

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

LAND COURT DEPARTMENT
DOCKET NO. 23 MISC 000338 (Vhay, J.)

MISSION ASSOCIATES, LLC

Plaintiff,

v.

BUILDING COMMISSIONER FOR THE CITY
OF BOSTON, and
BOSTON LANDMARKS COMMISSION,

Defendants.

**FIRST-AMENDED VERIFIED COMPLAINT FOR PRELIMINARY INJUNCTIVE
RELIEF IN THE NATURE OF MANDAMUS AND FOR DECLARATORY JUDGMENT**

NOW comes the Plaintiff, Mission Associates, LLC (“Mission”) and makes the following First-Amended Complaint under oath:

PARTIES

1. The Plaintiff, Mission Associates, LLC (“Mission”) is a Massachusetts Limited Liability Company with a principal place of business at 170 Newbury Street, Boston, Massachusetts. Mission is a single-purpose entity associated with the development firm Weston Associates, Inc.
2. The Building Commissioner of the City of Boston is the official responsible for the enforcement of the Boston Zoning Code through its duly constituted Inspectional Services Department (“ISD”).
3. The Boston Landmarks Commission (“BLC”) is a body politic established by St. 1975 c. 772 to regulate the demolition or alteration of historical structures or structures in historical districts.
4. BLC is an independent commission governed by six commissions, all appointed by the Mayor and ratified by the Boston City Council and designated by statute as “special municipal employees.”

STATEMENT OF FACTS

5. On information and belief, since approximately 1880, the Boston Society of Redemptorist Fathers, Inc. has owned, occupied and operated a series of buildings in the Parker Hill area of Mission Hill located between Alphonsus Street and Smith Street. The properties are currently known and numbered as 80 Smith Street (Saint Alphonsus Hall), 90 Smith Street (currently occupied by the Harvard School of Public Health), 100 Smith Street (Convent Building), 94 St. Alphonsus Street (Mission Grammar School) and 1545-1565 Tremont Street (Mission Church and Rectory).
6. On information and belief, the Order closed St. Alphonsus Hall in the late 1970's due to declining church membership, underutilization of the buildings, increased upkeep and declining revenues. The Convent building at 100 Smith Street closed sometime between the late 1980's and early 1990's.
7. On information and belief, 80 and 100 Smith Street remained closed into the early 2000's, decaying further as the Order lacked any resources to support a maintenance effort.
8. In the late 1990s, the Redemptorist Fathers engaged Weston Associates, Inc./Mission Associates, LLC to conduct a full review of their real property assets throughout the East Coast. As part of that effort, Mission evaluated the Mission Hill campus properties. Mission also assumed responsibility for preservation efforts at Mission Church including the installation of a new roof and structures to enable handicap accessibility. The Order and Mission engaged with an independent appraiser who determined a fair market price for 80, 90 and 100 Smith Street.
9. Working with the Order, Mass Historical Commission, Boston Landmarks and the Boston Redevelopment Authority (now BPDA), Mission worked out the framework of a development plan such that Mission was confident it could purchase and redevelop the three properties.
10. On October 16, 2003, the Order sold 80, 90 and 100 Smith Street to Mission Associates LLC, at the fair market value established by the appraiser.
11. In 2005, after a nearly four-year public process that included reviews and approvals from the Boston Redevelopment Authority, the Boston Landmarks Commission, the Boston Zoning Board of Appeals, the Boston Parks Department, the Department of Environmental Protection/Mass Historical Commission and the Boston Civic Design Commission development plan was approved that would demolish the buildings at 80 Smith Street (Alphonsus Hall, currently containing 40,000 square feet of gross floor area) and 100 Smith Street (Convent Building, currently containing 30,000 square feet of gross floor area) to make way for 229 units of new housing.
12. On June 5, 2005, the BLC issued a Certificate of Design Approval With Provisos, in which it approved, among other elements of redevelopment, the demolition of Alphonsus

Hall and the Convent Building and the construction of two residential buildings with 229 units. A true and accurate copy of BLC's Certificate is attached hereto as Exhibit 1.

13. The "provisos" of the approval included the following language which was taken from BLC's "Mission Church Complex – Study Report" (as amended August 10, 2004):

¶3. The BLC notes in particular Section 9.6 of the Standards and Criteria addressing Demolition. Demolition shall only be allowed once a financial commitment to the project, or a demonstrated financial capacity, has been presented to the satisfaction of the City of Boston, and once major permits, including a building or foundation permit, have been secured. The owners of record shall be responsible for securing all of the buildings of Mission Church Complex. If the owners fail to secure the buildings, the further deterioration or loss of the buildings due to water damage, vandalism, fire, or other causes shall be considered demolition by neglect.

14. In or around March and April 2006, Mission entered into a Memorandum of Agreement with the Massachusetts Historical Commission, the Massachusetts Department of Environmental Protection and the Boston Landmarks Commission concerning the processes and procedures by which Mission would undertake the project. A true and accurate copy of the Memorandum of Understanding is attached hereto as Exhibit 2.
15. The Memorandum of Understanding contains no termination date and is still in force and effect.
16. Mission's redevelopment of 80 and 100 Smith Street was suspended in 2005 when an alleged abutter filed an appeal of the Zoning Board's grant of required zoning relief. The abutter's appeal was dismissed in February of 2007. See Brookins v. Boston Board of Appeals, 2007 Mass. App. Unpub. LEXIS 719 (2007).
17. Following the final dismissal of the abutter appeal, the Global financial crisis rendered the financing of the project impossible for a period of time.
18. In 2009, Mission's original project approvals were amended by relevant governing bodies (including BLC) to allow for the 2010 restoration and redevelopment of 90 Smith Street into office space for the Chan Harvard School of Public Health, in which HPHC retained an option to expand into 80 and/or 100 Smith Street. HPHC is a current tenant of the building.
19. For Fiscal Year 2008-2011, the City of Boston Assessor assessed 80-90-100 Smith Street as "apartment building" valued at \$4,878,600.
20. Beginning in Fiscal Year 2012, 80-90-100 Smith Street was assessed as "residential/commercial" valued at \$10,145,000.

21. In 2022, Mission filed a Notice of Project Change with the Boston Planning and Development Agency, proposing to resurrect the apartment/housing on both 80 and 100 Smith Street with a new design.
22. On August 25, 2022, Carmine Guarracino, principal of Roome & Guarracino, consulting structural engineers, inspected 80 and 100 Smith Street.
23. On September 19, 2022, Guarracino issued his initial Engineering Report for 80 Smith Street, detailing his fear that the building was at risk of a catastrophic collapse which could endanger the public due to the buildings' proximity to sidewalks, a school, an office building, and an active public park. A true and accurate copy of Guarracino's first report is attached hereto as Exhibit 3.
24. As part of BPDA's Article 80 regulatory process, Mission participated in an advisory meeting with the Boston Landmarks Commission. At that meeting on September 27, 2022, the Executive Director of the BLC, Roseanne Foley, instructed Mission to immediately consult with Boston Inspectional Services due to the threat to public safety, stating "If there is some kind of public danger associated with these deteriorating buildings, the Inspectional Services Department can certainly let you demolish them immediately. Have you been in touch with ISD to proceed?" "If it is as dangerous as you say it is, we would not want to be seen as putting children in danger."
25. On October 4, 2022, Guarracino transmitted follow-up correspondence stating his "strong professional opinion" that both 80 Smith Street and 100 Smith Street "be razed in a safe and controlled manner." True and accurate copies of Guarracino's follow-up correspondence is attached hereto as Exhibits 4 and 5.
26. October 4, 2022, Mission shared Exhibits 3 and 4 with inspectors employed by ISD.
27. On October 6, 2022, ISD Inspector Pernell Jackson of ISD toured the buildings and issued a violation notice noting the buildings were unsafe and dangerous. Rather than order the buildings demolished, however, the violation notice commanded Mission to "apply for and secure a permit forthwith to make all necessary repairs." A true and accurate copy of the violation notice is attached hereto as Exhibit 6.
28. On October 22, 2022, notwithstanding the urgent opinion of the consulting structural engineer's report, Inspector Pernell Jackson of ISD issued a second violation notice for 80-100 Smith Street, with the same instruction to "apply for and secure a permit forthwith to make all necessary repairs." A true and accurate copy of the violation notice is attached hereto as Exhibit 7.
29. Between October 2022 and April 2023, following the required process for obtaining a demolition permit from ISD, Mission submitted plans for all items of the Demolition checklist that are required prior to demolition, including rodent control, full hazardous remediation, and cutting and capping of all utilities.

