

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
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Commonwealth of Massachusetts
Division of Professional Licensure

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EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

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

Minutes

Board of Elevator Regulations

This meeting was held remotely via Microsoft Teams

March 16, 2021 at 9:00 a.m.

Board Members Present:

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

Division of Professional Licensure Staff:

Peter M. Kelley
Ruthy Barros

Guests Present:

Scott Shepler – Fortune Shepler Sailing Elevator Consultants
Kara Pellaton – Owner
Terry McCarthy-MBTA
Grace Ames – bKL Architecture
Jake MacIsaac – ZVI Construction
Kevin Swansen – Garaventa Lift
Paul Stein – Schools for Children
Kenneth Spader – ZVI Construction
Tom Lewis – ZVI Construction
Paul Hale – Elevator Maintenance & Service, Inc.
Kris Bellows – Elevator Maintenance & Service, Inc.
Eric Peterson – SMMA
Joe Imparato – BioMed Realty Trust, Inc.
Colin O'Donnell – United Elevator
Fay Raynor – Helen Karl Architects, Inc.

The Board discussed the following:

1. 50 Prospect Street – Somerville, MA [Exhibit 1]
New Installation
A17.1-2013 § 2.11.10.1.1
Petitioner: Scott Shepler

The petitioner was in front of the Board seeking a variance from A17.1-2013 Section 2.11.10.1.1. This section of the code Landing-Sill Guards, requires landing sills to be guarded on the underside with guard plates of smooth metal not less than 1.4mm (0.55 in.) thick, extending the full width of the car sill exposed to the landing entrance, and securely fastened in place. The petitioner is requesting a variance to provide this guard, generally known as ‘hoistway fascia’, to be made of glass in lieu of metal. The MBTA is required, per its settlement agreement with the Boston Center for Independent Living, to provide maximum transparency of the elevator and elevator tower to promote safety through visibility, at this new accessible station entrance. A solid panel of smooth metal fascia at these glass headhouses would negate the visibility into the headhouse and elevator. A smooth glass fascia, exceeding the properties of the .055 inch thick smooth steel, is proposed in place of a smooth metal fascia for the height of the glass elevator towers. The glass will be laminated and labeled properly to meet ANSI Z97.1. The petitioner also stated that this request is identical to previous MBTA variance requests, which have been approved by the Board. A motion was placed by Jacob Nunnemacher to grant the petitioner’s variance request, with the justification being that the glass will meet code and the visibility will improve public safety. The motion was seconded by David Gaudet.

Motion: Jacob Nunnemacher

Seconded: David Gaudet

Vote: 7-0; 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 |
| • 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. 575 Washington Street – Newton, MA [Exhibit 2]

New Installation
A17.1-2013 § 5.2.1.16.5
Petitioner: Paul Stein

The petitioner was in front of the Board seeking a variance from A17.1-2013 § 5.2.1.16.5 – The maximum rise shall not be more than 7.6m (25 ft.). The LULA lift the petitioner is proposing to install has a travel distance of 28 ft. The petitioner stated that they have received a variance approval from the Architectural Access Board on 9/10/2018 from 521 CMR § 28.12.3 and 521 CMR § 28.12.5. The petitioner stated that Dearborn Academy serves 50-60 students with disabilities and the school is 5 years in on a 15-year lease, with the option to extend. David Morgan posed the question to the petitioner, “Why not consider a conventional elevator versus two wheelchair lifts and a LULA?” The petitioner’s representative replied that cost is a factor and since the building is served with a mid-level entrance on all sides, it still will not preclude installing a wheelchair lift to access the basement and to the first floor to access the elevator. A motion was made by David Morgan to deny the variance request with the justification being that anything above 25 feet per the safety standards set by the national and local code, is considered unsafe. The motion was seconded by David Gaudet.

Motion: David Morgan
Seconded: David Gaudet
Vote: 7-0; Denied.

