



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

The Commonwealth of Massachusetts
Department of Public Safety
One Ashburton Place, Room 1301
Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 727-5732

TTY (617) 727-0019

www.mass.gov/dps

Daniel Bennett
Secretary

Matt Carlin
Commissioner

Minutes

Board of Elevator Regulations

One Ashburton Place, 13th Floor Room 1301, DPS conference room

May 31, 2016 - 1:00PM

Board Members Present:

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

Guest Present:

Rob Nocher (ThyssenKrupp Elevator)
Justin Allen (ThyssenKrupp Elevator)
James Joyce (ThyssenKrupp Elevator)
Joseph Morrissey (Elevator Consulting Assoc.)
Shawn Cleary (Cleary Elevator)
John O'Neil (Lundgren Management)
Katie Wells (Mediate Management Co.)
John Judge (Old Sandwich Golf LLC)
Al Juzukonis (Otis Elevator Co.)
Chris Peterson (Otis Elevator Co.)
Ruthy Barros (DPS)

Board Members Absent:

Thomas Riley
Michael J. Nicoloro Jr.

1. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on May 24, 2016. **A motion to accept the minutes was made by Cheri Davis with the noted changes. The motion was seconded by John O'Donoghue. 5-0 Vote and abstained by Harold McGonagle.**

The Board discussed the following:

2. **75 Ames St. – Cambridge, MA**

Units: 49-P-2934; 49-P-2946; 49-P-2947; 49-P-2948; 49-P-2949; 49-P-2950; 49-P-2951

Relief from Inspector's Report

524 CMR 17.37

Owner: NTLL – Broad INST

Petitioner: Jim Joyce

The petitioner Jim Joyce, along with Rob Nocher and Justin Allen, representatives of ThyssenKrupp Elevators came before the Board seeking relief from the inspector's report stating that the above referenced passenger elevators are in compliance. The petitioner stated that the elevators were installed in 2014 and the disconnects that are installed are non-fused disconnects that are wired in series with the fused disconnect in the machine room. The petitioner stated if the disconnect is shut off from the machine room, it will then shut off all power to the motor and control room. Therefore, the elevators would not require a stop switch at the top of the hoist way. The Board required verification that the petitioner met 524 CMR 13.03 (9), which states that the disconnect switch shall cause power to be removed from the drive machine and break per A17.1 2.26.2, further it shall be designed to open a contact in the stop switch and render the elevator inoperative. A motion was put forth by Cheri Davis to deny the relief from the inspector's report and insure that the disconnects comply with 524 CMR 13.03 (9), within a 45 day period. The motion was seconded by Harold J. McGonagle.

Motion by: Cheri Davis

Seconded by: Harold J. McGonagle

Vote: 6-0; Denied

3. 56 Commonwealth Avenue – Boston, MA

Unit: 1-P-2566

Relief from Inspector's Report

524 CMR Section 17.02 (5) (d)

Owner: 56 Commonwealth Condominium Trust

Petitioner: John O'Neil

The petitioner John O'Neil, along with Joseph Morrissey, representative of Elevators Consulting Associates and Shawn Cleary, representative of Cleary Elevators came before the Board seeking relief from the inspector's report. The petitioner stated they have complied with majority of the violations, except for the top hoistway access. The petitioner stated the existing access has been in place since the building was constructed. The elevator was installed in the 1930's and a safety switch is already in place, which would remove power from the motor, while the overhead shaves and over speed governor is being serviced or inspected. The overhead access panel is currently located in the owner of the penthouse unit. The petitioner is requesting additional time to engineer a plan to obtain another access to the overhead without going through the owner's unit. The opening height has been reduced to 17"x30" due to dropping the ceiling. The petitioner stated there is a stop switch in the hoist way and there is no contact, but an additional contact could be easily added. A motion was put forth by David Gaudet to grant relief from the inspector's report on 524 CMR Section 17.02 (5) and the following conditions: (1) signage is added to the door, (2) the door is lockable, (3) installation of an enclosed switch or circuit breaker, with a time period of 30 days to comply with the conditions. The variance will expire in one year from May 31, 2016. Justification is that the existing unit is operating under the current conditions and these changes will make it safer and allow the homeowner to find a more permanent solution. The motion was seconded by David Morgan.

