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CHARLES BORSTEL
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Minutes

Board of Elevator Regulations
1000 Washington Street
Boston, MA 02118
1st Floor – Room 1C
March 19, 2019

Board Members Present:

Walter Zalenski, Interim Chairman
Eric Morse
John O'Donoghue
Cheryl Davis
David Gaudet
David Morgan

Guests Present:

Emily Schlichtman (Creative Development)
Charlotte Maynard (Creative Development)
Matthew Falconeiri (Falconeiri Construction Inc.)
Kevin Hastings (Hastings Consulting)
Hutton Collin (Lee Kennedy Co.)

Board Members Absent:

Brian Ronan

Division of Professional Licensure Staff:

Charles Kilb
Ruthy Barros

The Board discussed the following:

1. **2 Central Street – Framingham, MA [Exhibit 1]**
State ID(s): 100-F-31
A17.1-2004 Section 2.7.3
Petitioner: Susan Connors

The petitioner's representatives came back in front of the Board seeking a variance to allow the temporary installation of a scaffold staircase to the roof, as a means of getting to the existing elevator machine room located on the roof. Ms. Maynard stated that she is a licensed contractor supervisor and she personally oversaw the installation of the



scaffold and made sure it surpassed the basic safety requirements. Ms. Maynard also stated that they are in the process of erecting an indoor third floor staircase access directly to the machine room. Ms. Maynard and Ms. Schlichtman provided the Board with the previously requested documentation and on February 20, 2019, Elevator Chief Stephen Sampson along with Elevator Supervisor George Ramian and Technical Coode Coordinator Joseph O'Malley made a site visit to the above address. Upon inspection, Chief Sampson stated all other violations listed on the 90-day write up were corrected, there is a tag on the temporary scaffolding indicating that the scaffolding was erected by competent installers, the scaffolding was surrounded by a secured fence, scaffolding was secured to the building at three different locations, additional solar panels were removed from the roof to allow access to the machine room, and a new machine room door and lock were installed. The Office of Public Safety and Inspections (OPSI) allowed the car to run pending a permanent solution to access the machine room. The Board agreed that OPSI should not have turned the above unit on without a variance.

A motion was placed by Cheryl Davis to allow the temporary access to the machine room for a period of 90 days from March 19, 2019. In which time, access to the machine room would be code complaint. The justification of the motion is that the permit has been issued and the permanent solution is in process. The motion was seconded by David Morgan.

Motion: Cheryl Davis

Seconded: David Morgan

Vote: 5-0; Granted. Walter Zalenski abstained.

2. **55 South Street – Hingham, MA [Exhibit 2 and 2A]**

State ID(s): 131-P-19774

524 CMR

Petitioner: Matthew Falconeiri

The petitioner came in front of the Board seeking a variance from the requirement of a sump pump in the elevator pit. The petitioner stated that the newly constructed building was permitted on April 21, 2017 for a four stop front and rear opening elevator. The petitioner also stated that despite being permitted by the Hingham building department for a roof top deck, there was public concern over the aesthetics of the structure within the Historic District, which caused the building owner to reconsider the design and appease the townspeople. The hoistway was lowered and the roof deck was removed, thus a redesign of the elevator to a three stops versus a four stop. The building is fully

sprinkled and is a slab on a grade with a recessed elevator pit and the floor of the elevator pit exists at 4 feet above high water table. The petitioner also stated that there is a tremendous amount of rebar and concrete, which if removed, would undermine the structure of the building.

A motion was placed by John O'Donoghue to place the petitioner's request on hold for 30 days, allowing the petitioner time to provide the Board with a robust stamped engineered letter confirming in detail that the installation of a sump pump in the elevator pit would compromise the foundation of the building. The motion was seconded by David Morgan.

Motion: John O'Donoghue

Seconded: David Morgan

Vote: 6-0; Placed on hold for 30 days.