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 |
| • 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 |

3. 1 Main Street – Northbridge, MA [Exhibit 3]
State ID: 216-F-19
524 CMR
Petitioner: Paul Hale

The petitioner was in front of the Board seeking a product to reduce the car capacity from 10,000 lbs. to 7,500 lbs. The petitioner stated that on January 25, 2021 a five (5) year full load inspection was completed on this unit, the unit was unable to lift the full capacity

load of 10,000 lbs. Due to numerous code upgrades that were conducted on the unit since 1979 (car gate, car side fire proofing, under car fire proofing), extra weight capacity has been added to the car cab. The car currently measures 19’-7” deep by 9’-4” wide, which equals 185 sq. ft. by 50 lbs. per sq. ft., equaling 9,200 lbs., the original capacity when the unit was initially installed in 1940. The petitioner testified that the unit can currently lift 7,500 lbs. with no issues and is proposing to reduce the depth of the cab by 4.5 ft. by moving the rear wall forward because there is no more room on the counterweight frame to add more counterbalance as this has already been completed. The unit is currently placarded causing the owner of the building and the tenant severe financial hardship. Eric Morse stated that 524 CMR § 10 ¶ 2 allows the petitioner to decrease the operating capacity, which shall require a permit and an acceptance test witnessed by a state elevator inspector. The petitioner requested to withdraw his request for variance. A motion was made by Jacob Nunnemacher to accept the petitioner’s request to withdraw. The motion was seconded by Sarah Wilkinson.

Motion: Jacob Nunnemacher
Seconded: Sarah Wilkinson
Vote: 7-0; Withdrawn.

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 |
| • 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 left the meeting at 10:02 a.m.

4. 1000-1020 Washington Street – Boston, MA [Exhibit 4]
New Installation
524 CMR § 35.00, 3.7.1.11 (c)
Petitioner: Eric Peterson

The petitioner was in front of the Board seeking a variance from 524 CMR § 35.00, 3.7.1.11 (c) – Location of Machine Rooms. The petitioner stated that this variance request is due to the existing building conditions, locating the machine room within 10’-0” of the hoistway is not possible. The machine room would be 12’-8” of the hoistway. Currently there is a temporary lobby in the loading dock area due to the construction of

the new office building above the existing parking garage (321 Harrison Avenue). As part of this project, the temporary lobby will be removed, and the area will return to being used as a loading dock. BioMed Realty Trust, Inc. will be purchasing the building and retro fitting it to provide for laboratory tenants and materials will need to be transported by the proposed 5,000 lb., 150 fpm, standard hole less hydraulic elevator, that would connect the loading dock to the 4th floor and there will be a bridge at the 4th floor, across the portion that is above the parking garage. The petitioner stated that the loading dock height is 4 feet, and a standard hydraulic could be installed without any special engineering, where as a machine room-less elevator will pose challenges in terms of the size of the elevator hoistway and the loads that would be imparted on the building. The petitioner testified that he would need more time to research alternate locations of the machine room and requested to withdraw his variance request. A motion was made by David Morgan to accept the petitioner’s request to withdraw. The motion was seconded by Sarah Wilkinson.

Motion: David Morgan

Seconded: Sarah Wilkinson

Vote: 7-0; Withdrawn.

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 |
| • Brian Ronan | <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 |

Board member Cheryl Davis left the meeting at 10:38 am.

5. Approval of meeting minutes:

March 2, 2021 [Exhibit 5]

A motion was put forth by Sarah Wilkinson to accept the minutes as written. The motion was seconded by Jacob Nunnemacher. **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 |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

- Sarah Wilkinson yea nay
- Eric Morse yea nay

**6. 131 Seaport Boulevard – Boston, MA [Exhibit 6]
New Installation
524 CMR
Petitioner: Gary West**

The petitioner was originally in front of the Board on February 16, 2021 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. At that time, the petitioner was granted 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 petitioner submitted a letter dated February 18, 2021, from Vice President/Principal, Richard W. Rankin, AIA. In the letter Mr. Rankin confirmed that as the architect of record (AOR) for the landlord work associated with this tenant space, Ci Design Inc. agrees with the findings of IA/Interior Architects, Lucid’s Architect for the tenant improvements. Due to the existing configuration of the curtainwalls, structural elements, duct runs, proposed stair opening and the inability to relocate the existing gas line, the location of the elevator is limited to the proposed site. A motion was placed by David Morgan to grant the petitioner’s variance request with the following stipulations: signage in the car top, in the pit and in the machine room, operators manual(s) must be in the machine room for licensed personal, and pads or sensors on the car top and pit. The justification being that the petitioner did their due diligence confirming that installing the proposed Gillespie unit would be the safest alternative, since the available space for the elevator pit and overhead is limited. The motion was seconded by David Gaudet.

Motion: David Morgan
Seconded: David Gaudet
Vote: 6-0; Granted.

