

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

DOUGLAS RUDISCH, individually and as Trustee
of the 1166 Washington Street Unit V704/V706
Nominee Trust,

Plaintiff,

v.

BOARD OF APPEAL OF THE CITY OF BOSTON,
and ALEXIS LADD, ROBERT A. WELLS, and
CHRISTIANE K. DONAHUE as TRUSTEES of
THE COLUMBIAN BUILDING CONDOMINIUM
TRUST,

Defendants.

Docket No.: 23-12620

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2023 JUN -1 P 1:11
JOHN E. POWERS III
ACTING CLERK/MAGISTRATE

COMPLAINT

In accordance with Chapter 665 of the Acts of 1956, as amended (the Boston Zoning Enabling Act), § 11 Plaintiff Douglas Rudisch, individually and as Trustee of the 1166 Washington Street Unit V704/V706 Nominee Trust ("Rudisch") hereby appeals a decision of the City of Boston Board of Appeal (the "Board"), granting zoning relief to the Trustees of the Columbian Building Condominium Trust entered on May 12, 2023 (the "Decision") for the property located at 1154-1160 Washington Street, Boston, 02118 (the "Property"). A true and correct copy of the Board's Decision is attached hereto as Exhibit 1.

THE PARTIES

1. Douglas Rudisch is an individual who owns and resides at 1166 Washington Street, #v704-706, Boston, Massachusetts. He is a Trustee of the 1166 Washington Street Unit

V704/V706 Nominee Trust. Mr. Rudisch is a direct abutter to the Property, and he is aggrieved by the zoning relief granted by the Board to the Trustee Defendants for the construction of a roof deck or roof decks at the Property.

2. Defendant Board of Appeal for the City of Boston (the “Board”) was established under § 8 of the Enabling Act to hear zoning appeals for the City of Boston and has a principal office located at 1010 Massachusetts Avenue, 4th Floor, Boston, MA 02118.

3. Defendant Alexis A. Ladd (“Ladd”) is a Trustee of The Columbian Building Condominium Trust (the “CBC Trust”) for the property located at 1154-1160 Washington Street. Ladd is an individual who owns the property located at 1154 Washington Street, Unit 6. The underlying zoning relief, Permit # ALT 1364858, was applied for on behalf of the CBC Trust.

4. Defendant Robert A. Wells (“Wells”) is a Trustee of the CBC Trust. Wells is an individual who owns the property located at 1154 Washington Street, Units 8 and 9. The underlying zoning relief, Permit # ALT 1364858, was applied for on behalf of the CBC Trust.

5. Defendant Christiane K. Donahue (“Donahue”) is a Trustee of the CBC Trust. Donahue is the Clerk and Treasurer of the Boston City Lights Foundation, Inc., the owner of the non-residential unit of the Colombian Building Condominium. Upon information and belief, Donahue has a residential address of 134 Donahue Drive, Northfield, VT 05663. The underlying zoning relief, Permit # ALT 1364858, was applied for on behalf of the CBC Trust.

JURISDICTION

6. The Court has jurisdiction over this matter under § 11 of the Enabling Act, and G.L. c. 249, § 5.

FACTUAL ALLEGATIONS

The Request for Zoning Relief

7. The Property is located at 1154-1160 Washington Street, Boston, in the South End Neighborhood Zoning District and Neighborhood Development Area (NDA) subdistrict.

8. On or about July 21, 2022, the Defendant Trustees, through their agent, Gavin Walsh, filed an application for a permit for the purpose of “adding a roof deck” to the Property.

9. The permit was denied because the addition of roof decks violated Article 64 Section 34 of the Boston Zoning Ordinance (“BZO”).

10. On or about, August 18, 2022, the Boston Inspectional Services Department issued a Zoning Code Refusal Notice that identified two violations of Article 64, § 34, Restricted Roof Structure Regulations: (1) access via head house; and (2) height exceeded - aggregate of occupied roof > 300sf.

11. The Zoning Code Refusal Notice was updated on or about October 26, 2022. A true and correct copy of the Zoning Code Refusal Notice is attached hereto as Exhibit 2.

12. According to a clarification on the Zoning Code Refusal Notice, the purpose of the application was stated as: **“Adding a 887sf COMMON roof deck with main access from the existing headhouse stair as well as construct a 155sf private roof deck connected via a guarded walk way for existing penthouse per plans provided. *NO AAB access proposed”** (emphasis in original).

13. The Defendant Trustees, through counsel, appealed the zoning code refusal to the Board of Appeal.

14. Defendants’ appeal sought a conditional use permit for the addition of the roof decks identified in a set of plans submitted with the application. A copy of the plan set submitted with the application is attached hereto as Exhibit 3.

15. After receiving the zoning code refusal, Defendants, through counsel, represented to Kimberly Cruciola, the South End and Bay Village Liaison for the City of Boston Office of Neighborhood Services, that the plan for a 155 square foot private roof deck had been “abandoned,” and that revised plans would be submitted.

16. Defendants made the same representation to abutters during a meeting with abutters that the private deck plan had been abandoned.

17. Despite their representations to the City and to abutters, Defendants did not submit revised plans.

18. The Board scheduled a virtual public hearing on the appeal on March 28, 2023.

19. Rudisch and at least one other neighbor opposed the relief requested by Defendants.

20. The City of Boston Office of Neighborhood Services acknowledged that there was opposition to the project, took no position on the appeal, and deferred to the Board.

21. During the hearing, Rudisch was provided only a minimal amount of time, less than ninety seconds, to express opposition to the project after the applicants’ presentation. Following his comment, which was interrupted, the Board allowed multiple rebuttals from the applicants but did not allow further comment from Rudisch, who had asked to respond.

22. Prior to the hearing, Rudisch and at least one other abutter submitted letters in opposition to the appeal. Upon information and belief, the Board did not review the opposition letters before acting on the appeal.

23. As relief for the zoning violations, the Trustee Defendants sought a conditional use permit to construct the roof decks.

24. On March 28, 2023, the Board voted 7-0 in favor to grant the appeal, annul the Zoning Code Refusal, and order the Building Commissioner to grant a permit in accordance with the Board's decision. The Board added a proviso for BPDA design review.

25. The Decision was filed with the Inspectional Services Department on May 12, 2023.

26. The Decision should be annulled because it exceeds the authority of the Board, is arbitrary and capricious, and is not based upon a tenable legal ground.

The Proposed Roof Decks

27. The Trustee Defendants propose to construct a common roof deck 887 square feet in area as well as a private roof deck 155 square foot in area connected by a walkway.

28. According to the plans, the Common Roof Deck will have an occupancy of forty-nine people.

29. Defendants intend to install a gas fire pit, gas grill, multiple tables, and multiple seating areas on the Common Roof Deck.

30. Based on the high occupancy limit and design plans, Defendants intend to use the Common Roof Deck for functions, parties, and entertainment for the benefit of the residential unit owners of 1154-1160 Washington Street.

The Board Did Not Have the Authority to Grant a Conditional Use Permit

31. Defendants seek zoning relief for proposed roof deck structures that exceed 1,000 square feet in aggregate area (887 square foot common deck plus 155 square foot private deck).

32. Article 64, § 34 of the BZO provides that an open roof deck may be erected on the main roof of a building with a flat roof provided that four factors are satisfied. One of those factors concerns the total height of the building. Specifically, Article 64, § 34 states that an open

roof deck may be erected provided that: “(b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building.”

33. The maximum building height allowed in the NDA subdistrict of the South End Neighborhood Zoning District is 70 feet. *See* BZO Art. 64, §§ 17, 19, and Table F.

34. Article 64, § 34 provides that “Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures...” exceeds 330 square feet in the aggregate.

35. The Board acknowledges in the Decision that the aggregate of occupied roof by the project is greater than 330 square feet. *See* Decision at page 2.

36. As measured in accordance with BZO Article 64, § 34, the height of the building at 1154-1160 Washington Street is at least 78 feet, which exceeds the maximum building height. *See* Plan Sheet SELDC2, Exhibit 3 at page 10 (height of existing head house).

37. Because the total height of the building exceeds the maximum building height allowed, the Board lacked the authority to grant a conditional use permit to erect the roof decks.

38. The Defendants did not seek and are not entitled to receive any other zoning relief for the project.

The Proposed Roof Decks Will Result in Harm to Rudisch

39. The building at 1154-1160 Washington Street is physically connected to the building at 1166 Washington Street, where Rudisch lives.

40. Rudisch owns the top floor unit at 1166 Washington Street, which includes a patio on the roof of 1166 Washington Street.

41. The proposed communal roof decks at the Property will be located immediately adjacent to Rudisch's unit, and visible both from Rudisch's patio and from inside his unit.

42. Attached hereto as Exhibit 4 are true and correct photos of the view of the proposed roof deck areas from (1) Rudisch's patio and (2) Rudisch's dining room.

43. The proposed communal roof decks will diminish Rudisch's privacy.

44. Use of the proposed communal roof decks at the Property for parties and functions will result in noise levels, including from amplification of music, that violate the Regulations for the Control of Noise in the City of Boston and will interfere with Rudisch's ability to use and enjoy his property.

45. Use of fire pits and gas grills on the roof of the Property will introduce open flame on the roof and increase the risk of fire to Rudisch's property.

46. The construction and use of the proposed communal roof decks will result in a diminution of value of Rudisch's property and will substantially and unreasonably interfere with the use and enjoyment of Rudisch's property.

The Board Erred in Granting a Conditional Use Permit

47. In addition to lacking authority to grant a conditional use permit, the conditions for granting a conditional use permit under BZO Article 6, §6-3 were not met.

48. The Property at 1154-1160 Washington Street is not an appropriate location for the construction of a roof deck.

49. The building at 1154-1160 Washington is connected to the building at 1166 Washington and the proposed use of the roof decks will adversely affect the neighborhood.

50. The use of the roof decks will cause irreparable harm to Rudisch.

51. Defendants' intended use of the communal roof decks, including the Common Roof Deck for functions to entertain up to 49 people with fire pits, gas grills, and music will create a nuisance.

52. It was error for the Board to grant a conditional use permit to the Defendants.

COUNT I:
ANNUL THE DECISION UNDER § 11 OF THE ENABLING ACT

53. Plaintiff repeats and incorporates herein the allegations contained in the preceding paragraphs.

54. The Trustee Defendants' proposed roof deck project violates Article 64, §34 of the BZO.

55. The height of the building at 1154-1160 Washington Street exceeds the maximum building height allowed in the NDA subdistrict of the South End Neighborhood Zoning District.

56. The Board lacked the authority to grant a conditional use permit for the construction of a roof deck.

57. In addition, the conditions for granting relief under § 6-3 of Article 6 were not met.

58. The proposed roof decks include a Common Roof Deck 887 square feet in area with an occupancy of 49 people.

59. Defendants intend to install fire pits and gas grills on the Common Roof Deck and use it for parties and functions.

60. Plaintiff is a direct abutter and an aggrieved party who will be harmed by the project, including but not limited to diminished privacy and increased noise that will substantially and unreasonably interfere with his ability to use and enjoy his property.

