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**Commonwealth of Massachusetts**  
**Division of Professional Licensure**  
**Office of Public Safety and Inspections**  
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UNDERSECRETARY OF  
CONSUMER AFFAIRS AND  
BUSINESS REGULATION

**CHARLES BORSTEL**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**Minutes**

**Board of Elevator Regulations**

**10:00 a.m. – 12:00 p.m. on the 13<sup>th</sup> Floor, Room 1301**

**1:00 p.m. – 4:00 p.m. on the 21<sup>st</sup> Floor, Conference Room #2**

**One Ashburton Place – Boston, MA 02108**

**May 2, 2017**

Board Members Present:

Stephen Sampson, Chairman  
David Gaudet  
David Morgan  
Cheryl Davis  
John O'Donoghue  
Brian Ronan

Guests Present:

Jeffery T. Gashlin (Wegmans Food Market)  
Nancy Gilbert (Jenkins and Huntington Inc.)  
Kevin Huntington (Jenkins and Huntington Inc.)  
Miguel Flores (North Shore Music Theatre)  
Kelly Reed III (North Shore Music Theatre)  
Andrea Hunt (Lerch Bates Inc.)  
Josh Gaiko (DC Beane and Associates)  
David Beane (DC Beane and  
Michael Doyle (Garaventa USA)  
Pia Bertelli (31 Locke Road – Resident)  
Deirdre-Ann Hosler (DPL)  
Stephen Carley (DPL)  
Ruthy Barros (DPL)

**1. Approval of meeting minutes from January 24, 2017**

A motion was made by David Morgan to accept the minutes as written. The motion was seconded by Cheryl Davis. **Vote: 5-0; Granted. John O'Donoghue abstained.**

2. **Approval of meeting minutes from January 31, 2017**

A motion was made by David Morgan to accept the minutes as written. The motion was seconded by John O'Donoghue. **Vote: 5-0; Granted. Brian Ronan abstained.**

3. **Approval of meeting minutes from February 21, 2017**

A motion was made by Cheryl Davis to accept the minutes as written. The motion was seconded by John O'Donoghue. **Vote: 6-0; Granted.**

4. **Approval of meeting minutes from March 7, 2017**

A motion was made by Cheryl Davis to accept the minutes as written. The motion was seconded by David Morgan. **Vote: 5-0; Granted. John O'Donoghue abstained.**

Meeting minutes from March 21, 2017 and March 28, 2017 were not available for the Board to review.

5. **Final approval for variances**

The Board discussed variances listed in agenda item # 9 that were approved by the Chief of Elevator Inspections. A motion was made by David Gaudet to accept the variances outlined in agenda item #9. The motion was seconded by David Morgan. **Vote: 6-0; Granted.** The Board also decided that a variance from 524 CMR Section 35 A17.1-1996 Part XX 2000.7(a) – Limitations of Load Speed and Travel, of a travel height of up to 14ft would thereafter be allowed as of right, and all variance requests limited solely to that provision may be approved by the Chairman without the necessity of a hearing. However, those approvals must go on the next available Board agenda for the Board's information. The Board requested that the Office of Public Safety and Inspections send out a Constant Contact and post to the Office of Public Safety and Inspections website, notifying the public of its new process with respect to allowing the 14ft travel distance.

## 6. **Code Review**

The Board reviewed and discussed 524 CMR Section 8.1.3 – Group 1, 2, and 3, regarding the general requirements. The Board suggested amendments to Section 8.1. The Board then went on to discuss the regulation of Limited Use Limited Application (LULA) elevators, specifically the requirements of having Phase 1/Phase 2. Lastly, the Board discussed Section 5.10 (2) – Overhead protection.

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

#### 1. **17 Douglas Road – Northbridge, MA**

**State ID: 216-P-4**

**524 CMR Section 17.39**

**Petitioner: Shamont Mazyck**

Petitioner was scheduled to appear, but was not present, therefore the Board did not review the petitioner's request and the case will be continued.

#### 2. **1245 Worcester Street – Natick, MA**

**New Installation**

**524 CMR Section 35 3.7.1 (c)**

**Petitioner: Chris Jendrick**

The petitioner came before the Board seeking a variance for a new installation of freight elevators exceeding the allowable distance from the hoistway to the machine room. The petitioner stated that the proposed distance from the machine room wall to the freight elevator shaft wall is 18'-10". The petitioner stated that there are several existing structural site constraints. A motion was made by David Morgan to grant the variance under the conditions that two-way communication goes from the machine room to the car top and proper signage be posted in the machine room notifying licensed personnel that the machine room is 8'-10" away from the hoistway, with the justification being that the existing conditions prohibit a machine room from being any closer. The motion was seconded by Cheryl Davis.

