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BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

Board of Elevator Regulations
1000 Washington Street, Boston, MA 02118
1st Floor – Room 1D
March 6, 2018

Board Members Present:

Stephen Sampson, Chairman
David Morgan
Brian Ronan
David Gaudet
Cheryl Davis
Eric Morse

Guests Present:

Dennis Driscoll (Atlantic Elevator)
Erin Carr (Atlantic Elevator)
Charles Kilb (DPL)
Ruthy Barros (DPL)

Board Members Absent:

John O'Donoghue

The Board discussed the following:

1. 1249 Boylston Street – Boston, MA [Exhibit 1]

State ID: 1-F-8558

Relief from Inspector's Report

Petitioner: Christen Parsons

The petitioner's representatives from Atlantic Elevator came before the Board seeking relief from an Inspector's Report citing 524 CMR Section 17.4.3(a) – Overhead Clearance. The representatives stated they cannot run the car up on the stop ring because the guides are only 6" from hitting the decking when the car is at the top floor. This unit was installed in the late 1980's or early 1990's and it stops at the basement floor and the loading dock. The representatives stated that although the guides are very close to the

decking, there is refuse for someone on the car top. The representatives recommended that they could mark that off with yellow tape indicating the safe space. Lastly, the representatives stated that raising this floor would cause economic hardship as well as significant disruption to the building and any other tenants. A motion was put forth by David Morgan to place the petitioner's request on hold for 30 days, to allow the petitioner time to provide the Board with additional information. The motion was seconded by Eric Morse.

Motion: David Morgan

Seconded: Eric Morse

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

2. **390 Providence Highway – Norwood, MA [Exhibits 2]**

State ID: 220-V-234

Relief from Inspector's Report

Petitioner: Christen Parsons

The petitioner's representatives from Atlantic Elevator came before the Board seeking relief from an Inspector's Report citing 524 CMR Sections 32.08 (8) – Test relief valve and 8.02 – Provide manufacturers data on rupture valve for testing . The representatives stated that the inclined VRC was installed around 1985 and that the relief valve is adjusted to the lift capacity and cannot be adjusted otherwise. The representatives recommended a shut off valve to make it easier and safer to test. Secondly, the representatives stated that the unit does not have a rupture valve and the manufacturer does not provide a fusible link. The manufacturer does however provide a flow control valve, which can be adjusted faster than full speed. Lastly, the representatives stated that they could provide a slack chain switch if additional safety measures are needed. A motion was put forth by Cheryl Davis to grant relief from the Inspector's Report dated October 30, 2017 on items number 3 and 4, mentioned above. The motion was seconded by David Morgan.

Motion: Cheryl Davis

Seconded: David Morgan

Vote: 6-0; Granted.

3. **Approval of meeting minutes from January 16, 2018 [Exhibit 3]**

A motion was made by Cheryl Davis to accept the minutes with the noted corrections. The motion was seconded by Eric Morse. **Vote: 6-0; Granted.**

4. **Approval of meeting minutes from January 23, 2018 [Exhibit 4]**

A motion was made by Cheryl Davis to accept the minutes as written. The motion was seconded by Eric Morse. **Vote: 5-0; Granted. Brian Ronan abstained.**

5. **Approval of meeting minutes from January 30, 2018 [Exhibit 5]**

A motion was made by David Morgan to accept the minutes with the noted corrections. The motion was seconded by Cheryl Davis. **Vote: 6-0; Granted.**

6. **Approval of meeting minutes from February 27, 2018 [Exhibit 6]**

A motion was made by David Morgan to accept the minutes with the noted corrections. The motion was seconded by Eric Morse. **Vote: 5-0; Granted.** Cheryl David abstained.

7. **Discussion regarding 5BY2 Automobile Parking Garage Device**

The Board went into quasi-judicial session to deliberate issuing a final decision in the matter of a request to approve the product variance, 5BY2 Automobile Parking Device for 88 Wareham Street and 401 Beacon Street, Boston (subject of prior hearings per M. G. L. c. 30A). The Board decided to write up a proposed decision, which will be reviewed at a later date.

8. **Investigative Conference [Exhibit 7]**

The Board went into closed session pursuant to M.G.L. c. 112, §65C to deliberate whether to commence an adjudicatory proceeding in the matter of Case Record: C17-00095, a complaint filed by Linda Buckley with the Office of Public Safety and Inspections against Otis Elevator. A motion to dismiss was put forth by Cheryl Davis, based on the evidence provided by Supervisor Edward Sandell and Otis contract documents. The motion was seconded by Eric Morse.

Motion: Cheryl Davis

Seconded: Eric Morse

Vote: 6-0; Dismissed.

9. **Matters not reasonably anticipated 48 hours in advance of meeting**

Per 524 CMR Section 8.06, the Chairman notified the Board that a unit located at 370 Ocean Avenue, Revere, was determined by the Chairman to be in an unsafe or atypical state, therefore the unit was shut down.

Exhibit List:

Exhibit 1: Variance packet for 1249 Boylston Street – Boston, MA

Exhibit 2: Variance packet for 390 Providence Highway – Norwood, MA

Exhibit 3: Meeting minutes from January 16, 2018

Exhibit 4: Meeting minutes from January 23, 2018

Exhibit 5: Meeting minutes from January 30, 2018

Exhibit 6: Meeting minutes from February 27, 2018

Exhibit 7: Elevator Contractor Complaint Form filed by Linda Buckley

Motion to Adjourn: Cheryl Davis

Seconded: John O'Donoghue

Vote: 6-0; Granted.

Hearing concluded at 3:35 p.m.

Prepared by: Ruthy Barros