61. Plaintiff's harms are specific and particular to him and are not harms in general to the community at large.

62. In approving the application and granting a Conditional Use Permit, the Board acted in an arbitrary and capricious manner.

63. The Decision exceeds the authority of the Board and should be annulled.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment as follows:

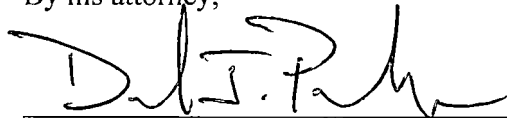
- (A) enter judgment for the Plaintiff;
- (B) annul the Decision; and,
- (C) order all other relief that this Court deems just and appropriate.

Respectfully submitted,

Plaintiff,

DOUGLAS RUDISCH, individually and as Trustee
of the 1166 Washington Street Unit V704/V706
Nominee Trust,

By his attorney,



Daniel J. Pasquarello (BBO No. 647379)
PASQUARELLO | FINK | HADDAD LLC
185 Devonshire Street, Third Floor
Boston, MA 02110
Tel: 617-963-0042
Fax: 617-505-1571
dpasquarello@pasqfinkl.com

Dated: June 1, 2023

EXHIBIT 1



City of Boston
Board of Appeal

NOTICE OF DECISION
CASE NO. BOA 1420860
PERMIT #ALT1364858
APPEAL SUSTAINED
WITH PROVISOS

In reference to the appeal of

Marc LaCasse

Concerning the premises located at

1154-1160 Washington Street, Ward 03

for relief from the provisions of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

The Board's decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, Fourth Floor, Boston, MA 02118, and is open for public inspection. A copy of the decision is available on the Board's website at <https://www.boston.gov/departments/inspectional-services/zoning-board-appeal-decisions>. The decisions are organized by filing date.

Date of filing of this decision with the Inspectional Services Department was May 12, 2023.

Please be advised, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

FOR THE BOARD OF APPEAL

/s/ Javier Salas

Javier Salas

Executive Secretary



DECISION OF THE BOARD ON THE APPEAL OF

March 28, 2023
DATE

March LaCasse

to provide relief from the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,
at premises: **1154 - 1160 Washington Street, Ward - 03**

Appellant requires relief from the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: **Variance, Conditional Use Permit, and /or other relief as appropriate.**

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 64 Sec. 34	Restricted Roof Structur Regs	Access via head house
Art. 64 Sec. 34	Restricted Roof Structur Regs	Height exceeded- Aggregate of occupied roof is >300sf

Purpose: Adding a roof deck.

Clarification: Adding a 887sf COMMON roof deck with main access from the existing head house stair as well as construct a 155sf private roof deck connected via a guarded walk way for existing penthouse per plans provided. NO AAB access proposed.

In his formal appeal, Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1420860 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the Appellant and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, March 07, 2023

The Board reviewed relevant documents, photographs, and other submissions and conducted other reviews as necessary to determine the location, layout, and other characteristics of the Appellant's land, the scope of its proposal, and the issues presented by the appeal. The Boston Planning and Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, March 28, 2023 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned terms of the Boston Zoning Code, all as per Application for Permit# **ALT-1364858** and July 21, 2022 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

1154-1160 Washington St., Ward: 03
BOA1420860
Date of Hearing: March 28, 2023
Permit # ALT1364858
Page: # 2

This appeal seeks a conditional use permit for the addition of a roof deck on an existing building by adding a 887 square foot common roof deck with main access from the existing headhouse stair and a 155 square foot private roof deck connected through a guarded walk way for the existing penthouse.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows: (1) restricted roof structure access via head house under Article 64, Section 34; and (2) restricted roof structure height exceeded due to aggregate of occupied roof area being greater than 330 square feet under Article 64, Section 34.

The proposed project will allow the Appellant to have reasonable use of the premises by constructing a common roof deck with headhouse access and a private roof deck through a guarded walk way for the existing penthouse. Additionally, Appellant presents that these roof decks are for the use and enjoyment of the condominium building's residential unit owners. The project is located within the Neighborhood Development Area (NDA) zoning subdistrict of the South End Neighborhood, which makes this project an appropriate use of the lot and that will not adversely affect the community or create any detriment for abutting residents. For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on March 28, 2023.

The Zoning Code Refusal Letter, dated October 26, 2022, from which this appeal is taken, cites two violations of the Code provisions of Article 64-34 with violation comments (1) access via head house; and (2) height exceeded – aggregate of occupied roof is greater than 300 SF [the 300 number appears to be a typo as the code states 330; in any event, the proposed roof deck is 887 SF so this provision is applicable].



DECISION OF THE BOARD ON THE APPEAL OF

1154-1160 Washington St., Ward: 03
BOA1420860
Date of Hearing: March 28, 2023
Permit # ALT1364858
Page: # 3

Appellant contends that on the first violation comment, the plans submitted show that the head house, through which access to the roof deck shall be achieved, is an existing structure. Appellant contends that there is an existing internal stair from the common area of the 6th floor of the building, which leads to the roof. Appellant contends that it is through this existing head house that the residents will access the common roof deck. Accordingly, Appellant contends that the head house will not damage the uniformity of height or architectural character of the immediate vicinity as it is already in existence.

Appellant also contends that on the second violation comment, the deck exceeds the threshold of 330 square feet such that it also requires a conditional use permit from the Board. Appellant contends that as the plans submitted show a large masonry parapet across the top of this historic building, the roof deck is not visible from any public way as shown on the plan sheets labeled SELDC 1 and SELDC 2. Accordingly, Appellant contends that on this basis the roof deck will not damage the uniformity of height or architectural character of the immediate vicinity.

At the hearing, representatives of the Mayor's Office of Neighborhood Services spoke on the community process of the project and deferred to the judgment of the Board. The Board received letters of support from abutters regarding the proposed roof deck. There was opposition voiced at the hearing from one abutter who expressed concern about noise and safety issues related to the roof deck use, but unrelated to the zoning issues. Additionally, there are letters of opposition on file with the Board. After consideration, the Board finds that the requested relief will have no negative impact on the surrounding area, and is in harmony with the general purpose and intent of the Code.

The Board of Appeal makes the following findings:

- a) The specific site is an appropriate location for such use;
- b) The use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the use;
- d) No nuisance will be created by the use; and



DECISION OF THE BOARD ON THE APPEAL OF

1154-1160 Washington St., Ward: 03
BOA1420860
Date of Hearing: March 28, 2023
Permit # ALT1364858
Page: # 4

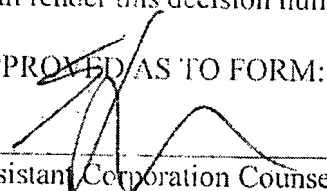
e) Adequate and appropriate facilities will be provided for the proper operation of the use.

The Board is of the opinion that all conditions required for the granting of a Conditional Use Permit under Article 6, Section 6-3 of the Zoning Code have been met and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Conditional Use Permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

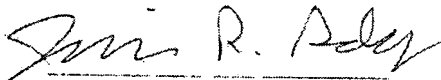
APPROVED AS TO FORM:

PROVISO(S): 1) BPDA design review


Assistant Corporation Counsel

Signed: May 9, 2023

With this signature I certify that the signatories of this decision have given their express permission for electronic signature:


Javier R. Salas, Esq.
Executive Secretary
Board of Appeal

- /s/ Sherry Dong
Sherry Dong – Chair (Voted In Favor)
- /s/ Norm Stembridge
Norm Stembridge – Secretary (Voted In Favor)
- /s/ Giovanni Valencia
Giovanni Valencia (Voted In Favor)
- /s/ Raheem Shepard
Raheem Shepard (Voted In Favor)
- /s/ David Collins
David Collins (Voted In Favor)
- /s/ Hansy Better Barraza
Hansy Better Barraza (Voted In Favor)
- /s/ Jeanne Pinado
Jeanne Pinado (Voted In Favor)

EXHIBIT 2



**Boston Inspectional Services Department
Planning and Zoning Division**

1010 Massachusetts Avenue Boston, MA 02118 Telephone: (617) 635-5300

Michelle Wu
Mayor

ZONING CODE REFUSAL

Marc A. Joseph
Inspector of Buildings

GAVIN WALSH
21 STRATFORD RD
WEYMOUTH, MA 02191

August 18, 2022
October 26, 2022

Location: 1154-1160 WASHINGTON ST ROXBURY MA 02118
Ward: 03
Zoning District: South End Neighborhood
Zoning Subdistrict: NDA
Appl. #: ALT1364858
Date Filed: July 21, 2022
Purpose: Adding a roof deck

Clarification: Adding a 887sf COMMON roof deck with main access from the existing headhouse stair as well as construct a 155sf private roof deck connected via a guarded walk way for existing penthouse per plans provided.

*** NO AAB access proposed**

YOUR APPLICATION REQUIRES RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 64 Sec. 34	Restricted Roof Structur Regs	Access via head house
Art. 64 Sec. 34	Restricted Roof Structur Regs	Height exceeded- Aggregate of occupied roof is >300sf

NOTE : Subject to Zoning variance approval this application shall require a code compliant set of drawings with AAB 521 CMR section 20 code regulations so that we may proceed with the building code review approvals.

*Building code review has been deferred at this time.

THIS DECISION MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED. IF YOU HAVE INQUIRIES REGARDING THE NEIGHBORHOOD PROCESS AND PUBLIC PARTICIPATION, PLEASE CONTACT THE MAYOR'S OFFICE OF NEIGHBORHOOD SERVICES AT 617-635-3485. For more information visit boston.gov/zba-appeal.

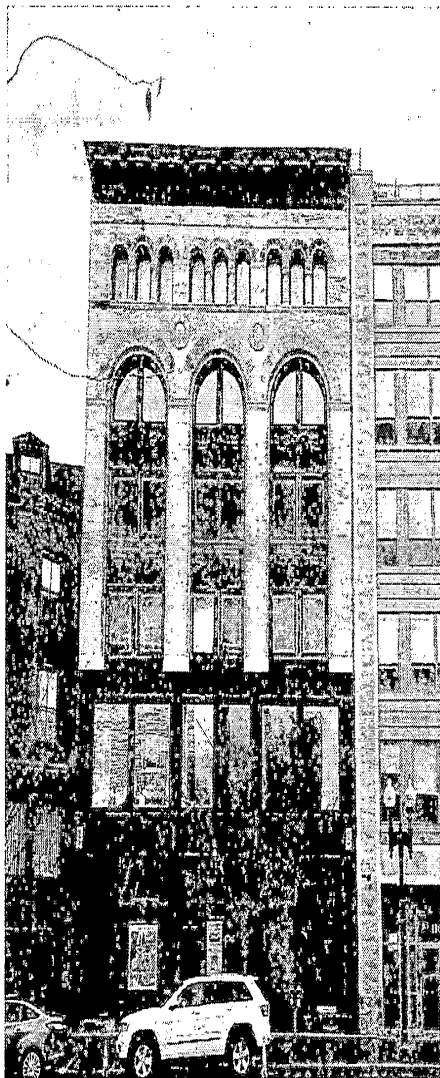
Francesco D'Amato
frank.damato@boston.gov / (617)961-3265
for the Commissioner

Refusal of a permit may be appealed to the Board of Appeal within 45 days. Chapter 802, Acts of 1972, and Chapter 656, Acts of 1956, Section 19.

