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COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

Board of Elevator Regulations

This meeting was held remotely via Microsoft Teams

April 20, 2021 at 9:00 a.m.

Board Members Present:

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

Division of Professional Licensure Staff:

Peter M. Kelley
Clinton Dick
Ruthy Barros

Board Members Absent:

Jacob Nunnemacher

Guests Present:

Patrick Flaherty – Sales Representative, PARKPLUS
AJ Jenkins – National Sales Director, PARKPLUS
Maria Bauza – Project Manager, PARKPLUS
Shane Sampson – Owner’s representative, RISE
Ryan Astrup – Director, PARKPLUS
Peter Nobile – Owner’s Representative, University Club
Neal Vohr – Manager, University Club
Ray Paradis – ARC Architects
Rob Quigley – ARC Architects
Sam Laudati – Lerch Bates
Bryan Strohmman – SGH Engineers

The Board discussed the following:

Acting Chair, Eric Morse recused himself.

1. 50 Leo M Birmingham – Brighton, MA [Exhibit 1]

Product Variance

Manufacturer: JG Parking

Product Name: Semi-Automated Lift Sliding System Model PSH-2L-JG: ParkPlus LS2h1d

Petitioner: Ryan Astrup

The petitioner was originally in front of the Board on March 2, 2021, seeking a product variance for a 48 car semi-automated lift sliding system model: PSHL-3-JG: ParkPlus LS2h1d. The two code sections that the petitioner stated he will not meet are 524 CMR § 26.07 – Protection at Other Levels and § 26.11 – Car Enclosures and Car Gates. The ParkPlus machine will not have dividers or ropes 42” high between parking cubicles. The petitioner’s representative stated that the operation of the system would be impossible if dividers were installed between parking cubicles. Also, the machine will not have 42” high rails on sides not used for entrance and exit. The system will be impossible to operate if these were installed. The petitioner’s representative testified that the proposed system and site is fully code compliant, aside from the two sections of code for which the petitioner is seeking a variance. The Board had concerns in numerous areas of the elevator machine room that are non-compliant, including relocation of the disconnect to the hinged wall, visual communication, siting of the switch and other possible violations of 524 CMR. The petitioner provided the Board with revised drawings that addressed the Board’s concerns, including confirming occupancy sensors in the units and pit access doors that will meet code. The petitioner’s representative stated that there will be no electrical car charging stations installed and assured the Board that ParkPlus has never and will never have the capability for remote manipulation at any of their projects. The petitioner’s representative also stated that there are three modules, A, B and C, separated by walls and there will be a key fob and user keypad located on the exterior of the system, with an emergency switch in the system. A motion was made by Cheryl Davis to grant the product variance request. The unit(s) is required to meet all standards of 524 CMR and applicable codes, apart from § 26.07 and § 26.11 as requested and a Board site visit prior to the acceptance test is required. The justification of the motion is that the unit will meet the safety standard after the Board’s review of revised drawings. The motion was seconded by David Morgan.

Motion: Cheryl Davis
Seconded: David Morgan
Vote: 5-0; Granted.

Roll Call Vote:

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

Brian Ronan left the meeting at 9:37 a.m. and was not present during introduction and rejoined at 9:44 a.m. Eric Morse returned to the meeting at 9:38 a.m.

2. 426 Stuart Street – Boston, MA [Exhibit 2]
State ID: 1-P-10317
ASME A17.1-2013 § 2.2.2.5
Petitioner: Neal Vohr

The petitioner was in front of the Board seeking a variance from ASME A17.1-2013 Section 2.2.2.5, which states for elevators provided with Firefighter’s Emergency Operation, a drain or sump pump shall be provided. The sump pump/drain shall have the capacity to remove a minimum of 11.4 m³/h (3,000 gal/h) per elevator. The petitioner stated that the U-Club is currently planning interior building renovations, which includes upgrading the existing elevator and elevator pit. The existing 5’ pit is below the water table and the proposed construction of a 2’ deep sump pit below the existing U-Club elevator pit slab poses a significant increased risk beneath the existing U-Club elevator pit of flooding and/or prolonged future leakage into the elevator pit. The Board requested that the petitioner provide revised drawings. A motion was made by David Gaudet to place the petitioner’s variance request on hold for 30 days (until May 20, 2021), so the petitioner may provide the Board with detailed drawings of the plan view, sectional view, and code review of the testified hardship. The motion was seconded by Brian Ronan.

Motion: David Gaudet
Seconded: Brian Ronan
Vote: 6-0; Placed on hold for 30 days (until May 20, 2021).

Roll Call Vote:

- | | | |
|----------------|---|------------------------------|
| • David Gaudet | <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 |

- Cheryl Davis yea nay
- Sarah Wilkinson yea nay
- Eric Morse yea nay

3. 1168 Highland Avenue, Fall River [Exhibit 3]

A withdrawal request was received by the petitioner prior to the meeting stating that a solution was found, and they will adhere to the code requirement. No further action taken.

4. At 10:30 a.m., a motion was made by David Morgan to move into closed session pursuant to G. L. c. 30A, § 18, ¶ 5(d), for the purposes of conducting an adjudicatory conference. The motion was seconded by Cheryl Davis.

Roll Call Vote:

- David Gaudet yea nay
- Brian Ronan yea nay
- David Morgan yea nay
- Cheryl Davis yea nay
- Sarah Wilkinson yea nay
- Eric Morse yea nay

General Counsel, Clinton Dick joined the closed session at 10:35 a.m. and Sarah Wilkinson left the meeting at 11:00 a.m.

At 11:23 a.m., a motion was made by David Gaudet to exit closed session and enter open session. The motion was seconded by David Morgan.

Roll Call Vote:

- David Gaudet yea nay
- Brian Ronan yea nay
- David Morgan yea nay
- Cheryl Davis yea nay
- Eric Morse yea nay

During closed session, the Board took the following actions:

Docket No. C20-00089	Forward to investigations
Docket No. C20-00090	Forward to investigations
Docket No. C20-00094	Forward to investigations

Sarah Wilkinson rejoined the meeting at 11:32 a.m.

5. The Board briefly discussed the site visit to 51 Silver Street, Boston. The Board had questions and concerns regarding the charging units and how to handle the other items witnessed.

The Board, by unanimous consent, agreed to table agenda item #5 and #7 to the next available meeting.

Motion to Adjourn: Cheryl Davis

Seconded: David Morgan

Vote: 6-0; Adjourned.

Roll Call Vote:

- | | | |
|-------------------|---|------------------------------|
| • David Gaudet | <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 |

Hearing concluded at 11:38 a.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 50 Leo M Birmingham, Brighton
- Exhibit 2: Variance packet for 426 Stuart Street, Boston
- Exhibit 3: Variance packet for 1168 Highland Avenue, Fall River