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Secretary

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Minutes

**Board of Elevator Regulations**

**One Ashburton Place, 21st Floor Conference Room #2**

**June 21, 2016 - 1:00PM**

**Board Members Present:**

Stephen Sampson, Chairman  
Harold J. McGonagle  
John O'Donoghue  
David Morgan  
Cheryl Davis

**Guest Present:**

Deirdre Hosler (Counsel to the Board)  
Michael Doyle (Garaventa USA)  
Allison Lasko (Delta-Beckwith Elevator)  
Anthony Buoropane (Delta-Beckwith Elevator)  
James Mellows (Architect)  
Michael Eisenson (Homeowner)  
Peter DeLuca (Redgate)  
Jim Janis (TRO Design)  
Peter Wallack (Lerch Bates)  
Roger Berman (179 Realty Trust)  
Andrew Holland (Holland Construction)  
Mark O'Malia (CMC Elevator Corporation)  
Ruthy Barros (DPS)

**Board Members Absent:**

David Gaudet  
Michael J. Nicoloro Jr.  
Thomas Riley

1. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on June 7, 2016. **A motion to accept the minutes was made by Cheri Davis with the noted correction. The motion was seconded by David Morgan. Vote: 4-0 and abstained by Harold McGonagle.**

**The Board discussed the following:**

**1. 47 Sixth Street – Cambridge, MA**

**Unit: 49-W-2052**

**524 CMR**

**Owner: Roman Catholic Archbishop of Boston, A Corporation Sole**

**Petitioner: John Estraub**

Mike Doyle, a representative of Garaventa Lift, came before the Board seeking a variance from 524 CMR to use door strikes in lieu of door interlocks. Mr. Doyle was previously in front of the Board on May 24, 2016. The church currently has a three stop lift that is a hybrid that they would like to replace with a code compliant three stop vertical lift. Mr. Doyle stated that the existing limited use wheel chair lift would like to reuse door and electric strikes, which will save the parish approximately \$10,000 to \$12,000. The Board pointed out to Mr. Doyle that the current certificate for elevator use has expired as of July 13, 2011. Mr. Doyle stated that there are ushers from the church that will be continually running the lift, when in use. Mr. Doyle provided the Board with more information on the locks, loss of power and ability to cover the locks from the outside from vandalism. A motion was put forth by John O'Donoghue to grant the variance under 524 CMR Section 35 Part XX 2000.1A (2) to allow the use of a Von Duprin 6200 strike series in lieu of interlocks. The Board's justification for approval was because the strikes are existing and they meet the necessary code safety requirements. The motion was seconded by Harold McGonagle.

**Motion by:** John O'Donoghue

**Seconded by:** Harold McGonagle

**Vote: 5-0;** Granted.

**2. 13 Louisburg Square – Boston, MA**

**524 CMR Section 35 5.3.1.10.3**

**Owner: Michael and Barbara Eisenson**

**Petitioner: Allison Lasko**

The petitioner Allison Lasko came before the Board seeking a variance to install a new elevator with a total proposed travel of 53 feet. The petitioner is proposing the installation of residential elevator in a single family owner occupied historic town home. The petitioner stated the elevator will meet all other aspects of the residential code. A motion was put forth by Cheryl Davis to grant the variance under 524 CMR Section 35 5.3.1.10.3 to grant an additional 3 feet of travel, reason being the historic nature of the building and size constraint on installing a commercial elevator, and the variance shall be posted in the machine room. The motion was seconded by Harold McGonagle.

**Motion:** Cheryl Davis

**Seconded by:** Harold McGonagle

**Vote: 5-0;** Granted.

**3. 22 Boston Wharf Road – Boston, MA**

**Units: 1-P-10813 and 1-P-10814**

**524 CMR 17.40**

**Owner: MEPT Seaport 13 Stillings LLC c/o Bentall Kennedy**

**Petitioner: Bruce Johnson**

Jim Janis, a representative of TRO Design, came before the board seeking a variance to increase in rise to the existing elevators. The petitioner stated that the existing elevators were originally installed in 2001 and at the time of installation, the elevators met code. The petitioner stated that they will be adding two additional floors and possible roof deck to the existing 8 story building. Also, the petitioner stated the existing cars, machines and rails will be used, and just the hoistway will be extended. The existing elevators were originally designed for previously sized stretchers, which was 75 inches long. Due to the 2010 code change, the petitioner would like to extend the hoistway to accommodate the size of current ambulance gurneys or stretchers, which is 84 inches long. The Board determined that this is a material change to the existing elevators, due to changing the travel and the code the petitioner would be seeking a variance from is 524 CMR Section 35 2.2.7.10. A motion was put forth by Harold McGonagle to grant the variance to allow for the increase in rise within the existing footprint of the existing elevators. The decision is to be posted in the elevator machine room. The motion was seconded by Stephen Sampson.

