

**CHARLES D.  
BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**MIKE KENNEALY**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts  
Division of Professional 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  
PROFESSIONAL LICENSURE

**Minutes**

**Meeting of the  
Board of Elevator Regulations  
August 31, 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  
Thomas McDermott  
David Morgan  
Brian Ronan

**Division of Professional Licensure Staff:**

Peter M. Kelley  
Ruthy Barros  
Sarah Wilkinson  
Martin Guiod

**Guests Present:**

Stephen Reardon  
Erin Carr  
Dennis Driscoll  
Joseph Zahka  
Daniel Collins  
Jay Edwards

Call to Order: 1:05 p.m.

The Board discussed the following:

- 1. 264 Huntington Avenue – Boston, MA [Exhibit 1]  
New Installation**

**524 CMR 35.00, ASME A17.1-2013 §3.4.1.1, §3.4.1.3. §3.4.1.6, §2.15.9.2, §2.15.9.2(b), and §2.4.7.1.**

**Petitioner: Gary West**

The petitioner was previously in front of the Board seeking a variance from 524 CMR 35.00 – Shallow Pit Variance, ASME A17.1-2013 – Bottom and Top Clearances and Runbys for Car and Counterweights: §3.4.1.1, §3.4.1.3. §3.4.1.6, Car Frames and Platforms: §2.15.9.2, §2.15.9.2(b), and Top of Car Clearances: §2.4.7.1. A motion was made to grant a variance from 524CMR 35:00 Sections 2.15.9.2, 3.4.1.1, 3.4.1.6, 3.4.4, 3.4.7, 2.4.7, contingent on providing the Board with a structural engineer stamped letter describing the soil, piles, and technical aspect of the project. The Board reviewed the requested structural engineer stamped letter that the petitioner provided. Mr. Morgan entered the meeting at 1:10 p.m. A motion was made by Neil Mullane to accept the structural engineer stamped letter and the original submitted variance request (shallow pit depth, low overhead, pit floor pads, infrared curtain on car top, and signage) with the justification that the petitioner will provide a safe alternative to the existing code. The motion was seconded by Christopher Towski.

**Motion:** Neil Mullane

**Seconded:** Christopher Towski

**Vote: 6-0; Accepted.**

**2. 340 Marginal Street – Chelsea, MA [Exhibit 2]**

**State ID: 57-F-86**

**524 CMR 2018 35:00 § 2.27.8**

**Petitioner: Jill Ledin**

The petitioner's representative was in front of the Board seeking a variance from 524 CMR 2018 35:00 § 2.27.8 – Switch Keys. The petitioner's representative stated that the fixtures that were designed and manufactured for this elevator are required to comply with NEMA 7/9 hazardous location ratings to prevent a catastrophic explosion from occurring. This requirement does not permit the use of any of the state specific fire service key numbers or models. The manufacturer, C.J Anderson & CO, manufacturers the Phase I & Phase II Fire Service Key Switches in full compliance with A17.1 2001 and above. The switch that the manufacturer provides for NEMA 7/9 locations meets the national code FEO-K1. The recommended action for elevators that have special key number and model requirements, is the installation and placement of a Knox Elevator Key Box next to the hall station that contains the Phase I Key Switch. The FEO-K1 key for the Phase I & Phase II key switches should be tagged and located inside of it. Knox

Boxes are widely used by Fire Fighters across the country to gain access to keys and buildings in the event of an emergency. Mr. Gaudet suggested that the petitioner's representative meet with the local Fire Department so they understand there will be no 3502 key at the location. A motion was made by David Morgan to grant the petitioner's request to use a FEO-K1 key, with proper signage, and the justification being that the petitioner could not obtain the piece of equipment necessary. If anything, other than a 3502 key is being used, the petitioner must come back in front of the Board. The petitioner is also required to provide training to the Chelsea Fire Department on the FEO-K1 key. The motion was seconded by David Gaudet

