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COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Minutes**

**Meeting of the**  
**Board of Elevator Regulations**  
**January 17, 2023, at 1:00 p.m.**

**1000 Washington Street**  
**Boston, MA 02118**  
**1<sup>st</sup> Floor – Room 1D**

**Board Members Present:**

Eric Morse, Acting Chair  
Neil Mullane  
Brian Ronan  
Thomas McDermott  
Christopher Towski

**Board Members Absent:**

David Morgan  
David Gaudet

**Division of Occupational Licensure Staff:**

Charles Kilb  
Sarah Wilkinson (remotely)  
Ruthy Barros

**Guests Present:**

Rob Para Jr.  
Paul McCarty  
Mark Fuller  
Troy Varner  
Brian Yevick  
Patrick Blizzard  
Adam Ziegler  
David Maisonneuve

**Call to Order 1:06 p.m.:**

- 1. 10 Church Street Boylston [Exhibit 1]**  
**New Install**  
**Petitioner: Andree Witkos**

The petitioner appeared before the Board seeking a variance from ASME A18.1-2017 Section 3.1.2.1 – Head room clearance where platform is positioned for boarding shall not be less than 2 meters (79”) as measured vertically from all points on the platform lift. Petitioner requested relief from this provision, and to allow the existing lift clearance at the upper and mid landings be allowed to maintain. Rob Para Jr. referenced – ASME A18.1- 2017 section 3.1.2.1 States: Head room clearance where platform is positioned for boarding shall not be less than 2 meters (79”) as measured vertically from all points on the platform lift. Rob Para Jr. requested relief from this provision, and to allow the existing lift clearance at the upper and mid landings as shown on the attached plans (Exhibits A and A.1) be allowed to maintain. Preamble: The existing lift was installed with the meeting hall addition in 1990 and has served the congregation well. The Congregation noted that over the years the lift is used regularly a few times a month to provide service from the newer entrance/main level to the sanctuary but has not been used to service the lower level of the church, however it is available (and access is required by code). Recently, when the lift was up for regular service, the manufacturer informed the Congregation that the existing unit was no longer serviceable due to parts being unavailable. Therefore, the Congregation contracted with the vendor to replace. Petition for Product Variance Revised July 2018 the complete lift in kind, however the vendor stated that due to the lift being a replacement, relief from 2 code provisions would be required. First, the Massachusetts Architectural Access Board relief would be required as the current AAB stair platform lift length will not fit in the existing stair. Relief was requested and relief was granted to maintain the existing smaller lift size on December 20, 2022 (petition and approval is attached-Exhibit C) Second, from the Massachusetts Elevator Board for Loading headroom clearance 3.1.2.1 as noted herein and the subject of this partition. Note that with the approved shorter lift, the required 3.1.2.2 travel headroom clearance requirement are met. We propose that the existing loading headroom has been sufficient in loading and the headroom slope provided a smooth and even transition to the traveling headroom clearance. With the existing construction above the lift at the upper floor (Level 3) (Church/Sanctuary) the roof over the landing area cannot be raised without a complete reconstruction of this roof area. The loading clearance at the mid-level (Level 2) (Entrance/Meeting Hall) cannot be provided with the stair/ceiling construction above and would result in a complete rebuilding of the stair and entrance. (See existing photographs-Exhibit B). Rob Para Jr. reported that the ceiling height to the lower floor is set by the cables coming in from the Verizon equipment that serves the electronic equipment and antennas in the church tower. The church cannot expect that Verizon would move those cables or determine that it would even be feasible. Verizon pays the church about \$27,000 per year in cell tower rental and that is about 15% of the church’s annual revenue. Since this is an existing condition, and the existing lift has performed safely and has provided the necessary accessibility to the congregation, any upgrades to meet the current provision would not be technically or economically feasible and would provide no additional benefits. The Petitioner stated that the cost is not supportable by the Congregation. Therefore, the Petitioner requested that the existing headroom conditions be granted to remain as the same size platform. The new one can carry more weight, be tied into the fire alarm system, and it would not block the egress. The changes to the existing lift? Robert Para Jr. indicated lift is used for Sunday service, funerals, and weddings. Most of the people are being assisted and are familiar with the unit. Mark Fuller stated that it’s detrimental because it is older and not operational, and the circuit board is not available if it fries. Neil Mullane inquired if anybody rides the lift with the occupant. Mark Fuller replied no, and he explained how it is currently is being used and operated. The new weight capacity is 660lb. The original capacity was 450lb. Christopher Towski inquired how it can’t meet 79” but it can meet 60”. Paul McCarty

described where they maintain the 79” and where it loses it. Upper and lower landings. Christopher Towski inquired if the chair was affixed, and Paul McCarty replied that there is a fold down seat centered in the middle of the platform. Brian Ronan inquired about the signage. Paul McCarty replied absolutely and that it’s protocol, Garaventa always does it. Christopher Towski made a motion to grant the variance with the conditions that signage, especially where the clearance is compromised, and user is always required to be seated. The motion was seconded by Brian Ronan. Neil Mullane stated, in support of the motion, that the rationale, existing conditions prohibit extending the size of the platform.

