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Minutes

**Meeting of the
Board of Elevator Regulations
January 31, 2023, at 1:00 p.m.**

Microsoft Teams Meeting

Board Members Present:

Eric Morse, Acting Chair
Neil Mullane
David Morgan
Christopher Towski
Sarah Wilkinson

Division of Occupational Licensure Staff:

Peter Kelley
Ruthy Barros

Board Members Absent:

Brian Ronan
David Gaudet

Guests Present:

Paul Hasbrouck
Dave Goodsell
Sean Murphy
Ryan Schille
Timothy Gardner

Call to Order 1:06 p.m.:

1. 29 Endicott, Worcester [Exhibit 1]

New Installation

Petitioner: Paul Hasbrouck

Petitioner is seeking a variance from 524 CMR 35:00 Section 5.2.1.4.2 - Bottom Car Clearance requirements. The reason for variance request is to provide handicap accessibility to an existing property where a Lula is proposed to be installed.

The building is antique with a flood plan area that has issues with the foundation. The Petitioner is proposing to use a LULA for a shallow pit foundation. Mr. Morgan asked the petitioner what the issue was with the foundation and what is under the pit that cannot be dug out. The Petitioner, Mr. Hasbrouck answered, there are the old

foundation walls, and that is where an issue exists, with undermining the footings. This is in the area that frequently floods. Mr. Morgan asked the petitioner if he had documentation to show this reasoning. Mr. Goodsell, stated the footings are adjacent to the pit and that the building is not in great shape. Mr. Morgan, stated that the shallow pit systems have always been a last resort, and generally the Board receives a letter from an engineer. Mr. Hasbrouck stated that there were no overhead issues, just the pit arrangement. Mr. Morse, inquired how is it deployed? Mr. Hasbrouck replied that it is manually extended from a permanent mounting. Mr. Morse, inquired if the mechanic enters the pit to set the device. Mr. Hasbrouck, replied that he is not sure if the mechanic must enter to activate the device. A pressure sensitive mat can be included. Mr. Morgan stated that manual extensions are never allowed. Mr. Goodsell can provide a letter from the structural engineer. Mr. Mullane asked if it is to be assumed that issues might be encountered. Mr. Hasbrouck responded that much of the pit work has been done and this is the last remaining issue with the pit arrangement. Mr. Hasbrouck, stated he might be able to provide historic pictures and drawings. The pit has been excavated. Mr. Mullane, asked Mr. Hasbrouck if he ran into encounter footings or did he just stop? Mr. Goodsell stated they stopped at the depth to provide the 16" as provided in the manufacturer's drawings. Hit the footing. Mr. Hasbrouck, explained that the pit has been formed with the sump pump arrangement, and is 90% done. Mr. Morgan, stated that the Board would like to see the documentation from an engineer and also the safety hazard for this manual device. On, 3/13/2009 an individual was killed under a VRC. Mr. Morgan stated that to get underneath an elevator without an automatic device is extremely dangerous. Mr. Morse stressed that the Board is concerned with safety. Mr. Hasbrouck, stated that he should have brought this to the Board earlier and that they should be ready in a couple of weeks, unless they are required to make changes. A motion was made by Mr. Mullane to place on hold for 60 days (April 1, 2023) and request that the Petitioner provide additional information and evidence about the obstruction.

Motion: Neil Mullane

Seconded: David Morgan

Vote: 5-0. Placed on hold for 60 days.

2. **278 Main Street, Greenfield [Exhibit 2]**

State ID: 114-P-74

Petitioner: Sean Murphy

Petitioner is seeking a variance from 524 CMR. Current building conditions have existing conduits in the hoist way that do not pertain to the elevator. In the current modernization scope of work, these pipes are not to be disturbed.

The Petitioner, Sean Murphy explained that there are three different non-elevator related pieces of equipment. They are left in place, the piping, one in the pit, and one in the hoist way. Mr. Murphy was not able to provide the code section and the install date. Mr. Murphy confirmed that the pipes are active and there is a new machine, new controller, new door equipment, new wiring, and a new door operator. Eric Morse, referenced code 524 CMR Section 2.8.3. Mr. Murphy explained each picture that was submitted to the Board. The vertical pipe in the hoist way is a roof drain. The water passes through the pipe. Mr. Murphy stated he was not sure what the function for the pipe was. Mr. Mullane: Other trades might be involved in this scope of work and inquired if Mr. Murphy investigated alternate means. Mr. Murphy: replied that they have not investigated alternate means. Mr. Mullane, stated that if no research has been done, it's hard to determine the hardship. Mr. Gardner stated he has owned the

building for two years. Mr. Gaudet inquired if the pipe that runs down the hoist way is a waterline, with the potential of drowning. Mr. Morse asked Petitioner, if it is a drain, can it be relocated and can it be blocked off with a piece of stainless steel? The ladder should be moved over, it is currently not code compliant. The pipe in pit is a tripping hazard. What code did the elevator fall under when it was originally installed? A motion was made by David Morgan to place on hold for 60 days (April 1, 2023) to allow the Petitioner the time to provide more information, including removing pipes to prevent hazardous conditions. The motion was seconded by Neil Mullane with a comment to further the follow-up, petitioner may wish to provide a document stating means and methods required to remove the pipes from the existing structure, along with any hardships that might cause, the year of the code the pipes fall under, and the material/matter contained in those pipes inside the hoist way.

Motion: David Morgan

Seconded: Neil Mullane

Vote: 5-0. Placed on hold 60 days.

Board Recessed at 2:02 p.m. Resumed at 2:08 p.m.

3. Approval of meeting minutes from October 18, 2022, as written. [Exhibit 3]

Motion: Christopher Towski

Seconded: Neil Mullane

Abstained: Sarah Wilkinson Vote: 4-0

4. Approval of meeting minutes from October 25, 2022, as written. [Exhibit 4]

Motion: Christopher Towski

Seconded: Neil Mullane

Abstained: Sarah Wilkinson Vote: 4-0

5. Old business (The Board may or may not discuss):

• 5 Sabrina Farm Road, Wellesley

New Installation

Petitioner is seeking a variance from 524 CMR 35.00 Section 2.1.5 – Windows and Skylights. Board began to review additional materials submitted but then requested petitioner's witness appear before the Board at a future meeting.

• 37 Temple Place, Boston

State ID: 1-P-7108

Petitioner is seeking a variance from 524 CMR due to not having enough clearance for the controller if a door is added. Placed on hold for resubmission of documents. Mr. Morgan noted the deadline had passed on this matter, requested an update at next meeting.

Motion to Adjourn: Christopher Towski

Seconded: David Morgan

Vote: 5-0; Adjourned at 2:45 p.m.

Prepared by: Terry Asci

Exhibit List:

- Exhibit 1: Variance packet for 29 Endicott Street, Worcester
- Exhibit 2: Variance packet for 278 Main Street, Greenfield
- Exhibit 3: Meeting minutes from October 18, 2022
- Exhibit 4: Meeting minutes from October 25, 2022