compliant, the product does not require Board approval. The Chief stated that this topic has come up recently specifically related to 39 A Street, Boston – CityLift

and the prior Chief approved the installation of the 39 A Street lift, and since then they have been installed at number of other locations, without coming to the Board. The original variance application for 39 A Street included a list of code deficiencies and the Board had previously discussed work being done without a permit.

6. Matters not reasonably anticipated 48 hours in advance of meeting.

The Board was inquiring if there were any administrative updates pertaining to case numbers C20-00089, C20-00090 and C20-00094.

Board member, David Morgan left the meeting at 11:11 a.m.

7. Approval of meeting minutes:

January 5, 2021 [Exhibit 5]

A motion was put forth by Jacob Nunnemacher to accept the minutes as written. The motion was seconded by Sarah Wilkinson. **Vote: 6-0; Granted.**

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

February 2, 2021 [Exhibit 6]

A motion was put forth by Jacob Nunnemacher to accept the minutes as written. The motion was seconded by Cheryl Davis. **Vote: 5-0; Granted.**

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Motion to Adjourn: Jacob Nunnemacher
Seconded: Sarah Wilkinson
Vote: 5-0; Adjourned.

Roll Call Vote:

- | | | |
|---------------------|---|------------------------------|
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Cheryl Davis | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Sarah Wilkinson | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

Hearing concluded at 11:17 a.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 46 Park Street, Framingham
- Exhibit 2: Variance packet for 131 Seaport Boulevard, Boston
- Exhibit 3: Variance packet for 4 Hodges Street, Attleboro
- Exhibit 4: Variance packet for 165 Bearses Way, Hyannis
- Exhibit 5: Meeting minutes from January 5, 2021
- Exhibit 6: Meeting minutes from February 2, 2021