EXHIBIT 3

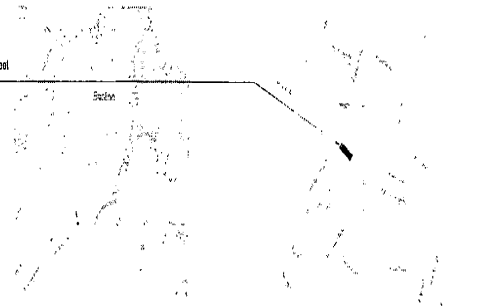
1154 WASHINGTON STREET ROOF DECK

VE PERMIT SET | 12.10.2021

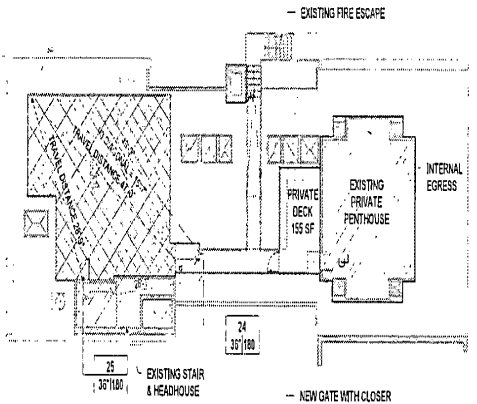


LOCATION MAP

1154 Washington Street
Boston, MA 02118



EGRESS PLAN



LIFE SAFETY LEGEND:

- PROPOSED
DOOR WIDTH MAX. CAPACITY ROOF DECK: 887 SF
POSTED OCCUPANCY: 49
MIXED TABLES AND CHAIRS
- NOT IN CONTRACT
- OCCUPIABLE EGRESS AREA

ZONING & CODE SUMMARY

ZONING SUMMARY

The building and project are subject to the zoning code requirements for the South End neighborhood district; the maximum height of the building with proposed roof deck is 69'-11" measured from the adjacent sidewalk. The thickness of the deck itself is limited to 1 foot (excluding the handrails per 820 6-4-24).

APPLICABLE CODES

- BUILDING CODE:** 780 CMR - MASSACHUSETTS STATE BUILDING CODE - NINTH EDITION; WITH CHAPTER 34 (EXISTING BUILDING)
- STRUCTURAL CODE:** 780 CMR - MASSACHUSETTS STATE BUILDING CODE - NINTH EDITION
- FIRE CODE:** 527 CMR 1.00: MASSACHUSETTS COMPREHENSIVE FIRE SAFETY CODE
- ELECTRICAL CODE:** NFPA 70-2017 WITH 527 CMR CHAPTER 12 MASSACHUSETTS ELECTRICAL CODE AMENDMENTS
- ENERGY CODE:** 780 CMR - MASSACHUSETTS STATE BUILDING CODE - NINTH EDITION, CHAPTER 13, 2016 INTERNATIONAL ENERGY CONSERVATION CODE WITH MASSACHUSETTS AMENDMENTS OR ASHRAE 90.1-2013 WITH MASSACHUSETTS AMENDMENTS

CODE SUMMARY (SEE CODE REPORT FOR FULL NARRATIVE)

EGRESS:

The new roof deck shall be provided with two means of egress; one through existing head house and one through existing fire escape which will be modified to account for elevation change.

OCCUPANT LOAD:

The occupant load shall not exceed 49 persons. A posted sign shall be used to indicate occupancy limits below required Place of Assembly classification.

STRUCTURAL:

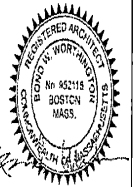
The proposed roof deck must comply with 780 CMR Chapter 16 for structural design.

ACCESSIBILITY:

Per 521 CMR 10.1, accessibility requirements for public use and common use spaces in multiple dwellings do not apply to existing buildings with fewer than 12 dwelling units.

DRAWING LIST	
000	COVER SHEET
A1.1	EXISTING AND DEMOLITION PLAN
A1.2	ROOF DECK PLAN
A3.1	SECTIONS & ELEVATIONS
A5.1	TYPICAL ROOF DECK DETAILS
A5.2	TYPICAL ROOF DECK DETAILS
S1.0	ROOF DECK FRAMING PLAN
SELD C1	LANDMARKS DIAGRAM NORTH
SELD C2	LANDMARKS DIAGRAM SOUTH
SP.1	ROOF DECK PEDESTAL SPECIFICATIONS

BOND WORTHINGTON
ARCHITECT
110A INMAN ST
CAMBRIDGE MA 02139



Project
1154 WASHINGTON ST
BOSTON MA 02118

No.	Description	Date

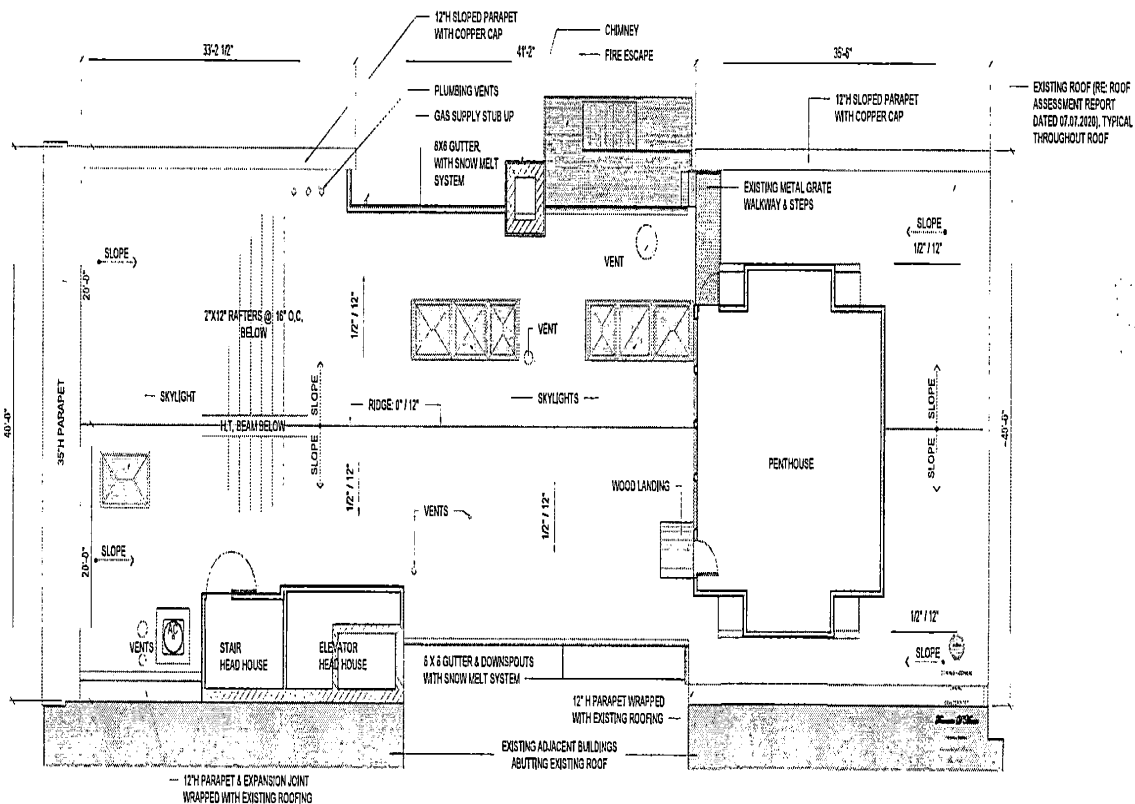
Date 12-16-20

Scale As indicated

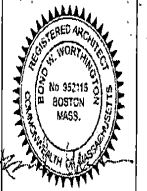
COVER SHEET



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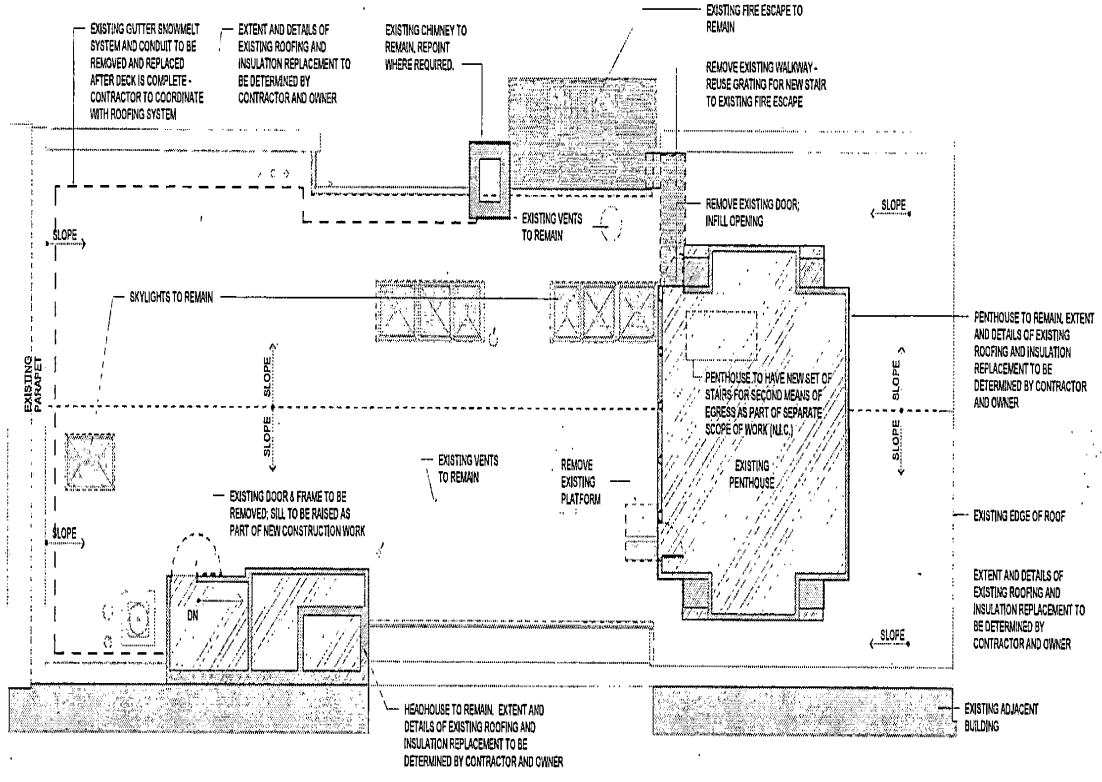


BOND WORTHINGTON
ARCHITECT
110A INMAN ST
CAMBRIDGE MA 02139



2 EXISTING ROOF PLAN
1/8" = 1'-4"

NOT IN CONTRACT AND SCOPE



DEMOLITION PLAN
1/8" = 1'-4"

NOT IN CONTRACT AND SCOPE

Project
1154 WASHINGTON ST
BOSTON MA 02118

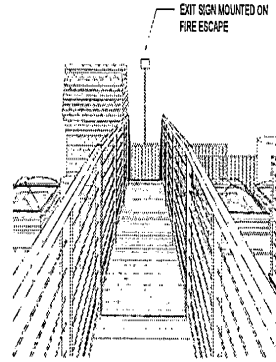
No.	Description	Date

Date 12-16-20

Scale 1/8" = 1'-4"

EXISTING AND
DEMOLITION
PLAN

NEW building elements MUST comply with present BUILDING CODE REGULATIONS.
 624 CMR Section 29
 782 CMR ch 10 BGRESS
 If designer does not intend to provide detailed plans then Building and Permitted access code variance relief must be requested for the proposed 49 occupants on a new COMMON roof deck.

