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**Commonwealth of Massachusetts
Division of Occupational Licensure**

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OCCUPATIONAL LICENSURE

Minutes

**Meeting of the
Board of Elevator Regulations
May 4, 2022 at 10:00 a.m.**

Microsoft Teams Meeting

Board Members Present:

Eric Morse, Acting Chair
David Gaudet
Christopher Towski
Neil Mullane
David Morgan

Division of Occupational Licensure Staff:

Kristina Gasson
Ruthy Barros
Walter Zalenski

Board Members Absent:

Thomas McDermott
Brian Ronan

Guests Present:

Henry (Brook) Batteau
Andrea Ruff
Jason Arndt
Benjamin Lassel
Brian Hickey
John Schwarz
Yara Osman
Robert Rink
Evan Batchis
Sarah Mark
Jorge Briones
Shauna Connelly
Jarrad Jones
Ivan Andrews
Mark Barry

Call to Order 10:00 am:

1. 17 Severance Street, Shelburne [Exhibit 1]

State ID: 268-W-5

524 CMR

Petitioner: Trinity Church

The petitioner appeared before the Board seeking a variance from an Inspector's report citing, "780 CMR 1304.3.7 – Actuated damper on runway ventilation does not open automatically upon activation of building fire alarm". Eric Morse advised the petitioner that the Board cannot make a ruling on 780 CMR, which is the state building code. The Board and Inspector Walter Zalenski assisted the petitioner by providing the proper code section, 524 CMR 2008 35:00 2000.7a MA mod to A17.1-1996 Part XX. The petitioner confirmed that the vent does open when the device in hoistway is activated and there is other smoke detection throughout the property to cover general alarm activation. A motion was made by Eric Morse to the take no action on the variance request, with the justification that at the time of installation, the vent was installed in accordance with A17.1 Section 2000.7a as amended by the Massachusetts modifications. The unit is compliant as it was installed. The motion was seconded by Christopher Towski.

Motion: Eric Morse

Seconded: Christopher Towski

Vote: 5-0; No action taken.

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

2. MBTA Arlington Station, Berkley Street and Boylston Street [Exhibit 2]

New Installation

524 CMR 35.00 Section 3.7.1.11 (b)(c)

Petitioner: Andrea Ruff

The petitioner appeared before the Board seeking a variance for 524 CMR 35.00 Section 3.7.1.11 items (b) – The pipe shall have no fittings, bends, or welding in it from the hoistway to the machine room and (c) – The distance from the hoistway to the machine room shall not exceed three meters (ten ft.). The MBTA is adding a new two-stop elevator as part of an accessibility improvements project at the Arlington Station. The new elevator

will provide access from the lower lobby level to the upper street level. The new elevator will be constructed in an existing portion of the station located at the corner of Berkeley and Boylston Streets. The petitioner stated that a limited amount of space on this corner narrows the options for the location of the elevator hoistway and the machine room. Due to space constraints, the petitioner has selected an inground hydraulic elevator to reduce the hoistway width versus a traction type elevator. The space between the proposed hoistway and the corridor wall is 5'0" and would not be able to be reduced farther due to egress requirements and 5' is the minimum distance allowed. A traction-based type with the same capacity would require an additional 10" in hoistway width. The petitioner stated that any reduction to the egress is a safety concern. Once the elevator location was selected due to site constraints, the location of the machine/pump room options were reviewed. The machine room must be on the lower level within the station. The elevator is a pass-through type with 1 front and 1 rear entrance. The MBTA is required, per its settlement agreement with the Boston Center for Independent Living, to provide maximum transparency of the Elevator and Headhouse in an effort to promote safety through visibility. The machine room will be approximately 20'9" from the hoistway and will require 2 fittings (an elbow and union) outside the machine room. Fittings will be threaded and not Victaulic. The oil line will be the minimum schedule 80 as required, it will be visible at all times, and two-way hard-wired communication will be included between the car and the machine room. The oil line would be attached to the wall and/or ceiling from outside the hoistway until entering the machine room. A motion was made by David Morgan to the grant the variance request with the 20'-9" pipe that will be welded with a 90 going into the system and anything that is exposed will be welded outside the machine room. Limit to one bend outside of the machine room. Justification is that this motion will meet safety requirements for riding and general public. The motion was seconded by Eric Morse.

Motion: David Morgan
Seconded: Eric Morse
Vote: 5-0; 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 |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

3. **MBTA Symphony Station, Huntington Avenue and Massachusetts Avenue [Exhibit 3]
New Installation (Four new elevators)**

A17.1.2.11.10.1.1

Petitioner: Andrea Ruff

The petitioner appeared before the Board seeking a variance from A17.1.2.11.10.1.1 – Metal fascia requirement to substitute with glass fascia. The petitioner stated that the MBTA is required, per its settlement agreement with the Boston Center for Independent Living, to provide maximum transparency of the Elevator and Headhouse in an effort to promote safety through visibility. A solid panel of smooth steel fascia at this glass headhouse would negate the visibility as required. A smooth glass fascia, exceeding the properties of the .055-inch-thick smooth steel, is proposed in place of a smooth steel fascia for sections of the glass hoistways. The petitioner stated that the remaining fascia would be smooth steel, as required. As part of this accessibility project, four new elevators at the above location will provide access between the street and platform levels (as well as the upper plaza for two of the elevators). The four new elevators will be in four new hoistways (all four simplex) with all elevators needing glass fascia for the hoistway to provide visibility. A motion was made by David Morgan to the grant the variance as requested, with the justification being the MBTA's requirement for visibility in elevators, glass alternative is safe as required by code, and will be ANSI Z97.1-1994 compliant. The motion was seconded by Neil Mullane.

Motion: David Morgan

Seconded: Neil Mullane

Vote: 5-0; 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
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

4. **1 Hawes Way, Stoughton [Exhibit 4]**

State ID: 285-E-134

Petitioner: Michael Eden

The petitioner appeared before the Board requesting an appeal from an inspector's report citing A17.1-2004 Section 6.1.6.5 (a). This unit has been removed from service partly due to the inspector's opinion that a second switch should be placed at lower end of truss. Mr. Morgan argued that the missing step device should be at the top and bottom landing to meet the requirement at the comb. Mr. Andrews stated that he did not disagree that the switch is

required at the top and bottom landing. The escalator is currently placarded, and Mr. Andrews addressed that the downed unit is costing the tenant and that the cost and timing of adding a switch is a burden to the tenant. Inspector Barry express concern that the code language is vague, "A" device could mean one. Inspector Barry testified that he ran the unit in reverse with a missing step, the entire travel. Only one of the two escalators were tested that day. Mr. Jones confirmed that the switches have been ordered. Deputy Commissioner Wilkinson asked if the unit should be allowed to run until the switch is added, Mr. Morgan replied, no. Mr. Gaudet stated that the Board should allow the department to handle the placard and violation. A motion was made by David Gaudet to the deny the above requested appeal from the Inspector's report for non-code compliance and safety violation. The motion was seconded by David Morgan.

Motion: David Gaudet
Seconded: David Morgan
Vote: 5-0; 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 |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

Motion to Adjourn: David Morgan
Seconded: Christopher Towski
Vote: 5-0; Adjourned.

Hearing concluded at 12:45 p.m.
Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 17 Severance Street, Shelburne
- Exhibit 2: Variance packet for MBTA Arlington Station
- Exhibit 3: Variance packet for MBTA Symphony Station
- Exhibit 4: Variance packet for 1 Hawes Way, Stoughton