



The Commonwealth of Massachusetts Department of Public Safety

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Commissioner

Board of Elevator Regulations – Hearing Minutes – October 1, 2013

This meeting was held in accordance with G. L. c. 30A, §§18-25, the Open Meeting Law

Present:

Walter Zalenski, Chair

Cheri Davis, Member

John O’Donoghue, Member

Kevin McGettigan, Member - arrived after 1st petition was heard

David Gaudet, Member

Deidre Hosler, Legal Counsel

Thomas Riley, Member

Michael Nicoloro, Member

Susan Genduso, DPS

Absent:

Harold McGonagle, Member

Meeting is called to order and board members are introduced by Walter Zalenski – a quorum is present

Petitions Heard:

I. 10 Main Street, Fitchburg – 97-F-72 – 524 CMR - 2012, 17.41-17.49

Owner: Micron Products Inc., 25 Sawyer Pass Way, Fitchburg, MA 01420

Petitioner: Mark J. Lalancette, Micron Products, Inc.

Petitioner is seeking a variance from 524 CMR - 2012, 17.41 thru 17.49 to convert a Chapter 288 Freight Elevator to a Vertical Reciprocating Conveyer. A motion has been put forth by David Gaudet to grant the variance to allow the conversion of the elevator to a VRC with the *provisions that the freight elevator is not used until the conversion is complete and that the conversion must be completed by April 1, 2014.

Motioned by: David Gaudet

Seconded by: Thomas Riley

Vote: 5-1 variance granted with* provisions - Absent: Kevin McGettigan

Opposed by: Walter Zalenski

II. 7 North Main Street, Attleboro - 17-P-40 – 524 CMR - 2012, 8.06, ASME

Owner: 4 Park Street, LLC, 300 West Street, Mansfield, MA 02048

Petitioner: Daniel Mansolillo, Mansolillo & Co. Property Mngmt. (no longer affiliated with building)

Petitioner is seeking relief from inspectors report dated June 13, 2013 citing ropes and rope knots that do not conform to elevator manufacturer design standards. DPS records indicate that this repair was made and the DPS order was abated on September 11, 2013 and that the ropes and rope knots now conform to manufacturer design standards. Cheri Davis advised owner to verify that current DPS certificate is posted in the elevator. A motion was put forth by Kevin McGettigan to accept the DPS abatement and dismiss the variance.

Motioned by: Kevin McGettigan

Seconded by: Michael Nicoloro

Vote: 7-0 variance dismissed

III. 3 Washington Square, Haverhill – 128-P-165 – 524 CMR - 2012 § 17.02 (12) and 17.13 (8)

Owner: Mark J. Warner, Witmer, Karp, Warner & Ryan, LLP, 22 Batterymarch St. Boston 02109

Petitioner: Mark J. Warner, Trustee, Witmer, Karp, Warner & Ryan LLP

Petitioner is seeking relief from an inspector's report dated May 10, 2013 citing that all overhead machinery and sheaves shall be supported on steel beams, not on existing wood beams, and that all wood in the machine room must be fire rated. The building's maintenance manager explained that although there is a wooden "blocker" beam between the masonry wall and the steel beams, it is the steel that is carrying the load of the elevator not the wooden beam. A motion has been put forth by Kevin McGettigan to put the variance on hold for one month to allow the petitioner time to attain a stamped and signed report from a License Massachusetts Engineer verifying the physical viability of the wood and that the wood beam can carry the load of the elevator. Pending the submission and acceptance of the engineers report, the BER will vote on the fire rating of the machine room. Petitioner must request that their elevator maintenance company submit a request for a 90 day extension to the DPS inspection certificate.

Motioned by: Kevin McGettigan

Seconded by: John O'Donoghue

Vote: 7-0 variance on hold

IV. 3 West Hill Place, Boston – 524 CMR - 2012, 3.7.2

Owner: James Besser, 3 West Hill Place, Boston, MA 02114

Petitioner: Marcel Valliere, 49 West Meadow Road, Rockland, ME 04841

Petitioner is seeking a variance from 524 CMR - 2012, 3.7.2, clearance around hydraulic machines. The elevator does not meet the minimum clearance requirement on one side and the petitioner is asking that the subsequent requirement for the installation of an oil cooler be waived. This is a commercial elevator being installed in a residence that will serve only this unit and not be accessible by the other unit in the building. A motion is put forth by John O'Donoghue to grant the variance with the *provision that proper signage is installed on overhead for "low overhead".

