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**Minutes**

**Meeting of the  
Board of Elevator Regulations  
July 20, 2021 at 1:00 p.m.**

**1000 Washington Street  
Boston, MA 02118  
1<sup>st</sup> Floor – Room 1D**

**Board Members Present:**

Eric Morse, Acting Chairman  
Christopher Towski  
David Gaudet  
Neil Mullane  
Sarah Wilkinson  
Brian Ronan

**Division of Professional Licensure Staff:**

Peter M. Kelley  
Ruthy Barros

**Board Members Absent:**

David Morgan

**Guests Present:**

Peter Nobile  
Robert Quigley  
Sam Laudati  
Colin O'Donnell  
Fay Raynor  
Christopher Lawson  
Michael Szczepkowski  
Frank Giorlando  
Thomas McGarrigle  
Brian McGinley  
Dennis Driscoll

The Board discussed the following:

1. **165 Bearses Way – Hyannis [Exhibit 1]**  
**State ID: 21-W-121**

The petitioner submitted a withdrawal request to the Board. A motion was made by Sarah Wilkinson to accept the petitioner's request. The motion was seconded by Christopher Towski.

**Motion:** Sarah Wilkinson  
**Seconded:** Christopher Towski  
**Vote: 6-0; Withdrawn.**

2. **115 Holliston Street – Medway, MA [Exhibit 2]**  
**State ID(s): 177-P-5 and 177-P-6**  
**524 CMR 35.00 §2.8.3.3**  
**Petitioner: Susan Downey**

The petitioner submitted a variance request to the Board seeking a variance from 524 CMR 35:00 §2.8.3.3, which states sprinklers shall not be permitted in power passenger or freight elevator hoistways, pits, machine rooms or control spaces. The petitioner's memorandum explained that on April 16, 2021, Medway Country Manor was not found in substantial compliance with the requirements for participation in Medicare/Medicaid, 42 CFR, 483.90(a)(6), NFPA 13, 2010 Edition, §8.15.5, by failing to provide sprinkler protection for the elevator and hydraulic elevator machine room. A motion was made by Sarah Wilkinson to grant the petitioner's request with the justification being hardship resulting from the withholding of federal funding due to an inspection by the Centers for Medicare & Medicaid Services (CMS) for non-compliance with NFPA 13 – 1999 Edition of the Standard for the installation of Sprinkler Systems. Specifically, that sprinklers are not installed in the elevator machine room, hoistway and pits. The motion was seconded by Christopher Towski.

**Motion:** Sarah Wilkinson  
**Seconded:** Christopher Towski  
**Vote: 6-0; Granted.**

3. **426 Stuart Street – Boston, MA [Exhibit 3]**  
**State ID: 1-P-10317**  
**ASME A17.1-2013 § 2.2.2.5**  
**Petitioner: Neal Vohr**

The petitioner was originally in front of the Board on April 20, 2021 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 m<sup>3</sup>/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. Per the Board's period request, the petitioner provided the Board with revised drawings. A motion was made by Eric Morse to deny the petitioner's variance request to allow the sump pump to sit on top of a slab, with the justification being that the code clearly states that the sump pump is required to be covered and flush with the pit and the Board feels that there are options for the petitioner to be code compliant. The motion was seconded by Christopher Towski.

**Motion:** Eric Morse

**Seconded:** Christopher Towski

**Vote: 5-1; Denied. David Gaudet opposed.**

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

**State ID(s): 17-P-28**

**Interpretation**

**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. The petitioner is now seeking an interpretation and affirmation from the Board, that a 4" drain be placed through the demising wall between the existing elevator pit into the new elevator pit no more than 8" to 12" above the floor of the pits (the pit floors are at the same level) would meet the requirements outlined in ASME A17.1 2013 Section 2.2.2 – Design and Construction of Pit. The petitioner stated that in accordance with ASME A17.1 2013 Section 2.2.2 'The sump pump/drain shall have the capacity to remove a minimum of 3,000 gal/h per elevator, and MA 524 CMR, Section 10.04 (material change) (c) 'the machine room of an existing elevator is relocated', investigation was conducted by the structural engineer as to the feasibility of the installation of a sump pump/drain directly in the existing elevator pit floor. Engineering discovery identified structural impediments for any excavation into the existing pit floor for Elevator #1. The intent is to have a drain or "scupper" hole provided in the pit of the

existing elevator that would prevent the accumulation of water in the pit by draining it into the newly constructed elevator pit. The new elevator pit will be outfitted with a sump pump and oil water interceptor capable of handling both elevator pit's requirement of removing 3,000 gallons per hour each (or 6,000 gallons per hour for both elevators). It has been confirmed by the engineering team that the sump pump scheduled to be installed in the new elevator pit floor has full capacity to remove a minimum of 6,000 gal/hour for both elevators. Review of ASME A17.1-2013 as well as MA 524 CMR does not identify any code restriction to the presented alternate approach. This alternate approach is claimed to meet the intent of code for removal of the minimum 3,000 gal/h for Elevator #1 as well simultaneous removal of a minimum of 3,000 gal/h for new Elevator #2. A motion was made by Sarah Wilkinson that as presented and described to the Board, the petitioner's interpretation is code compliant, and no further variance is required based on what was presented to the Board. The motion was seconded by Christopher Towski.

