

**CHARLES D.
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SECRETARY OF HOUSING AND
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**Commonwealth of Massachusetts
Division of Professional Licensure**

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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
May 5, 2021 at 10:00 a.m.**

Board Members Present:

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

Division of Professional Licensure Staff:

Peter M. Kelley
Ruthy Barros

Guests Present:

Robert Campbell – VDA
Robert Shaker – PACE Project Management, Inc.
Ed Wojcik – Ed Wojcik Architects Ltd.
Michael Crossen – Foley & Lardner LLP
Thomas Driscoll – Atlantic Elevator South Co., Inc.
Sandra Marquis – Group Home Director
Chris Lawson – CityLift Parking

The Board discussed the following:

1. At 10:00 a.m., a motion was made by Sarah Wilkinson 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 David Morgan.

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 |

- | | | |
|----------------------|---|------------------------------|
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <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 |

At 10:25 a.m., a motion was made by David Gaudet to exit closed session and enter open session. The motion was seconded by David Morgan. Cheryl Davis was not present during voting.

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

2. 1168 Highland Avenue – Fall River, MA [Exhibit 1]

New Installation

524 CMR 35.00 Sections 5.2.1.4.2 and 5.2.4.2.1

Petitioner: Robert Campbell

The petitioner was in front of the Board seeking a variance from 524 CMR 35.00 Section 5.2.1.4.2 and Section 5.2.4.2.1 – Alternative to Bottom Car Clearance Requirements. The petitioner was originally scheduled for a hearing on April 20, 2021 and submitted an email on April 16, 2021 to the Office of Public Safety and Inspections, requesting to withdraw their variance request stating that they were able to find a solution that will adhere to code requirements. The Adams House was senior care community built in 1891 and was in operation for 127 years. New ownership is in the process of a renovation project consisting of selective demolition, remediation, and a full renovation of the five story 42,000 square foot building meeting state historical requirements. The building will be converted into 34 market rate apartments. In order to meet AAB requirements of a LULA elevator was designed to serve from the 4th floor to the fifth floor (attic level), in addition to the modernization of one existing traction elevator in the building that currently serves level 1 through level 4, essentially providing access to all levels through the use of both elevators. The original 1891 winding drum type elevator was decommissioned and removed to make way for the installation of the new LULA within the existing shaft what the design intent to locate the LULA machine room on the 3rd

floor what the suspended pit above it. Based on the limited floor heights and the need for a code compliant ceiling height in the machine room, is shallow pit of 1’-4” is all that can fit within this space without major modifications to the building. The petitioner stated that the manufacturer of the LULA offers an A17.1 code compliant pit stop device that when activated upon hoistway access procedures prevents the elevator for morning in allowing a compliant refuge space of 35 inches, which is utilized and accepted in jurisdictions around the US. This installation would meet other requirements within A17.1 including proper labeling and signage indicating the shallow pit condition within the machine room, pit area and outside the 4th floor landing as required. Michael Crossen requested that the Board place this petition request on hold. A motion was made by David Morgan to deny the variance request with the justification of safety concerns and the petitioner failed to demonstrate any unique condition(s) of the property that would lead to unnecessary hardship. A motion was seconded by Christopher Towski.

Motion: David Morgan

Seconded: Christopher Towski

Vote: 6-0; Denied.

Roll Call Vote:

• David Gaudet	Abstained	
• Christopher Towski	<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. 44 Harvard Drive – Milford, MA [Exhibit 2]

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. Mr. Driscoll stated that the unit was installed in 2009 and the unit is a two-stop overhead drum, floor penetrating, 450lb capacity residential unit constructed and installed by ThyssenKrupp Access. The unit is installed in a raised ranch, constructed in 1972. The house was purchased and renovated by a group home prior to or at the time the elevator was installed. At that time, the elevator was used as a four person or group home for disabled tenants manned 24 hours a

day by a caretaker(s). The use of this house has not changed to the present and the use was effectively recognized in 2009 by the town of Milford Building Commissioner as a single-family dwelling. At the time of installation, the unit meet the residential elevator code. A motion was made by Sarah Wilkinson to allow the above lift to maintain its existing classification of “R”, a residential lift and that the lift be test every 2 years. The motion was seconded by David Morgan.

Motion to Adjourn: Sarah Wilkinson

Seconded: David Morgan

Vote: 7-0; Allowed to maintain existing classification.

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
• 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

4. 34 Munroe Street – Lynn, MA [Exhibit 3]

Product Variance

Manufacturer: EverCharge

Product Name: EV002 Electric Vehicle Charger

524 CMR

Petitioner: Chris Lawson

The petitioner was originally in front of the Board on March 23, 2021 requesting approval to install six Electric Vehicle Charging (EV002) stations on vehicle lift pallets within the car lift puzzle system. The petitioner stated that the 10 in. length by 61 in. high Level 2 EV charger pedestal will be mounted on the pallet and will always be mounted on the left side of the vehicle. There will be a power supply and disconnect in the back of the system. Chief Sarah Wilkinson stated that on a previous DPL site visit, there was a charger pedestal installed with a non-retractable cord and there was immediate concern. The petitioner stated the proposed system will have retractable cords. The petitioner was requested to supply the Board with code references, Fire Department and Building Department code approval, and a site visit by June 21, 2021. Board member Christopher Towski expressed Fire and code concerns and advised the petitioner of future changes to the current electrical code, specifically related to chargers. Board member Sarah Wilkinson confirmed that CityLift has and will continue to use retractable cords and

work with OPSI. A motion was made by Sarah Wilkinson to allow the petitioner to withdraw their variance request, as a variance is not required. The Board acknowledges that in the form that the proposed Electric Vehicle Charging (EV002) stations were presented to the Board, the Board accepts the Electric Vehicle Charging (EV002) stations to be installed in the specified types of car lift platforms. The motion was seconded by Christopher Towski.

Motion: Sarah Wilkinson

Seconded: Christopher Towski

Vote: 7-0; Withdrawn and Electric Vehicle Charging (EV002) stations acknowledged by the Board.

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
• 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

The meeting minutes from April 6, 2021, April 20, 2021, and April 27, 2021 were tabled to the next meeting.

Motion to Adjourn: Brian Ronan

Seconded: Sarah Wilkinson

Vote: 7-0; Adjourned.

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
• 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

Hearing concluded at 12:13 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet and withdrawal request for 1168 Highland Avenue – Fall River
- Exhibit 2: Variance packet for 44 Harvard Drive, Milford
- Exhibit 3: Variance packet for 34 Munroe Street, Lynn