30. On April 14, 2023 at 10:47AM, BLC Commissioner Joseph Cornish advised Building Commissioner Lydon that he has denied demolition permits for both 80 and 100 Smith Street because they are designated “Boston Landmarks.” A true and accurate copy of the BLC email correspondence with Commissioner Lydon is attached hereto as Exhibit 8.
31. On April 18, 2023, Mission’s David MacKay met with Building Commissioner Lydon to discuss the pending demolition application for 80 – 100 Smith Street, during which MacKay provided hard copies of Guarracino’s September and October reports Commissioner Lydon.
32. Immediately following the MacKay-Lydon meeting, Lydon responded to Cornish (BLC) email of April 14, 2023, stating “We have to make a move Joe due to the seriousness of the situation.” A true and accurate copy of Lydon’s reply is attached hereto as Exhibit 8.
33. An hour later, Cornish (BLC) responded to Lydon: “Hi Sean, Thank you for the update on this. To reiterate what Rosanne (Foley, Executive Director BLC) said at the September hearing, the 2005 approval to demolish the buildings was only valid for two years and has expired (see attached). The Boston Landmarks Commission will need to review and approve demolition unless ISD determines they are unsafe and issues a take down order. Please keep us posted and thank you for working with us on this. Joe.” A true and accurate copy of Lydon’s reply is attached hereto as Exhibit 8.
34. Lydon responded immediately to Cornish: “Hi Joe, the structural engineer’s report really leaves us no choice. It’s pretty strongly worded as far as dangerousness to the public. I would like to go ahead and order the takedown, with violations written in reference to this report. Sean” A true and accurate copy of Lydon’s reply is attached hereto as Exhibit 8.
35. On April 21, 2023, aware that his supervisor was in the midst of a jurisdictional dispute with BLC, ISD Inspector Karl Mitchell issued another violation notice for 80-100 Smith Street by Inspector. A true and accurate copy of same is attached hereto as Exhibit 9.
36. On April 24, 2023, Inspector Pernell Jackson, also aware that his supervisor was in the midst of a jurisdictional dispute with BLC issued yet another violation notice issued 80-100 Smith Street property. A true and accurate copy of same is attached hereto as Exhibit 9.
37. On April 25, 2023, consulting engineer Guarracino, aware that the City had yet to issue Mission a demolition permit, transmitted follow-up inspection reports to Mission, stating the following with respect to both 80 and 100 Smith Street:

Many of the issues I noted in my letter report of October 2022 still hold true with the exception that the level of disrepair has worsened over time. Areas of deteriorated and collapsed floors have increased and more areas of masonry deterioration in the Walls are visible. It is evident that the conditions have worsened over the last several months through the winter

and there is no way of telling when a catastrophic collapse can occur.

It is my strong professional opinion that the existing [buildings] be razed in a safe and controlled manner.

True and accurate copies of Guarracino's April 25th reports are attached hereto as Exhibit 10.

38. On May 19, 2023, more than a month after Commissioner Lydon recognized the seriousness of the buildings' condition, and after ISD inspectors issued two violation notices, the Commissioner issued a permit for demolition of 80 and 100 Smith Street. A true and accurate copy of the Demolition Permit is attached hereto as Exhibit 11.
39. Upon notice of the issuance of the demolition permit, Mission immediately commenced the necessary preparations for demolition of St. Alphonsus Hall.
40. On June 2, 2023, Mission's coordinator of community engagement, Sean Curran, distributed a document entitled "**Boston Inspectional Services Issues Demolition Order for 80 -100 Smith Street.**" The document included a history of the property, a chronological review of the process, and specific information for the community about the impending demolition. The document was distributed to Michael Christopher (BPDA), Ebony De la Rosa (BPDA), Michael Sinatra (BPDA), Enrique Pepen and Maggie Van Scoy of Office of Neighborhood Services, and Greg Henning who represents the Redemptorist Fathers, Mission Church and Mission Grammar School. A true and accurate copy of Curran's document is attached hereto as Exhibit 12.
41. On June 4, 2023, Commissioner Lydon telephoned Mission's David MacKay, requesting that the word "order" be removed from any correspondence with the community.
42. On June 6, 2023, Maggie Van Scoy, the Office of Neighborhood Services' Liaison to the Mission Hill neighborhood, forwarded to Commissioner Lydon a copy of the email she received on June 1, 2023 which included the subject line "80 and 100 Smith Street Demolition order from ISD." The email includes only the text: "FYI." A true and accurate copy of Van Scoy's email is attached hereto as Exhibit 13.
43. Shortly after Van Scoy sent her email, Lydon emailed Mission's Curran, stating: "This portrayal of a *demolition order* by ISD is misleading and a misrepresentation of this department's interest in this project. Please clarify and rescind this statement immediately Mr. Curran." A true and accurate copy of Lydon's email is attached hereto as Exhibit 13.
44. Curran promptly responded to Lydon, sharing an updated document that removed the use of the word "Order" and replaced with "...on Friday, May 19th, the Inspectional Services Department of the City of Boston issued a violation notice and permit for the removal of both 80 and 100 Smith Street." A true and accurate copy of Curran's email and updated document are attached hereto as Exhibit 13.

45. Minutes later, in response to Curran’s revised statement, Lydon replied: “Nope, Rescind what you have previously stated in text as far as ISD’s orders. Your structural engineer’s reports from September of 2022 and April of 2023 were the catalyst behind the issuance of any permits.”
46. On June 6, 2023, Mission received Stop Work Orders for the demolition of both 80-100 Smith Street. True and accurate copies of the Stop Work Orders are attached hereto as Exhibit 14.
47. On June 7, 2023, Curran emailed Lydon stating: “Commissioner, I apologize that I am taking as much of your time on this matter as I have. The fault lies with me alone. Here is the message I would like to send back, with your permission, to the two folks from ONS and Mike Christopher:

Mike, Enrique, and Maggie, As you are aware from a prior email response from ISD Commissioner, Sean Lydon, I used incorrect terminology to describe ISD’s posture in regards to the demolition permits for 80 and 100 Smith Street. I described it as an “order” which the Commissioner rightfully points out is not correct. In an attempt to use shorthand, I improperly described the true nature of ISD’s engagement with those two buildings. It was inadvertent, but it is important to set the record straight. Mission Associates, through their structural engineer, provided two reports to ISD regarding the lack of structural integrity in the two buildings. Those reports were the impetus for an ISD inspector to come to the site to observe the buildings himself. At that point there was concurrence with what appeared in the structural engineer’s report and a violation and permits were granted. (See timeline of events below). We will be more precise in describing this scenario in the future in both internal and external communication.

A true and accurate copy of Curran’s email and updated document are attached hereto at Exhibit 15.

48. The Stop Work Orders asserted that the reason for their issuance was “incomplete submittals.” The basis for the reason was arbitrary; the alleged missing submittals were delivered on or before June 13, 2023; but the Stop Work Order was not rescinded.
49. On June 20, 2023, counsel for Mission was advised by legal counsel to Commissioner Lydon that the Commissioner will not reissue demolition permits until Mission completed a new review process through BLC.
50. During the week of June 26, Mission’s MacKay and Curran conducted a telephone conference with BLC Commissioner Cornish. Cornish stated BLC would not approve demolition without a full design review process.
51. A BLC design review process cannot occur until the Boston Civic Design Commission (BCDC) and the BPDA approve a proposed design change for the planned redevelopment

of 80-100 Smith Street.

52. In information and belief, the Civic Design Commission and BPDA reviews will take six to twelve months.
53. On June 28, 2023, MacKay contacted Christopher English, Chief of Staff for the ISD, via telephone. Mr. English expresses optimism that the situation could be resolved to everyone's satisfaction and suggests a video call between MacKay, Lydon, English and Coburn.
54. On June 30, 2023, English informed MacKay that his optimism was misplaced: Lydon would not meet with MacKay, and he reiterated that the demolition approval will need to go through the Landmark Commission process.
55. On Friday, July 7, 2023, a video conference occurred among Dion Irish, Chief Operating Officer for the City of Boston; Michael Firestone, Chief of Policy and Strategic Planning for the City of Boston; Mission's MacKay and Curran and a City of Boston staff member took place. Sean Curran and MacKay outlined the team's grave concerns regarding the structural integrity of the building and dangers to the public. Curran stated that inter-agency disputes should not supersede the interest of public safety. Curran and MacKay are told that Irish would meet with Lydon on Tuesday, July 11th.
56. On Friday July 13, 2023, Mission's efforts to reach meeting participants have been unsuccessful and no additional response has been offered by City of Boston representatives.
57. On Thursday, July 20, 2023, having exhausted all non-legal means of redress, Mission timely filed administrative appeals of the Building Commissioner's Stop Work Orders. A true and accurate copy of Mission's administrative appeals are attached hereto as Exhibit 16.
58. On Friday, July 21, 2023, the Inspectional Services Department/Board of Appeal's office rejected the administrative appeal on the basis that the Commissioner's office had not issued a "refusal letter." A true and accurate copy of the rejection is attached hereto as Exhibit 17.

