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

Minutes

Board of Elevator Regulations

**This meeting was held remotely via GoToMeeting
September 1, 2020 at 9:00 a.m.**

Board Members Present:

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

Division of Professional Licensure Staff:

Charles Kilb (On-Call)
Ruthy Barros
Walter Zalenski

Guests Present:

Mike Kelly (Liberty Equipment)
Steve Morse (Liberty Equipment)
Ryan Bone (Liberty Equipment)
Gary West (Gillespie Corporation)
Phil Canelos (UpLift)
Julie Canelos (UpLift)
Ryan Myers (Harding Steel)
Thomas Sears (Holyoke Gas and Electric Department)

The Board discussed the following:

1. **115 Winthrop Street - Boston, MA [Exhibit 1]**
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 in front of the Board 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 place the variance request on hold for 30 days until the Board receives more information on the proposed McKee call boxes, specifically if they can be retrofitted, documentation from BFD and clarification on the code(s) the petitioner is seeking a variance from. The motion was seconded by Cheryl Davis.

Motion: David Morgan

Seconded: Cheryl Davis

Vote: 6-0; Placed on hold for 30 days.

Roll Call Vote:

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

2. **71 Charles Street - Boston, MA [Exhibit 2]**
New Installation
524 CMR A17.1-2013 Section 2.4.7
Petitioner: Gary West

The petitioner was in originally in front of the Board on May 19, 2020 seeking a variance for a shallow elevator pit from the requirements of 524 CMR Chapter 35.00 – ASME

A17.1-2013 §2.15.9.2(b), §3.4.1.1, §3.4.1.6, §3.4.4 and §3.4.7. Additionally, the petitioner is requested a variance to allow a non-standard machine room. The petitioner is proposing to install a new elevator at the north wall of the five-story townhouse-type structure at the above address, originally constructed circa 1850. The building is being renovated to be a commercial use, a bookstore and cafe. The elevator is designed to provide handicapped access to all floors where none exists at present. The elevator will serve the basement, 1st floor, 2nd floor, and 3rd floor. A non-conventional machine room is being proposed. A retail bookstore consulting firm has determined that a space of 2,000 square feet is ideally required for a bookstore to function well. The proposed location and size of the machine room allows the business to maximize the already limited retail space. A motion was placed by Eric Morse to grant the variance for the shallow pit elevator equipment but deny the variance request for the non-compliant machine room with the justification that the machine room was developed as a safety protection and the Board does not see any reason to grant the variance to that regulation. The petitioner was back in front of the Board stating that the only practical space available for a code compliant machine room is in the space directly over the hoistway in an area not to be used as retail space. Locating the machine room in this space will require the elevator's overhead clearance to be reduced to 9'-6". This change will require a variance to be approved for the Gillespie limited overhead safety equipment. A motion was placed by Cheryl Davis to place the variance request on hold for 30 days pending additional information regarding the machine room door location and clarification to ensure safe egress for mechanics and inspectors. The motion was seconded by Brian Ronan.

Motion: Cheryl Davis

Seconded: Brian Ronan

Vote: 6-0; Placed on hold for 30 days.

Roll Call Vote:

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

3. **144 Old Colony Avenue - Boston, MA [Exhibit 3]**
Product Variance
Manufacturer: WÖHR Combilift 551, 552. 542 and 543
524 CMR
Petitioner: Julie Canelos

The petitioner was in front of the Board 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.

Motion: Jacob Nunnemacher

Seconded: Brian Ronan

Vote: 6-0; Placed on hold for 30 days.

Roll Call Vote:

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

The Board took a brief recess.

The Board resumed the meeting and requested that OPSI schedule a cite visit to 800 Boylston Street, Boston to view an approved prototype of a sanitizing escalator handrail system.

4. **99 Suffolk Street - Holyoke, MA [Exhibit 4]**
State ID: 137-P-76
524 CMR
Petitioner: Thomas Sears

The petitioner was originally in front of the Board on July 21, 2020 seeking to relief from an Inspector's Report citing, "17.23 – Proof of double bottom jack required". Chairman Eric Morris stated to the petitioner that per code all single bottom cylinders either be removed and replaced with a double bottom cylinder or that safeties be added to the elevator. The petitioner stated that the building was built in 1923. A motion was placed by David Morgan to place the petitioner's request on hold for 30 days, to allow the petitioner more time so he could do a little more due diligence in finding information on this unit. The justification being that in Mr. Morgan's opinion, as a licensed Elevator Mechanic the cylinder may in fact be a double bottom cylinder and may not be required to be removed. The petitioner submitted documentation suggesting that this may be a double bottom cylinder. Supervisor Walter Zalenski stated that Inspector Donald Lemon reason for the citation was due to a documentation in the elevator machine room that showed the original layout of the jack and it showed on the print that it was not a double bottom cylinder. The petitioner submitted an email from ThyssenKrupp stating the original job number (E13227) from 1956 showing a double bottom assembly. Acting Chairman Eric Morse requested that the petitioner provide the Board with documentation other than the email, indicating a double bottom cylinder. A motion was placed by Cheryl Davis to allow the petitioner an additional 14 days to provide necessary proof of the double bottom assembly. The motion was seconded by Jacob Nunnemacher.

Motion: Cheryl Davis

Seconded: Jacob Nunnemacher

Vote: 3-0; Placed on hold for an additional 14 days.

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	Not present during voting.	
• Brian Ronan	ABSTAINED	
• David Gaudet	ABSTAINED	

5. **Review work to finalize draft decisions and continue discussion for 30 Penniman Road, Boston [Exhibit 5]**

A motion was placed by Cheryl Davis to move into quasi-judicial session to continue discussion regarding product variance requests for the allowance to install an automated parking device to be located at 30 Penniman Road. The motion was seconded by Jacob Nunnemacher.

Motion to move into quasi-judicial session: Cheryl Davis

Seconded: Jacob Nunnemacher

Vote: 5-0; Move into quasi-judicial session.

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 |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | Not present during voting. | |

A motion was placed by Eric Morse to accept the final decision and order as written.

The motion was seconded by Brian Ronan.

Motion: Eric Morse

Seconded: Brian Ronan

Vote: 5-0; Granted.

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 |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | Not present during voting. | |

A motion was placed by Cheryl Davis to move into open session. The motion was seconded by Jacob Nunnemacher.

Motion to move into open session: Cheryl Davis

Seconded: Jacob Nunnemacher

Vote: 5-0; Open session.

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 |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

- David Morgan

Not present during voting.

6. Approval of meeting minutes from August 18, 2020 [Exhibit 6]

Postponed until the next meeting.

- Exhibit List:
- Exhibit 1: Variance packet for 115 Winthrop Street, Boston
- Exhibit 2: Variance packet for 71 Charles Street, Boston
- Exhibit 3: Variance packet for 144 Old Colony Avenue, Boston
- Exhibit 4: Electronic submittal of additional supporting documentation for 99 Suffolk Street, Holyoke
- Exhibit 5: Draft decision for 30 Penniman Road
- Exhibit 6: Meeting minutes from August 18, 2020

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 |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | Not present during voting. | |

Hearing concluded at 11:32 a.m.

Prepared by: Ruthy Barros