Roll Call Vote:

- David Gaudet yea nay
- Jacob Nunnemacher yea nay
- David Morgan yea nay
- Brian Ronan yea nay
- Sarah Wilkinson yea nay

• Eric Morse

yea

nay

Legal counsel returned to the meeting at 11:00 a.m.

7. 4 Hodges Street – Attleboro, MA [Exhibit 7]

State ID(s): 17-P-28

524 CMR

Petitioner: Colin O'Donnell

The petitioner was originally in front of the Board on February 16, 2021 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. At that time, the petitioner was granted a two-week extension, in which the petitioner had to 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 petitioner provided the Board with drawings and details that explain that the existing building is supported on piles. The ground floor of the building, including the existing elevator pit, consists of framed slabs supported by concrete grade beams that are supported by the piles. In order to construct a sump pit, the existing elevator pit slab would need to be completely demolished and a new pit slab constructed that incorporates a sump somewhere in the middle of the pit. Most likely the new pit slab will need to be thicker in order incorporate the sump pit. The need to demolish the pit slab presents several logistical issues including critical life-safety concerns. Any elevator equipment currently mounted on or bearing on the pit floor will need to be removed or otherwise supported. The temporary loss of support for the elevator rails will necessitate the need to provide a secondary form of support for the cab while workers are in the pit. This would most likely require punching holes in the sides of the elevator shaft (including at a wall common to a residence) to thread large steel beams across the shaft. The existing elevator will need to be taken out of service for several weeks and held above the pit to allow workers to complete the shoring, demolition, installation of the new slab and sump pit (including the tie-in to the oil water interceptor), removal of shoring, and restoration of elevator shaft walls including those involving residences. Lastly, the petitioner stated that the tedious nature of the work proposed would be difficult, impede their schedule, pose potential safety risk to the workers, be disruptive to the elderly community (including interfering with one or more apartments) and be costly to the project and the client. The client has voluntarily added a new, second elevator to the

project which includes the required sump pit and oil water interceptor and is upgrading the existing elevator and elevator equipment to stay within the financial constraints of the project. A motion was made David Morgan to deny the petitioner’s request due to safety concerns and code compliance. The motion was seconded by David Gaudet.

Motion: David Morgan

Seconded: David Gaudet

Vote: 6-0; Denied.

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

The Board went into recess at 11:15 a.m. and reconvened at 11:20 a.m.

8. 44 Harvard Drive – Milford, MA [Exhibit 8]

State ID(s): 185-R-128

524 CMR

Petitioner: Nicole Bigelow

The petitioner’s representatives were originally in front of the Board on October 27, 2020 seeking a variance to retain the original classification. At that time, a motion was made to place the petitioner’s request under advisement for 90 days, due to pending questions the Board has. The Board had concerns because this residential elevator is installed in a building that is not a single-family owner-occupied dwelling. The Board wanted DPL to research if there was a previously issued variance, if the unit was tested as a residential lift and did it meet the residential 2009 code, and if the unit will meet the wheelchair lift code. Chief Wilkinson updated the Board on DPL’s research of the unit. The unit was installed in 2009 by ThyssenKrupp Access and at that time, the unit met the 2004 ASME section 5.3 and the 2009 CMR 524_CM 23.00 code as a residential lift. The unit would/will not have met the 2009 CMR section 35 section 5.3.1.1.1 machine room required. A motion was made by Sarah Wilkinson to table the variance request and request the petitioner provide the Board with additional information as to the timeframe of when this unit was purchased and installed, and what the expected use of the building was at that time. DPL will also continue due more research on this unit. The deliberation

will continue once the additional information is received from the petitioner. The motion was seconded by David Morgan.

Motion: Sarah Wilkinson

Seconded: David Morgan

Vote: 6-0; Tabled for further information.

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

Vote: 6-0; 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 |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <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 12:20 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 50 Prospect Street, Somerville
- Exhibit 2: Variance packet for 575 Washington Street, Newton
- Exhibit 3: Variance packet for 1 Main Street, Northbridge
- Exhibit 4: Variance packet for 1000-1020 Washington Street, Boston
- Exhibit 5: Meeting minutes from March 2, 2021
- Exhibit 6: Letter dated February 18, 2021, from Vice President/Principal, Richard W. Rankin, AIA for 131 Seaport Boulevard, Boston
- Exhibit 7: Additional drawings and details for 4 Hodges Street, Attleboro
- Exhibit 8: DPL's research of the unit located at 44 Harvard Drive, Milford