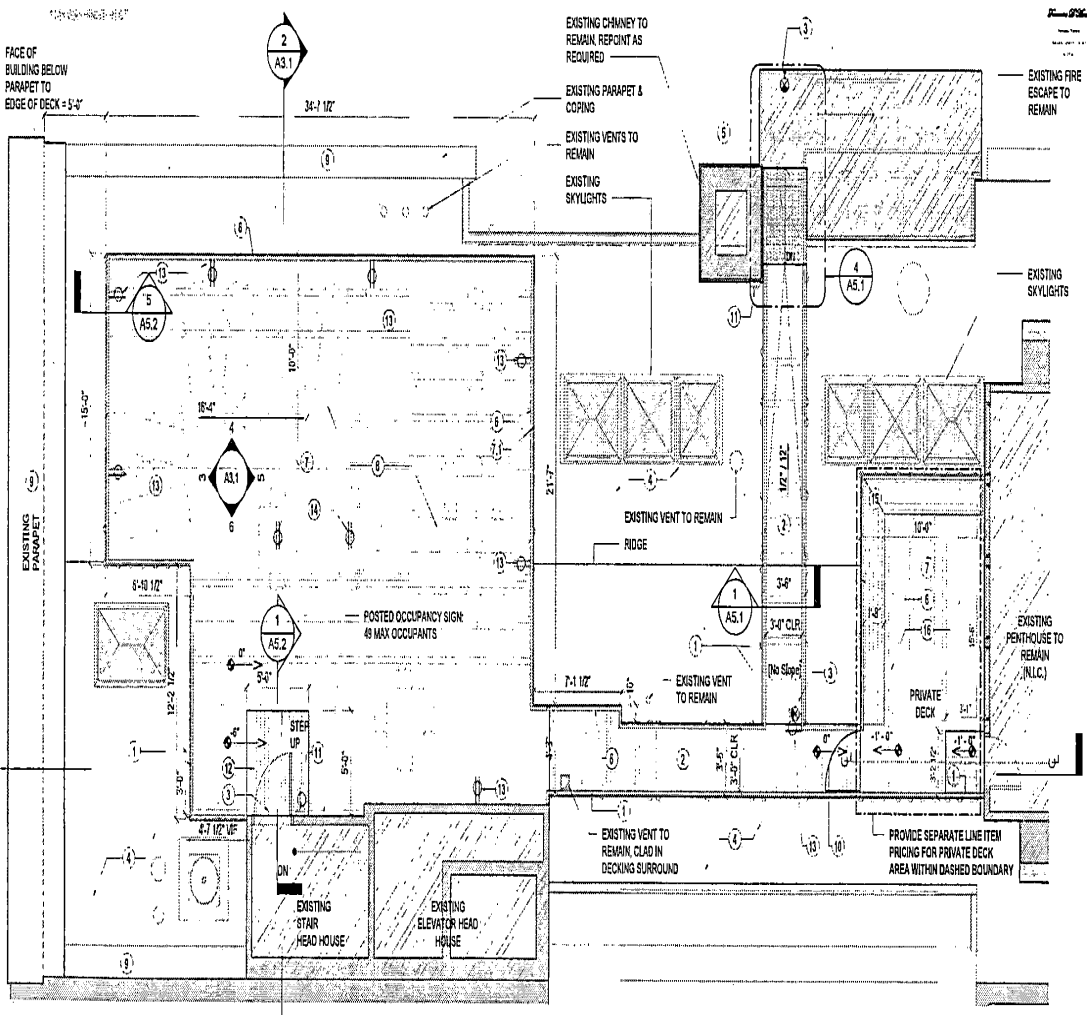
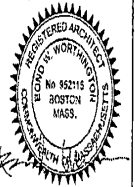


2 VIEW TOWARDS EXIT SIGN @ EXISTING FIRE ESCAPE

CONSTRUCTION NOTES

- 1 3" WIDE REMOVABLE RAILING SECTION FOR MAINTENANCE ACCESS
- NEW WALKWAY - COMPOSITE DECKING ON PT FRAMING ON ADJUSTABLE BISON
- 2 VERSADJUST PEDESTAL SYSTEM. SEE STRUCTURAL DRAWINGS AND SPECIFICATIONS ON SHEET SP.1
- UL LISTED EXIT SIGN RATED FOR EXTERIOR ENVIRONMENTS TO BE ON STEEL POST MOUNTED ON GUARDRAILS, RUN CONDUIT BENEATH DECKING OR IN AN INCONSPICUOUS LOCATION.
- EXTENT AND DETAILS OF EXISTING ROOFING AND INSULATION REPLACEMENT TO BE DETERMINED BY CONTRACTOR AND OWNER, CONTRACTOR TO VERIFY COMPATIBILITY OF ALL MATERIALS AND CAPACITY OF ROOFING MATERIALS TO SUPPORT DECK PEDESTAL SUPPORT SYSTEM
- 3 NEW METAL GRATE STAIR TO MATCH FIRE ESCAPE. 2" MAX RISER, 11" MAX TREAD
- CONTINUOUS STEEL RAILING WITH CABLE INFILL TYPICAL AT PERIMETER OF DECK & WALKWAYS. NOTE LOCATIONS OF REMOVABLE RAILS (NOTE 1)
- 4 PROVIDE GAS CONNECTION BELOW DECK FOR FUTURE FIRE PIT CONNECTION (2 LOCATIONS)
- 5 PROVIDE GAS CONNECTION BESIDE DECK FOR FUTURE GRILL CONNECTION (1 LOCATION)
- NEW ROOF DECK: COMPOSITE DECKING ON PT FRAMING ON ADJUSTABLE BISON
- 6 VERSADJUST PEDESTAL SYSTEM. SEE STRUCTURAL DRAWINGS AND SPECIFICATIONS ON SHEET SP.1
- EXISTING PARAPET & COPING, CONTRACTOR AND OWNER TO DETERMINE EXTENT AND DETAILS OF EXISTING ROOF REPLACEMENT
- 7 NEW PAINTED STEEL GATE WITH SIGN TO READ "NOT AN EXIT"
- EMERGENCY LIGHTS ON BACKUP BATTERY; PROVIDE MINIMUM 1 FOOTCANDLE AT ALL WALKING SURFACES
- 8 RAISE EXISTING DOOR AND FRAME, SILL TO BE ABOVE ADJACENT DECKING SURFACE AS REQUIRED, PROVIDE RADIANT HEAT MAT AND ADJACENT CONVENIENCE OUTLET AT LOWER DECK SURFACE FOR SNOW MELT.
- 9 DUPLEX OUTLETS TO BE MOUNTED TO RAILING SUPPORTS WITH WIRING RUN THROUGH SUPPORT POSTS, CONTRACTOR TO COORDINATE PANEL CONNECTION AND METERING REQUIREMENTS WITH OWNER
- 10 DUPLEX FLOOR OUTLETS, CONTRACTOR TO COORDINATE PANEL CONNECTION AND METERING REQUIREMENTS WITH OWNER
- 11 BUILT-IN 18" HIGH X 27" WRAP AROUND SEAT, FLAT SEAT TOP ON HINGES FOR STORAGE BELOW
- 12 DECK MATERIAL @ PRIVATE DECK, COORDINATE SELECTION WITH OWNER

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 CAMBRIDGE MA 02139



FLOOR PLAN SYMBOLS

- 1 DUPLEX RECEPTACLE GFCI PROTECTION AND NECA 3 ENCLOSURE REQUIRED FOR ALL EXTERIOR RECEPTACLES
- 2 UL LISTED EXIT SIGN RATED FOR EXTERIOR ENVIRONMENTS

Project
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No.	Description	Date