COUNT ONE
INJUNCTION - MANDAMUS

59. The Plaintiff repeats each of the foregoing allegations as though specifically set forth herein.
60. Among the principal purposes of the Boston Zoning Code is to "secure safety from fire, panic *and other dangers*."

61. The Commissioner of ISD is duty-bound to enforce the Zoning Code.
62. Article 85 of the Boston Zoning Code governs the demolition of buildings in the City of Boston.
63. The exclusive purposes of Article 85 (Demolition Delay) are to “**establish a predictable process** for reviewing requests to demolish certain buildings in order to: (1) establish an **appropriate waiting period** during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City; (2) provide an **opportunity for the public to comment** on the issues regarding the demolition of a particular building; and (3) minimize the number and extent of building demolitions where no immediate re-use of the site is planned.
64. In 2005, Mission followed the predictable process to request permission to demolish 80 and 100 Smith Street.
65. During Mission’s 2005 application process, an appropriate waiting period ensued during which the City, the Applicant and any other interested party, evaluated any potential or proposed alternatives to the demolition of 80-100 Smith Street, which all parties agree are “buildings of historical, architectural, cultural or urban design value” to the City.
66. During Mission’s 2005 application process, the public had an appropriate opportunity to comment on the issues.
67. During Mission’s 2005 application process, BLC and ISD insured that the minimum number and extent of building demolitions occurred.
68. During Mission’s 2005 application process, BLC did not find that, in the public interest, it was preferable that the building be preserved or rehabilitated rather than demolished.
69. Between the BLC’s issuance of a Certificate of Design Approval in 2005 and September of 2022, the physical condition of the buildings at 80-100 Smith Street deteriorated substantially further.
70. Between BLC’s issuance of a Certificate of Design Approval in 2005 and June of 2023, no material circumstances concerning the property occurred other than the further deterioration of the physical condition of the buildings at 80-100 Smith Street.
71. Pursuant to Article 85-4, the Commissioner’s authority to issue a demolition permit may be exercised where the Commissioner “deems the demolition necessary.”
72. Pursuant to Article 85-4(2)(a), none of the BLC review provisions for demolition delay “shall restrict the authority of Commissioner of Inspectional Services to order the

building owner, or the City, to demolish a building at any time if the Commissioner determines that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.”

73. Exercising his authority to do so, on May 19, 2023, the Commissioner issued Demolition Permits for 80 and 100 Smith Street.
74. With the granting of a demolition permit, the Commissioner deemed (whether constructively or by legal implication) the demolition of 80-100 Smith Street necessary to protect the public from an imminent and substantial danger to the public safety.
75. Between May 19, 2023 and this day, the physical condition of 80-100 Smith Street and the risk to the public have deteriorated with every passing day.
76. In light of the structural engineering report and the conclusions of the structural engineer that both structures posed an imminent danger to the public, the Commissioner had no discretion to deny the permits where the buildings posed an imminent and substantial danger to the public safety and health.
77. The Commissioner had no contrary or countervailing evidence to the structural engineer’s conclusions.
78. The ISD Commissioner’s duty to protect the public from the threat of collapse is unconstrained by BLC’s authority under Article 85 when the Commissioner has determined that “the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.”
79. The concerted determination of both ISD and BLC to compel Mission to follow a lengthy review process to demonstrate what has already been determined by BLC in 2005 concerning the condition of 80 and 100 Smith Street represents an ongoing threat to the public who pass along the affected properties on a daily basis.
80. The concerted determination of both ISD and BLC to compel Mission to follow a lengthy process review to demonstrate what has already been determined by BLC in 2005 represents an ongoing risk of liability to Mission insofar as it is being unlawfully prevented from taking the required immediate actions necessary to mitigate its own landowner liability concerns.
81. Mission and the general public are irreparably harmed by the refusal of ISD to permit the demolition of 80 and 100 Smith Street after having found “the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.”
82. The Commissioner’s issuance of a Stop Work Order interrupting the authorized demolitions was born out of the Commissioner’s personal affront at having been designated the responsible party for the authorization of demolition, and as such was

arbitrary, capricious, and an abuse of the Commissioner's discretion.

83. Alternatively, if the Commissioner's decision to defer his authority to order demolition because of the belief that Article 85 constrained his authority, then the Commissioner's decision was a manifest error of law.
84. The Stop Work Order had no other basis in the record.
85. Having previously issued demolition permits for 80 and 100 Smith Street based upon the structural inspection report, the Commissioner's rescinding of the Demolition Permits and issuance of a Case and Desist Order were arbitrary, capricious, and an abuse of discretion.
86. Mission has no other adequate remedy at law to abate a public safety threat. The law will not compel an applicant to pursue a fruitless administrative process, especially where an imminent threat to the public safety is undisputed.

WHEREFORE, Mission Associates LLC requests that this Honorable Court issue a preliminary injunction in the nature of mandamus ordering the Commissioner to forthwith rescind ISD's Stop Work Order and reinstate its Demolition Permits.

COUNT TWO DECLARATORY JUDGMENT

87. The Plaintiff repeats each of the foregoing allegations as though specifically set forth herein.
88. A dispute has arisen among Mission, the Commissioner and BLC concerning the extent of the Commissioner's authority to issue a demolition permit contrary to the stated position of BLC that a full review must occur prior to any such demolition.
89. The Demolition Permits for 80-100 Smith Street were issued upon compelling and uncontested evidence of danger to the public.
90. The BLC's interests in determining whether a demolition is appropriate has already been satisfied through its findings in 2005 that alternatives to demolition had been adequately explored and demolition was appropriate, regardless of the "proviso" attached to its order that the demolition was only appropriate if the applicant satisfied certain financial capabilities.
91. The BLC's proviso concerning the requirement to satisfy an unidentified entity of the City of Boston concerning the applicant's "demonstrated financial capacity," exceeds the Commission's statutory authority and is hopelessly vague and unenforceable.
92. The BLC's issuance of a certificate authorizing demolition in 2005 operates as a collateral estoppel against any finding that the buildings are not appropriate for

demolition, regardless of any “provisos” contained in its decision.

93. The Commissioner’s authority to issue a Demolition Permit, by virtue of deeming the demolition necessary to protect the public safety, is not affected by Article 85.

WHEREFORE, the Plaintiff requests that this Honorable Court find and declare that (a) the Commissioner’s issuance of a Demolition Permit on May 19, 2023 was required as a matter of law, (2) the BLC’s interest in conducting a full review of Mission’s revised project pursuant to Article 85 prior to demolition is superseded by the Commissioner’s duty to protect the public, (3) Mission is entitled to regulatory review of the proposed redevelopment project without regard to the demolition of the structures pursuant to the validly issued Demolition Permit, and (4) BLC’s conditioning of an authorization to demolish unsafe buildings by requiring the applicant to “satisfy” an unnamed entity in the “City of Boston” exceeds its statutory authority.

PRAYERS FOR RELIEF

WHEREFORE, the Plaintiff request that this Honorable Court grant the following relief:

- A. Judgment on all counts of the Complaint;
- B. An award of Plaintiff’s actual damages;
- C. An award of Plaintiff’s attorney’s fees and costs; and
- D. An award of such other relief as the Court deems just.

Respectfully submitted by,
MISSION ASSOCIATES, LLC,
By its attorneys,

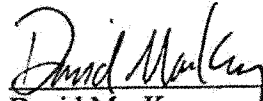


Michael W. Ford (BBO # 644807)
Peter B. Morin (BBO # 355155)
Ryan M. Gazda (BBO # 693573)
FORD LAW P.C.
245 Sumner Street, Suite 110
East Boston, Massachusetts 02128
Tel./Fax (617) 328-3400
mford@fordlawpc.com
pmorin@fordlawpc.com
rgazda@fordlawpc.com

Dated: July 21, 2023

VERIFICATION

I, David MacKay, Development Director for Mission Associates, LLC, hereby certify under the pains and penalties of perjury that the facts stated herein are true and based upon my personal knowledge, except where made on information and belief, and where so made, I believe those statements to be true.



David MacKay
Mission Associates, LLC

Exhibit “1”



Boston Landmarks Commission

City of Boston
The Environment
Department

Boston City Hall/Room 805
Boston, Massachusetts 02201
617/635-3850

Susan Pranger, Chair
Thomas Herman, Vice-Chair
John Amodeo
David Berarducci
Dana Brown
Harron Ellenson
Cyrus Field
John Freeman
Thomas Green
Pamela Hawkes
William Marchione
Jeffry Pond
Ellen Lipsey, Exec. Director

June 6, 2005

Mark Donahue
Mission Associates, LLC
c/o Weston Associates
170 Newbury Street
Boston, MA 02116

CERTIFICATE OF DESIGN APPROVAL WITH PROVISOS
Re: Application #05.675 (200.05.01)

Dear Mr. Donohue:

At its hearing held in Boston City Hall on May 24th, 2005, the Boston Landmarks Commission reviewed your application for the following work for the Basilica Court project: The project consists of approximately 229 units of rental housing located at 80-100 Smith Street and 100 St. Alphonsus Street. The project includes adaptive reuse of the Mission School; demolition of the Power Station, St. Alphonsus Hall and the Convent; and construction of two new residential buildings, an eight-story building on the approximate footprint of St. Alphonsus Hall and a 14-story building on the approximate footprint of the Convent. The project also includes below- and on-grade parking, rehabilitation of perimeter walls and fences and rehabilitation of the retaining wall separating the upper and lower portions of the Mission Church complex. The Commission based its review on the plans and specifications submitted with the application dated February 8, 2005, the submittal dated May 10, 2005 and the Smith Street, St. Alphonsus Street and ball field elevations for Scheme A dated May 24, 2005 and the site plans dated May 23, 2005.

