

**CHARLES D.  
BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

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

**Commonwealth of Massachusetts  
Division of Occupational Licensure**

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**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  
September 20, 2022 at 1:00 p.m.**

**Microsoft Teams meeting**

**Board Members Present:**

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

**Division of Occupational Licensure Staff:**

Peter Kelley  
Ruthy Barros

**Guests Present:**

Carl Faille  
Conor Peale  
Heath Dinsmore  
Ty Trebbe  
Eric Peterson  
Kyle Miller  
Gerry DeRoche  
Daniel Boudreau

**Call to Order 1:05 pm:**

**1. 100 Hood Park Drive, Boston [Exhibit 1]**

**State ID: 1-P-20095**

**524 CMR**

**Petitioner: Carl Faille**

The petitioner appeared in front of the Board requesting an official interpretation of related to constructing new hoistway enclosures around operating elevators while adjacent hoistways

are raised as part of a building raise up new construction endeavor. The petitioner stated that the vertical addition to 100 Hood Park Drive is planned as a 6 level, 154,700 square foot office/laboratory building. The building will be elevated above the existing garage, which was designed with upgraded columns, footings, and infrastructure to accommodate this future addition. A portion of the top floor of the garage will be converted into a rooftop amenity area. The existing MRL Passenger Elevators P1 and P2 currently serve the second-floor lab/office tenant from the first-floor lobby. They are installed in a 7-story hoistway but do not extend above the second floor. The MRL machine is located directly above the 2nd floor. The 7-story existing hoistway has empty space for a third elevator of the same size and type. During construction of the vertical addition these elevators need to be operational and protected from construction activities. Construction activities include vertical extension of the concrete core walls and hoistway to an additional 5 floors. The construction team proposes to separate the existing elevators from the rest of the hoistway with a 2-hour fire-rated shaft wall assembly and a 2-hour fire-rated floor/ceiling assembly. These assemblies will segregate the existing elevators into a two elevator wide by two story high hoistway. Extension of the rest of the hoistway and construction activities such as installation of additional divider beams, etc. can then take place outside the protected hoistway. The hoistway above the protected operational hoistway will be staged with scaffolding at each floor level. The petitioner states that an elevator inspector suggested that they come to the Board of Elevator Regulations for approval of the hoistway construction and elevator use. A few board members expressed to the petitioner that the Board cannot make interpretations in the absence of a code citation and suggested that the petitioner seek an elevator consultant to ensure that all elevators are fully complaint and all modifications to the existing elevator systems be properly permitted. A motion was made by Eric Morse to take no action because the petitioner can engage a project review consultation. The motion was seconded by Christopher Towski.

**Motion:** Eric Morse

**Seconded:** Christopher Towski

**Vote: 7-0; 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
• 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. **72 Church Green, Taunton [Exhibit 2]**

**State ID: 293-P-216**

**524 CMR**

**Petitioner: Jill Ledin**

The petitioner did not appear in front of the Board.

3. **305 Redemption Rock Trail South, Princeton [Exhibit 3]**

**State ID: 241-P-10**

**A17.1-1987,1989, 1996 § 211.3c(1)(c)**

**Petitioner: Gerry DeRoche**

The petitioner appeared before the Board seeking a variance from A17.1-1987,1989, 1996 § 211.3c(1)(c) – Firefighter Phase II Emergency In-Car Operation. The petitioner stated that the elevator was installed according to code approximately 25 years ago and if this is a new issue, there should be some type of grandfather clause for an elevator that has been in service for such a long period of time. This particular elevator only goes up one flight and when there has been an occasion for a firefighter to respond to either a false alarm or smoking ballast, they have always taken the adjacent stairway. The petitioner testified that the anticipated charge from Otis has been adjusted to \$8,000 and this is a substantial amount of money for a not-for-profit. Mr. Morgan explained to the petitioner that the elevator is not code compliant now or at the time of permitting and this is a safety issue. After hearing the safety issue that has been occurring when emergency services utilize Firefighter's Emergency Operation Phase II Emergency In-Car Operation, the petitioner requested to withdraw his petition.