**Motion:** David Morgan

**Seconded:** Cheryl Davis

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

3. **62 Dunham Road – Beverly, MA**

**State ID: 1-P-6213**

**524 Sections 29.03, 29.04, 29.10, 8.06 and 1.09**

**Petitioner: Miguel Flores**

The petitioner came before the Board seeking an interpretation on a stage device that was installed in the North Shore Music Theatre in 2005 and has been in service since that time. The unit is used to lift people and props. The petitioner stated the will have a gate system installed around 3 sides of the lift. The petitioner requested a variance from the following: **1.** No pit under the car, **2.** Distance from machine room to hoistway (85'), **3.** The stage lift's maximum load is 4000lbs, **4.** There is less than 24 inches of clearance in the machine room when the mobile pump is in the machine room, **5.** Disconnect switch is 18", and **6.** Being allowed to continue daily and weekly maintenance of the lift, other than a licensed Elevator Mechanic. A motion was made by Cheryl Davis to grant the variance from 524 CMR Sections 29.03, 29.04, 29.10 and 8.06, under the conditions that the unit be registered with the Office of Public Safety and Inspection as a stage lift, the hoistway underneath the car will be protected when the lift is in the stage position and additional pins be installed on the rails to hold the lift at approximately 5' above the floor. Additionally the petitioner must have a lockable disconnect installed adjacent to that controller and install an intercom system from the pump room to the controller. The justification to grant a variance from 524 CMR Sections 29.03, 29.04, 29.10 and 8.06, is due to the existing conditions and when the unit was installed the owner was unaware that there are code requirements. As for the petitioner's request for a variance from 524 CMR Section 1.09, Cheryl Davis motioned to deny the variance. The motions were seconded by David Morgan.

**Motion:** Cheryl Davis

**Seconded:** David Morgan

**Vote: 6-0; Granted 524 CMR Sections 29.03, 29.04, 29.10 and 8.06. Denied 524 CMR Section 1.09**

6. **31 Locke Road – Newton, MA**

**State ID: 207-W-17124**

**ASME A17.1 – 1996 Part XXI**

**Petitioner: Josh Gaiko**

The petitioner came before the Board seeking a variance from the required headroom clearance for a private residential vertical wheelchair lift. The petitioner stated the homeowner has been confined to a wheelchair lift and the installation of the wheelchair lift will allow the owner to remain at home. The lift is being installed at the rear of the dwelling allowing direct access from the master bedroom to the living room, which will allow horizontal travel to the rest of the house. The home is a historical house with a slate roof built in 1923. The top of the shaft ends at the roof line of the existing slate roof allowing for continued roof drainage. This however reduces the headroom clearance to approximately 75". A motion was made by David Gaudet to grant the variance based on the existing conditions and limitations due to the historic classification of the home, for 75", with front and rear signage stating, "Caution low overhead". The motion was seconded by David Morgan.

**Motion:** David Gaudet

**Seconded:** David Morgan

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

**Complaint against Keystone Elevator Service and Modernization LLC**

The Board along with legal counsel reviewed an Elevator Contractor complaint form in regards to multiple complaints against Keystone Elevator Service and Modernization LLC. The complaint form references three separate addresses, in which Keystone Elevator Service and Modernization LLC, provided documentation (Elevator Work Order Notice of Competition) to the Department of Public Safety, stating that the work noted on each 60 Day violation was completed. On separate occasions, compliance visits were made to the three addresses, and it was found that the work listed as completed by a licensed elevator mechanic from Keystone Elevator Service and Modernization LLC, had not been completed. The Board requested that the Office of Public Safety and Inspections – Elevator Division, provide the Board with data containing registered Elevator Contractors who have submitted Work Order Notice of Competitions and have had

follow-up compliance visits. A motion was put forth by Cheryl Davis to schedule a disciplinary hearing for Keystone Elevator Service and Modernization LLC, based on the complaint that was filed. The motion was seconded by John O'Donoghue. **Vote: 6-0.**

**Exhibit List:**

- Exhibit 1: Meeting minutes from January 24, 2017
- Exhibit 2: Meeting minutes from January 31, 2017
- Exhibit 3: Meeting minutes from February 21, 2017
- Exhibit 4: Meeting minutes from March 7, 2017
- Exhibit 5: Variance petition – 17 Douglas Road – Northbridge, MA
- Exhibit 6: Variance petition – 1245 Worcester Street – Natick, MA
- Exhibit 7: Variance petition – 62 Dunham Road – Beverly, MA
- Exhibit 8: Variance petition – 31 Locke Road – Newton, MA
- Exhibit 9: Variance petition – Elevator Contractor Complaint – Keystone Elevator Service and Modernization LLC

**Motion to Adjourn:** David Morgan

**Seconded:** John O'Donoghue

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

Hearing concluded at 3:44 p.m.

Prepared by: Ruthy Barros