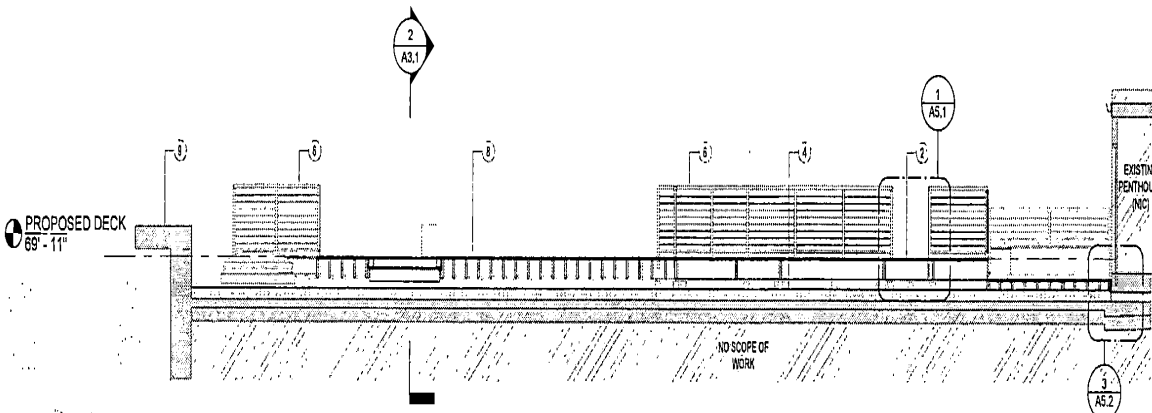
Date 12-16-20
 Scale As indicated

ROOF DECK PLAN

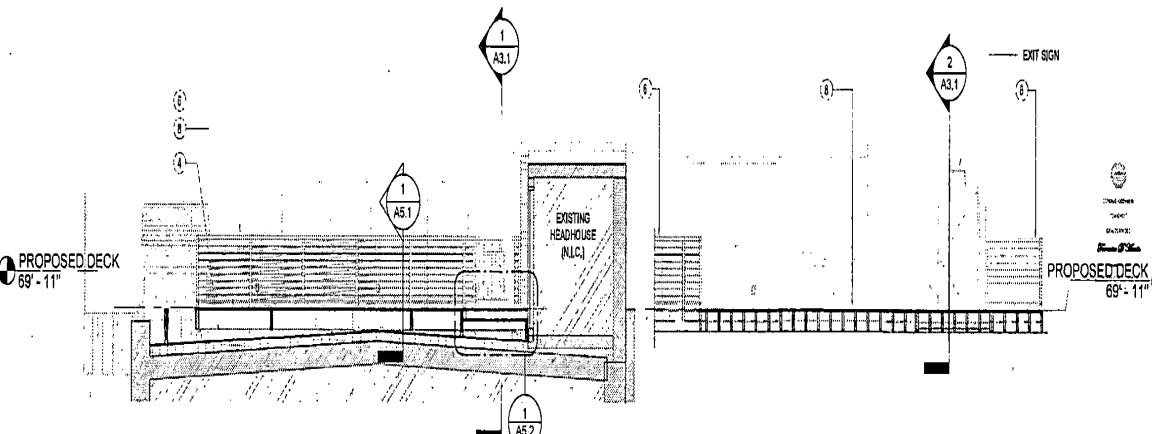
A1.2

1 PROPOSED ROOF DECK PLAN
 3/16" = 1'-0"

NOT IN CONTRACT AND SCOPE

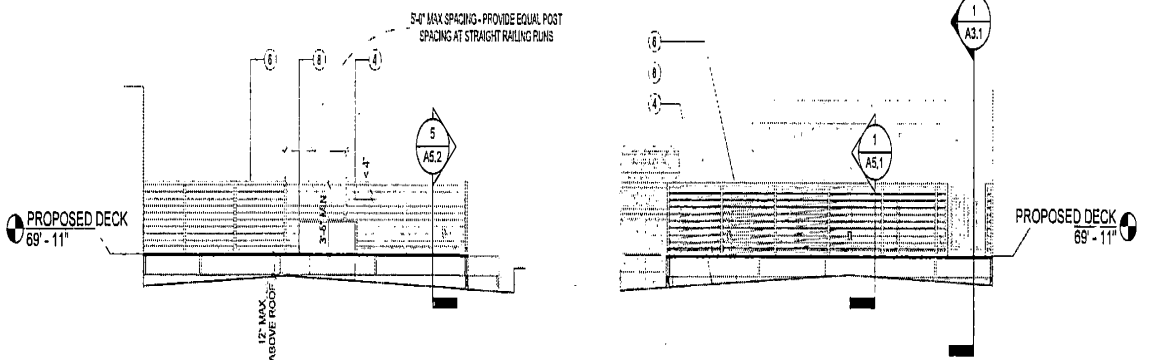


SECTION AT ROOF DECK
3/16" = 1'-0"



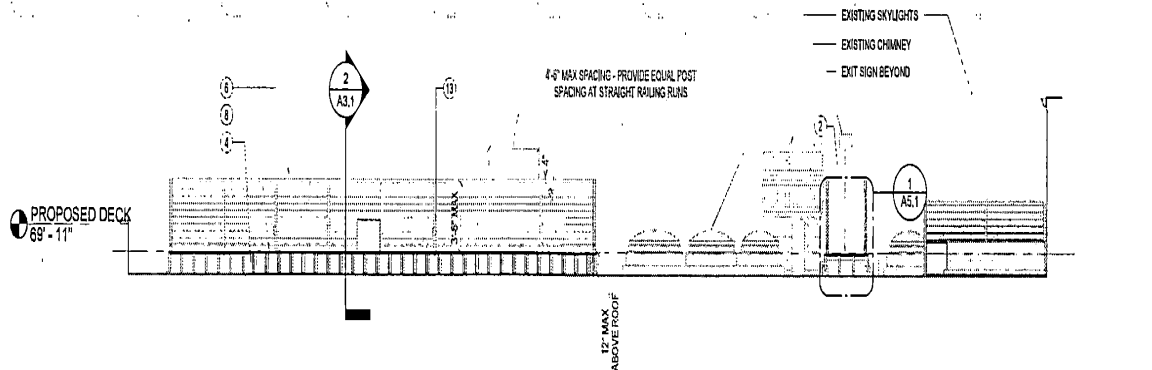
SECTION AT ROOF DECK 2
3/16" = 1'-0"

SOUTH ELEV
3/16" = 1'-0"



WEST ELEV
3/16" = 1'-0"

EAST ELEV
3/16" = 1'-0"



NORTH ELEV
3/16" = 1'-0"

CONSTRUCTION NOTES

- 1) 3/4" WIDE REMOVABLE RAILING SECTION FOR MAINTENANCE ACCESS
- NEW WALKWAY - COMPOSITE DECKING ON PT FRAMING ON ADJUSTABLE BISON
- 2) "VERSADJUST" PEDESTAL SYSTEM SEE STRUCTURAL DRAWINGS AND SPECIFICATIONS ON SHEET SP.1
- UL LISTED EXIT SIGN RATED FOR EXTERIOR ENVIRONMENTS TO BE ON STEEL POST MOUNTED ON GUARDRAILS; RUN CONDUIT BENEATH DECKING OR IN AN INCONSPICUOUS LOCATION.
- EXTENT AND DETAILS OF EXISTING ROOFING AND INSULATION REPLACEMENT TO BE DETERMINED BY CONTRACTOR AND OWNER, CONTRACTOR TO VERIFY COMPATIBILITY OF ALL MATERIALS AND CAPACITY OF ROOFING MATERIALS TO SUPPORT DECK PEDESTAL SUPPORT SYSTEM
- 4) NEW METAL GRATE STAIR TO MATCH FIRE ESCAPE; 7" MAX RISER, 11" MAX TREAD
- CONTINUOUS STEEL RAILING WITH CABLE INFILL TYPICAL AT PERIMETER OF DECK & WALKWAYS. NOTE LOCATIONS OF REMOVABLE RAILS (NOTE 1)
- 6) PROVIDE GAS CONNECTION BELOW DECK FOR FUTURE FIRE FIT CONNECTION (2 LOCATIONS)
- 7) PROVIDE GAS CONNECTION BESIDE DECK FOR FUTURE GRILL CONNECTION (1 LOCATION)
- NEW ROOF DECK: COMPOSITE DECKING ON PT FRAMING ON ADJUSTABLE BISON
- 8) "VERSADJUST" PEDESTAL SYSTEM; SEE STRUCTURAL DRAWINGS AND SPECIFICATIONS ON SHEET SP.1
- EXISTING PARAPET & COPING; CONTRACTOR AND OWNER TO DETERMINE EXTENT AND DETAILS OF EXISTING ROOF REPLACEMENT
- 9) NEW PAINTED STEEL GATE WITH SIGN TO READ "NOT AN EXIT"
- EMERGENCY LIGHTS ON BACKUP BATTERY;
- 11) PROVIDE MINIMUM 1 FOOT CANDLE AT ALL WALKING SURFACES
- RAISE EXISTING DOOR AND FRAME SILL TO BE ABOVE ADJACENT DECKING SURFACE AS REQUIRED. PROVIDE RADIANT HEAT MAT AND ADJACENT CONVECTION OUTLET AT LOWER DECK SURFACE FOR SNOW MELT.
- DUPLEX OUTLETS TO BE MOUNTED TO RAILING SUPPORTS WITH WIRING RUN THROUGH
- 13) SUPPORT POSTS; CONTRACTOR TO COORDINATE PANEL CONNECTION AND METERING REQUIREMENTS WITH OWNER
- DUPLEX FLOOR OUTLETS; CONTRACTOR TO COORDINATE PANEL CONNECTION AND METERING REQUIREMENTS WITH OWNER
- 14) BUILT-IN 18" HIGH X 20" D W/ RAMP AROUND SEAT. FLAT SEAT TOP ON HINGES FOR STORAGE BELOW
- 15) DECK MATERIAL @ PRIVATE DECK; COORDINATE SELECTION WITH OWNER

FLOOR PLAN SYMBOLS

- 1) DUPLEX RECEPTACLE; GFCI PROTECTION AND NEMA 3 ENCLOSURE REQUIRED FOR ALL EXTERIOR RECEPTACLES
- 2) UL LISTED EXIT SIGN RATED FOR EXTERIOR ENVIRONMENTS

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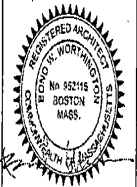
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No.	Description	Date

Date 12-18-20

Scale As indicated

SECTIONS & ELEVATIONS



Project
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No.	Description	Date

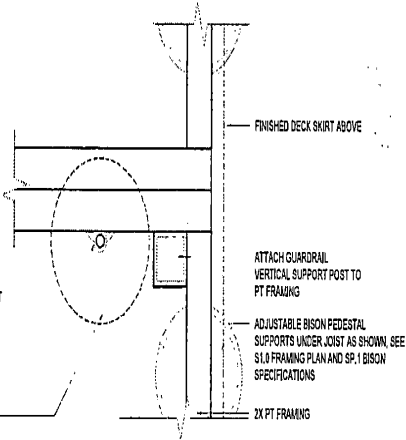
Date 12-10-20

Scale As Indicated

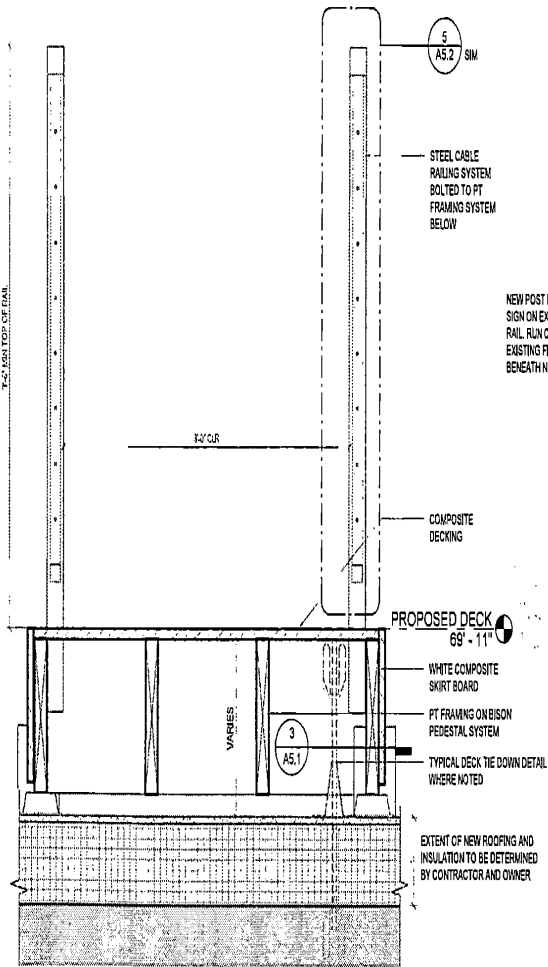
TYPICAL ROOF DECK DETAILS

A5.1

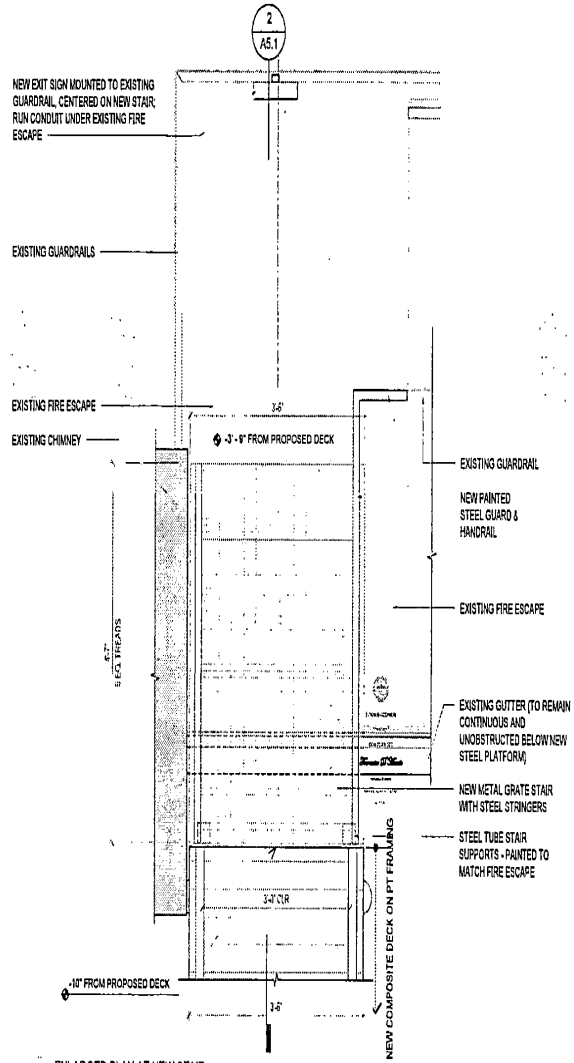
WHERE NOTED, 1/2" THREADED ROD, ATTACHED TO EXISTING ROOF FRAMING AND DECK FRAMING WITH SIMPSON DTT2Z TIES & ROOFING FLASHING BOOT APPROVED BY ROOFING MANUFACTURER - SIMILAR TO FIRESTONE 1/2 CONDUIT QUICK SEAM FLASHING W56358107L. CONTRACTOR TO VERIFY COMPATIBILITY OF ALL ROOFING MATERIALS



