

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

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

**Commonwealth of Massachusetts  
Division of Professional Licensure**

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**EDWARD A. PALLESCHI**  
UNDERSECRETARY OF CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

**LAYLA R. D'EMILIA**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**Minutes**

**Board of Elevator Regulations**

**This meeting was held remotely via GoToMeeting  
October 27, 2020 at 9:00 a.m.**

**Board Members Present:**

Eric Morse, Acting Chairman  
Jacob Nunnemacher  
David Gaudet  
Cheryl Davis  
David Morgan  
Brian Ronan

**Division of Professional Licensure Staff:**

Sarah Wilkinson  
Charles Kilb  
Ruthy Barros

**Guests Present:**

Michael LaRiviere (KONE)  
Alex Gailor (KONE)  
Jeff Halley (Halley Elevator)  
Sandra Marquis (Kennedy-Donovan Center)  
Thomas Driscoll (Atlantic Elevator South Co., Inc.)  
Brian Haggerty (Keystone Elevator)  
Steve Morse (Liberty Equipment)  
Ryan Bone (Liberty Equipment)  
Mike Kelly (Liberty Equipment)

**The Board discussed the following:**

- 1. 17, 18 and 25 Saab Court – Springfield, MA [Exhibit 1]  
State IDs: 281-P-634, 281-P-635, 281-P-636, 281-P-637, 281-P-638 and 281-P-639  
524 CMR Section 2.26.4.1  
Petitioner: Michael LaRiviere**

The petitioner was in front of the Board seeking a relief from an Inspector's report citing 524 CMR Section 2.26.4.1 – "The operating handle shall be positioned on the side if the disconnect closest to the lock jamb...". The petitioner stated that the current location requires left-handed disconnects that are not readily available. The project will consist of a six-car modernization in three identical buildings for the Housing Authority. There will be two elevators per machine room and the second disconnect cannot be located in any way, because it will prevent mechanics from having to reach over and access the second disconnect. The petitioner stated that there is a major backlog on obtaining a left-handed disconnect. The petitioner is proposing to install two right-handed disconnects, although both will not be 18 inches from the strike. The first one will be, but the mechanic will need to reach across to get to the second one. The Board expressed to the petitioner that they believe the left-handed disconnects are available with a lead time that is not out that far and there are other options to have a properly installed main line disconnect according to the code. A motion was placed by Eric Morse to deny the petitioner's request, with the justification that this has been implemented since the acceptance of the 2004 edition of the code. Also, there is a safety issue for first responders and mechanics. The motion was seconded by Jacob Nunnemacher.

**Motion to Adjourn:** Eric Morse

**Seconded:** Jacob Nunnemacher

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

Roll Call Vote:

|                     |   |                              |
|---------------------|---|------------------------------|
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <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 |
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

2. **300 Tremont Street – Newton, MA [Exhibit 2]**

**State ID(s): 207-P-279**

**524 CMR Section 10.03(2)**

**Petitioner: Jeff Halley**

The petitioner was in front of the Board seeking a variance from 524 CMR Section 10.03(2) – Replacements of any of the following elevator systems, parts, or components thereof governed by 524 CMR, shall require a permit and an acceptance test witnessed by

a state elevator inspector. The petitioner is requesting to reduce the capacity of the above listed elevator from 3,000 lbs. as listed in the state portal to 1,700 lbs. The petitioner stated that his basis for that the existing inside net platform area which is approximately 20 square feet, the elevator is unable to lift 3,000 lbs. and it is his belief that an accidental change was made listing the capacity of the elevator as 3,000 lbs. The petitioner believes that the elevator was installed in the late 1960s, possibly 1967, with the equipment being original without a modernization or alteration, apart from under car safeties being added. The petitioner stated that he checked the platform and cab dimensions, both of which have not been altered. The petitioner is basing his belief of the approximate installation date on the added under car safeties, which allowed a pre-1972 piston to remain in service, and an electrical drawing matching the vintage controller in service at the location. The request for a capacity reduction is based on the formula and chart listed in ELV 2 Section 33.01, which is mirrored in A17.1-2013 table 2.16.1.1. ELV 2 was the code at the time of installation and was in use until 524 CMR was published 01/01/1978. The Acting Chair, Eric Morse stated that per 524 CMR Section 10.03(2), the petitioner can decrease the operating capacity of a car. The petitioner will need to file a permit for an acceptance test and if he meets the minimum capacity based on the platform area, there is no reason why a variance would be required. The petitioner requested to withdraw his variance. A motion was made by Jacob Nunnemacher to accept the petitioner's request to withdraw. The motion was seconded by David Morgan.

