

**CHARLES D.
BAKER**
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Occupational Licensure**

1000 Washington Street, Suite 710
Boston, Massachusetts 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

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

Minutes

**Meeting of the
Board of Elevator Regulations
August 30, 2022 at 1:00 p.m.**

Microsoft Teams meeting

Board Members Present:

David Morgan, Acting Chair
David Gaudet
Brian Ronan
Thomas McDermott
Christopher Towski
Neil Mullane

Division of Occupational Licensure Staff:

Peter Kelley
Ruthy Barros

Board Members Absent:

Eric Morse

Guests Present:

Nate Birmingham
Christopher Poravas
Nicholas Balzano
Ben Trendell
Gary Loveman
James Marshall
Joseph Lewis
Richard Nolan
Julie Canelos
Philip Canelos
Kevin Swansen
Adam Bishop
Dean Mello
Alison Lies
Timothy Mansfield

Call to Order 1:03 pm:

1. **225 Wyman Street, Waltham [Exhibit 1]**

State ID: 308-P-22019

524 CMR 35.00 ASME A17.1-2013 Sections 2.1.1.1.1 and 2.1.2.1

Petitioner: Nate Birmingham

The petitioner was requesting an official interpretation of 524 CMR 35.00 2013 ASME A17.1

Sections 2.1.1.1.1 and 2.1.2.1, for an elevator enclosure installed at the above location. The petitioner stated that the specific interpretation request relates to the fire resistance rating of a hoistway enclosure where an exterior wall serves as part of the hoistway enclosure. The elevator at the above location is located within a fully enclosed elevator hoistway. The elevator hoistway extends through the roof to the penthouse level where two of the four walls are adjacent to interior building spaces and are provided with 2-hour fire resistance ratings. The other two walls of the hoistway enclosure are located on exterior walls and are not provided with a fire resistance rating. According to the petitioner, the inspector requested a fire rated hoistway. The unit failed the acceptance test on an unrelated item. A motion was made by David Gaudet that 524 CMR Sections 2.1.1.1.1 and 2.1.2.1 are citable sections in the elevator code and enforced through the building official pursuant to 524 Code Mass. Regs. § 1.04(1) referring to Building Code and building official jurisdiction pursuant to 780 CMR. The motion was seconded by Christopher Towski.

Motion: David Gaudet

Seconded: Christopher Towski

Vote: 6-0; Interpretation issued.

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
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

2. **5 Sabrina Farm Road, Wellesley [Exhibit 2]**

New Installation

524 CMR 35.00 Section 2.1.5

Petitioner: Gary Loveman

The petitioner appeared before the Board seeking a variance on the prohibition against a window in the hoistway wall and elevator car of a new elevator to be installed in an addition to the existing dwelling. The petitioner stated his wife suffers from a medical condition and having a window installed in the hoistway, it would alleviate the symptoms that will occur if she is in an enclosed confined space. Mr. Loveman stated that the window heights will be 28"x38" in the cab and in the hoistway. The Board will require the windows to be fixed, non-

operative. The Board had concerns regarding safety for responders from the exterior façade and proposed to the petitioner possibly installing vertical bars on the framing of the window if someone accesses the hoistway. A motion was made by Neil Mullane to place the petitioner's request on hold for no more than 60 days (October 29, 2022) to allow the petitioner time to provide the Board with additional information, including but not limited to equipment, elevation plans, specifications, labeling, and glass rating. The motion was seconded by Christopher Towski.

Motion: David Gaudet

Seconded: Christopher Towski

Vote: 6-0; Placed on hold for 60 days.

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
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

3. 100 Water Street, Haverhill [Exhibit 3]

State ID: 128-P-191

524 CMR Section 2.27.3.2.6

Petitioner: Eric Morse

The petitioner's representatives appeared before the Board seeking a 90-day relief from section 2.27.3.2.6 - which states the activation of a FAID located in machine rooms, machinery spaces, control room, control space and hoistways will illuminate the visual signal in the car intermittently. The petitioner's representative stated that the existing fire alarm system also allows the FAID in the elevator lobby of the machine room level to also "flash the hat". The fire alarm contractor is hesitant to reprogram the existing system for fear of the system crashing and eliminating the entire building fire alarm system. A new fire alarm system is in the process of being installed and will allow all elevator devices to perform in full accordance with code, but the system will not be completed until mid-October. The elevator in question has completed a full modernization and is fully code compliant other than the additional FAID in the machine room elevator lobby flashing the hat. As this is an elderly building, the owners are requesting a 90-day relief to the code section so that the elevator can be placed back into public service. A second elevator in the building is also prepared to undergo a full modernization but that cannot begin until the first elevator is back in service. The existing old panel does not have a flashing hat capability and messing with

the existing panel software could damage the program. L.W. Bills Company will be upgrading the building alarm system and the new system will replace the old system within 90 days. A motion was made by David Gaudet to allow a 90-day variance to permit relief of one extra device covered under 524 CMR Sec 2.27.3.2.6. Signage at fire alarm panel and flashing hat stating that the flashing hat limitations will be required, in addition to notification to the local fire department. Justification being that the current fire alarm system is being modernized and meets safety requirements with exception of the flashing hat. Temporary relief expiring no later than November 28, 2022. The motion was seconded by Neil Mullane.

