



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, Room 1301**

**November 3, 2015, 1:00PM**

#### **Board Members Present:**

Edward Sandell, Chairman  
David Gaudet, Member  
David Morgan, Member  
Harold McGonagle, Member  
Tom Riley, Member  
Cheri Davis, Member

#### **Board Members Absent:**

Michael Nicoloro, Member  
John O'Donoghue, Member

#### **Guests Present:**

Tom Archie (PFLOW)  
Don Bruck (Baron Industries)  
John Dalton (Stanley Elevator)  
Paul Warkentin (Davis Square Architects)  
David Colonies (Schindler Elevator)  
Rachel Silver (N/A)  
Eric Morse (VDA)  
Peter Wallack (Lerch Bates)  
Herb Siegel (N/A)  
Maryann Conway (N/A)  
Elaine Siegel (N/A)  
Bruce Horne (Otis Elevator)  
Heather Brown (Schindler Elevator/ NEII)  
Chris Kimball (N/A)  
Terry Steen (Nationwide Lifts)  
Andrea Hunt (Lerch Bates)  
Michael Doyle (Garaventa USA)  
Deirdre Hosler (DPS)  
Ethan J. Clough (DPS)

1. The Board of Elevator Regulations ("Board") reviewed the Meeting Minutes from October 27, 2015. A **motion to accept these minutes was made by Cheri Davis, seconded by David Gaudet. 5-0 Vote.** McGonagle Abstained.

#### **The Board discussed the following:**

##### **2. Executive Order 562**

The Board is currently reviewing the elevator code, 524 CMR, pursuant to Executive Order 562. The Board invited the public to attend this listening session as a way for them to voice their concerns and provide input on suggested changes to 524 CMR. The following is a list of the public's comments:

- (1) Tom Archie, PFLOW Industries, discussed recommended changes to 524 CMR 32.00 Vertical Reciprocating Conveyors ("VRC"). He provided the Board with a hardcopy of his recommendations to be reviewed at future code review sessions.
- (2) Don Bruck, Baron Industries, discussed changes to 524 CMR 32.00 (VRC). He provided the Board with a hardcopy of his recommendations to be reviewed at future code review sessions.

(3) John Dalton advocated for the adoption of ASME A17.1-2013 and recommended that 524 CMR 10.1 & 10.2 be thoroughly reviewed for permitting purposes.

(4) Rachel Silver was advocating for the approval of Pneumatic Elevators in the Commonwealth.

(5) Eric Morse, VDA, recommended keeping the modifications to a minimum and ensures that any changes are clear and concise. Also, he recommended that issues involving building code such as ventilation, smoke control, and pressurization requirements should be pushed back into the Building Code. He asked the Board to review Section 8, specifically the "Alteration Section", of the current regulation.

(6) Peter Wallack, Lerch Bates, asked the Board to review automobile parking devices and VRC.

(7) Herb Siegel advocated for the approval of Pneumatic Elevators in Massachusetts.

(8) Elaine Siegel advocated for the approval of Pneumatic Elevator in Massachusetts.

(9) Bruce Horne, Otis Elevator, discussed updating the code to relieve some aspects of the variance appeal process. He also discussed the adoption of the Performance Based Code.

(10) Heather Brown, Schindler, recommended that the Board review 30-Day vs. 90-Day Temporary Certificates.

(11) Terry Steen advocated for the approval of Pneumatic Elevators in Massachusetts.

(12) Maryann Conway advocated for the approval of Pneumatic Elevator in Massachusetts.

The Board thanked the public for voicing their concerns and recommendations and agreed to take their comments under consideration.

**3. 1287 Commonwealth Avenue – Boston, MA**

**524 CMR A17.1-1996, Part XX 2000.1a(1)**

**Owner: CommGlen LLC**

**Petitioner: Paul Warkentin**

This petition was placed on hold at the September 29, 2015 meeting until the petitioner could provide the Board with more information from Garaventa USA. The petitioner returned with a representative from Garaventa USA. This petition for variance involves replacing an existing 3-door wheelchair lift (1-W-1072) at 1287 Commonwealth Avenue in Boston. The proposed wheelchair lift replacement has three stops and each stop requires a door on different sides. A motion was put forth by Harry McGonagle to grant this petition under A17.1-1996 Part XX 2000.1a (1), to allow this unit to have three openings. The motion was seconded by David Gaudet.

**Motion by:** Harry McGonagle

**Seconded by:** David Gaudet

**Vote:** 5-1, Granted; Morgan opposed

**4. 2941 Acushnet Avenue - New Bedford, MA**

**524 CMR 32.06 (3)**

**Owner: Trucchi's Supermarket**

**Petitioner: Above and Beyond Elevator**

The petitioner returned before the Board. The petitioner withdrew his petition for variance from 524 CMR 32.06 (1). The petitioner came before the Board requesting a variance for the bottom gates on the PFLOW VRC (ID# 201-V-530). The issue with the bottom level gate is the 6 inches from the front edge of the car. A motion was put forth by David Gaudet to accept the variance withdrawal from 524 CMR 32.06 (1) for the top door height and allow 6-inch measurement instead of 5-inches as mentioned in 524 CMR 32.06 (3) with an additional safety requirement to fully enclose the gate on the hoistway side. The motion was seconded by Cheri Davis.

**Motion by:** David Gaudet

**Seconded by:** Cheri Davis

**Vote:** 6-0; Granted

**5. Code Review**

Deirdre Hosler, DPS Deputy General Counsel, discussed the Performance Based Code with the Board members.

**Matters Not Reasonably Anticipated 48 Hours in Advance of Meeting**

**6.** The Board discussed the site visit on the Schindler 6400 in Copley Plaza. Cheri Davis, Edward Sandell, and David Morgan took pictures, measurements. The Board will vote on this product variance at the next Board meeting.

**Exhibit List:**

Exhibit 1: Meeting Minutes from October 27, 2015

Exhibit 2: Listening Session –

Exhibit 2a – Email from Tom Archie

Exhibit 2b – RE: 524 CMR 32.00 Document from Tom Archie

Exhibit 2c – Documentation from Donald Bruck dated November 11, 2015

Exhibit 2d – Pneumatic Vacuum Elevator Pamphlet

Exhibit 3: Petition for Variance: 1287 Commonwealth Avenue – Boston, MA

Exhibit 4: Petition for Variance: 2941 Acushnet Avenue - New Bedford, MA

Exhibit 5: Code Review

Motion to Adjourn by David Gaudet, seconded by Tom Riley, hearing concluded at 3:30 p.m.

Prepared by: Ethan J. Clough