Motioned by: John O'Donoghue

Seconded by: Kevin McGettigan

Vote: 7-0 variance granted with *provision

V. 1201, 1202, 1203, 1204, 1205, 1206 and 1207 Hewitts Landing, Hingham Shipyard, Hingham – 524 CMR - 2012, Section 35, 2.7.1.2.1

Owner: Jed Lowry, Lennar Hingham Holdings, LLC, 100 USS Amesbury Dr., Hingham, MA 02043

Petitioner: Brian Lake, Accessibility for New England, 328 Province Road, Strafford, NH 03884

Petitioner is seeking a variance from 524 CMR - 2012, Section 35, 2.7.1.2.1, low headroom in machine room; the seven units listed do not meet the minimum clear headroom of 7 feet. One unit is 72", two are 82" and four are 75". A motion has been put forth by Kevin McGettigan to grant the variance with the *provision that proper signage is installed on door for "low overhead".

Motioned by: Kevin McGettigan

Seconded by Thomas Riley

Vote: 7-0 variance granted with *provision

Variance Review: Items 1 - 7 were heard by the BER on September 24, 2013 when there was no quorum.

1. 76 Webster Street, Worcester – 348-F-1690 - 524 CMR - 2012, 17.41 thru 17.49

Owner: Gordon Realty Corporation, 76 Webster Street, Worcester, MA 01603

Petitioner: Melvin P. Gordon, President, Gordon Realty Corporation

Petitioner is seeking a variance from 524 CMR - 2012, 17.41 thru 17.49 to reclassify a Chapter 288 Freight Elevator as a Vertical Reciprocating Conveyer. The petition for variance was received prior to the July 31, 2013 deadline for reclassifying freight elevators. A recommendation has been made by Kevin McGettigan to grant the variance to reclassify the elevator as a VRC.

Recommended by: Kevin McGettigan

Seconded by: David Gaudet

Vote: 6 – 1 variance granted

Opposed by: Walter Zalenski

2. 210 Station Avenue, South Yarmouth (Football Press Box) - A17.1-1996, Part 20, Rule 2007.a

Owner: Larry Azer, Dennis Yarmouth Reg. HS, 210 Station Ave. So. Yarmouth, MA 02664

Petitioner: Linda Buckley, Buckley Elevator

Petitioner is seeking a variance from A17.1-1996 Part 20, Rule 2007.a, to install a wheelchair lift with a total travel distance of 12'4". A recommendation has been made by David Gaudet to grant the variance to allow the installation of a wheelchair lift with a total travel distance not to exceed 12' 4".

Recommendation by: David Gaudet

Seconded by: Thomas Riley

Vote: 6-1 variance granted

Opposed by: Kevin McGettigan

3. 40 Union Street, Holbrook – A17.1-1996, Part 20, Rule 2007.a

Owner: RAC Enterprises, 40 Union Street, Holbrook, MA 02343

Petitioner: Peter M. Wallack, Delta Beckwith Elevator Company

Petitioner is seeking a variance from A17.1-1996 Part 20, Rule 2007.a, to install a wheelchair lift with a total travel distance of 13' 3". A motion has been put forth by Kevin McGettigan to put on hold until the installation is approved by the Architectural Access Board.

Motion by: Kevin McGettigan

Seconded by: Cheri Davis

Vote: 7-0 variance "on hold"

4. 625 County St., Somerset, 273-P-56 and 273-P-57 – A17.1-2004, Section 2.15.9.2 and Section 2.19.2.2.b

Owner: Somerset Berkley Regional High School, 625 County Street, Somerset, MA 02725

Petitioner: Denise Cromwell, Delta Beckwith Elevator Company

Petitioner is seeking variances from A17.1-2004, Sections 2.15.9.2 and 2.19.2.2.b to allow the installations of two G2S 150/250 & 350 Machine Room Less Elevators with 48" deep pit and a reduced 36" car apron. A recommendation has been made by Thomas Riley to grant the variances to allow the pit depth of 48" and require the installation of a code approved device to prevent unintended car movement with the *provision that the Board approves the installation of prototype GeN2S Elevators.

Recommended by: Thomas Riley

Seconded by: David Gaudet

Vote: 7-0 variance granted with* provision

5. Locations a. through g. (listed below) - 524 CMR – 2012 - Prototype Gen2S Elevator

Petitioner: Peter Wallack, Delta Beckwith Elevator

a. 500 Walden Street, Concord – Car #1

b. 500 Walden Street, Concord – Car #2

c. 1 Main Street, Upton

d. 525 Huntington Avenue, Boston – Car #1

- e. 525 Huntington Avenue, Boston – Car #2
- f. 625 Country Street, Somerset – 273-P-56
- g. 625 Country Street, Somerset – 273-P-57

Petitioner is seeking variances to install prototype Gen2S 150/200 & 350 Machine Room Less Elevators in locations listed above. A letter will be sent by the Board to each location citing the specific codes for which each unit varies from the code. A motion has been put forth by Kevin McGettigan to grant the variance as requested.

