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**Division of Professional Licensure**

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REGULATION

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COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**Minutes**

**Board of Elevator Regulations**

**This meeting was held remotely via GoToMeeting  
September 22, 2020 at 9:00 a.m.**

**Board Members Present:**

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

**Board Members Absent:**

David Morgan

**Division of Professional Licensure Staff:**

Charles Kilb  
Ruthy Barros

**Guests Present:**

Arthur Choo Jr. (Choo & Company Inc.)  
Marc Sullivan (Choo & Company Inc.)  
William (Bill) Frazier (Sunset Realty Trust)  
Brandon Hall (ParkPlus)  
Patrick Flaherty (ParkPlus)

**The Board discussed the following:**

- 1. 2 French Avenue - Braintree MA [Exhibit 1]  
New Installation  
524 CMR Section 2.27.12  
Petitioner: Arthur Choo Jr.**

The petitioner was in front of the Board seeking a variance from 524 CMR Section 2.27.12, on the basis that an elevator at this location is not required with 521 CMR Section 28.1,

Exception F, “accessible rooms and all public use and common spaces are on the accessible level”. The structure is a three-story residential building consisting of 13 units, all one bedroom. The building permit was issued in December 2018 and Board member David Gaudet stated to the petitioner that at the time the building permit was issued, the stretcher requirement was in code. The petitioner stated that to switch the elevator to a stretcher compliant model will incur substantial financial hardship for the owner, as the building is completed. The petitioner also stated that the initial elevator company, Buckley Elevator failed to provide elevator shop drawings, pull an elevator permit, and meet Massachusetts code requirements. It was only after Buckley Elevator backed out of the project and the owner brought in United Elevator Corporation, that the owner was made aware of the situation. By this time, the remaining building had been completed. According to DPL records, no permit has been issued to date. Board members confirmed that the rails are part of the elevator installation which in this case, seems to have been installed without a permit. A motion was made by Eric Morse to deny the variance with the justification that the requirement for Medical Emergency Elevators has been in place since 1989 and allows the transport of a person on a stretcher in a fully supine position. Allowing the variance would potentially hamper first responders from evacuating and treating a person with a medical emergency. The motion was seconded by David Gaudet.

**Motion:** Eric Morse

**Seconded:** David Gaudet

**Vote: 3-2; 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 type="checkbox"/> yea	<input checked="" type="checkbox"/> nay
• Brian Ronan	<input type="checkbox"/> yea	<input checked="" type="checkbox"/> nay

## 2. **200 Old Colony Avenue – Boston, MA [Exhibit 2]**

The petitioner was not present and will be contacted to reschedule.

## 3. **Approval of meeting minutes from September 15, 2020 [Exhibit 3]**

A motion was put forth by Jacob Nunnemacher to accept the minutes as written. The motion was seconded by Brian Ronan. **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 |
| • Brian Ronan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

4. **Old Business:**

**287 Maverick Street - Boston, MA [Exhibit 4]**

**New Installation**

**Model: LS2H Lift Slide**

**524 CMR Section 26.07 (2) and 26.11 (1)**

**Petitioner: Brandon Hall**

The petitioner was originally in front of the Board on September 15, 2020 seeking to install a Class III Elevator which requires a variance from 524 CMR Section 26.07 (2) – Protection at other levels and 26.11 (1) – Car enclosures and Care Gates. The petitioner stated that the ParkPlus machine will not have dividers or ropes 42 inches high between parking cubicles. Also, the lift slide machine does not have 42 inch high rails on sides not used for entrance or exit. Operation of the system would be impossible if dividers and rails were installed. The petitioner confirmed that the proposed unit is at grade level and there will be no penetration to the floor and there will be 28 spaces with two additional surface parking spaces. The petitioner also stated that the grade level system can shuffle from left to right one space, while the second level does not shuffle. The petitioner provided the Board with additional information regarding the gate and layout of the control room. A motion was placed by David Gaudet to grant the petitioner’s variance request with a site visit required on completion of installation. The motion was seconded by Cheryl Davis.

**Motion:** David Gaudet

**Seconded:** Cheryl Davis

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

**5. 71 Charles Street - Boston, MA [Exhibit 5]**  
**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 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 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. The petitioner submitted additional information regarding the machine room door location and clarification to ensure safe egress for mechanics and inspectors to the Board. The petitioner was back in front of the Board on September 1, 2020 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 grant the variance from ASME A17.1-2013 Section 2.4.7 Top of Car Clearances, for the low overhead with the Gillespie low overhead protection including signage in the machine room, on the access switch at the top floor and the back of the hoistway at the top of the floor. Justification for this motion is that this is an existing building and the safety precautions are adequate to protect the mechanics. The motion was seconded by Brian Ronan.