3. **231 Forest Street – Wellesley, MA [Exhibit 3]**

New Installation

524 CMR

Petitioner: Samantha Finney

The petitioner came in front of the Board seeking a variance from the requirement of a sump pump in the elevator pit. The petitioner stated that this is a new two story addition with a new two stop at grade elevator. The petitioner stated that installing a sump pump in the elevator pit the pump would be below the water table, which could be a hazard to the school. The petitioner stated that the building is fully sprinkled and has fire service. The Board pointed out to the petitioner that in the Foundation Engineering Report the petitioner provided to the Board, the Engineer does not mention any concern of the sump pump being below the water table.

A motion was placed by John O'Donoghue deny the petitioner's request. The motion was seconded by Eric Morse.

Motion: John O'Donoghue

Seconded: Eric Morse

Vote: 6-0; Denied.

4. **Approval of meeting minutes from February 26, 2019 [Exhibit 4]**

A motion was made by Cheryl Davis to accept the minutes as written. The motion was seconded by Eric Morse. **Vote: 5-0; Granted. Walter Zalenski abstained.**

5. **8 Harrison Avenue – Boston, MA [Exhibit 5]**
State ID(s): 1-P-4257, 1-P-4258, 1-P-4259, 1-P-4360
524 CMR 35.00 Section 2.26.4.1 (a)
Petitioner: Dominique Thomas

The Board agreed that the Office of Public Safety and Inspections should have an Elevator Inspector go out to 8 Harrison Avenue, Boston and confirm if the two newly installed disconnects are active and the Chairman will update the Board on the Inspector's findings. A site visit was made to the above address and an OPSI Elevator Supervisor confirmed that the breaker panel inside the door of the machine room is still the active power disconnect for the elevator equipment. There are 4 breakers clearly identified with the State ID numbers. The two proposed disconnects have the feeds brought into the bottom but are not connected to any elevator equipment. The case was originally heard on December 4, 2018 and the Board placed the petitioner's request on hold for 60 days, allowing the petitioner time to provide the Board with a code compliant solution. At the end of the 60 day deadline, the petitioner was granted additional time and the Board has yet to receive any of the requested additional information.

A motion was placed by David Morgan deny the petitioner's request. The motion was seconded by Eric Morse.

Motion: David Morgan
Seconded: Eric Morse
Vote: 6-0; Denied.

6. **Matters not reasonably anticipated 48 hours in advance of meeting:**

The Board discussed a meeting convened by Stephen Sampson with regards to outside hoists. The Board agreed that when Stephen Sampson gets back from vacation, the matter will be placed on an agenda for further discussion.

The Board also would like OPSI to send out a Constant Contact explaining that a decommission inspection is required after a decommission permit is applied for and the unit is decommissioned.

7. The Board went into Quasi-Judicial Session pursuant to M.G.L. c. 30A, §18 (Closed Session) at 2:48 p.m. to discuss a proposed product variance request for the allowance to install two Model No. 4 Post parking device to be located at 46 Wareham, Boston. The Board agreed to continue the discussion to the next hearing date.

At 3:05 p.m. a motion was placed by David Morgan to end the Quasi-Judicial Session. The motion was seconded by Eric Morse.

Motion: David Morgan

Seconded: Eric Morse

Vote: 5-0; Granted. Walter Zalenski abstained.

Exhibit List:

Exhibit 1: Variance packet for 2 Central Street – Framingham, MA

Exhibit 2: Variance packet for 55 South Street – Hingham, MA

Exhibit 2A: Exterior pictures of 55 South Street

Exhibit 3: Variance packet for 231 Forest Street – Wellesley, MA

Exhibit 4: Meeting minutes from February 26, 2019

Exhibit 5: Email from Chief Stephen Sampson dated February 28, 2019

Exhibit 6: Draft decision for 46 Wareham Street – Boston, MA

Motion to Adjourn: John O'Donoghue

Seconded: David Morgan

Vote: 6-0; Adjourned.

Hearing concluded at 3:05 p.m.

Prepared by: Ruthy Barros