Motioned by: Kevin McGettigan
 Seconded by: Cheri Davis
 Vote: 6-0 variance granted
 Abstained: David Gaudet

6. Locations a. through c. (listed below) - 524 CMR – 2012, 35.00 2.7.2.2./2.2.2.2. and A17.1-2004 2.20.4

Petitioner: Britaney Tyler, ThyssenKrupp Elevator

- a. 88 Lincoln Street, Brockton
- b. 616 East Fourth Street, South Boston
- c. 8 Fenway, Boston

Petitioner is seeking variances from 524 CMR – 2012, 35.00 2.7.2.2./2.2.2.2 and A17.1-2004 2.20 to install Synergy 85S Elevators with 18” clearance all sides and 6” governor clearance and 8mm ropes in locations listed above. A letter will be sent by the Board to each location citing the specific codes for which each unit varies from the code. A motion has been put forth by Kevin McGettigan to grant the variance as requested.

Motioned by: Kevin McGettigan
 Seconded by: Michael Nicoloro
 Vote: 6-0 to grant variance
 Abstained: Cheri Davis

7. Locations a. through d. (listed below) - 524 CMR – 2012, 35.00 2.7.2.2./2.2.2.2.

Petitioner: Britaney Tyler, Thyssen Krupp Elevator

- a. Seaport Boulevard, Boston – Elevator #1
- b. Seaport Boulevard, Boston – Elevator #2
- c. Seaport Boulevard, Boston – Elevator #3
- d. Seaport Boulevard, Boston – Elevator #4

Petitioner is seeking variances from 524 CMR – 2012, 35.00 2.7.2.2./2.2.2.2 to install Synergy 300 E Elevators with 18” clearance all sides and 6” governor clearance in locations listed above. A letter will be sent by the Board to each location citing the specific codes for which each unit varies from the code. A motion has been put forth by Kevin McGettigan to grant the variance as requested.

Motioned by: Kevin McGettigan
 Seconded by: Thomas Riley
 Vote: 6-0 to grant variance
 Abstained: Cheri Davis

Minutes:

- Review of Minutes of September 17, 2013, no discussion
 Motion by: David Gaudet to accept minutes as read
 Seconded by: Cheri Davis
 Vote: 7-0 minutes accepted

- Review of Minutes of September 24, 2013
Motion by: David Gaudet to accept minutes as read with revisions to Item #5. The word EcoSpace shall be changed to Gen2S, and in (e) car #1 shall be changed to car #2
Seconded by: John O'Donoghue
Vote: 6-1
Abstained: Kevin McGettigan

New Business:

a. Amended variance procedures – Revised

Deirdre Hosler reviewed the Department's revised variance procedures for site specific versus prototype variance requests and requested that the Board vote on their acceptance. These (revised) amended procedures are included with the BER Minutes from September 24, 2013. A motion was put forth by Kevin McGettigan to approve the intent of the amended variance procedures with the provision that the Department clarifies the language about manufacturing changes to approved prototype models.

Motion by: Kevin McGettigan to approve procedures

Seconded by: John O'Donoghue

Vote: 7-0 amended variance procedures approved

b. Proposed Bills under Legislative review

Kevin McGettigan requested that the BER review and give their opinion of bills currently under review by the Massachusetts Legislature that may affect elevator safety. He will distribute copies of proposed legislation to Board Members.

Exhibit List:

Exhibit A: Variance petition packet for – 76 Webster Street, Worcester – 348-F-1690

Exhibit B: Variance petition packet for – 210 Station Avenue, South Yarmouth

Exhibit C: Variance petition packet for – 40 Union Street, Holbrook

Exhibit D: Variance petition packet for – 625 County Street, Somerset – Cars #1 and #2

Exhibit E: Variance petition packets for #5 (a) through (g) above

Exhibit F: Variance petition packets for #6 (a) through (c) above

Exhibit G: Variance petition packets for #7 (a) through (d) above

Exhibit H: Variance petition packet for – 10 Main Street, Fitchburg – 97-F-72

Exhibit I: Variance petition packet for – 7 North Main Street, Attleboro – 17-P-40

Exhibit J: Variance petition packet for – 3 West Hill Place, Boston

Exhibit K: Variance petition packet for – 1201, 1202, 1203, 1204, 1205, 1206, 1207 Hewitts Landing, Hingham

A motion was put forth to adjourn the meeting by Kevin McGettigan, motion seconded by Michael Nicoloro, all in favor.

Prepared by: Susan Genduso
October 3, 2013