**Motion:** Sarah Wilkinson

**Seconded:** Christopher Towski

**Vote: 6-0; Interpretation confirmed, no further action required.**

5. **54 Auburn Street, Brookline [Exhibit 5]**  
**Product Variance**

The petitioner was in front of the Board seeking a site-specific product variance to install a fully automated aisle system, one level below grade and one loading cabin offering 18 spaces. The petitioner is seeking a variance from §26.07 (2) – Protection at other levels, §26.11 (2) – Car enclosure and car gates, and §2.7.6.3.2 – Motor Controller shall be located in a control room. The petitioner confirmed that the plans have been reviewed by an architect and there are no building code variances required with the Town of Brookline. There will be fixed flush diamond plates with sensors, signs and indicating lights to inform the operator, along with kiosk confirmation. The petitioner also stated that there will be a second means of egress in the basement and the building will be sprinkled. The petitioner also confirmed that there will be no gate and Mr. Gaudet stated ideally there would be a 4' gate installed. The petitioner stated that the snow melt equipment room has been relocated and will become the elevator control room, as a plan B. As for smoke and heat protection, the opening door will automatically shut down this system, which will then have to be reset by a licensed elevator mechanic. The Board members expressed their concerns to the petitioner and requested a demo video of the proposed automatic parking system. The Board also requested that the petitioner provide

a set of plans approved by the Town of Brookline's Fire and Building department. A motion was made by Christopher Towski to place the petitioner's request on hold, so the Board may meet in a closed session to discuss what further information will be required of the petitioner. The motion was seconded by Brian Ronan. Mr. Morse took no part in the discussion of or deliberation on this matter.

**Motion:** Christopher Towski

**Seconded:** Brian Ronan

**Vote: 5-0; Placed on hold. Morse recused.**

The Board recessed at 2:45 p.m. and resumed at 2:48 p.m.

6. **Interpretation [Exhibit 6]**

**Petitioner: Michael Szczepkowski**

The petitioner was in front of the Board requesting an interpretation of §2.2.4.4, regarding the securing of the elevator to allow the pit excavation contractor to proceed without having a full-time licensed elevator mechanic standing by. The petitioner described procedures that are being implemented by licensed personnel which, in the petitioner's opinion, secures the equipment in a safe position allowing the pit excavation to proceed without a full-time mechanic standing by. The petitioner suggested that prior to each day's work the elevator contractor's personnel verify the condition of the site and listed the justification and code sections that are applicable to the explained procedures. The Wang Theatre project includes a full modernization of the elevator which includes the addition of a basement level entrance, conversion from car switch to fully automatic operation, conversion from manual landing doors and horizontal gate to automatic power operation and implementation of all required emergency operation features. The petitioner stated that the project is in full compliance with the requirements §2.2.4.4 and having a full-time licensed elevator mechanic standing by is not necessary. A motion was made by Sarah Wilkinson that based on the evidence and testimony that the petitioner presented, the equipment has been made safe by a licensed elevator mechanic and the petitioner is proceeding in a code complaint manner. The motion was seconded by Christopher Towski. Mr. Morse took no part in the discussion of or deliberation on this matter.

**Motion:** Sarah Wilkinson

**Seconded:** Christopher Towski

**Vote: 5-0; Interpretation confirmed. Morse recused.**

**Motion to Adjourn:** Christopher Towski  
**Seconded:** Neil Mullane  
**Vote: 5-0; Adjourned.**

Hearing concluded at 3:05 p.m.  
Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Withdrawal request from 165 Bearses Way – Hyannis
- Exhibit 2: Variance packet for 115 Holliston Street, Medway
- Exhibit 3: Variance packet for 426 Stuart Street – Boston
- Exhibit 4: Variance packet for 4 Hodges Street, Attleboro
- Exhibit 5: Variance packet for 54 Auburn Street, Brookline
- Exhibit 6: Variance packet for Interpretation of §2.2.4.4 – Access to Pit Areas.