The application is approved with the following provisos:

1. All of the final designs, details, colors, and materials shall be submitted to the BLC – the Design Review Committee and full commission – for final review and approval before the work commences. This includes the plans for new construction, rehabilitation and repairs to the building envelope of the Mission School (according to the Standards and Criteria for secondary buildings), site/landscaping work, salvaged items, lighting and signage.
2. For salvaged materials, the applicant shall submit to the BLC for review and approval an inventory documenting all materials to be salvaged along with salvage techniques, storage provisions and reuse plans. Stone from St. Alphonsus Hall shall be used for the first floor courses of the building replacing the hall, details to be reviewed and approved by the BLC. Reuse of terra cotta panels, cast iron elements, and stained glass from the Convent shall also be reviewed and approved by the BLC.
3. The BLC notes in particular Section 9.6 of the Standards and Criteria addressing Demolition. Demolition shall only be considered for the purpose of new construction. Demolition shall only be allowed once a financial commitment to the project, or a demonstrated financial capacity, has been presented to the satisfaction of the City of Boston, and once major permits, including a building or foundation permit, have been secured. The owners of record shall be responsible for securing all of the buildings of Mission Church Complex. If the owners fail to secure the buildings, the further deterioration or loss of the buildings due to water damage, vandalism, fire, or other causes shall be considered demolition by neglect.

This determination is based solely upon the information submitted to the Commission with the application. If statutory reviews by other authorities conflict with this decision, those actions may affect the status of the certificate. This certificate is valid for two years from the

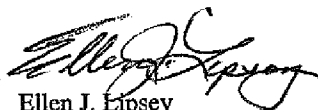
Dave,
FYI

Certificate of Approval
Mission Church/Basilica Court
June 6, 2005
Page 2

date of issue. The applicant is required to notify the Commission of any changes to this proposal, and failure to do so may affect the status of this certificate. The Commission reserves the right to require remedial action to bring work into compliance with Commission standards if any work occurring without a Certificate of Design Approval results in significant change in the appearance of the building. The Commission may also require remediation if work does not meet the noted specifications of a Certificate of Design Approval or which is not in compliance with Boston Landmarks Commission standards and criteria for this property or with Commission policy. Photographs of the completed project should be submitted to the Commission office to confirm compliance with the terms of the certificate.

Please bring a copy of this certificate with you when filing for permits from the Inspectional Services Department at 1010 Massachusetts Avenue, Boston. Feel free to contact the Commission staff at (617) 635-3850 if you have any questions regarding this decision. Thank you for your cooperation with the Commission.

Sincerely,



Ellen J. Lipsey
Executive Director

Record of Vote by the Commission: Motion by Pranger, seconded by Amodeo. In favor: Amodeo, Brown, Field, Herman, Marchione, Pond and Pranger. Opposed: None.

cc: Mark Maloney, BRA
David Carlson, BCDC
Brona Simon, MHC

Exhibit “2”

MEMORANDUM OF AGREEMENT

among

**DEPARTMENT OF ENVIRONMENTAL PROTECTION;
MISSION ASSOCIATES, LLC AND
MASSACHUSETTS HISTORICAL COMMISSION**

regarding

BASILICA COURT, MISSION HILL/BOSTON, MASSACHUSETTS

WHEREAS, Mission Associates, LLC ("Proponent") proposes to construct the Basilica Court project which consists of approximately 229 units of rental housing located at 80-100 Smith Street and 100 Alphonsus Street ("Project") in Boston's Mission Hill neighborhood; and

WHEREAS, the Project site, known as the Lower Campus, includes the Our Lady of Perpetual Help Convent, the former Mission School, the Power Station, and St. Alphonsus Hall and is part of the overall Mission Church Complex which has been designated a Boston Landmark and is listed in the State Register of Historic Places; and

WHEREAS, the Project includes adaptive reuse of the Mission School, demolition of the Power Station, St. Alphonsus Hall, and the Our Lady of Perpetual Help Convent (collectively, the "Structures to be Demolished"), and construction of two new residential buildings and below and on-grade parking, as well as rehabilitation of perimeter walls and fences and the retaining wall separating the upper and lower campuses of the Mission Church Complex; and

WHEREAS, the Project is more particularly described in the Project Notification Form and the Additional Materials submitted by the Proponent to the Boston Redevelopment Authority pursuant to Article 80 of the Boston Zoning Code, as well as a Project Notification Form submitted to the Massachusetts Historical Commission ("MHC") pursuant to 950 CMR 71.00; and

WHEREAS, construction of the Project will require a sewer extension/connection permit from the Massachusetts Department of Environmental Protection ("DEP"); and

WHEREAS, the Proponent has consulted with the MHC pursuant to the provisions of 950 CMR 71.00, regulations implementing Massachusetts General Laws, Chapter 9, Sections 26-27C, as amended by Chapter 254 of the Acts of 1988;

WHEREAS, the MHC has determined that the proposed Project will have an "adverse effect" (950 CMR 71.05(a)) on the Mission Church Complex through the demolition of the Structures to be Demolished; and

WHEREAS, the demolition of the Structures to be Demolished, the design of the proposed new construction, and the proposed rehabilitation plans for Mission School have been the subject of Boston Landmark Review by the Boston Landmarks Commission (BLC) and on June 6, 2005 the BLC issued a Certificate of Design Approval with Provisos for the Project (copy attached); and

WHEREAS, the MHC has invited the BLC to participate in the consultation process under 950 CMR 71.02(2)(b); and

WHEREAS, the Project has been the subject of extensive and ongoing public input and involvement since the 1990s; and

WHEREAS, capitalized terms used but not defined in this Memorandum of Agreement shall be deemed to have the meanings assigned to such terms in the Historic Regulations.

NOW, THEREFORE, the DEP, the Proponent, and the MHC have agreed, and the BLC has concurred, that the Project shall be undertaken and implemented in accordance with the following stipulations to minimize and mitigate the effect of the Project on State Register properties.

STIPULATIONS

The Proponent shall ensure that the following measures are carried out in coordination with the MHC and shall provide proof of compliance to DEP:

1) Photographic Documentation

Prior to the commencement of demolition of the Structures to be Demolished, the Proponent shall ensure that the properties are documented according to the following recordation requirements and that the documentation package is submitted to the MHC for transfer to the Massachusetts State Archives. The Proponent shall also submit a copy of the documentation to the Boston Landmarks Commission.

Recordation Requirements: Photographic documentation of existing conditions of the Structures to be Demolished in the form of 4" x 6" archival quality black-and-white photographs which are keyed by number to a photographic description sheet and building sketch plan (exterior) or floor plan (interior). Provide views of overall exterior elevation/interior spaces and representative views of architectural details, including, but not limited to, windows, doors, entrances, fireplaces, and moldings. Provide at least three context views showing the properties in relationship to their current setting. All photographs should be accompanied by negatives and should be archivally-processed and numbered on the back in pencil, but unmounted and with no affixed labels.

2) Architecture Salvage

The Proponent shall submit to the MHC and the BLC for review and approval an inventory documenting all materials to be salvaged along with salvage techniques, storage provisions, and reuse plans. Selected stone from St. Alphonsus Hall shall be salvaged and reused on exterior portions of the building replacing the hall, details to be reviewed and approved by the MHC and the BLC. Reuse of terra cotta panels, cast iron elements, and stained glass from the Convent shall also be reviewed and approved by the MHC and the BLC.

3) Design Review

The Proponent shall submit all of the final designs, colors, and materials to the MHC and the BLC for final review and approval before the work commences. This includes the plans for new construction, rehabilitation, and repairs to the building envelope of the Mission School (according to the BLC's Standards and Criteria for secondary buildings), site/landscaping work, salvaged items, lighting, and signage.

Execution and acceptance of this Memorandum of Agreement by the signatories listed below and the implementation of its terms by the Proponent shall be full and sufficient evidence that the Proponent and the DEP have taken into account the effects of the Project on historic properties in compliance with 950 CMR 71.00.