**Motion:** Cheryl Davis  
**Seconded:** Brian Ronan  
**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
- Brian Ronan

☒ yea  
☒ yea

☐ nay  
☐ nay

**6. 1 Pearl Street - Brockton, MA [Exhibit 6]**

**State ID(s): 44-W-20532**

**524 CMR**

**Petitioner: Mary Lynn Miller**

The petitioner was originally in front of the Board on September 15, 2020 seeking relief from an Inspector's report that was written up on 8/31/2020, citing "check running clearance from unit to handrail on stairs". The petitioner stated that a vertical platform lift was installed due to obsolescence parts on the decommissioned unit (44-W-213). The petitioner also stated that the existing handrail on the stairs could not be moved due to egress clearance per the building code. The new unit was installed, and a custom side panel was created as a safety caution, and with the protective wall, there was less than 2" running clearance. 101 Mobility went back to the location and shifted the unit, which gave an additional 2" running clearance. The petitioner confirmed that she believes that the violation has been corrected and there is no violation in accordance with the code in the way it is written. A motion was made by David Gaudet to place the petitioner's request on hold until the acceptance test has been conducted or 30 days, to allow the petitioner time to reapply for an acceptance test and if the unit is found to be in violation of the handrail, the petitioner will be allowed to resubmit and come back in front of the Board. DPL confirmed that an acceptance reinspection was conducted on September 21, 2020 and passed. No motion taken.

**7. 800 Boylston Street - Boston, MA [Exhibit 7]**

**Product Variance**

**Product Name: Gen3 LED UV-C Handrail Module (Model #MD1002-1)**

**Manufacturer: EHC Global**

**524 CMR**

**Petitioner: Adam Malicia**

The petitioner was originally in front of the Board on July 28, 2020 seeking a product variance for a prototype to be installed at the above location. The above proposed product is an escalator handrail sanitizing device that would be installed in the balustrade. The petitioner stated that this device will be installed internally, so there are no safety concerns on the outside of the handrail. With Board approval, the petitioner would like to

install 20 of these proposed devices. The unit will need a power source that will be picked up by the controller. The petitioner stated that the manufacturer does provide various types of signage that can be mounted at the top, on the bottom, and on the balustrade and at the disconnect for the 12-volt power source. Board member David Morgan stated he would personally like to see some type of signage, warning/notifying Elevator Mechanics that there is a UV device in the unit. The petitioner will confirm if a cover can be installed which will disallow any light to escape from the device. Also, the petitioner will confirm if the device has undergone any changes since the 2018 submitted drawings and if there has been any UL or Intertek testing on the device. Board member David Gaudet stated that the petitioner must provide a strict standard operating procedure for the safety of the mechanics. A motion was placed by David Morgan to tentatively approve the installation of only one device, subject to further board review in the understanding that if a variance is ultimately not granted and/or have been determined by the board to be unsafe, the device must be removed at the direction of the Board and/or DPL. DPL and a few Board members attended a site visit and did not have any safety concerns. A motion was placed by Brian Ronan to grant and allow the installation of the Gen3 LED UV-C Handrail Module (Model #MD1002-1). Justification being that for this internal model, there is no public hazard present. Along with the installation approval signage is required at the top and bottom ends alerting anyone working on the lift of the inherent dangers with UV light exposure and notification that these devices are present and how to disconnect power to the devices. The motion was seconded by Cheryl Davis.

**Motion:** Brian Ronan

**Seconded:** Cheryl Davis

**Vote: 5-0; Product variance granted.**

**8. Investigative Conference – Docket No. C20-00052 (Closed Session).**

Matter to remain on agenda pending a full Board.

**Exhibit List:**

- Exhibit 1: Variance packet for 2 French Avenue - Braintree
- Exhibit 2: Variance packet for 200 Old Colony Avenue – Boston
- Exhibit 3: Meeting minutes from September 15, 2020
- Exhibit 4: Variance packet for 287 Maverick Street, Boston

- Exhibit 5: Additional supporting documentation for 71 Charles Street, Boston
- Exhibit 6: Additional supporting documentation for 1 Pearl Street, Brockton
- Exhibit 7: Site visit video of 800 Boylston Street, Boston

**Motion to Adjourn:** Cheryl Davis

**Seconded:** Jacob Nunnemacher

**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 |

Hearing concluded at 11:08 a.m.

Prepared by: Ruthy Barros