Motion: David Gaudet

Seconded by: David Morgan

Vote: 6-0; Granted

4. 109-111 Commonwealth Avenue – Boston, MA

Unit: 1-P-2577

Relief from Inspector's Report

524 CMR Sections 17.39 and Sections 8.02 – 8.06

Owner: 109 Commonwealth Ave., Condominiums

Petitioner: Katie Wells

The petitioner Katie Wells, along with Joseph Morrissey, representative of Elevators Consulting Associates came before the Board seeking relief from the inspector's report. The petitioner stated due to required high security per the owners, there are Medeco key switches for elevator access for each unit. There were concerns because of smoke recall. There is a phase I recall switch. There is an existing variance that was granted in 1999, which negates the requirement for phase II in car operation. The petitioner stated the elevator is shared between two buildings. There is direct access to all floors from building #109, which all floors have doors where only two are locked. Building #111 has a lobby on each floor, where the smoke detector is in the lobby. There are also two means of egress for each apartment, but not from the vestibules. The Board also requested that the Department of Public Safety research their archives for any additional information that would be supportive to the petitioner's proposal. A motion was put forth by Cheri Davis to place the variance on hold for a 30 day extension, pending the petitioner providing additional information on how and why the key switches and smoke alarm systems operate for all landings. The motion was seconded by John O'Donoghue.

Motion: Cheri Davis

Seconded by: John O'Donoghue

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

5. 247 Old Sandwich Road – Plymouth, MA

Unit: 239-R-94

Owner: Old Sandwich Golf Club

Petitioner: John Judge

The petitioner John Judge, along with Al Juzukonis and Chris Peterson, representatives from Otis Elevators came before the Board seeking a variance for a residential unit to remain in a non-residential property. The petitioner stated the historical property in question was originally built in 1928 and has been a single family home for most of its existence, with 15 rooms, 8 bedrooms. The Old Sandwich Golf Club took ownership of the property in 2003. Old Sandwich Golf Club is a private member only golf club, which is gated and secured. The golf club decided to use the home as a short stay lodge for members only. The petitioner would like to maintain as much of the historic elements in the home, including retaining the elevator in a residential status. The elevator was installed at the time the dwelling was built. The petitioner stated there are no future plans on converting the property into a residential dwelling or extending the existing footprint. The elevator is a 900lb, 50ft a minute, including a collapsible gate and swing doors with baffles and interlocks. The elevator has never been modernized with the original Otis controls. A motion was put forth by Cheri Davis to revoke the existing elevator certificate and revert the designation back to its original passenger designation at the time of installation, to meet the code at the time

the elevator was installed and that the certificate for the unit with inspection # INS-000814 would expire February 28, 2017. The motion was seconded by John O'Donoghue.

Motion: Cheri Davis

Seconded by: John O'Donoghue

Vote: 6-0; Granted

Matters not reasonably anticipated 48 hours in advance of meeting

Exhibit List:

Exhibit 1: Meeting minutes from May 24, 2016

Exhibit 1: Variance Petition – 75 Ames St. – Cambridge, MA

Exhibit 2: Variance Petition – 56 Commonwealth Ave. – Boston, MA

Exhibit 3: Variance Petition – 109-111 Commonwealth Ave. – Boston, MA

Exhibit 4: Variance Petition – 247 Old Sandwich Rd. – Plymouth, MA

Motion to adjourn by: David Morgan, Seconded by: Harold J. McGonagle **Vote: 6-0;** Granted

Hearing Concluded at 3:13 p.m.

Prepared by: Ruthy Barros