MASSACHUSETTS HISTORICAL COMMISSION

By: Brona Simon Date: 4/5/06
Name: Brona Simon
Title: Acting Executive Director

MA DEPARTMENT OF ENVIRONMENTAL PROTECTION


By: John Felix Date: March 13, 2006
Name: JOHN FELIX
Title: Deputy Associate Commissioner

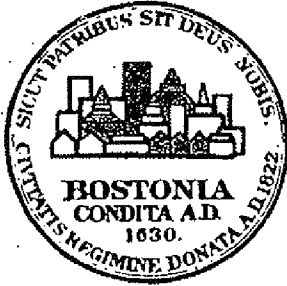
MISSION ASSOCIATES, LLC

By: Mark J. Donahue Date: March 16, 2006
Name: Mark J. Donahue
Title: Principal

CONCUR:

BOSTON LANDMARKS COMMISSION

By:  _____ Date: 3/22/06
Name: EILEEN J. LYSNEY
Title: EXECUTIVE DIRECTOR



Boston Landmarks Commission

City of Boston
The Environment
Department

Boston City Hall/Room 805
Boston, Massachusetts 02201
617/635-3850

Susan Pranger, Chair
Thomas Herman, Vice-Chair
John Amodeo
David Berarducci
Dana Brown
Harron Elienson
Cyrus Field
John Freeman
Thomas Green
Pamela Hawkes
William Marchione
Jeffrey Pond
Ellen Lipsey, Exec. Director

June 6, 2005

Mark Donahue
Mission Associates, LLC
c/o Weston Associates
170 Newbury Street
Boston, MA 02116

CERTIFICATE OF DESIGN APPROVAL WITH PROVISOS

Re: Application #05.675 (200.05.01)

Dear Mr. Donohue:

At its hearing held in Boston City Hall on May 24th, 2005, the Boston Landmarks Commission reviewed your application for the following work for the Basilica Court project: The project consists of approximately 229 units of rental housing located at 80-100 Smith Street and 100 St. Alphonsus Street. The project includes adaptive reuse of the Mission School; demolition of the Power Station, St. Alphonsus Hall and the Convent; and construction of two new residential buildings, an eight-story building on the approximate footprint of St. Alphonsus Hall and a 14-story building on the approximate footprint of the Convent. The project also includes below- and on-grade parking, rehabilitation of perimeter walls and fences and rehabilitation of the retaining wall separating the upper and lower portions of the Mission Church complex. The Commission based its review on the plans and specifications submitted with the application dated February 8, 2005, the submittal dated May 10, 2005 and the Smith Street, St. Alphonsus Street and ball field elevations for Scheme A dated May 24, 2005 and the site plans dated May 23, 2005.

The application is approved with the following provisos:

1. All of the final designs, details, colors, and materials shall be submitted to the BLC – the Design Review Committee and full commission – for final review and approval before the work commences. This includes the plans for new construction, rehabilitation and repairs to the building envelope of the Mission School (according to the Standards and Criteria for secondary buildings), site/landscaping work, salvaged items, lighting and signage.
2. For salvaged materials, the applicant shall submit to the BLC for review and approval an inventory documenting all materials to be salvaged along with salvage techniques, storage provisions and reuse plans. Stone from St. Alphonsus Hall shall be used for the first floor courses of the building replacing the hall, details to be reviewed and approved by the BLC. Reuse of terra cotta panels, cast iron elements, and stained glass from the Convent shall also be reviewed and approved by the BLC.
3. The BLC notes in particular Section 9.6 of the Standards and Criteria addressing Demolition. Demolition shall only be considered for the purpose of new construction. Demolition shall only be allowed once a financial commitment to the project, or a demonstrated financial capacity, has been presented to the satisfaction of the City of Boston, and once major permits, including a building or foundation permit, have been secured. The owners of record shall be responsible for securing all of the buildings of Mission Church Complex. If the owners fail to secure the buildings, the further deterioration or loss of the buildings due to water damage, vandalism, fire, or other causes shall be considered demolition by neglect.

This determination is based solely upon the information submitted to the Commission with the application. If statutory reviews by other authorities conflict with this decision, those actions may affect the status of the certificate. This certificate is valid for two years from the

Certificate of Approval
Mission Church/Basilica Court
June 6, 2005
Page 2

date of issue. The applicant is required to notify the Commission of any changes to this proposal, and failure to do so may affect the status of this certificate. The Commission reserves the right to require remedial action to bring work into compliance with Commission standards if any work occurring without a Certificate of Design Approval results in significant change in the appearance of the building. The Commission may also require remediation if work does not meet the noted specifications of a Certificate of Design Approval or which is not in compliance with Boston Landmarks Commission standards and criteria for this property or with Commission policy. Photographs of the completed project should be submitted to the Commission office to confirm compliance with the terms of the certificate.

Please bring a copy of this certificate with you when filing for permits from the Inspectional Services Department at 1010 Massachusetts Avenue, Boston. Feel free to contact the Commission staff at (617) 635-3850 if you have any questions regarding this decision. Thank you for your cooperation with the Commission.

Sincerely,



Ellen J. Lipsey
Executive Director

Record of Vote by the Commission: Motion by Pranger, seconded by Amodco. In favor: Amodco, Brown, Field, Herman, Marchione, Pond and Pranger. Opposed: None.

cc: Mark Maloney, BRA
David Carlson, BCDC
Brona Simon, MHC

Exhibit “3”

ROOME & GUARRACINO, LLC

Consulting Structural Engineers

300 Tradecenter, Suite 3540
Tel: 617.628.1700

Woburn, MA 01801
Fax: 617.628.1711

September 19, 2022

Mr. David MacKay
Weston Associates, Inc.
170 Newbury Street
Boston, MA 02116

Reference: St. Alphonsus Hall
80 Smith Street
Mission Hill, MA

Dear David:

This letter summarizes our findings regarding the present condition of the structures of the former Saint Alphonsus Hall church located at 80 Smith Street in Boston, Massachusetts. These observations are based on our field observations on August 25th, 2022. Existing architectural and structural drawings are not available for the original building and as such, our comments are based solely on our field observations and experience. Our field observations were only visual surface observations and we have not cut any holes in building finishes to verify structure, nor have we done any testing to determine the structures underlying condition.

Existing Conditions

On August 25th, 2022, I toured the existing building located at 80 Smith Street, which was a theater building originally known as Saint Alphonsus Hall to support the Mission School. Upon entering the main section of the building, I noted that portions of the roof have collapsed and portions of the exterior walls at the roof eaves have collapsed. See pictures 1. and 2. The walls are unreinforced masonry walls which are about 22 to 24 feet in height and support steel roof trusses that span the entire width of the building. Roof rafters consists of 2 x timbers with timber decking. Many areas of rot deterioration are noted below the decking. The steel trusses also exhibit significant rust deterioration at the supports into the exterior masonry walls. I noted netting to be in place over the walls and down the exterior face of the building. See pictures 3. and 4.

I then proceeded to the upper floor toward the front of the building and noted large sections of concrete slabs which have failed at the roof level. Large segments of concrete are piled onto the second floor slab. Evidence of moisture, concrete spalling and deterioration is evident throughout the underside of the remainder of the roof slab. Similar evidence of deterioration is noted to the second floor slab below.

A walk around the exterior of the building also reveals loose bricks and masonry spalling away and caught into the nets, which are partially filled with debris. Along the front sidewalk elevation of main entrance, visual evidence of movement and deterioration is noted in the masonry features, pediments and water tables.

Assessment of Existing Conditions

While most of the structure of the building is visible from inside, there is evidence of major structural distress from inside the building. The exterior may appear to be intact, however, the imminent failure of the steel roof trusses in the main section of the building and the roof slab near the front of the building can cause the exterior walls to collapse.

The deteriorated steel connections of the trusses embedded into the masonry walls can fail without warning, which could cause a chain reaction of failures to the roof and the collapse of the tall masonry exterior walls. This condition can also occur at the front of the building, where the front exterior wall abuts an active sidewalk. These conditions could be extremely dangerous to the public.

It is my strong professional opinion that the existing former church building at 80 Smith Street be razed in a safe and controlled manner. The situation for the condition of the structure will only worsen over time and with winter approaching, the snow loads and high wind speeds from storms can precipitate a catastrophic failure.