**Motion:** Harold McGonagle

**Seconded by:** Stephen Sampson

**Vote: 5-0;** Granted.

**4. 179 South Street – Boston, MA**

**Units: 1-P-6508**

**Relief from Inspector's Report**

**Owner: 179 Realty Trust c/o The Berman Co.**

**Petitioner: Roger Berman**

The petitioner came before the Board seeking relief from an inspector's report. The petitioner is seeking relief one of the inspector's issues, which was to replace wooden counterweight rails and secure rails per code. The petitioner stated that the passenger elevator predates March 9th 1950, which under 524 CMR allows wooden counterweight rails to remain. A motion was put forth by John O'Donoghue to grant relief from the inspector's report dated May 17, 2016, in respect to the wooden counterweight rails. The petitioner will correct all other listed violations on the inspector's report. The motion was seconded by Harold McGonagle.

**Motion:** John O'Donoghue

**Seconded by:** Harold McGonagle

**Vote: 5-0;** Granted.

**Request to withdrawal:**

1. A motion was put forth by Harold McGonagle to accept the withdrawal requests for the petitioners of 30 South Street - Dalton, MA, 1203-1205 Adams Street - Dorchester, MA and 25 Thomas Street - Westfield, MA. The motion was seconded by John O'Donoghue.

**Motion:** Harold McGonagle

**Seconded by:** John O'Donoghue

**Vote:** 5-0; Granted.

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

1. **198 Commonwealth Avenue – Boston, MA**  
**524 CMR A17.1-2004 Sections 2.7.3.4.1 and 2.7.4**

**Owner:** Adam Portnoy

**Petitioner:** Garrett Clinton

Andrew Holland, a representative of Holland Construction, along with Mark O'Malia, a representative of CMC Elevator Corporation, came before the Board seeking a variance from the provision of ASME A17.1-2004, Section 2.7.3.4 and Section 2.7.4, where the code calls for a 7'-0" ceiling and a 6'-8" tall door. This petition was previously before the Board on May 17, 2016. Mr. O'Malia stated that the proposed new installation passenger elevator, will be installed into an existing single family owner occupied dwelling, where the machine room will be located underneath the basement stairs. Mr. O'Malia explained to the Board that the high end of the machine room will be 7'-0" tall and the low end will be 6'-0". Therefore the tallest machine door can only be 6'-0" tall due to a slope in the machine room. Mr. O'Malia also stated to that the current elevator, State ID: 1-R-9935 will be decommissioned and has obtained a decommission permit. The elevator equipment is under an angled ceiling of a staircase. A motion was put forth by Cheryl Davis to place the variance on hold while the petitioner comes back to the Board with plan and section view showing the specific location of the machine room equipment with the dimensions noted thereon. The motion was seconded by John O'Donoghue.

**Motion:** Cheryl Davis

**Seconded by:** John O'Donoghue

**Vote:** 5-0; On Hold.

2. The Board reviewed two public comments emails in regards to pneumatic elevators.
3. The Board reviewed a letter from the Department of Fire Services regarding a fire impact review on pneumatic elevators.
4. The Board re-evaluated the Nationwide Lifts of Massachusetts request. A motion was put forth by Stephen Sampson to grant the installation of a temporary demonstration of a pneumatic elevator. The Board must receive the previously requested documentation prior to any start date of the temporary installation. The motion was seconded by Cheryl Davis.

**Motion:** Stephen Sampson

**Seconded by:** Cheryl Davis

**Vote:** 5-0; Granted.

**Exhibit List:**

Exhibit 1: Meeting minutes from June 7, 2016

Exhibit 2: Variance Petition – 47 Sixth Street – Cambridge, MA

Exhibit 3: Variance Petition – 13 Louisburg Square – Boston, MA

Exhibit 4: Variance Petition – 22 Boston Wharf Road – Boston, MA

Exhibit 5: Variance Petition – 179 South Street – Boston, MA

Exhibit 6: Variance Petition – 198 Commonwealth Avenue – Boston, MA

Exhibit 7: Notice of withdrawal from 30 South Street – Dalton, MA

Exhibit 8: Notice of withdrawal from 1203-1205 Adams Street – Dorchester, MA

Exhibit 9: Notice of withdrawal from 25 Thomas Street – Westfield, MA

Exhibit 10: Public comment emails in regards to pneumatic elevators dated June 13, 2016 and June 14, 2016.

Exhibit 11: Fire Impact Review on Pneumatic Elevators from the Department of Fire Services dated June 10, 2016.

**Motion to adjourn by:** John O'Donoghue,

**Seconded by:** Stephen Sampson

**Vote: 5-0;** Granted.

Hearing Concluded at 3:15 p.m.

Prepared by: Ruthy Barros