



**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

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

**Daniel Bennett**  
Secretary

**Matthew Moran**  
Commissioner

**Minutes**

**Board of Elevator Regulations**  
**One Ashburton Place**  
**21<sup>st</sup> Floor - Conference Room #1**  
**January 17, 2017 at 1:00PM**

**Board Member Present:**

Stephen Sampson, Chairman  
David Gaudet  
John O'Donoghue  
Cheryl Davis  
Harold J. McGonagle  
Michael J. Nicoloro Jr.

**Guests Present:**

Marion Deluca (Owner, 122 Longbeach Road)  
Remko Breuker (Breuker Design, LLC)  
Leonard Petricca (Norwood Hospital)  
Blaine Bartlett (ThyssenKrupp Elevator)  
Kelly Lombard (Otis)  
Pierre Richard (Bay State Medical Center)  
Howard Clark (Paradigm Properties)  
Eric Morse (Van Deusen and Associates)  
Bruce Horne (Otis/NEII)  
Deirdre-Ann Hosler (DPS)  
Ruthy Barros (DPS)

**Board Members Absent:**

David Morgan

1. A motion was put forth by David Gaudet to accept the meeting minutes with the noted corrections from December 6, 2016. The motion was seconded by John O'Donoghue.

**Vote: 3-0; Granted.** Cheryl Davis, Harold McGonagle and Michael J. Nicoloro Jr. abstained.

2. A motion was put forth by David Gaudet to accept the meeting minutes with the noted corrections from December 20, 2016. The motion was seconded by Cheryl Davis.

**Vote: 4-0; Granted.** Harold McGonagle and Michael J. Nicoloro Jr. abstained.

**The Board discussed the following:**

**1. 122 Longbeach Road – Rockport, MA**

**New Installation**

**524 CMR 5.3.1.10.1**

**Petitioner: Marion Deluca**

Back in April 2016, the petitioner came before the Board requesting a variance to increase the elevator capacity size in order to accommodate a larger wheelchair in the Deluca residence. The elevator is a four stop elevator in a new construction residence, serving all floors. The Board requested that the petitioner provide the Board with engineered stamped plans, illustrating the proposed wheelchair lift. The elevator proposed would be a Symmetry front opening larger capacity lift. The petitioner stated that the manufacturer is willing to re-engineer and enlarge the cab size and adjust the mechanic functions. A motion was put forth by John O'Donoghue to grant the variance with the justification that the requested documentation has been provided by the manufacturer that the increased capacity is able to be done and given the situation of the size of the wheelchair. The motion was seconded by Harold McGonagle.

**Motion:** John O'Donoghue

**Seconded by:** Harold McGonagle

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

**2. 800 Washington Street – Norwood, MA**

**State ID number: 220-P-97**

**524 CMR 17.02**

**Petitioner: Pamela Mellor**

The petitioner came before the Board seeking a variance to make the machine room conform to requirements of 524 CMR 17.02. The elevator machine room is from 1962 and the unique layout of the existing machine room. The elevator equipment and related building space would require extensive consideration, planning and overhaul for the space to be brought up to code compliant. Among other issues, in front of the customer are existing building pipe runs that enter the floor space in close proximity to the control equipment. There is also a significant amount of HVAC equipment serving the hospital that would need to be reconfigured. The petitioner stated that given the long standing condition of the existing space, a variance is being requested until modernization or replacement of the unit is scheduled. A motion was put forth by Cheryl Davis to place the variance request on hold for 30 days pending the appellant coming back to the Board with additional pictures and layout of the machine room, the proposed fencing and identifying

what other equipment is occupying the machinery space. Also, the location of the disconnects as compared to where the proposed fence might be. The motion was seconded John O'Donoghue.

**Motion:** Cheryl Davis

**Seconded by:** John O'Donoghue

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

### **3. 33 Kingston Street – Boston, MA**

**State ID number: 1-P-4866**

**524 CMR 17.02**

**Petitioner: Pamela Mellor**

The petitioner came before the Board seeking an extension for the variance request to be heard at a later date. A motion was put forth by David Gaudet to postpone the variance request until DPS schedules the next availability. The motion was seconded by Harold McGonagle.

**Motion:** David Gaudet

**Seconded by:** Harold McGonagle

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

### **4. 759 Chestnut Street – Springfield, MA**

**State ID: 281-P-1329**

**524 CMR 2.10.1**

**Petitioner: Pierre Richard**

The petitioner came before the Board requesting a variance from an inspector's report citing 2.10.1 – "No guard between machine and hoistway". The passenger elevator was installed by Otis in November 4, 2015. The petitioner stated that the original Otis prints called for a grading between the machine and the hoistway. The petitioner stated he was told by Supervisor Walter Zalenski that only a State of Massachusetts licensed Elevator Mechanic is allowed in the machine room. The petitioner stated that there are only two machines in the machine room. A motion was put forth by Stephen Sampson to place the variance request on hold while Supervisor Walter Zalenski along with Inspector Roy Streeter go back to the unit above and address the cited violations. The motion was seconded by David Gaudet.

**Motion:** Stephen Sampson

**Seconded by:** David Gaudet

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

### **4. 52 Roland Street – Boston, MA**

**Decommissioned in 2013**

**524 CMR Section 35 3.18.3.8.3**

**Petitioner: Howard Clark**

The petitioner came before the Board requesting a variance to be allowed to install a flexible 40 MIL type jack liner. The petitioner stated that he would like to reactivate a decommissioned

elevator and the bringing the entire elevator up the most current code. The existing jack assembly was installed in approximately 1984 and is of the double bottom type as manufactured by CEMCO. The jack assembly is currently installed in an old water hydraulic jack casing and leaves no room for a schedule 40 PVC liner. The petitioner stated that the intention would be to pressure test the existing jack assembly and if they achieve successful results, leave the jack assembly in place. Should the jack assembly not successfully pass pressure testing, they will need to replace the jack assembly, thus requiring a variance. A motion was put forth by David Gaudet to grant if required, the petitioner may use hydraulic jack liner in lieu of the schedule 40 PVC liner and the petitioner will submit pressure test results to DPS. The Board's decision to grant the variance is due to the justification that the existing condition does not warrant adding PVC piping and if the jack is in fact double bottomed and meets the pressure tests, there is no need to replace it. Also, jack liners have been acceptable. The motion was seconded by Harold McGonagle.

**Motion:** David Gaudet

**Seconded by:** Harold McGonagle

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

**Matters not reasonably anticipated 48 hours in advance:**

**Exhibit List:**

Exhibit 1: Meeting minutes from December 6, 2016

Exhibit 2: Meeting minutes from December 20, 2016

Exhibit 3: Variance petition – 122 Longbeach Road – Rockport, MA

Exhibit 4: Variance petition – 800 Washington Street – Norwood, MA

Exhibit 5: Variance petition – 33 Kingston Street – Boston, MA

Exhibit 6: Variance petition – 759 Chestnut Street – Springfield, MA

Exhibit 7: Variance petition – 52 Roland Street – Boston, MA

**Motion to adjourn by:** Harold McGonagle

**Seconded by:** John O'Donoghue

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

Hearing Concluded at 3:45 p.m.

Prepared by: Ruthy Barros