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Division of Professional Licensure**

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Minutes

**Meeting of the
Board of Elevator Regulations
August 10, 2021 at 1:00 p.m.**

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

Board Members Present:

Eric Morse, Acting Chairman
Christopher Towski
David Gaudet
Neil Mullane
Sarah Wilkinson
Brian Ronan
David Morgan

Division of Professional Licensure Staff:

Peter M. Kelley
Ruthy Barros

Guests Present:

Gary West
Nurit Zuker
Charles Floyd
Thomas Rogg
Jefferey Ganem
Jason Tellier
Kyle Miller

The Board discussed the following:

- 1. 1 Broadway – Cambridge [Exhibit 1]
State IDs: 49-P-130 and 49-P-131**

The petitioner submitted a withdrawal request to the Board. A motion was made by David Morgan to accept the petitioner's request. The motion was seconded by Christopher Towski.

Motion: David Morgan

Seconded: Christopher Towski

Vote: 6-0; Withdrawn. Brian Ronan was not present.

2. **264 Huntington Avenue – Boston, MA [Exhibit 2]**

New Installation

524 CMR 35.00, ASME A17.1-2013 §3.4.1.1, §3.4.1.3. §3.4.1.6, §2.15.9.2, §2.15.9.2(b), and §2.4.7.1.

Petitioner: Gary West

The petitioner was previously in front of the Board on June 14, 2021 seeking a variance from 524 CMR 35.00 – Shallow Pit Variance, ASME A17.1-2013 – Bottom and Top Clearances and Runbys for Car and Counterweights: §3.4.1.1, §3.4.1.3. §3.4.1.6, Car Frames and Platforms: §2.15.9.2, §2.15.9.2(b), and Top of Car Clearances: §2.4.7.1. The petitioner's request is to utilize a shallow pit and limited overhead elevator because a traditional elevator would impart major impacts on the historic building structure. At the hearing the Board requested additional clarification regarding a more extensive site drawing showing the location of the elevator within the theater in the reasons the elevator needs to be located as explained. The petitioner's representative went on to discuss specific structural reasons making the shallow pit necessary and provided the Board with drawings illustrating the proposed elevated location and the foundation plan. The petitioner described the structural impact/hardship of utilizing a traditional depth pit in lieu of the currently designed and detailed shallower pit. Mr. Morgan moved to exit open session and to enter into closed session, for the purposes of conducting an adjudicatory conference, pursuant to G. L. c. 30A, § 18, ¶ 5(d), in order to deliberate on this matter.

The motion was seconded by Brian Ronan. **Vote: 7-0; Enter into closed session.**

A motion was put forth by David Morgan to exit closed session and to enter open session.

The motion was seconded by Neil Mullane. **Vote: 7-0; Move back into open session.**

A motion was made by David Morgan to grant a variance from 524CMR 35:00 Sections 2.15.9.2, 3.4.1.1, 3.4.1.6, 3.4.4, 3.4.7, 2.4.7, contingent on providing the Board with a structural engineer stamped letter describing the soil, piles, and technical aspect of the project. The justification being that due to the existing foundation conditions and the historical significance of the building, compliance with the above codes imposed an

undue hardship on the owners. The Board will allow the installation of Gillespie's shallow pit and low overhead safety system inclusive of pit sensor pads and car top sensor screen devices, and the petitioner must install signage in the pit, car top and machine room indicating both low overhead and shallow pit conditions. The motion was seconded by Brian Ronan.

Motion: David Morgan

Seconded: Brian Ronan

Vote: 7-0; Granted.

3. **52 Dunham Road – Beverly, MA [Exhibit 3]**
State ID(s): 31-P-20740; 31-P-20742; 31-P-20743
524 CMR
Petitioner: Jason Tellier

The petitioner was in front of the Board seeking a variance for new installation permits that have expired. The petitioner stated that the permits for all three units listed above were issued on November 26, 2019, and the permits are currently expired and is requesting an extension on the expired permits. The petitioner's representative stated that the elevator work was completed in November of 2020, but the building construction is still ongoing. TK Elevator Corporation was unaware of the expiration date and the petitioner testified that the elevators have not been used or worked on and is locked out since the permit expiration date. The Board reiterated to the petitioner 524 CMR Section 1.08 (6) – Expiration: Work authorized by a permit shall be completed within 365 days of permit issuance. A motion was made by David Morgan to grant the petitioner's request based on the testimony that the elevator is not being used, and has been locked out and tagged since the permits have expired. TK Elevator Corporation will apply for an extension and a fee of \$80 will be charged for each unit to extend the expiration date on the current expired permits. The motion was seconded by Sarah Wilkinson.