**Motion to Adjourn:** Jacob Nunnemacher

**Seconded:** David Morgan

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

Roll Call Vote:

|                     |   |                              |
|---------------------|---|------------------------------|
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <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 |
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

## **524 CMR**

**Petitioner: Nicole Bigelow**

The petitioner's representatives were in front of the Board 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. 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. A motion was made by David Morgan to place the petitioner's request under advisement for 90 days, due to pending questions the Board has. The Board would like to research if there was a previously issued variance, if the unit was tested as a residential lift and did it meet the residential 2009 code, and if the unit will meet the wheelchair lift code. The motion was seconded by Cheryl Davis.

**Motion to Adjourn:** David Morgan

**Seconded:** Cheryl Davis

**Vote: 6-0; Placed under advisement for 90 days.**

### Roll Call Vote:

|                     |   |                              |
|---------------------|---|------------------------------|
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <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 |
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

#### **4. 62 Main Street – Brockton, MA [Exhibit 4]**

**State ID(s): 44-P-445**

**Relief from Inspector's Report**

**Petitioner: Leigh Smith**

The petitioner's representative was in front of the Board seeking relief from an Inspector's report citing, "Hoist ropes not installed properly 524 2013 802". Mr. Haggerty stated that the elevator was installed per approved permit and approved drawings. Mr. Haggerty stated that the unit has been operational and inspected for the

past six years without any issues. Both the ropes and sheaves are showing no signs of wear and tear and the ropes are in the same location as per specifications and install and have not shifted. A motion was made by David Gaudet to require a fleet angle test on the ropes with proper documentation and photographs that would satisfy DPL and the Board. The fleet angle must be less than or equal to 1.5 degrees. The test shall be setup by the manufacturer's standards and observed by the state. The motion was seconded by David Morgan.

**Motion to Adjourn:** David Gaudet

**Seconded:** David Morgan

**Vote: 6-0; Fleet angle test required.**

Roll Call Vote:

|                     |   |                              |
|---------------------|---|------------------------------|
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <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 |
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

5. **115 Winthrop Street - Boston, MA [Exhibit 5]**

**State ID(s): 1-H-21125 and 1-H-21126**

**524 CMR Section 36 24.2.16.1 and 24.2.17 thru 17.3**

**Petitioner: Michael Kelly**

The petitioner was originally in front of the Board on September 1, 2020 requesting a variance for the temporary hoist installation at the Winthrop Center Project. The permit numbers associated with this variance are ELV20-0839 and ELV20-0841. The petitioner stated that he is requesting this variance due to potential power cable issues associated with high winds due to the height of the building and the job location. The petitioner is proposing to use a Buss Bar system to power each hoist. This minimizes power cable issues caused by wind gusts and general high winds. The reason for the variance is the system used for compliance with the Boston Fire Department code requirements will not meet all the requirements, specifically, the base station notification. An alternate system will be used which combines a McKee call box system along with radio backup while the hoists are in use and a BFD service key will provide access to run the hoists after hours. A motion was made by David Morgan to deny the petitioner's request due to safety concerns. The Board members did suggest future communication with BFD to discuss this matter further. The motion was seconded by Eric Morse.

**Motion:** David Morgan

**Seconded:** Eric Morse

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

Roll Call Vote:

|                     |   |                              |
|---------------------|---|------------------------------|
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <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 |
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

**6. Approval of meeting minutes from October 20, 2020 [Exhibit 6]**

A motion was put forth by Jacob Nunnemacher to accept the minutes as written. The motion was seconded by David Morgan. **Vote: 6-0; Granted.**

Roll Call Vote:

|                     |   |                              |
|---------------------|---|------------------------------|
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <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 |
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

**Exhibit List:**

- Exhibit 1: Variance packets for 17, 18 and 25 Saab Street – Springfield, MA
- Exhibit 2: Variance packet for 300 Tremont Street – Newton, MA
- Exhibit 3: Variance packet for 44 Harvard Drive – Milford, MA
- Exhibit 4: Variance packet for 62 Main Street – Brockton, MA
- Exhibit 5: Additional information for 115 Winthrop Street – Boston, MA
- Exhibit 6: Meeting minutes from October 20, 2020

**Motion to Adjourn:** Jacob Nunnemacher

**Seconded:** Brian Ronan

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

Roll Call Vote:

|              |   |                              |
|--------------|---|------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
|--------------|---|------------------------------|

- Jacob Nunnemacher
- Cheryl Davis
- David Morgan
- David Gaudet
- Brian Ronan

☒ yea  
☒ yea  
☒ yea  
☒ yea  
☒ yea

☐ nay  
☐ nay  
☐ nay  
☐ nay  
☐ nay

Hearing concluded at 11:21 a.m.  
Prepared by: Ruthy Barros