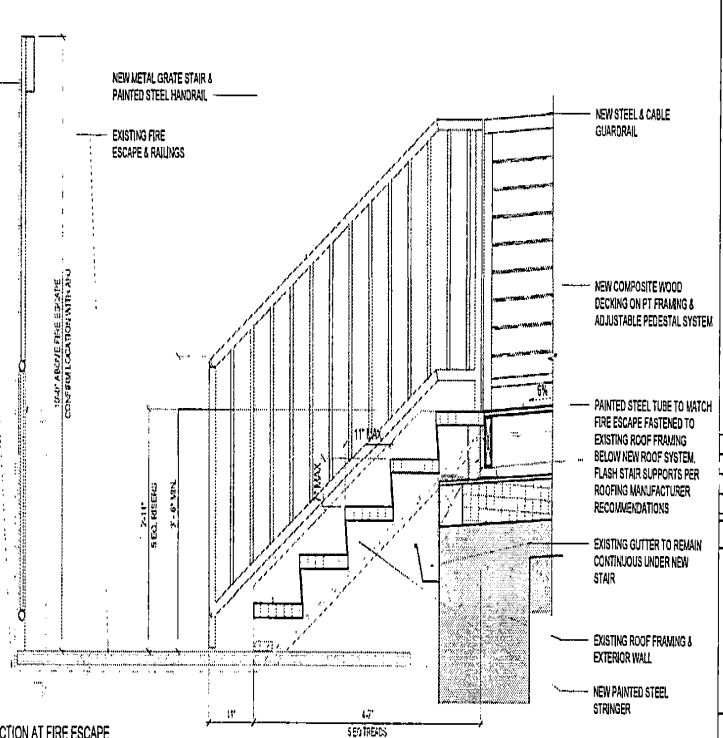
3 TYPICAL DECK TIE DOWN DETAIL
 3/4" = 1/4"



1 DETAIL AT WALKWAY
 1/12" = 1/4"

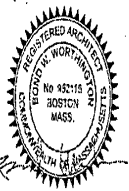


4 ENLARGED PLAN AT NEW STAIR
 3/8" = 1/4"



2 SECTION AT FIRE ESCAPE
 3/8" = 1/4"

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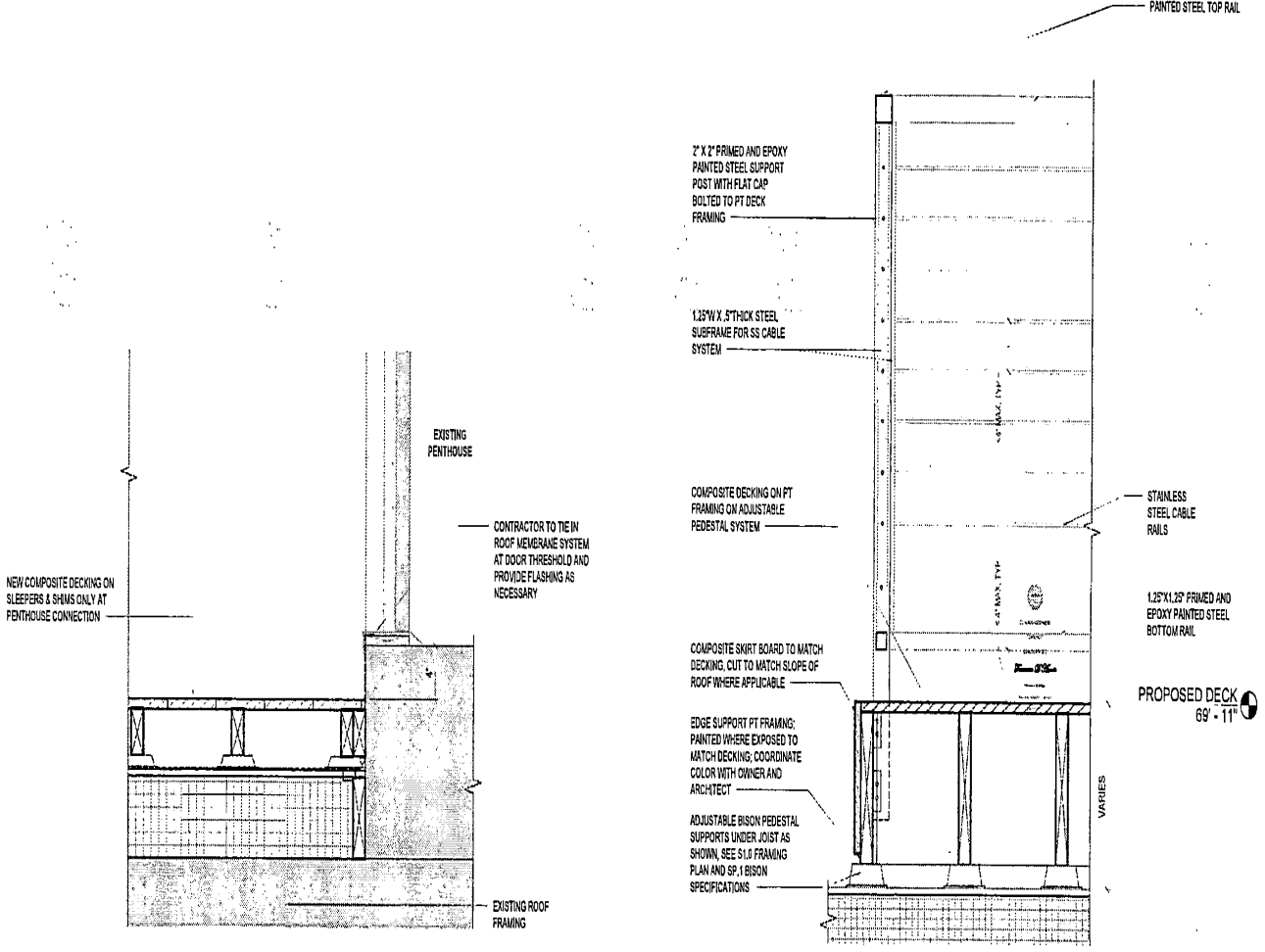


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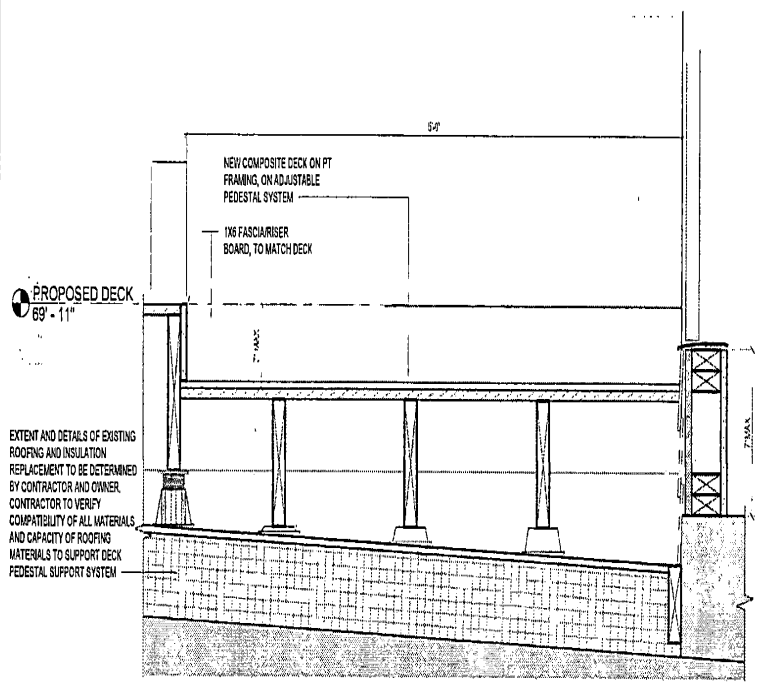
Date 12-10-20
 Scale 1/12" = 1'-0"

**TYPICAL ROOF
 DECK DETAILS**



3 SECTION DETAIL AT PENTHOUSE DOOR
 1/12" = 1'-0"

6 TYPICAL GUARDRAIL DETAIL
 1/12" = 1'-0"



7 DETAIL AT HEADHOUSE DOOR
 1/12" = 1'-0"



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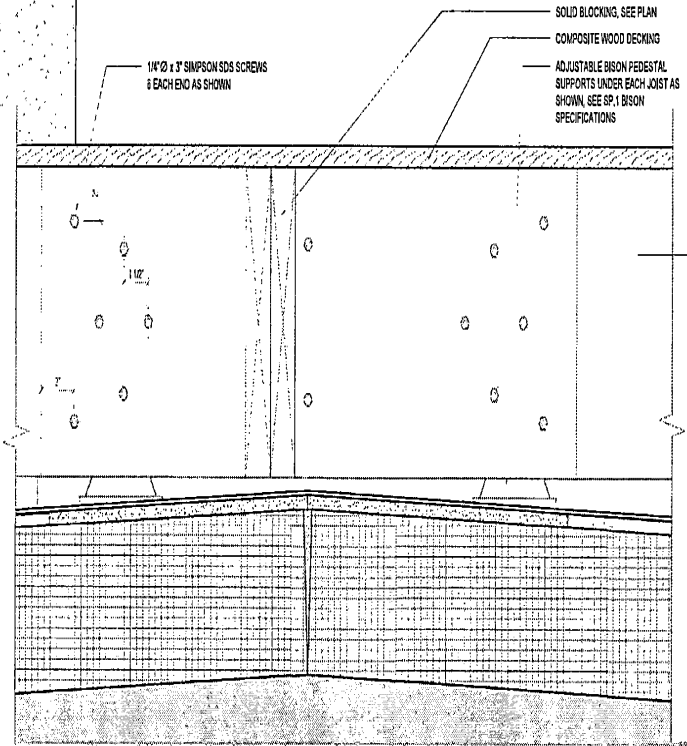
No.	Description	Date