**Motion:** David Morgan

**Seconded:** David Gaudet

**Vote: 6-0; Granted.**

3. **1191 Boylston Street – Boston, MA [Exhibit 3]**

**State ID: 1-P-1576**

**524 CMR**

**Petitioner: Christen Parsons**

The petitioner's representatives were in front of the Board seeking to appeal an Inspector's Report citing 524 CMR §17.35, "Recommend moving car gate switch from inside of car to top of car". The petitioner's representative stated that the owner has decided to modernize this elevator after September 1, 2021 and has already requested a modernization permit. A temporary 60-day certificate was issued on 4/29/2021. The petitioner's representative testified that the car gate switch, as it currently stands, is code complaint. Inspector Guiod gave his recommendation that the exposed gate switch should be moved. Mr. Morse acknowledged the safety concern of the exposed gate switch but confirmed that the exposed gate switch is not a violation, and therefore the annual certificate cannot be withheld. The petitioner's representative stated that the unit is at least 60-80 years old, a single automatic push button, single speed AC, basement traction with an accordion gate. A motion was made by Eric Morse to deny the variance to the Inspector's write-up with respect to the gate switch, with the justification being that under 524 CMR §1.13(5), Inspectors are granted the ability to write-up and cite a condition they believe to be unsafe, and based on previous incident of a similar design, the Inspector believes the current location of the car gate switch is unsafe. The gate switch in question must be brought up to code and made so it is not normally accessible from inside the car. The petitioner will be given a 30-day extension to complete the repair and notify DOL

when completed. The motion was seconded by David Morgan. Mr. Ronan entered the meeting at 1:54 p.m., during voting.

**Motion:** Eric Morse

**Seconded:** David Morgan

**Vote: 6-0; Denied. Brian Ronan abstained.**

4. **819 Main Street – Chatham, MA [Exhibit 4]**

**State ID: 55-W-66**

**524 CMR**

**Petitioner: Joseph Zahka**

The petitioner was in front of the Board seeking a variance, so they do not have to modify the system to operate the damper on a general alarm. The petitioner stated that the lift was installed in 2014 and recently failed inspection because the damper opens on heat sensed by the alarm in the lift shaft but not on a general alarm in the building. The petitioner stated the alarm company came to correct this fault but was unsuccessful. The damper control is hardwired to a switch in the sensor in the lift shaft, not back to the main alarm control box. The petitioner stated that to have the damper open on a general alarm, a new wire would have to be run from the control box to the damper control which would cause a financial hardship. A motion was made by Eric Morse to deny the variance request with the justification that the current design is fully code compliant, and the damper does not need to open on general alarm. The motion was seconded by David Morgan.

**Motion:** Eric Morse

**Seconded:** David Morgan

**Vote: 7-0; Denied.**

The Board recessed at 2:56 p.m. and resumed at 3:06 p.m.

5. The Board went on to discuss a possible safety/code issue for emergency services utilizing Fireman's Service Phase II. The Board reviewed the draft letter advising elevator owner's and Elevator Contractors of the Office of Public Safety and Inspections' concern regarding the testing of the Stop Switch located on the car operating panel (COP) while the elevator is on Firefighters Emergency Operation (FEO) Phase II and potential violation of 2.27.3.3.1(d) of the Elevator Safety Code. Mr. Morgan stated that Otis has a software change which has been implemented in Michigan and California. OPSI will begin testing on all scheduled inspections, with 90-day reinspection period, 10-day

appeal period, reporting to the Board with state id, and address for all such safety concerns. The Board will place this matter on the next agenda for further discussion.

The June 11, 2021, June 14, 2021 and June 22, 2021 meeting minutes were not reviewed and will be placed on the next agenda.

**Motion to Adjourn:** David Morgan

**Seconded:** Neil Mullane

**Vote: 7-0; Adjourned.**

Hearing concluded at 4:10 p.m.

Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Stamped Engineer letter for 264 Huntington Avenue, Boston
- Exhibit 2: Variance packet for 340 Marginal Street, Chelsea
- Exhibit 3: Variance packet for 1191 Boylston Street, Boston
- Exhibit 4: Variance packet for 819 Main Street, Chatham
- Exhibit 5: Draft letter regarding a safety/code issue for emergency services utilizing Fireman's Service Phase II.
- Exhibit 5A: Email from Debbie Prince, Code Specialist of Motion Control Engineering
- Exhibit 5B: List of units with a potential violation of 2.27.3.3.1(d) of the Elevator Safety Code