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Minutes

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

Microsoft Teams meeting

Board Members Present:

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

Division of Occupational Licensure Staff:

Peter Kelley
Ruthy Barros

Guests Present:

Jerry Mayse
David Rosenzweig
Tom Saltsman
Jake Schirmer
Kevin Swansen
Ryan Astrup
AJ Jenkins
Patrick Flaherty
Tara Grosman
Michael O'Bryan
Maria Bauza

Call to Order: 1:15 p.m.

The Board discussed the following:

1. The Board continued discussion regarding a possible safety/code issue for emergency services utilizing Fireman's Service Phase II. Mr. Morse will make the suggested revisions and each member will review the document **[Exhibit 1]** and reply to counsel with modifications. The approved document will be sent out in a mass email to all interested parties.

2. **40 Martin Street, Melrose [Exhibit 2]**
State ID: 178-P-59
524 CMR 2018 35:00 §2.8.3.3
Petitioner: Matthew Galezowski

The petitioner's representative was previously in front of the Board on January 18, 2022, seeking a variance from 524 CMR 35:00 §2.8.3.3, to install sprinklers in the elevator shafts and control rooms, to comply with CMS mandate and avoid denial of payment for admissions. On October 7, 2021, the Department of Public Health, Division of Health Care Facility Licensure and Certification completed a survey of Melrose Healthcare and concluded that they will be recommending to the Centers for Medicare and Medicaid Services (CMS) that Melrose Healthcare's participation in the Medicaid and Medicare programs will be terminated on May 5, 2022, unless the facility has achieved substantial compliance by December 20, 2021. The petitioner's representative stated that CMS has not issued a violation at this time and did not present any information that supported the claim that sprinklers were required. A motion was made by Christopher Towski to continue the case and request CMS documentation of violation and corrective action plan that sprinklers must be installed to remain compliant. The motion was seconded by Thomas McDermott.

Motion: Christopher Towski

Seconded: Thomas McDermott

Vote: 7-0; Placed on hold.

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<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
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

3. **20 Crowninshield Road, Marblehead [Exhibit 3]**

New Installation

ASME A17.1-2013 Section 5.3.1.10.1

Petitioner: David Rosenzweig

The petitioner was in front of the Board seeking a variance from ASME A17.1-2013 Section 5.3.1.10.1 – Capacity. The petitioner stated that the above address is an existing dwelling where a minor with a medical condition resides, and larger elevator platform would aid in ensuring the minor could go from floor to floor safely. The proposed platform size is 40”x57.5” (15.97sq. ft.) with a 61” hoistway and capacity of 1,000 lb. Mr. Swansen explained the elevator dimensions and construction specifications. The owner was advised of the condition of inspections for residential units in the Commonwealth and the need for elevator maintenance by an elevator contractor. A motion was made by Christopher Towski granting the petitioner’s variance request, with the justification being that the petitioner has shown hardship and the unit meets manufacturer specifications for safety. The motion was seconded by David Morgan. Mr. Morgan requested that the petitioner provide the Board with the manufacturer’s specifications.

Motion: Christopher Towski

Seconded: David Morgan

Vote: 7-0; Granted.

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<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
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Eric Morse recused himself from the below hearings and David Morgan took over the Acting Chair responsibilities.

4. **3-5 South Whitney Street, Boston [Exhibit 4]**

New Installation

524 CMR §26.07

Petitioner: Tara Grosman

The petitioner’s representative was previously in front of the Board on October 19, 2021, seeking a variance from 524 CMR §26.07 – Protection at Other Levels, in order to install a 5 car semi-automated lift slide system. The petitioner’s representative stated that the be

beneficial to elderly family members with mobility issues. The petitioner also ensured the Board that the elevator will not go to the roof and the roof deck will remain a walk up. The petitioner's representative stated that the Park Plus machine will not have dividers or ropes 42" high between parking cubicles. Operation of the system would be impossible if dividers were installed between parking cubicles. Pit access is by hatch and ladder in the system and the unit will be located under the structure with full size gates. Mr. Morgan recommended adding a detection system between pallets with an electronic sensor. The petitioner's representative stated a sensor will be added from front to back at 42 inches to replace the gate and there will never be an open pallet on grade level. The petitioner's representative confirmed that the elevator meets all other codes. A motion was made by Neil Mullane to grant the variance as requested conditional upon final inspection and site visit for code compliance. The motion was seconded by Thomas McDermott.

Motion: Neil Mullane

Seconded: Thomas McDermott

Vote: 4-2; Granted. Christopher Towski and David Morgan were in opposition.

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input type="checkbox"/> yea	<input checked="" 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
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input type="checkbox"/> yea	<input checked="" type="checkbox"/> nay

5. **235 Old Colony Avenue, Boston [Exhibit 5]**

New Installation

524 CMR §26.07

Petitioner: Ryan Astrup

The petitioner was in front of the Board on November 16, 2021 seeking a variance for 524 CMR §26.07 – Protecting at Other Levels. The petitioner's representative stated that Park Plus will not have dividers or ropes 42 inches high between parking cubicles. Operation of the system would be impossible if dividers were installed between parking cubicles and are proposing sensors in lieu of the 42" guard rail. The proposed 48 car semi-automated lift slide system 21HD will be installed in part of the Washington Village project, which will consist of 214 residential units, 20,000 sq. ft. of retail space and 50 parking spaces, two of which will be ADA spaces. The petitioner's representative stated that there will be two sensors located at outer face and inner face, and if the gate comes down and strikes an object, the system will stop. A motion was made by Neil Mullane to

grant the variance as requested conditional upon final inspection and site visit for code compliance. The motion was seconded by Thomas McDermott.

Motion: Neil Mullane

Seconded: Thomas McDermott

Vote: 4-2; Granted. Christopher Towski and David Morgan were in opposition.

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<input type="checkbox"/> yea	<input checked="" 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
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input type="checkbox"/> yea	<input checked="" type="checkbox"/> nay

Motion to Adjourn: Christopher Towski

Seconded: Neil Mullane

Vote: 6-0; Adjourned. Eric Morse was not present.

Hearing concluded at 4:05 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Draft letter regarding a possible safety/code issue for emergency services utilizing Fireman's Service Phase II
- Exhibit 2: Variance packet for 40 Martin Street, Melrose, MA
- Exhibit 3: Variance packet for 20 Crowninshield Road, Marblehead
- Exhibit 4: Variance packet for 3-5 South Whitney Street, Boston
- Exhibit 5: Variance packet for 235 Old Colony Avenue, Boston