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Division of Professional Licensure**

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COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

Board of Elevator Regulations

**This meeting was held remotely via GoToMeeting
October 6, 2020 at 9:00 a.m.**

Board Members Present:

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

Board Members Absent:

Brian Ronan

Division of Professional Licensure Staff:

Sarah Wilkinson
Charles Kilb
Ruthy Barros

Guests Present:

Chris Consalvo (Performance Building Co.)
Edna Madigan (Project Owner)
Jessica Randolph (SGA)
Jim Imbert (Duck Creek)
John Webb (Vantage Building)
Don Partington (United Elevator Corporation)
Colin O'Donnell (United Elevator Corporation)
Chris Lyons (United Elevator Corporation)

The Board discussed the following:

1. **200 Old Colony Avenue – Boston, MA [Exhibit 1]**
State ID(s): 1-P-21662 and 1-P-21663
ASME A17.1-2013 Section 2.2.2.5 and 2.2.2.6
Petitioner: Chris Consalvo

The petitioner was in front of the Board seeking a variance to not include a sub-elevator pit sump pump due to water table, structural, and timeline of design being pre-2018 code change. Board member David Gaudet pointed out to the petitioner that the engineering report the petitioner provided, came out in May 2018, and the drawing shows the possibility of a pit and how to coordinate it. Code section ASME A17.1-2013 Section 2.2.2.5 and 2.2.2.6, which requires a sump pump to be installed for an elevator with Firefighters Emergency Operation, went into effect with a concurrency period beginning on June 1, 2018 and ending on December 1, 2018. The elevator permits for the above listed units were applied and issued in 2020, two years after the mandated date. Mr. Gaudet stated that buildings are built below grade and below water tables all the time in the city of Boston, so the hardship the petitioner presented appears to be an oversight of code coordination. A motion was made by Cheryl Davis to deny the petitioner's variance request with the justification that the code is two years old at this point and this is a life safety issue for firefighters and the public. The motion was seconded by David Gaudet.

Motion: Cheryl Davis

Seconded: David Gaudet

Vote: 5-0; 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
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

2. **22 Boston Wharf Road – Boston, MA [Exhibit 2]**
New Installation
ASME A18.1 Section 2.7.1
Petitioner: Jessica Randolph

The petitioner was in front of the Seeking a variance from ASME A18.1 Section 2.7.1 – Limitation of Load, Speed and Travel. The petitioner stated that given the existing conditions of the building's floor to floor elevation and the requirements to reach the roof

deck elevation, it is necessary for the single tenant lift to reach an elevation of 14'-11". The petitioner stated that there was an addition to the existing building, that was completed in July 2018, and the new tenant built out the 10th floor in 2019. Part of the lease agreement was use of a future roof deck above the tenant space and the base building had prepared for the roof deck location with steel framing. The petitioner also stated that there are two existing elevators in the building, but they do not go up to the penthouse or the roof. A motion was made by David Gaudet to deny the petitioner's variance request for the additional rise on a wheelchair lift, with the justification that an extension of travel beyond that stipulated in the established national standard of 14'-0" is not, in the Board's opinion, in the best interest of public safety. The National Standard (A18.1) has established that the safest maximum travel of the equipment proposed is 14'-0" and the Board can find no justification to exceed that limit. In addition, based on the location of the lift, the Board had some concern that the lift would be utilized to transport material and supplies to roof deck and not exclusively for accessibility purposes as allowed under the established regulations. The motion was seconded by Jacob Nunnemacher with comment that on the 10th floor, there is ample room to install a ramp to make up the additional 12 inches and esthetics, in Mr. Nunnemacher's opinion, is not a hardship.

Motion: Cheryl Davis

Seconded: David Gaudet

Vote: 5-0; 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
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

3. **Approval of meeting minutes from September 22, 2020 [Exhibit 3]**

A motion was put forth by Jacob Nunnemacher to accept the minutes as written. The motion was seconded by Cheryl Davis. **Vote: 4-0; 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
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

- Jacob Nunnemacher
- David Morgan

☒ yea ☐ nay
ABSTAINED

4. **56 Canal Street – Holyoke, MA [Exhibit 4]**

New Installation

524 CMR Section 2.7.4.1

Petitioner: John Webb

The petitioner was in front of the Board seeking a variance for relief from ANSI code 2.7.4.1 (machine room clearances). Proposing to upgrade an existing elevator system with a full passenger elevator replacement which requires a new machine room in the basement. This is an old mill building and the basement ceiling height to the existing support beams is currently 82 inches. With the required two layers of type X fire code wallboard it would then reduce the finish height to 80 ¾ inches. Board member David Gaudet stated that through the state database, there appears to be three units listed: 137-F-63, 137-F-64, and 137-F-65 (decommissioned). DPL will follow up to verify the correct state ID and address. A motion was made by Cheryl Davis to grant the dimension of 80 ¾” height of the machine room, under Section 2.7.4.1, since it’s an existing building. The petitioner is required to install a sign on the elevator machine room door stating “Low overhead” in the machine room. The motion was seconded by Jacob Nunnemacher.