**Withdrawn.** No further action taken.

4. **249 A Street, Boston [Exhibit 4]**

**State ID: 1-P-11122**

**524 CMR**

**Petitioner: Daniel Boudreau**

The petitioner appeared before the Board seeking a variance from 524 CMR, for an additional extension on a 90-day re-inspection, due October 7, 2022, since there is no fire recall in the elevator penthouse as a result of the addition of an HVAC. The petitioner stated that upon learning of the issue, that the damper does not open in firefighter safety services, the fire alarm vendor was contacted. At that time, it was determined that the additional control, to keep open the damper, could not be added to the current fire panel due to the age. The petitioner stated that they sought emergency replacement of the fire alarm panel but learned this would not be an option, due to the age of the building and code changes since the original installation. A fire alarm consultant has been hired design a new system for the entire building. Over this time, the

petitioner has been working with Stanley Elevator to extend the deadline for the re-inspection and has made suggestions to decommission the HVAC system in the elevator penthouse until the new panel is installed. Board members voiced concern as the petitioner did not have a date of completion, but suggested that at the very least plans be submitted and permits obtained prior to any re-test. A motion was made by Eric Morse to deny the request for a variance, with the justification being that the system can be made code compliant and currently presents a safety related concern. The motion was seconded by David Morgan.

**Motion:** Eric Morse

**Seconded:** David Morgan

**Vote: 7-0; 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
• 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. **Update on safety/code issue for emergency services utilizing Fireman's Service Phase II [Exhibit 5]**

Chief Thomas McDermott reviewed the history of inspections and manufacturers response, with 7247 violations cited, 461 abated, and 6792 remaining outstanding. Chief McDermott indicated he does not expect that the repairs to be made by December 2022. Chief McDermott stated not all companies request a permit, but 75-80% of all permits are FS90 related. Mr. Mullane expressed concerns about inconsistent ways this is being approached and methods of compliance. Chief McDermott anticipates proposed solutions from the manufactures are still coming this week, but again the December 2022 deadline will be difficult for elevator contractors to comply with and with 65 inspectors and 6 supervisors, the Department cannot inspect and test that number of elevators even if they were to be made complaint by 12/31/22. The Board accepts the report takes the matter under advisement.

6. **Approval of meeting minutes from May 4, 2022 [Exhibit 6]**

David Morgan moved to accept the minutes as written. The motion was seconded by Christopher Towski. **Vote: 5-0; Granted.** Thomas McDermott and Brian Ronan abstained.

**Motion:** David Morgan

**Seconded:** Christopher Towski

**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 |
| • Brian Ronan        | Abstained                               |                              |
| • Neil Mullane       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Thomas McDermott   | Abstained                               |                              |
| • David Morgan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

7. **Approval of meeting minutes from May 17, 2022 [Exhibit 7]**

David Morgan moved to accept the minutes as written. The motion was seconded by Christopher Towski. **Vote: 6-0; Granted.** Eric Morse abstained.

**Motion: David Morgan**

**Seconded: Christopher Towski**

**Vote: 5-0; Granted.**

Roll Call Vote:

- |                      |   |                              |
|----------------------|---|------------------------------|
| • Eric Morse         | Abstained                               |                              |
| • 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 |

8. **Approval of meeting minutes from May 17, 2022 [Exhibit 8]**

David Morgan moved to accept the minutes as written. The motion was seconded by Christopher Towski. **Vote: 7-0; Granted.**

**Motion: David Morgan**

**Seconded: Christopher Towski**

**Vote: 7-0; 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 |
| • 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 |

**Motion to Adjourn: Christopher Towski**

**Seconded: David Morgan**  
**Vote: 7-0; Adjourned.**

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
• 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

Hearing concluded at 3:23 p.m.  
Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Variance packet for 100 Hood Park Drive, Boston
- Exhibit 2: Variance packet for 72 Church Green, Taunton
- Exhibit 3: Variance packet for 305 Redemption Rock Trail South, Princeton
- Exhibit 4: Variance packet for 249 A Street, Boston
- Exhibit 5: Variance packet for FS90 updates from Fujitec, MCE, Otis and TKE
- Exhibit 6: Meeting minutes from May 4, 2022
- Exhibit 7: Meeting minutes from May 17, 2022
- Exhibit 8: Meeting minutes from May 24, 2022