Motion: David Morgan

Seconded: Sarah Wilkinson

Vote: 7-0; Granted.

4. **267 Broadway – Chelsea, MA [Exhibit 4]**
State ID: 57-P-20635
524 CMR
Petitioner: Jason Tellier

The petitioner was in front of the Board seeking a variance for new an installation permit that has expired. The petitioner stated that the permit for the unit listed above was issued

on October 28, 2019, and the permit is currently expired and is requesting an extension on the expired permit. The petitioner's representative stated that the building encountered water damage during construction and TK Elevator Corporation hasn't been able to get into the building. The petitioner stated that the installation is complete, and TK Elevator Corporation was unaware of the expiration date and the petitioner testified that the elevators have not been used or worked on and is locked out since the permit expiration date. A motion was made by Sarah Wilkinson to grant the petitioner's request based on the testimony that the elevator is not being used and has been locked out and tagged since the permit expired. TK Elevator Corporation will apply for an extension and a fee of \$80 will be charged for each unit to extend the expiration date on the current expired permits. The motion was seconded by Christopher Towski.

Motion: Sarah Wilkinson

Seconded: Christopher Towski

Vote: 7-0; Granted.

5. **25 Hayward Street – Cambridge, MA [Exhibit 5]**

State ID(s): 49-P-19825 and 49-P-19809

524 CMR

Petitioner: Jason Tellier

The petitioner was in front of the Board seeking a variance for new an installation permit that has expired. The petitioner stated that the permit for the unit listed above was issued on January 28, 2019, and the permit is currently expired and is requesting an extension on the expired permit. The petitioner stated that permits were applied and issued for four (4) of the elevators at the above address, but the "Site 3" building, where the above elevators are located, encountered a delay in construction and is just now ready to test. The petitioner stated that the installation is complete, and TK Elevator Corporation was unaware of the expiration date and the petitioner testified that the elevators have not been used or worked on and is locked out since the permit expiration date. An extension on the current permit was applied for on July 14, 2021. A motion was made by Sarah Wilkinson to grant the petitioner's request based on the testimony that the elevator is not being used and has been locked out and tagged since the permit expired. Further, the petitioner may proceed with the current permit, since the petitioner has already applied and paid for an extension. The motion was seconded by David Morgan.

Motion: Sarah Wilkinson

Seconded: David Morgan

Vote: 7-0; Granted.

6. **1997 Massachusetts Ave – Cambridge, MA [Exhibit 6]**
State ID(s): 49-P-20033
524 CMR
Petitioner: Jason Tellier

The petitioner was in front of the Board seeking a variance for a new installation permit that has expired. The petitioner stated that the permit for the unit listed above was issued on April 24, 2019, and the permit is currently expired and is requesting an extension on the expired permit. The petitioner stated that the installation is complete, and TK Elevator Corporation was unaware of the expiration date and the petitioner testified that the elevators have not been used or worked on and is locked out since the permit expiration date. Mr. Morse expressed concern that the attached plans did not show a pit and sump pump. A motion was made by Eric Morse to deny the petitioner's request based on the information provided by the petitioner, which did not show code compliance, and combined with the fact that it has been beyond a year and a half since the permit expired. The petitioner must refile a new permit with OPSI. The motion was seconded by David Morgan.

Motion: Eric Morse
Seconded: David Morgan
Vote: 7-0; Denied

7. Ms. Wilkinson moved to exit open session and to enter into closed session in order to conduct an investigative conference, pursuant to G. L. c. 30A, § 18, ¶ 5(d). The motion was seconded by David Morgan. **Vote: 7-0; Enter into closed session.**

A motion was made by David Morgan to exit closed session and to enter open session. The motion was seconded by Brian Ronan. **Vote: 6-0; Move back into open session.** Neil Mullane was not present during voting.

During closed session, the Board took the following actions:

- C21-00049 Open an investigation
- C21-00051 Open an investigation
- C21-00052 Open an investigation

New Business: Board directs that unfinished business from this meeting (one case and email) be placed on agenda for a subsequent meeting.

Motion to Adjourn: David Gaudet

Seconded: Brian Ronan

Vote: 6-0; Adjourned.

Hearing concluded at 4:03 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Withdrawal request from 1 Broadway, Cambridge
- Exhibit 2: Variance packet for 264 Huntington Avenue, Boston
- Exhibit 3: Variance packet for 52 Dunham Road, Beverly
- Exhibit 4: Variance packet for 267 Broadway, Chelsea
- Exhibit 5: Variance packet for 25 Hayward Street, Cambridge
- Exhibit 6: Variance packet for 1997 Massachusetts Ave, Cambridge
- Exhibit 7: Docket Numbers: C21-00049, C21-00050, C21-00051 and C21-00052