



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
1 Ashburton Place, Rm 1301 • Boston • Massachusetts • 02108

JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

Board of Elevator Regulations
1000 Washington Street, Boston, MA 02118
1st Floor – Room 1C
January 16, 2018

Board Members Present:

Stephen Sampson, Chairman
David Morgan
Brian Ronan
David Gaudet
Cheryl Davis
Eric Morse
John O'Donoghue

Guests Present:

Mark Almeda (Mark Almeda Architects)
Douglas Dempsey (Refuge Church of Christ)
Erin Carr (Atlantic Elevator)
Matt Beecy (Kone Elevator)
Ryan Hussey (Stanley Elevator)
Robert Brainard (Botticelli & Pohl Architects)
Warren Ard (6 Berkley Street – Homeowner)
Mark Capobianco (Above and Beyond Elevator Inc.)
Andrew Castraberti (Cresset Development)
Robert Del Savio (Embarc Studio)
Charles Kilb (DPL)
Ruthy Barros (DPL)

The Board discussed the following:

1. **46 Millmont Street – Boston, MA [Exhibit 1]**
New Installation
524 CMR
Petitioner: Deacon Jackson Wall

The petitioner came before the Board seeking a variance from 524 CMR – Limited Use/Limited Application Elevators Maximum Rise. The petitioner stated that the building is located in the Roxbury Highlands Historic District and will be undergoing renovations,

which according to the Architectural Access Board (AAB), will require an accessible route between all floors. The proposed LULA will be a Savaria Orion Model 4260 with a cab size of 46”x 60” and rise of 28 feet. A motion was put forth by Eric Morse to grant the variance for the extension of travel, contingent on an approval letter from AAB for the installation of the proposed LULA. The motion was seconded by John O’Donoghue.

Motion: Eric Morse

Seconded: John O’Donoghue

Vote: 5-1; Granted. David Morgan was in opposition and Brian Ronan abstained.

2. **2300 Commonwealth Avenue – Newton, MA [Exhibits 2 and 3]**
2310 Commonwealth Avenue – Newton, MA
2320 Commonwealth Avenue – Newton, MA
State ID: 207-P-142, 207-P-143 and 207-P-144
Relief from Inspector’s Report
Petitioner: Erin Carr

The petitioner came before the Board seeking relief from an Inspector’s Report for the above listed units citing, “17.23 – replace jack”. The petitioner stated the Inspector requested that the jack be replaced due to concerns of the cylinder possibly being a single bottom cylinder. The petitioner provided the Board with pictures of the tags on the controllers and a letter from Otis, confirming the cylinders are double bottomed. A motion was put forth by David Morgan to grant relief from the Inspector’s Report on the above listed units, providing that the petitioner submits supporting documentation from UNITEC and the packing documents for all units, with the justification being that all three units were installed in 1974. The motion was seconded by Brian Ronan.

Motion: David Morgan

Seconded: Brian Ronan

Vote: 7-0; Granted.

3. **1 Gateway Center – Newton, MA [Exhibit 4]**
State ID: 207-P-298
Relief from Inspector’s Report
Petitioner: Gateway Realty Trust

The petitioner came before the Board seeking relief from an Inspector’s Report for the above listed unit citing, “17.03 – Install proper hoistway vent in sheave room. Install self closing, self locking fire proof door to sheave room”. The petitioner stated that the elevator was installed in 1969 and has been tested annually since it was installed. The petitioner stated that there is a dog house on top of the roof with wooden doors that are pad locked. When the wooden doors are open up, there is a vent inside, which gives access to the sheave room. A motion was put forth by Eric Morse to deny the request to a variance and require the applicant to install a proper door that meets the ELV2 code (30”x30” active self closing and self locking fire proof door) and in place of the second panel, install a vent into a secondary door panel that will be contacted. Justification being that ventilation and a self closing and self locking fire proof door was required at the time of installation. The Board also granted the petitioner 60 days to complete the required work. The motion was seconded by David Morgan.

Motion: Eric Morse
Seconded: David Morgan
Vote: 7-0; Denied.

4. **300 Longwood Avenue – Boston, MA [Exhibit 5]**
State ID: 1-P-5175
524 CMR Section 17.06 and NEC NFPA 70 620.21
Petitioner: Ryan Hussey

The petitioner came before the Board seeking a variance to allow the installation of main line feeders in the hoistway. The petitioner stated that a new MI Feeder needs to run from the basement level in the Bader Building of the Children’s Hospital to the machine room and currently there is no route that will allow the MI cable to be run to the machine room. The feeders will be installed without any splices and in a duct labeled with high voltage warning. A motion was put forth by Stephen Sampson to grant the variance as requested with the following stipulations: 1) The feeders will be installed without any splices and in

the duct labeled High Voltage Warning. 2) There must be proper signage on the ductwork in the hoistway. 3) The ductwork will be located in an isolated area of the hoistway. 4) Signage in the machine room indicating that even though the disconnect is pulled, in case of an emergency, there still is a live feed of 480 volts. 5) Lastly, there shall be signage in the machine room indicating the location of the backup feeder. Justification being that this is the safest route to the machine room. The motion was seconded by John O'Donoghue.

Motion: Stephen Sampson

Seconded: John O'Donoghue

Vote: 4-2; Granted. Cheryl Davis and David Gaudet were in opposition. Eric Morse recused himself.

5. **6 Berkley Street – Nantucket, MA [Exhibit 6]**

New Installation

524 CMR

Petitioner: Robert Brainard

The petitioner came before the Board seeking a variance to allow the installation of a LULA larger than 15 square feet in the owner's private single family residence. The petitioner stated that the homeowner suffered an accident and is wheelchair bound and the request is due to a medical hardship. A motion was put forth by Cheryl Davis to grant the variance under 524 CMR A17.1- 2004 Section 5.2.1.16 (a) (b) to accommodate the needs of the appellant. The motion was seconded by Eric Morse.

Motion: Cheryl Davis

Seconded: Eric Morse

Vote: 7-0; Granted.

6. **Matters not reasonably anticipated 48 hours in advance of meeting [Exhibit 7]**

Representatives of 88 Wareham Street and 401 Beacon Street, Boston, followed up with the Board regarding their original product variance request for the 5BY2 parking devices. The representatives displayed a video of an existing parking device to the Board. The Board also discussed the progress of the pending changes to the elevator code.

Exhibit List:

Exhibit 1: Variance packet for 46 Millmont Street – Roxbury, MA

Exhibit 2: Variance packet for 2300, 2310 and 2320 Commonwealth Avenue – Newton, MA

Exhibit 3: Pictures of the tags on the controllers for units 207-P-142, 207-P-143 and 207-P-144

Exhibit 4: Variance packet for 320 Washington Street – Newton, MA

Exhibit 5: Variance packet for 300 Longwood Avenue – Boston, MA

Exhibit 6: Variance packet for 6 Berkley Street – Nantucket, MA

Exhibit 7: Video of a 5BY2 parking device

Motion to Adjourn: Cheryl Davis

Seconded: John O’Donoghue

Vote: 7-0; Granted.

Hearing concluded at 3:51 p.m.

Prepared by: Ruthy Barros