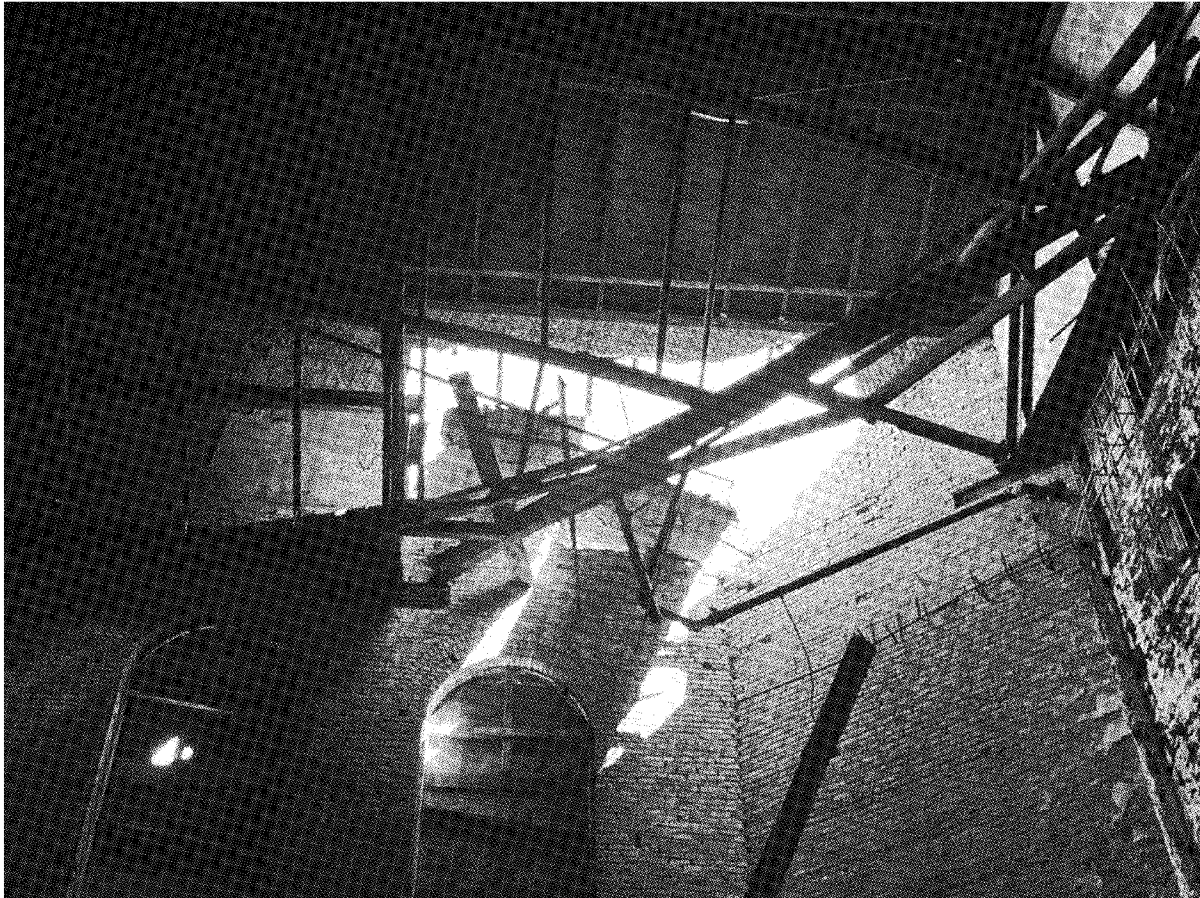
If you have any further questions, or if we can be of any further assistance, please feel free to call.

Very truly yours,
ROOME & GUARRACINO, LLC



Carmine Guarracino, P.E.
Principal

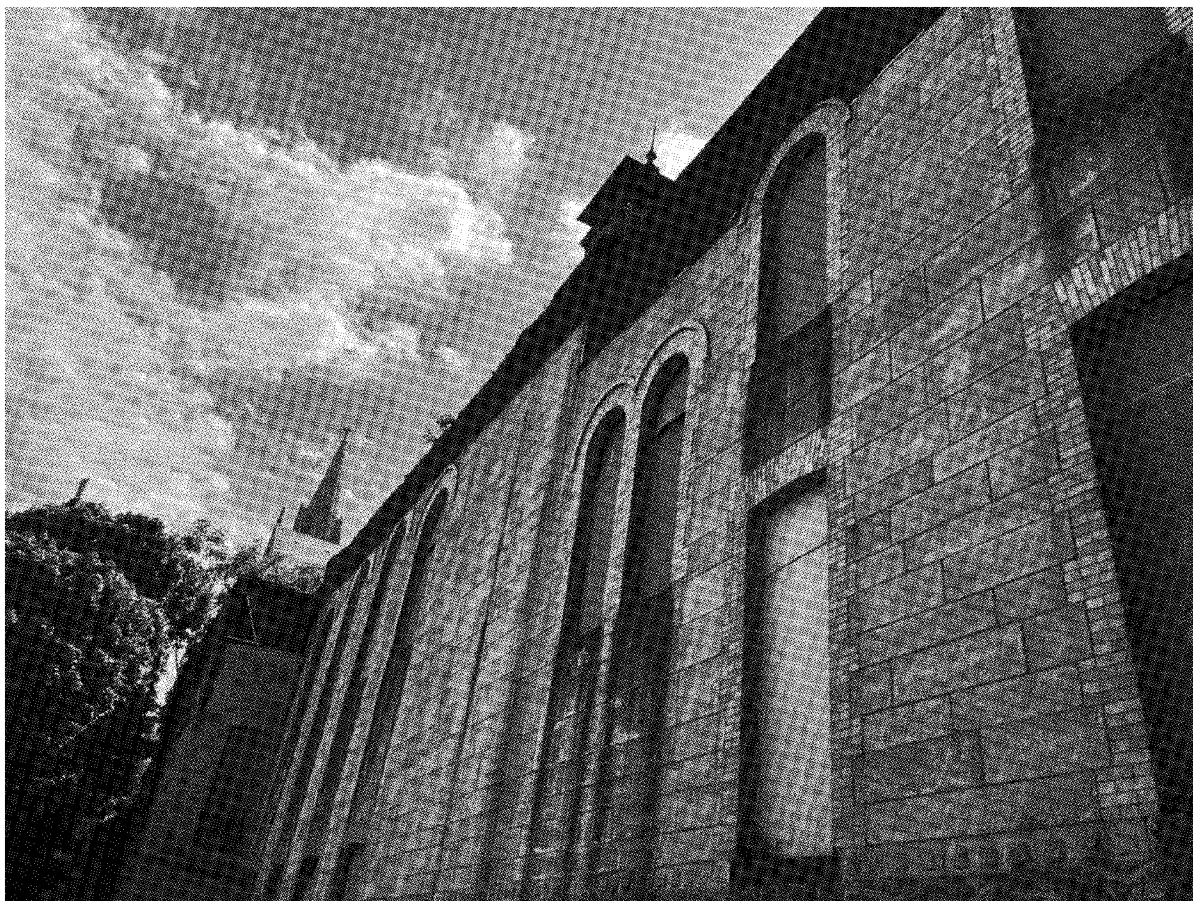
Enclosures



Picture 1.



Picture 2.



Picture 3.



Picture 4.

Exhibit “4”

ROOME & GUARRACINO, LLC

Consulting Structural Engineers

300 Tradecenter, Suite 3540
Tel: 617.628.1700

Woburn, MA 01801
Fax: 617.628.1711

October 4, 2022

Mr. David MacKay
Weston Associates, Inc.
170 Newbury Street
Boston, MA 02116

Reference: Convent Building
100 Smith Street
Mission Hill, MA

Dear David:

As a follow-up to our letter dated September 19, 2022, this letter summarizes our findings regarding the present condition of the structures of the former convent building located at 100 Smith Street in Boston, Massachusetts. These observations are based on our field observations on August 25th, 2022. Existing architectural and structural drawings are not available for the original building and as such, our comments are based solely on our field observations and experience. Our field observations were only visual surface observations and we have not cut any holes in building finishes to verify structure, nor have we done any testing to determine the structures underlying condition.

Existing Conditions

On August 25th, 2022, I toured the existing building located at 100 Smith Street, which was the former convent building for the Mission School. Upon entering the building, I noted that large portions of the first floor and second floor have collapsed. The floor framing consists of timber framing and the exterior walls are unreinforced masonry walls. In the basement area, many areas of rot deterioration are noted below the decking and in the joists where leaking water from the roof has caused these issues noted on site.

When walking through the building, it was evident from the deterioration on top of the floor from moisture above that certain areas were not accessible as they posed a dangerous condition for potential collapse. I noted several areas of mortar and masonry deterioration along the interior side of the exterior masonry walls.

100 Smith Street – Boston, MA

A walk around the exterior of the building also reveals some loose bricks and masonry spalling away. Also along the front and side elevations, visual evidence of movement and deterioration is noted in the masonry features, pediments and water tables.

Assessment of Existing Conditions

While most of the structure of the building is visible from inside, there is evidence of major structural distress from inside the building. The exterior may appear to be intact, however, the failure of large sections of floor plates and the imminent failure of more areas of floor framing in the building can cause an instability to the exterior walls which could lead to partial collapse. These conditions could be extremely dangerous to the public.

It is my strong professional opinion that the existing former convent building at 100 Smith Street be razed in a safe and controlled manner. The situation for the condition of the structure will only worsen over time and with winter approaching, the snow loads and high wind speeds from storms can precipitate a catastrophic failure.

