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**Commonwealth of Massachusetts
Division of Occupational Licensure**

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Minutes

**Meeting of the
Board of Elevator Regulations
August 2, 2022 at 1:00 p.m.**

**1000 Washington Street
Boston, MA 02118
1st Floor – Room 1D**

Board Members Present:

Eric Morse, Acting Chair
David Gaudet
Brian Ronan
Thomas McDermott
Christopher Towski
Neil Mullane

Division of Occupational Licensure Staff:

Peter Kelley

Board Members Absent:

David Morgan

Guests Present:

Andrew Howard
Father Joseph Kimmett
Jack O'Riley
Jeremy Souza, P.E.
Christopher Grossman
Anil Kaan Kurtay

Call to Order 12:58 pm:

- 1. 601 Sherman Street – Canton, MA [Exhibit 1]
State ID: 50-P-43**

524 CMR Section 2.8.3.3

Petitioner: Karen Wadlow

The petitioner was requesting a variance to install sprinklers in the elevator mechanical rooms and shafts. The above listed address is a Medicare certified skilled nursing facility, which is subject to Federal Life Safety regulations at 42 CFR 483.90 and is facing enforcement action due to the lack of a sprinkler in the machine room. These regulations require buildings to be fully sprinklered and the above facility has been cited by the Centers for Medicare and Medical Services (CMS), due to the lack of sprinkler coverage in its elevator machine room. Royal Health Group faces a deadline of June 3, 2021, for denial of payment for new admissions with a possible termination date of September 3, 2021. A motion was made by Thomas McDermott to grant the variance request with the justification being hardship resulting from the withholding of federal funding due to an inspection by the Centers for Medicare & Medicaid Services (CMS) for non-compliance with NFPA 13 – 1999 Edition of the Standard for the Installation of Sprinkler Systems. Specifically, that sprinklers are not installed in the elevator machine room, hoistway and pits. Applicable conditions will be set forth. The motion was seconded by Christopher Towski.

Motion: Thomas McDermott

Seconded: Christopher Towski

Vote: 6-0; Granted.

Roll Call Vote:

- | | | |
|----------------------|---|------------------------------|
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Neil Mullane | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Thomas McDermott | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

2. 6 Atwood Avenue, Norwood [Exhibit 2]

New Installation

524 CMR

Petitioner: Andrew Howard

The petitioner appeared before the variance to allow construction of elevator without recall. Total travel is about 11' (4' to basement and 7' to first and only level). NFPA 72 6.15.3. The petitioner stated the church began adding an addition to the existing structure in November 2021 and it was known that the church would have to be made accessible for everyone. The addition is on the backside of the building and measures approximately 17' wide by 40' length. The new main entrance allows immediate access to the ground level stop of the

elevator, which is 5’ from the doors. On the left, there is a set of stairs going up 80” to the first and only level of the church. On the right, there is a set of stairs going down 48” to the basement level. The basement level has immediate access to the church hall of which the walls are constructed of 12” brick. The petitioner testified that both the main church and hall have exists on the far side of the building, should there ever be a fire. Another issue the petitioner mentioned to the Board is the heavy use of incense, which might cause the set off of the smoke detectors regularly (Board addressed issue of smoke detectors or another device if smoke detectors are not usable as dicta to the variance request). The petitioner also stated the cost to add Phase I from his electrician was \$5,000. A motion was made by Eric Morse to deny the petitioner’s request with the justification being the requirement for fire recall is a necessity as public safety matter. The motion was seconded by Christopher Towski.

Motion: Eric Morse
Seconded: Christopher Towski
Vote: 6-0; Denied.

Roll Call Vote:

- | | | |
|----------------------|---|------------------------------|
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Neil Mullane | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Thomas McDermott | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

3. Interpretation [Exhibit 3 and 3A]

524 CMR 35.00 Section 2.27.3.2

Petitioner: Jeremy Souza, P.E.

The petitioner appeared before the Board seeking an interpretation of 524 CMR 35.00 Section 2.27.3.2 – Phase I Emergency Recall Operation by Fire Alarm Initiating Devices.

The petitioner proposed two questions to the Board:

1. Can smoke detectors that will be impaired due to construction activities (producing dust, changing ambient temperatures or other conditions that do not permit use of smoke detection) taking place in or near an elevator lobby be replaced with heat detectors for elevator recall purposes, in accordance with A17.1 Section 2.27.3.2.1 (other automatic fire detectors in environments not suitable for smoke detectors), for the duration of the construction activity?

2. Is a permit or other authorization required from the BER or an elevator inspector, in addition to the permits from the head of the fire department and/or building official, to impair or alter an elevator recall smoke detector?

A motion was made by Eric Morse for an official interpretation to the two questions posed by petitioner. For question 1) Applicability of the fire alarm initiating device, whether it is a smoke or a heat detecting device, is not a part of 524 CMR. The code allows for different types of detectors based on whatever the environment and conditions are, and 2) A change in the type of device, will require a permit to be applied for and an inspection from the Elevator Department pursuant to 524 Code Mass. Regs. § 10.03(1)(b). The motion was seconded by Christopher Towski.

Motion: Eric Morse
Seconded: Christopher Towski
Vote: 6-0; Granted.

Roll Call Vote:

- | | | |
|----------------------|---|------------------------------|
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Neil Mullane | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Thomas McDermott | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

4. **7 Curtis Street, Boston [Exhibit 4]**

New Installation

524R Section 26.11

Petitioner: Christopher Grossmann

Mr. Brian Ronan took no part in the discussion of or deliberation upon this matter

The petitioner originally appeared before the Board on May 17, 2022, seeking a variance from Section 26.11 – Car Enclosures and Car Gates. This is a new installation of a semi-automatic puzzle system consisting of 2 levels and 11 parking spaces. The case was placed on hold for 60 days, to allow the petitioner time to review A17.1 and to ensure that the gates meet that code and review other possible code discrepancies. The petitioner presented additional drawings, plans and sliding door specifications. A motion was made by Neil Mullane to grant the variance request with the justification that safety is being met through door system electric rays and side sensors on the platform. The motion was seconded by Thomas McDermott.

Motion: Neil Mullane
Seconded: Thomas McDermott

Vote: 3-1; Granted. David Gaudet abstained and Christopher Towski denied.

Roll Call Vote:

- | | | |
|----------------------|---|---|
| • David Gaudet | Abstained | |
| • Christopher Towski | <input type="checkbox"/> yea | <input checked="" type="checkbox"/> nay |
| • Brian Ronan | Recused | |
| • Neil Mullane | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Thomas McDermott | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

Motion to Adjourn: Christopher Towski

Seconded: Thomas McDermott

Vote: 5-0; Adjourned. Neil Mullane was not present during voting.

Hearing concluded at 3:40 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 601 Sherman Street, Canton
- Exhibit 2: Variance packet for 6 Atwood Avenue, Norwood
- Exhibit 3: Variance packet for Interpretation of 524 CMR 35.00 Section 2.27.3.2
- Exhibit 3A: Code references
- Exhibit 4: Variance packet for 7 Curtis Street, Boston