Date 12-10-20

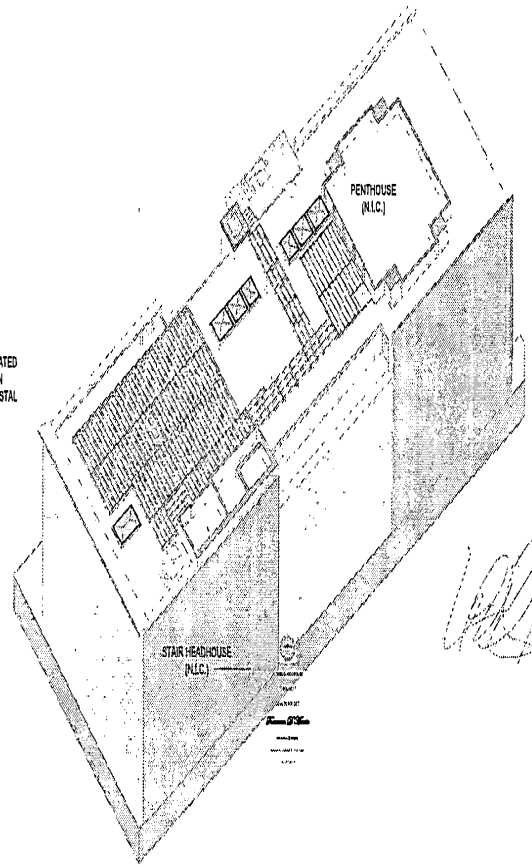
Scale As Indicated

ROOF DECK FRAMING PLAN

S1.0



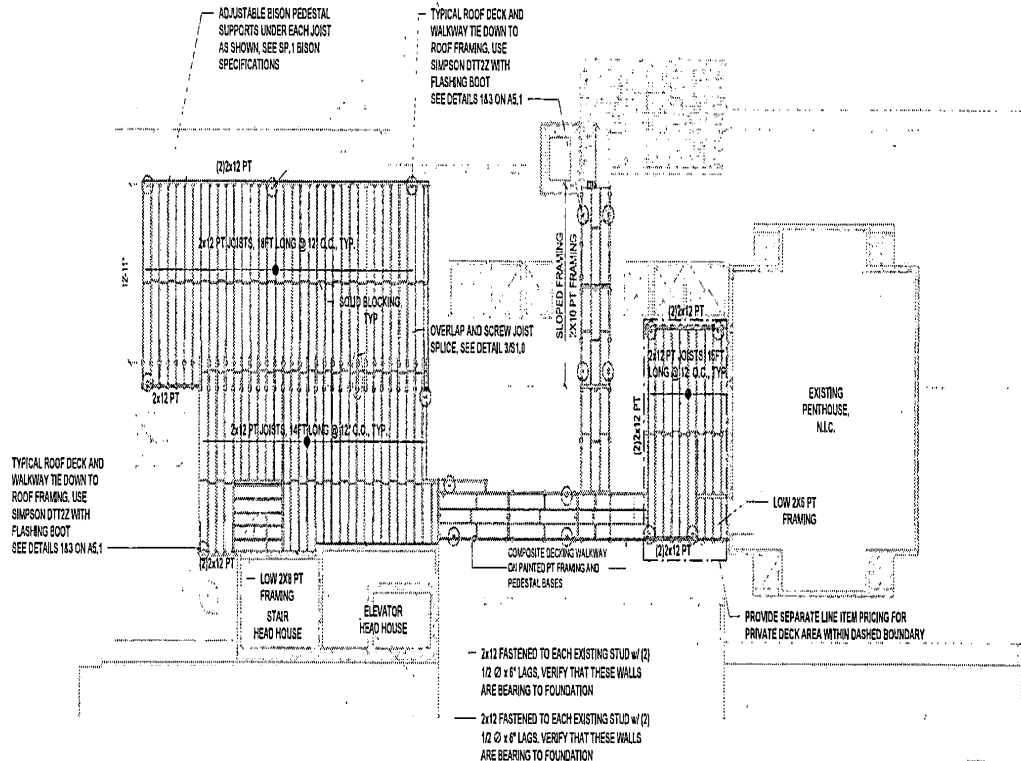
3 TYPICAL DETAIL AT RIDGE
 3" = 1'-0"



2 ROOF DECK FRAMING AXON

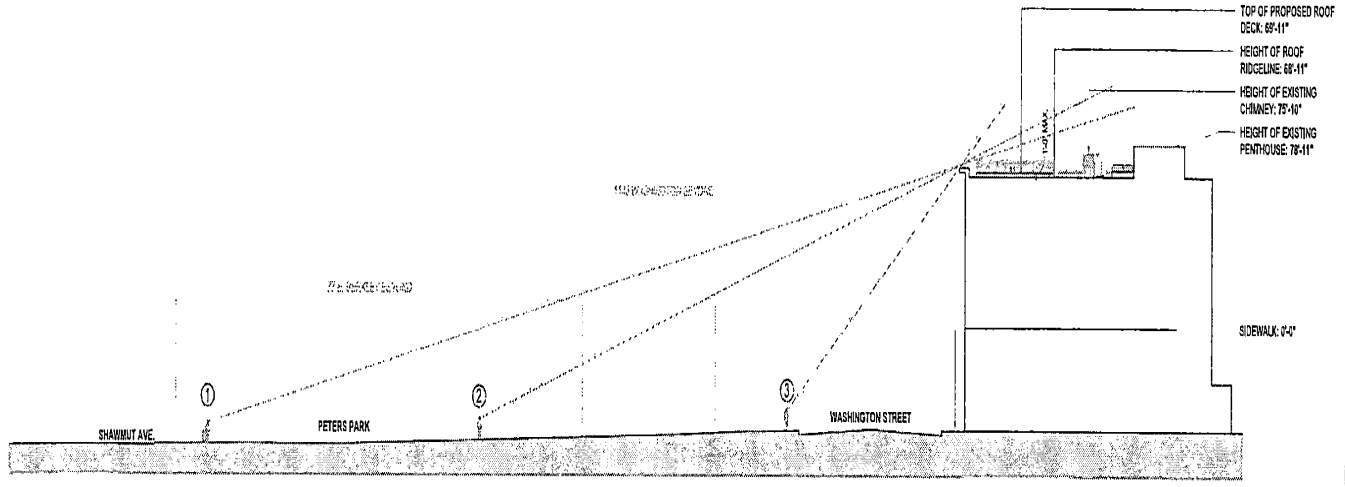


PEDESTAL SYSTEM WITH PAINTED 2X PT FRAMING AT WALKWAYS. GUARDRAILS TO BE ANCHORED TO 2X FRAMING. SEE PLAN FOR THE DOWN LOCATIONS AT DECK AND WALKWAY

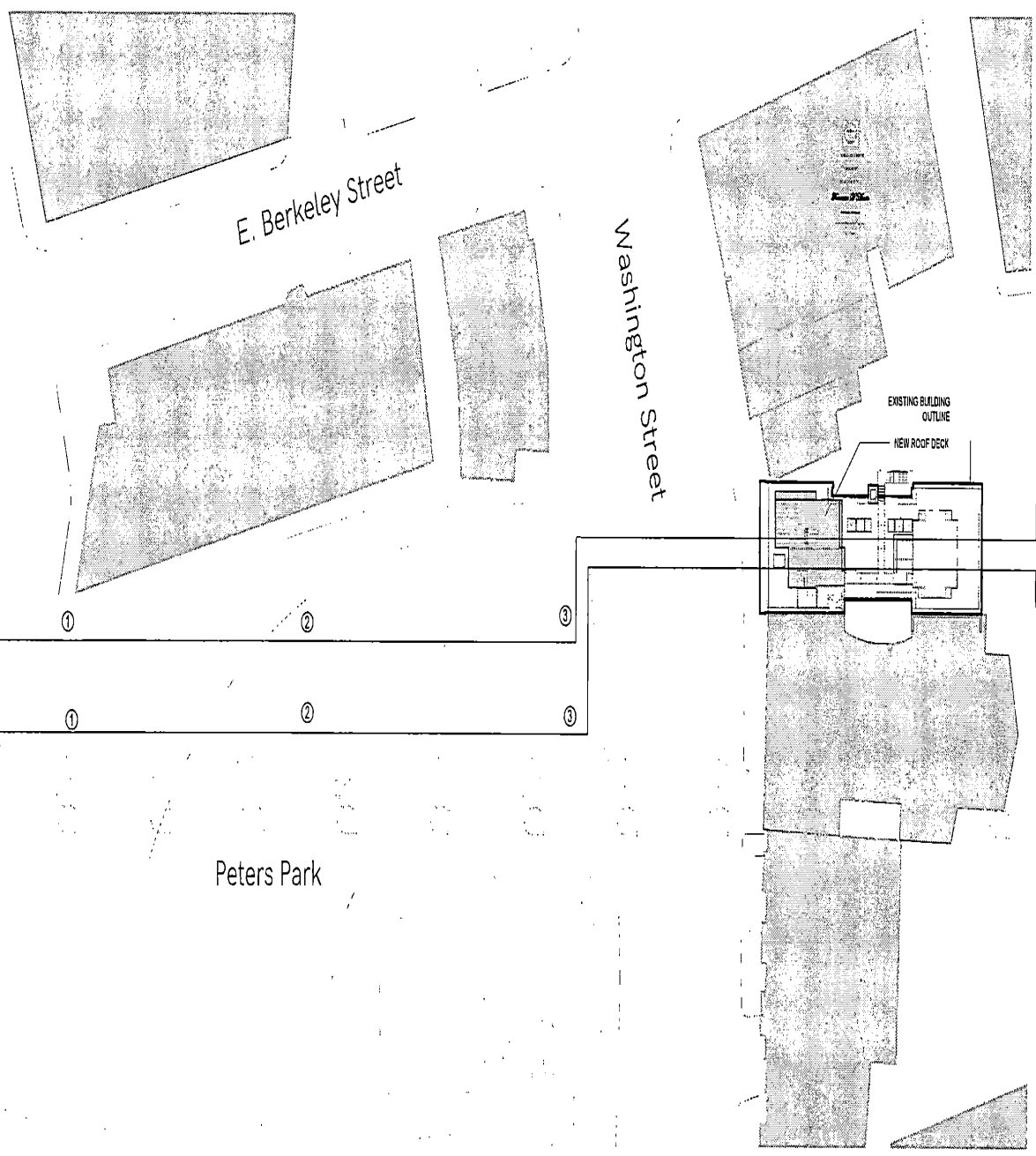


1 PROPOSED ROOF DECK FRAMING PLAN
 1/8" = 1'-0"

NOT IN CONTRACT AND SCOPE



2 SITE SECTION NORTH
1" = 30'-0"

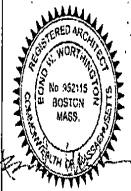


2 SELOC

1 SELOC

1 SITE PLAN - LANDMARKS
1" = 30'-0"

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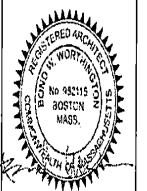
Date 12-18-20

Scale 1" = 30'-0"