Motion: Cheryl Davis

Seconded: Jacob Nunnemacher

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 |
| • Cheryl Davis | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

5. **4 Hodges Street – Attleboro, MA [Exhibit 5]**

State ID(s): 17-P-28

524 CMR 10.4(1)(d)

Petitioner: Don Partington

The petitioner was in front of the Board seeking relief to delay the compliance with material change requirements as outlined in 524 CMR 10.4(1)(d) for the modernization of hydraulic passenger Elevator #1 (State ID #17-P-28). The petitioner stated that this is

an elderly housing building, and another elevator is being added, so it will be a duplex instead of a simplex. The existing machine room is going to be the new hositway for the new elevator that will be installed. The petitioner is proposing to move the existing equipment into the new machine room to get the elevator into service as fast as possible. The petitioner is seeking to delay the compliance with the material change. A motion was made by Cheryl Davis to grant temporary relief from the material change requirement for a period of 16 weeks, while the petitioner awaits the installation of the new elevator, in order to allow the building to have service for its elderly tenants. The motion was seconded by David Gaudet with comment that in 16 weeks, when United Elevator is wrapping up on the first one, they will pull the permit for the second one and meet the code at the time of permitting. If the appellant cannot meet the 16-week deadline, they must come back in front of the Board for an extension request or DPL will shut down the unit.

Motion: Cheryl Davis

Seconded: David Gaudet

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
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

6. The new Chief of Inspections, Sarah Wilkinson introduced herself to the Board.
7. The discussion on the requirement of a letter for compliance with the Control of Smoke and Hot Gasses was postponed. Matter to remain on the agenda.
8. **Investigative Conference – Docket No. C20-00052 (Closed Session).**
Matter to remain on agenda pending a full Board.
9. **Old Business:**

144 Old Colony Avenue - Boston, MA [Exhibit 6]

Product Variance

**Manufacturer: WÖHR Combilift 551, 552. 542 and 543
524 CMR**

Petitioner: Julie Canelos

The petitioner was originally in front of the Board on September 1, 2020 seeking a product variance for to install a semi-automated parking device. Ryan Myers explained to the Board that the system for this project is three levels, so one level in a pit, which can be accessed from the east or west basement, one level at grade and one level above grade at a slightly elevated position. These platforms move side-to-side to open a space where a platform can either be raised from below or lowered from above. The machine operates only when all gates are closed and locked. The system will hold 8 cars and is also protected by a full height 7'-2" safety metal mesh door, that slides left to right to create a single opening to access the cars. Board member David Gaudet pointed out the differences from the plans submitted to the City of Boston compared to what has been submitted to the Board. Mr. Myers stated that the plans submitted to the city have been modified to reflect that plans submitted to the Board. A motion was placed by Jacob Nunnemacher to place the variance request on hold for 30 days pending additional information, specifically section and plan views, proposal of the door location(s) and location of the controller that will de-energize the system for the Fire Department and license mechanics, a citation of all the code sections that this system will vary from and for the PLC to be in the control room. Lastly, the petitioner is required to obtain a response from BFD. The motion was seconded by Brian Ronan.

The petitioner stated, via email, to the Board that the proposed product is code compliant and will not require a variance. OPSI will contact the petitioner advising her that if she believes that the proposed product is code compliant, she may proceed with applying for a permit, but she will also need to submit a formal request to withdraw her petition because the proposed device and site is code complaint.

Exhibit List:

- Exhibit 1: Variance packet for 200 Old Colony Avenue – Boston, MA
- Exhibit 2: Variance packet for 22 Boston Wharf Road – Boston, MA
- Exhibit 3: Meeting minutes from September 22, 2020
- Exhibit 4: Variance packet for 56 Canal Street – Holyoke, MA
- Exhibit 5: Variance packet for 4 Hodges Street – Attleboro, MA

- Exhibit 6: Updated plans for 144 Old Colony Avenue - Boston, MA

Motion to Adjourn: Jacob Nunnemacher

Seconded: Cheryl Davis

Vote: 5-0; Adjourned.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<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

Hearing concluded at 11:07 a.m.

Prepared by: Ruthy Barros