Motion: David Morgan

Seconded: Neil Mullane

Vote: 5-1; Granted. Thomas McDermott was in opposition.

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
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	Opposed	
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

4. 144 Old Colony Avenue, Boston [Exhibit 4]

New Installation

524 CMR Sections 26.07 and 26.11

Petitioner: Julie Canelos

The petitioner was previously before the Board on August 16, 2022, seeking a variance from 524 CMR Section 26.07 – Protection at Other Levels and 524 CMR Section 26.11 – Car Enclosure and Car Gates. At that time, a motion was made to place the petitioner’s request on hold for 60 days (October 15, 2022). The petitioner provided the Board with material on the gates, manufacturer’s testing compliance information, and sprinkler and lighting layouts. Mr. Ronan requested that the petitioner contact Captain Ferrell of BFD on fuel storage license. A motion was made by Neil Mullane to grant the petitioner’s variance request from 524 CMR Section 26.07 – Protection at Other Levels and 524 CMR Section 26.11 – Car Enclosure and Car Gates. The petitioner must add electric eyes and a site visit from the Board will be required prior to the acceptance inspection. Justification being that what was presented to the Board meets alternate means of safety. The motion was seconded by Thomas McDermott.

Motion: Neil Mullane

Seconded: Thomas McDermott

Vote: 4-1; Granted. Christopher Towski was in opposition and David Morgan abstained from voting.

Roll Call Vote:

• David Gaudet	Abstained	
• Christopher Towski	Opposed	
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

5. **1430 Massachusetts Ave, Cambridge [Exhibit 5]**

New Installation

524 CMR

Petitioner: Amy Tetreault

The petitioner was previously before the Board on June 7, 2022 seeking a variance from ASME A18.1-2014 §3.1.2.3. At that time, a motion was made to grant the variance request on low overhead, with proper signage indicating the low overhead condition and electric eye sensor to stop lift, should anything or anyone on the lift be in a position to impact the low overhead area. The petitioner's representative is now seeking to ask for BER reconsideration of one of the conditions of the variance granted by the Board.

A motion was made by Mr. Mullane to reopen the hearing to receive additional information in support of the petitioner's motion for reconsideration. The motion was seconded by Mr. McDermott. All members voting affirmatively, the procedural motion was **GRANTED**.

The petitioner's representative stated that the electric eye sensor to stop the lift that was identified as a required condition of the variance, was studied by the lift manufacturer, and found not to be feasible. Once this was determined, alternate additional safety measures to address the Board's concerns were studied. From these studies the petitioner's representative proposed an alternate strategy for the Board's consideration. Garaventa, the lift manufacturer, does not have an electric eye device in their standard or custom parts catalog. Their technical team investigated third-party devices and determined they would not be compatible with their controls system. Upon determining this, Garaventa began investigating what standard devices and compatible third-party devices could address the Board's safety concerns. From here the petitioner's representative developed the following strategy to address the Board's concerns. The petitioner's representative proposed to add a

combination of signage identifying the low overhead condition and keypad access control to allow access to the lift. The keypad code (example 4-3-2-1) would be listed on the signage so a user would read the signage and acknowledge the low overhead by entering the code on the keypad. This would grant the user access to the lift. Signage would also read that the lift is required to be used in a seated position. Garaventa does not have a keypad in their standard parts catalog, but they advise that any keypad part of an industry standard building access control system would be compatible with their controls. Gazit Horizons, the building's owner, are currently working with an access-control vendor who could supply this. Signage and the keypad would be located at the mid-landing when a user would arrive via the building elevator and would initially call for the incline lift. The petitioner's representative will also have the code required; wall mounted audio-visual alerts. Board members believe the electric eye is the solution for stopping the unit. A motion was made by Neil Mullane to deny the request for reconsideration substantively, with the justification being that the Board believes that the basis for the original variance can be accomplished. The motion was seconded by David Gaudet.

Motion: Neil Mullane
Seconded: David Gaudet
Vote: 6-0; Denied.

Motion to Adjourn: Christopher Towski
Seconded: Thomas McDermott
Vote: 6-0; Adjourned.

Hearing concluded at 4:22 p.m.
Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 225 Wyman Street, Waltham
- Exhibit 2: Variance packet for 5 Sabrina Farm Road, Wellesley
- Exhibit 3: Variance packet for 100 Water Street, Haverhill
- Exhibit 4: Variance packet for 144 Old Colony Ave, Boston
- Exhibit 5: Variance packet for 1430 Massachusetts Ave, Cambridge