LANDMARKS
 DIAGRAM
 NORTH

N
 SELDC1

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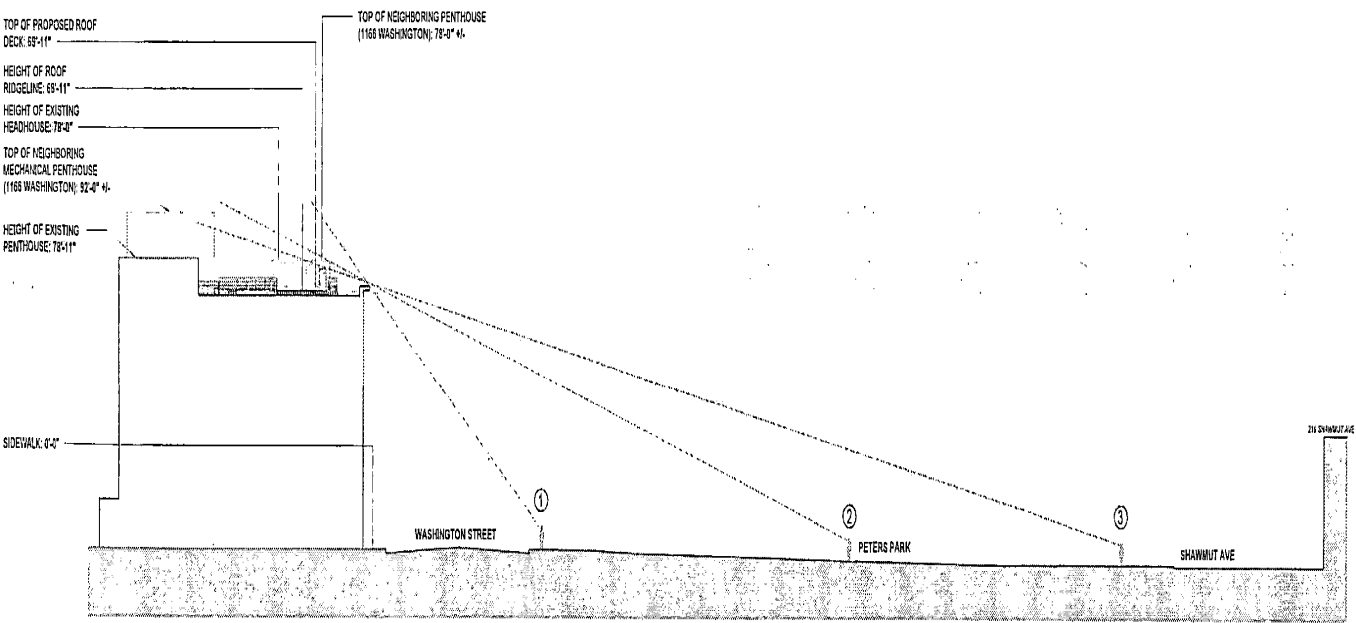


PROPOSED DESIGN IS NOT VISIBLE FROM THE STREET; NO MODIFICATIONS
 ARE PROPOSED TO EXISTING CORNICE OR EXISTING FACADE

2 VIEW FROM STREET
 3/8" = 1'-0"

APPLICABILITY: Roof structures, headhouses, to include, mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 3,000 square feet, if the total roof area of the building is 3,000 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if each total roof area is greater than 3,000 square feet.
 See 242-2 Access walkway house

Building code review has been deferred at this time.
 521 CMR code compliance req.
 799 CMR (2015) 802 ch. 10, applies if approved req.
 521 CMR code compliance 18D
 Chapter 3A Chapter 7- Fire code/other ratings of structural members



1 SITE SECTION SOUTH
 1" = 30'-0"

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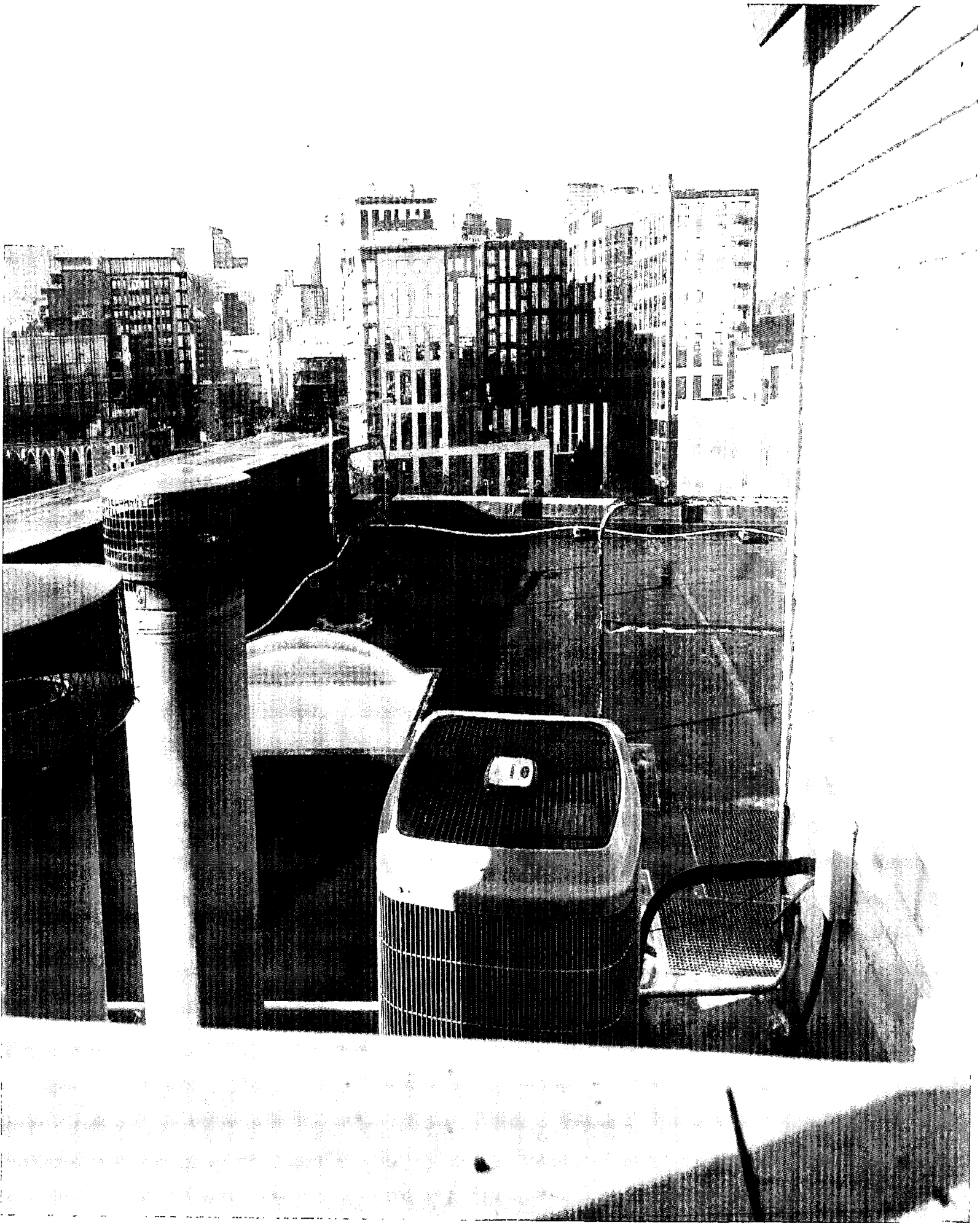
LANDMARKS
 DIAGRAM
 SOUTH

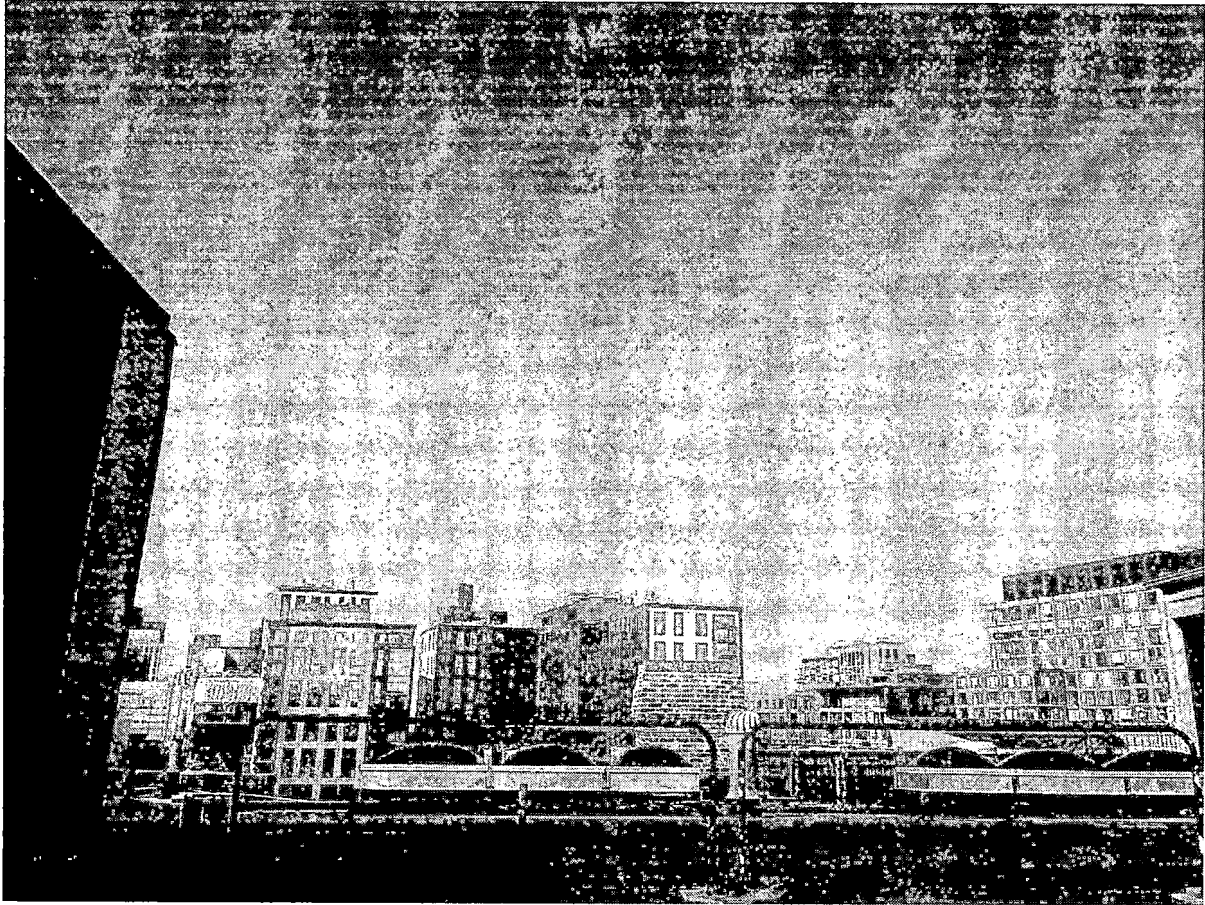
SELD02

EXHIBIT 4



View from Rudisch Patio





View from Rudisch Living Room