**Motion: Christopher Towski**

**Seconded: Brian Ronan**

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

**2. 40 Trinity Place [Exhibit 2]**

**State ID: 1-P-23338**

**Petitioner: Jay Barfield**

Petitioner is seeking a variance from ASME A17.1-2013 Section 2.11.1.2 – Emergency doors in blind hoist ways, door significantly offset due to obstructing vertical steel column embedded in core wall. Eric Morse explained a single elevator in a blind hoist way, it’s in the shape of a “L” open shaft. The passenger elevator #2 operates in blind hoist way, separated by divider feeds. There are four elevators in these shafts. Patrick Blizzard stated that only PE1 has a solid hoist way. PE2 blind hoist way doors, express up to the 17<sup>th</sup> floor. The emergency doors are installed every 3 floors, as per code. Patrick Blizzard, the opening is 3’. 32” door. Christopher Towski inquired if a firefighter could still safely perform emergency and suggested that the petitioner contact the Boston Fire Department (BFD) for their opinion on the issue. Patrick Blizzard said he was not aware of any communication with BFD and is not opposed to communicating with the BFD. Eric Morse stated that a clear opening should be at least 28x8” and meet minimum requirement. 2.11.1.2 – Emergency Doors and Blind Hoist ways. Brian Ronan suggested that the petitioner contact fire prevention. A motion was made by Eric Morse to place on hold until the BFD is contacted about their opinion of the door. The motion was seconded by Christopher Towski. Eric Morse suggested that the petitioner go through any additional the code sections to see where it is deficient.

**Motion: Eric Morse**

**Seconded: Christopher Towski**

**Vote: 5-0; On hold 30 days (February 16, 2023)**

**3. 165 North Street, Dalton [Exhibit 3]**

**State ID: 70-P-42**

**Petitioner: Dale LaRoche**

Petitioner is seeking a variance from Firefighters Phase II FS90 requirement found in CMR 524 Section 2.27.3.3. This is due to the structure configuration of open stairwell which makes the phase II redundant. The Petitioner stated that since their building is small, they do not believe that this part of the code is applicable to their situation. Petitioner explained the fire services wouldn’t be using the elevator. Therefore, they wouldn’t need the function to be able to slowly open the elevator to see if there’s a fire or what the conditions are outside the elevator. Petitioner supplied two reasons: one, the elevator only travels 10 feet and that these 10 feet are surrounded by a staircase and both the upper level of the elevator (on the first floor) and the lower level of the elevator (in the basement) are accessible from line of sight from the stairway. Thus, limiting the need

of that pressure sensitive firefighter would be able to see what's happening outside of both entrances of the elevator. Petitioner stated it's highly unlikely that a firefighter would be using their elevator in case of an emergency. The cost is \$8,500 which is 7% of their annual operating expenses. They were not cited during an inspection. The elevator company, Otis, sent an unsolicited email to the Petitioner. Neil Mullane explained the safety reason behind the code. Adam Ziegler stated that they are locked into the contract. Thomas McDermott the Elevator Division sent a compliance inspection last month and it did fail the FS 9. The unit does have Fire Service. Adam Ziegler failed because of the door operation. Christopher Towski stated the code is clear, the elevator company should be more helpful with aiding the petitioner. Adam Ziegler stated that the basement to 1<sup>st</sup> floor is only 10 feet of travel. Petitioner feels that the door modifications are a very costly upgrade and is not as beneficial as it would be with most other multilevel structures. Petitioner stated that they have no fire separation between floors and the proximity of the elevator to the open stairway makes it highly unlikely that a fireman would not be aware of a life-threatening condition before entering the elevator. The elevator travel is only 9 feet and as the Board can see, both doors can be viewed at once. The elevator was installed to code in 1997. Adam Ziegler explained the layout of the building. Thomas McDermott stated that the Elevator department has been contacted by numerous similar facilities who have been impacted by the cost, perhaps the Board can consider practical sense that this may never be used. Adam Ziegler stated that they have been informed by the elevator company when they release the button, the door stays open. The Petitioner's contract will end with Otis at the end of the summer. Thomas McDermott the annual inspection is scheduled for 1/2023 and the owner will receive a 90-day (April) to submit a permit, and by 1/2024 they must be in compliance. Adam Ziegler a portion of the unit was built in 1998, where the elevator is located. Chris Towski inquired if Otis will even pull a permit. Adam Ziegler Otis will not pull a permit without payment. Thomas McDermott stated that he has seen this type of requirement from other institutions. Motion: Eric Morse made the motion that the Board deny the request for variance based on the justification that it is code, and it has been code for firefighters' safety. With that said, the guidelines will come into effect, meaning that on the Petitioner's next test, they will most likely be cited for a FS90 violation. The Petitioner will need to, if that happens and it doesn't work, pull a permit for the repairs and the repairs must be completed by 2024 nothing else other than receiving the permit has to happen in 2023. Seconded by: CT. Vote: 5-0.

**Motion: Eric Morse**

**Seconded: Christopher Towski**

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

**5. Approval of October 18, 2022 and October 25, 2022 meeting minutes as written.**

Board approved by unanimous consent.

Vote:5-0; Accepted.

**Motion to Adjourn: Christopher Towski**

**Seconded: Brian Ronan**

**Vote: 5-0; Adjourned at 3:15 p.m.**

Prepared by: Terry Ascii

**Exhibit List:**

- Exhibit 1: Variance packet for 10 Church Street, Boston
- Exhibit 2: Variance packet for 40 Trinity Place, Boston
- Exhibit 3: Variance packet for 165 North Street, Dalton
- Exhibit 4: Meeting Minutes October 18, 2022 and October 25, 2022