If you have any further questions, or if we can be of any further assistance, please feel free to call.

Very truly yours,
ROOME & GUARRACINO, LLC

A handwritten signature in black ink, appearing to read 'Carmine Guarracino', written in a cursive style.

Carmine Guarracino, P.E.
Principal

Exhibit “5”

ROOME & GUARRACINO, LLC

Consulting Structural Engineers

300 Tradecenter, Suite 3540
Tel: 617.628.1700

Woburn, MA 01801
Fax: 617.628.1711

October 4, 2022

Mr. David MacKay
Weston Associates, Inc.
170 Newbury Street
Boston, MA 02116

Reference: Convent Building
100 Smith Street
Mission Hill, MA

Dear David:

As a follow-up to our letter dated September 19, 2022, this letter summarizes our findings regarding the present condition of the structures of the former convent building located at 100 Smith Street in Boston, Massachusetts. These observations are based on our field observations on August 25th, 2022. Existing architectural and structural drawings are not available for the original building and as such, our comments are based solely on our field observations and experience. Our field observations were only visual surface observations and we have not cut any holes in building finishes to verify structure, nor have we done any testing to determine the structures underlying condition.

Existing Conditions

On August 25th, 2022, I toured the existing building located at 100 Smith Street, which was the former convent building for the Mission School. Upon entering the building, I noted that large portions of the first floor and second floor have collapsed. The floor framing consists of timber framing and the exterior walls are unreinforced masonry walls. In the basement area, many areas of rot deterioration are noted below the decking and in the joists where leaking water from the roof has caused these issues noted on site.

When walking through the building, it was evident from the deterioration on top of the floor from moisture above that certain areas were not accessible as they posed a dangerous condition for potential collapse. I noted several areas of mortar and masonry deterioration along the interior side of the exterior masonry walls.

100 Smith Street – Boston, MA

A walk around the exterior of the building also reveals some loose bricks and masonry spalling away. Also along the front and side elevations, visual evidence of movement and deterioration is noted in the masonry features, pediments and water tables.

Assessment of Existing Conditions

While most of the structure of the building is visible from inside, there is evidence of major structural distress from inside the building. The exterior may appear to be intact, however, the failure of large sections of floor plates and the imminent failure of more areas of floor framing in the building can cause an instability to the exterior walls which could lead to partial collapse. These conditions could be extremely dangerous to the public.

It is my strong professional opinion that the existing former convent building at 100 Smith Street be razed in a safe and controlled manner. The situation for the condition of the structure will only worsen over time and with winter approaching, the snow loads and high wind speeds from storms can precipitate a catastrophic failure.

If you have any further questions, or if we can be of any further assistance, please feel free to call.

Very truly yours,
ROOME & GUARRACINO, LLC

A handwritten signature in black ink, appearing to read "Carmine Guarracino". The signature is fluid and cursive, written over a light blue horizontal line.

Carmine Guarracino, P.E.
Principal

Exhibit “6”



Michelle Wu
Mayor

Boston Inspectional Services Department Building and Structures Division

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

Marc A. Joseph
Inspector of Buildings

VIOLATION NOTICE

MISSION ASSOCIATES LLC & AUTHORIZED AGENT
C/O WESTON ASSOCIATES INC
170 NEWBURY ST
BOSTON, MA 02116

DATE FILED: 10/06/2022

INSPECTOR: Pernell Jackson

VIOLATION NUMBER: **V637004**

Owner or in control of property located in the City of Boston at:

80 SMITH ST Mission Hill, MA 02120

WARD: 10

The Commissioner of the City of Boston Inspectional Services Department and the Inspector of Buildings of the City of Boston have adjudged certain property owned or controlled by you to be in violation of the Massachusetts State Building Code, pursuant to M.G.L. c. 143 s. 1 et seq., and 780 CMR 114.0 et seq. (9th Ed.), as amended. Notice of said violation and order to abate same through the remedy and within the time prescribed below is hereby provided pursuant to 780 CMR 114.2.

780 CMR:	Description	Violation Remedy
116	Unsafe Structures Unsafe & Dangerous: Structures or existing equipment that are or hereafter become unsafe insanitary or deficient because of inadequate means of egress facilities or otherwise dangerous to human life or public welfare. Roof have collapsed and portions of exterior wall at roof eaves have collapsed.	To remedy this condition: Apply for and secure a permit forthwith to make all necessary repairs. Including all required inspections. Contact Inspector Pernell Jackson at 617-961-3290 or email at pernell.jackson@boston.gov

Failure to correct this Violation within **24 Hours** of service of this Notice will result in criminal prosecution and/or civil penalties and fines.

Inspector

Pernell Jackson

Phone: (617)961-3290

Email: pernell.jackson@boston.gov

For the Commissioner

Date Issued

10/13/2022

Boston October 13th 20 22

Officer's Return, Suffolk, ss.

By virtue of this Writ, I this day served the before described person or entity by:
(CIRCLE NUMBER THAT INDICATES METHOD OF SERVICE)

- 1. Personally, by any person authorized to serve process;
- 2. By leaving a copy of the order at his last and usual place of abode;
- 3. By registered or certified mail, return receipt requested; or
- 4. The premises are unoccupied and the residence of the owner agent is unknown or is without the Commonwealth, therefore, I posted the order on a conspicuous place on the premises; and published a copy of this notice in a newspaper of general circulation where the building is located for at least three out of five consecutive days.

A true copy.
Attest:

If served on authorized agent, state individual's name;

If served at last and usual place of abode, indicate street address, including unit number when applicable:

In-hand to ~~John~~ John Dorman, Consultant
@ 100 Mass ave - 411D Center

(Please State Title)

Die Figueroa-Jones
Constable

NOTICE

If this notice is not complied with in the time period specified the building official may institute appropriate proceeding to restrain, correct, or abate the violation or to require the removal or termination of the unlawful occupancy. You are also advised that in the appropriate circumstances the building official may take action to make a building safe or to raze the building. The cost of any such work incurred by the building official will be billed to the owner or person in control and will become a lien on the property. (780 CMR 118.3, 121.5)

Whoever violates any provision of the State Building Code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment of not more than one (1) year or both for each such violation. Each day during which a violation exists shall constitute a separate offense. (780 CMR 118.4)

The imposition of the penalties described above shall not preclude the building official from instituting an appropriate civil action to restrain, correct, or abate a violation of the State Building Code. (780 CMR 118.5)

You may have a right, as provided for in 780 CMR 122, to appeal this Order to either the local building code appeals board or the State Building Code Appeals Board.

Exhibit “7”



Michelle Wu
Mayor

Boston Inspectional Services Department Building and Structures Division

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

VIOLATION NOTICE

Marc A. Joseph
Inspector of Buildings

MISSION ASSOCIATES LLC & MARK J. DONAHUE
170 NEWBURY ST
BOSTON, MA 02116

DATE FILED: 10/20/2022

INSPECTOR: Pernell Jackson

VIOLATION NUMBER: **V639670**

Owner or in control of property located in the City of Boston at:

100 SMITH ST Mission Hill, MA 02120

WARD: 10

The Commissioner of the City of Boston Inspectional Services Department and the Inspector of Buildings of the City of Boston have adjudged certain property owned or controlled by you to be in violation of the Massachusetts State Building Code, pursuant to M.G.L. c. 143 s. 1 et seq., and 780 CMR 114.0 et seq. (9th Ed.), as amended. Notice of said violation and order to abate same through the remedy and within the time prescribed below is hereby provided pursuant to 780 CMR 114.2.

780 CMR:	Description	Violation Remedy
116	Unsafe Structures Building is currently vacant and roof is open to the elements, walls and ceilings has partially collapsed. Deteriorating floor joists.	To remedy this condition: Apply and secure a permit forthwith to make all necessary repairs including all required inspections. Contact Inspector Pernell Jackson at 617-961-3290 or email at pernell.jackson@boston.gov

Failure to correct this Violation within **24 Hours** of service of this Notice will result in criminal prosecution and/or civil penalties and fines.

Inspector

Pernell Jackson

Phone: (617)961-3290

Email: pernell.jackson@boston.gov

For the Commissioner

Date Issued

10/26/2022

Boston 10/22 20 22

Officer's Return, Suffolk, ss.

By virtue of this Writ, I this day served the before described person or entity by:
(CIRCLE NUMBER THAT INDICATES METHOD OF SERVICE)

- 1. Personally, by any person authorized to serve process;
- 2. By leaving a copy of the order at his last and usual place of abode;
- 3. By registered or certified mail, return receipt requested; or
- 4. The premises are unoccupied and the residence of the owner agent is unknown or is without the Commonwealth, therefore, I posted the order on a conspicuous place on the premises; and published a copy of this notice in a newspaper of general circulation where the building is located for at least three out of five consecutive days.

