



**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](http://www.mass.gov/dps)

**Daniel Bennett**  
Secretary

**Matt Carlin**  
Commissioner

Minutes

**Board of Elevator Regulations**

**One Ashburton Place, 21<sup>st</sup> Floor - Conference Room #1**

**September 27, 2016 - 1:00PM**

**Board Members Present:**

Stephen Sampson, Chairman  
David Gaudet  
John O'Donoghue  
David Morgan  
Harold J. McGonagle  
Micahel J. Nicoloro Jr.

**Guest(s) Present:**

Raymond Olko (Schindler Elevator)  
Scott Sullivan (Schindler Elevator)  
Douglas Russell (Vertex)  
Karen Moore (Imai Keller Moore Architects)  
William Wharton (Commonwealth School)  
Janet Moore (Syska Hennessey Group Inc.)  
Allan Battistelli (Historic Meeting House LLC)  
Martha Blakely Smith (UMASS Amherst)  
Robert Hartwright (UMASS Amherst)  
Ruthy Barros (DPS)

**Board Members Absent:**

Thomas Riley  
Cheryl Davis

1. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on September 20, 2016. **A motion to accept the minutes was made by Harold J. McGonagle. The motion was seconded by John O'Donoghue. Vote: 6-0; Granted.**

**The Board discussed the following:**

**2. 50 Old Webster Road – Oxford, MA**

**State ID: 226-V-37**

**Petitioner: Raymond Olko**

The petitioner came before the Board seeking a variance from 524 CMR Section 32.00. The petitioner stated that this particular unit, Autoquip model FLT-30 LL, does not engineer this equipment to operate with a S.O.S switch as the unit goes to zero hydraulic pressure on the lowest landing. The unit is equipped with a high pressure switch. The petitioner stated the manufacturer was contacted regarding installation of the S.O.S switch, which they do not make available for any of their lifts. Also, the petitioner stated the installation of the micro switch on the safeties would not be feasible due to the roping of the unit, and a slack rope switch cannot be installed on the cables themselves. A motion was put forth by David Morgan to place the petition on hold for 90 days and allow Schindler Elevator to go back and check in with Engineering to see if there are feasible options to appease the Board, safety wise. The appeal was made with the justification of the safety of the riding public and the licensed personnel working on the elevator. The motion was seconded by Harold J. McGonagle.

**Motion by:** David Morgan

**Seconded by:** Harold J. McGonagle

**Vote: 6-0;** Place on hold for 90 days.

**3. 151 Commonwealth Avenue – Boston, MA**

**State ID: 1-P-15719**

**Petitioners: Douglas Russell**

The petitioner came before the Board seeking a variance from 524 CMR Section 35.00 item 2.8. The petitioner stated the new elevator machine room is fully enclosed. The petitioner also stated the adjacent mechanical shaft is so crowded with new and existing piping and ductwork that a supply air duct has no other feasible rout out of the shaft. The petitioner stated that the request for a variance is for the allowance for an access panel in the ceiling of the elevator control room. The panel is for access above the fire rated ceiling for direct service, as necessary, to the new fire/smoke damper installed in the existing building. The petitioner stated conformance is assured with MA 524 CMR, Section 35.00 2.8.5.4. A motion was put forth by Harold J. McGonagle to grant the variance to all the equipment to be accessed through the machine room in the manner the petitioner has proposed with proper clear visible signage on the door and within the machine room next to the A/C unit. The motion was seconded by David Morgan.

**Motion:** Harold J. McGonagle

**Seconded by:** David Morgan

**Vote: 6-0;** Granted.

**4. 18 Broadway – Rockport, MA**

**Unit: 67-W-210**

**ASME**

**Petitioner: Allan Battistelli**

The petitioner came before the board seeking variance from the required vertical travel and top of car enclosure. The petitioner stated a renovation project to convert an old Mason's Lodge located in Rockport's historic district into 4 residential units. The petitioner is seeking approval to install a new roped hydraulic LULA. The vertical travel must be extended to 29' and to fit below the existing ridge height, the top car enclosure must be modified to 9'-6" minimum for a LULA. A motion was put forth by David Morgan to place the petition on hold for 30 days, pending the following stipulations: (1) the refuge space be clearly marked with signage, showing where the refuge space is. As for the height, further documentation from the manufacturer stating that this equipment will meet all necessary codes. The motion was seconded by Harold J. McGonagle.

**Motion:** David Morgan

**Seconded by:** Harold J. McGonagle

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

**5. 1000 Main Street – Williamstown, MA**

**Unit: 341-K-91**

**524 CMR 17.02**

**Petitioner: Jeffrey P. Curtis, Esq.**

The petitioner requested to postpone for a later hearing date. The Board acknowledged the petitioner's request to postpone.

**6. 1 Campus Center Way – Amherst, MA**

**Unit: 9-E-239 and 9-E-238**

**Relief from Inspector's Report**

**524 CMR 22.05**

**Petitioner: Raymond Jackson**

The petitioner came before the board seeking relief from the Inspector's Report citing 524 CMR 22.05. The petitioner stated a technician from Otis went back to measure the treads, and although they are worn, they still meet the minimum dimensions of 1/4 inches openings and 3/8 inches center-to-center. The petitioner stated that they would replace the treads sometime in the near future, if granted relief. The petitioner also stated that they will comply with the remaining violations. A motion was put forth by Stephen Sampson to place the petition on hold pending a revisit inspection from the Department of Public Safety. The motion was seconded by John O'Donoghue.

**Motion:** Stephen Sampson

**Seconded by:** John O'Donoghue

**Vote: 6-0;** Place on hold.

**7. Gould Construction Institute – Woburn, MA**

**Apprentice Course Curriculum**

The Board reviewed the petitioner's request for an apprentice course curriculum. Petitioner, Barbara Lagergren emailed the Department of Public Safety on September 26, 2016 notifying the Board's administrative assistant that she would provide the Board with the requested additional documentation, within 30 days.

**Exhibit List:**

**Exhibit 1:** Meeting minutes from September 20, 2016

**Exhibit 2:** Variance Petition – 50 Old Webster Road – Oxford, MA

**Exhibit 3:** 50 Old Webster Road – Elevator Plans

**Exhibit 4:** Variance Petition – 151 Commonwealth Avenue – Boston, MA

**Exhibit 5:** 151 Commonwealth Avenue – Letter from William D. Wharton, Headmaster dated September 27, 2016

**Exhibit 6:** Variance Petition – 18 Broadway – Rockport, MA

**Exhibit 7:** 18 Broadway – Email from James Theophanis, Chairman of the Rockport Historical Commission dated September 10, 2016.

**Exhibit 8:** 18 Broadway – Four Stop Elevation Plans

**Exhibit 9:** Variance Petition – 1 Campus Center Way – Amherst, MA

**Exhibit 10:** 1 Campus Center Way – Emails between Marty Smith (Project Executive, Design Construction Management), Kelly Lombard (Account Manager, Otis Elevator Company), Eric Tragash (Senior Associate, Van Deusen & Associates) and Marci Kimball (Branch Manager, Otis Elevator Company)

**Exhibit 11:** Variance Petition – Gould Construction Institute

Motion to adjourn by: Harold J. McGonagle

Seconded by: John O'Donoghue

**Vote: 6-0;** Granted.

Hearing Concluded at 3:10 p.m.

Prepared by: Ruthy Barros