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Minutes

**Meeting of the
Board of Elevator Regulations
September 21, 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
Thomas McDermott
Brian Ronan

Division of Professional Licensure Staff:

Peter M. Kelley
Ruthy Barros
Terry Asci

Board Members Absent:

David Morgan

Guests Present:

Azizi Crosby

The Board discussed the following:

1. Approval of meeting minutes:

June 11, 2021 [Exhibit 1]

A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 3-0; Granted.** Neil Mullane, Thomas McDermott, and Eric Morse abstained.

2. **June 14, 2021 [Exhibit 2]**

A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 4-0; Granted.** Neil Mullane and Thomas McDermott abstained.

3. **June 22, 2021 [Exhibit 3]**

A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 4-0; Granted.** Neil Mullane and Thomas McDermott abstained.

The June 29th meeting minutes were not available for Board review. Board will conduct its regularly-scheduled meeting on 10/6/21 at 1:00 p.m. following the public hearing scheduled for 11:00 a.m.

4. Agenda item #2, the variance hearing for 54 Auburn Street, Brookline was postponed at the request of the petitioner.

5. **33 Massachusetts Avenue – Boston, MA [Exhibit 4]**
New Installation
524 CMR 35.00, ASME A17.1-2013 §2.2.2.2
Petitioner: Azizi Crosby

The petitioner was previously in front of the Board seeking a variance from 524 CMR, ASME A17.1-2013 §2.2.2.2, to allow the footing in the pit to exceed 15% of cubic volume of the pit, as the footing is structural and removable is not feasible. The petitioner stated that a new basement traction machine freight elevator will be installed in the existing spaces of a previously in-service unit at the MIT Building 3 location. This petition for variance is seeking relief from ASME A17.1-2013 §2.2.2.2, which states that “In existing buildings, where new elevators are installed or existing elevators are altered, existing foundation footings extending above the general level of the pit floor shall be permitted to remain in place, provided that the maximum encroachment of such footings does not exceed 15% of the cubic content of the pit, and further provided that is impracticable to remove the footing”. The petitioner stated that the existing elevator equipment, consisting of a 108-year-old 10,000lb capacity basement drum freight elevator, will be replaced with a new 10,000lb basement geared traction elevator of a similar design. All of the hoistway elevator equipment will be replaced, and the elevator spaces and operation will be brought to current code. The petitioner stated that a pile cap

currently located in the elevator pit is integral to the structural framework of the building and cannot be removed or modified any further than the noted dimensions on Attachment A in the variance packet. The cubic content of the pile cap obstruction relative to the overall pit volume is approximately 15.8%. The petitioner proposed that in order to account for the pile cap in the pit, the safe refuge will be marked in the pit, a retractable toe guard will be utilized, and the perimeter of the pile cap will be marked with high visibility yellow paint and marked "NO REFUGE, SHALLOW PIT AREA". Also, a sign at the lowest landing entrance as well as the machine room will be noted "WARNING, SHALLOW PIT, USE CAUTION AND NOTE SAFE REFUGE AREA". A motion was made by Neil Mullane to grant the variance request based upon the structural stamped drawing and appropriate signage as listed in the variance application. The justification being that the existing condition does not present a safety hazard. The granting of the variance is contingent based on the petitioner resubmitting a stamped letter within 15 days, by October 15, 2021, clarifying whether the piles and pile caps can be modified to make them compliant with the code. The motion was seconded by David Gaudet.

Motion: Neil Mullane

Seconded: David Gaudet

Vote: 6-0; Granted, on contingency.

6. Mr. Ronan 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 Christopher Towski. **Vote: 6-0; Enter into closed session.**

A motion was made by Neil Mullane to exit closed session and to enter open session. The motion was seconded by Christopher Towski. **Vote: 6-0; Move back into open session.**

During closed session, the Board took the following actions:

- ELV-1 Refer to prosecution
- ELV-2 Dismissed

7. Counsel to the Board, Peter Kelley, updated the Board on the public hearing that took place on July 30, 2021, regarding the proposed promulgation of amendments to the

Division's fees for conducting elevator inspections, a legislative mandate involving the inspection of most elevators in Massachusetts every year. Pending final approval, the regulation amendment package will be submitted for promulgation.

Motion to Adjourn: Brian Ronan

Seconded: Christopher Towski

Vote: 6-0; Adjourned.

Hearing concluded at 3:40 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Meeting minutes from June 11, 2021
- Exhibit 2: Meeting minutes from June 14, 2021
- Exhibit 3: Meeting minutes from June 22, 2021
- Exhibit 4: Variance packet for 33 Massachusetts Avenue, Cambridge
- Exhibit 5: Summary of Investigation Docket No: ELV-1
- Exhibit 6: Summary of Investigation Docket No: ELV-2