A true copy.
Attest:

If served on authorized agent, state individual's name;

If served at last and usual place of abode, indicate street address including unit number when applicable:

In hand to John Francis, III - ^{Gorman} Authorized
to accept service

(Please State Title)

C. Martinez

Cynthia J. Martinez
CONSTABLE CITY OF BOSTON

NOTICE

If this notice is not complied with in the time period specified the building official may institute appropriate proceeding to restrain, correct, or abate the violation or to require the removal or termination of the unlawful occupancy. You are also advised that in the appropriate circumstances the building official may take action to make a building safe or to raze the building. The cost of any such work incurred by the building official will be billed to the owner or person in control and will become a lien on the property. (780 CMR 118.3, 121.5)

Whoever violates any provision of the State Building Code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment of not more than one (1) year or both for each such violation. Each day during which a violation exists shall constitute a separate offense. (780 CMR 118.4)

The imposition of the penalties described above shall not preclude the building official from instituting an appropriate civil action to restrain, correct, or abate a violation of the State Building Code. (780 CMR 118.5)

You may have a right, as provided for in 780 CMR 122, to appeal this Order to either the local building code appeals board or the State Building Code Appeals Board.

Exhibit “8”

From: [Sean Lydon](mailto:Sean.Lydon@boston.gov)
To: [David Mackay](mailto:David.Mackay@boston.gov)
Subject: Fwd: 80 & 100 Smith Street
Date: Tuesday, April 18, 2023 10:35:47 AM
Attachments: [StAlphonsusHall-80SmithSt-MissionHill\[10\].pdf](#)

David,
This is in regards to the properties discussed this morning.
We, (Landmarks and ISD) are asking can the above be saved for restoration?

Sean Lydon

----- Forwarded message -----

From: **Joseph Cornish** <joseph.cornish@boston.gov>
Date: Tue, Apr 18, 2023 at 10:12 AM
Subject: Re: 80 & 100 Smith Street
To: Sean Lydon <sean.lydon@boston.gov>
Cc: Rosanne Foley Landmarks <rosanne.foley@boston.gov>, Anna McGuinness <anna.mcguinness@boston.gov>, Chelsea Blanchard <chelsea.blanchard@boston.gov>

Thanks for the update. Has anyone from ISD been out recently to inspect both buildings?
Would you send us a copy of the engineer's report? We received the attached letter regarding 80 Smith Street (St. Alphonsus Hall) in September, but it does not mention 100 Smith Street (the former convent). Is it possible for ISD to request that the owner salvage stone from St Alphonsus Hall, and terra cotta panels, stained glass and cast iron from the former convent as requested by the Boston Landmarks Commission in 2005?

Joe

On Tue, Apr 18, 2023 at 9:47 AM Sean Lydon <sean.lydon@boston.gov> wrote:

Hi Joe,

The structural engineer's report really leaves us no choice.

It's pretty strongly worded as far as dangerousness to the public.

I would like to go ahead and order the takedown, with violations written in reference to this report.

Sean

On Tue, Apr 18, 2023 at 9:28 AM Joseph Cornish <joseph.cornish@boston.gov> wrote:

Hi Sean,

Thank you for the update on this. To reiterate what Rosanne said at the September hearing, the 2005 approval to demolish the buildings was only valid for two years and has expired (see attached). The Boston Landmarks Commission will need to review and approve demolition unless ISD determines they are unsafe and issues a take down order. Please keep us posted and thank you for working with us on this.

Joe

On Tue, Apr 18, 2023 at 9:11 AM Sean Lydon <sean.lydon@boston.gov> wrote:

Good morning Rosanne,

This morning was the first that I can recall hearing of this situation.

The gentleman had forwarded the recording to me just this past weekend, and this

morning was in the office with the demolition applications.
I was reaching out to Landmarks to make sure you folks knew what was going on, as Joe had reached out last week to prohibit any permitting for the takedown.

Sean

On Tue, Apr 18, 2023 at 8:36 AM Rosanne Foley Landmarks
<rosanne.foley@boston.gov> wrote:

Good morning Sean,
Was ISD's take-down order forwarded to us after that meeting in September?
If not, that documentation is going to be required for our files.
If I didn't say that in the recording, that was an error on my part.
This written request should suffice I hope?

Thank you!
Rosanne

On Tue, Apr 18, 2023 at 8:20 AM Sean Lydon <sean.lydon@boston.gov> wrote:

Good morning Joe,
I am in a meeting at the moment with a representative from 80-100 Smith St.
There is a recording, which I will forward to you from September 22, with concerns over the structural integrity of the building, as well as an affidavit from a structural engineer with concerns as far as danger to the public being imminent.
Roseann is on the recording, with deferment to ISD being noted in the situation as such.
We have to make a move Joe due to the seriousness of the situation.

Sean

On Fri, Apr 14, 2023 at 10:47 AM Joseph Cornish <joseph.cornish@boston.gov> wrote:

Hi Sean,
I am writing to alert you that I denied two permits for the demolition of 80 and 100 Smith Street which are part of the Mission Church Complex - a designated Boston Landmark.

SF1411715 is for 80 Smith Street (permit address is listed as 80 to 100 Smith Street).

SF1411719 is for 100 Smith Street (permit address is listed as 94 St. Alphonsus Street).

Because these buildings are designated landmarks their demolition has to be approved by the Boston Landmarks Commission through a design review application and not through Article 85.

Please let me know if you have any questions.

Thanks,

Joc

--

PLEASE NOTE: Attention Applicants: We now require approval certificates to be displayed on site for the duration of the project for ALL DISTRICTS. [Click here](#) for details.

Design review applications are accepted on a rolling basis. To be added to a hearing agenda, an application must be determined to be complete by staff fifteen business days prior to the public hearing date. Incomplete applications cannot be added to a public hearing agenda. Please check our website for information.

Notice: This email is subject to the [MGL: Chpt.66, Sec.10 Public Records Law](#).



Joseph Cornish
Director of Design Review
[Office of Historic Preservation](#)
Office: (617) 635-1935
[Facebook](#) | [Twitter](#) | [Instagram](#) | [Newsletter](#)

--

Sean C. Lydon
Commissioner, Inspectional Services Department
City of Boston
617.961.3076 (w)

--



Rosanne Foley (pronouns she/her/hers)
Executive Director, [Boston Landmarks Commission](#)
Office of Historic Preservation
617-635-1935
Environment, Energy & Open Space Cabinet
[facebook](#) | [twitter](#) | [instagram](#) | [newsletter](#)

Design review applications are accepted on a rolling basis. To be added to a hearing agenda, an application must be determined by staff to be complete fifteen business days prior to the public hearing date. Incomplete applications cannot be added to a public hearing agenda. Please check [our website](#) for information.

Notice: This email is subject to [MGL: Ch.66, Sec.10 Public Records Law](#).

--

Sean C. Lydon
Commissioner, Inspectional Services Department
City of Boston
617.961.3076 (w)

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PLEASE NOTE: Attention Applicants: We now require approval certificates to be displayed on site for the duration of the project for ALL DISTRICTS. [Click here](#) for details.

Design review applications are accepted on a rolling basis. To be added to a hearing agenda, an application must be determined to be complete by staff fifteen business days prior to the public hearing date. Incomplete applications cannot be added to a public hearing agenda. Please check our website for information.

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--
Sean C. Lydon

Commissioner, Inspectional Services Department
City of Boston
617.961.3076 (w)

--
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Office: (617) 635-1935
[Facebook](#) | [Twitter](#) | [Instagram](#) | [Newsletter](#)

--
Sean C. Lydon

Commissioner, Inspectional Services Department
City of Boston

617.961.3076 (w)

Exhibit “9”



Michelle Wu
Mayor

Boston Inspectional Services Department Building and Structures Division

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

VIOLATION NOTICE

Marc A. Joseph
Inspector of Buildings

MISSION ASSOCIATES LLC MASS LLC AND AUTHORIZED AGENT
170 NEWBURY STREET
C/O WESTON ASSOCIATES INC
BOSTON, MA 02116

DATE FILED: 04/21/2023

INSPECTOR: Karl Mitchell

VIOLATION NUMBER: **V672066**

Owner or in control of property located in the City of Boston at:

80 - 100 SMITH ST MISSION HILL, MA 02120

WARD: 10

The Commissioner of the City of Boston Inspectional Services Department and the Inspector of Buildings of the City of Boston have adjudged certain property owned or controlled by you to be in violation of the Massachusetts State Building Code, pursuant to M.G.L. c. 143 s. 1 et seq., and 780 CMR 114.0 et seq. (9th Ed.), as amended. Notice of said violation and order to abate same through the remedy and within the time prescribed below is hereby provided pursuant to 780 CMR 114.2.

780 CMR:	Description	Violation Remedy
116	Unsafe Structures	To remedy this condition:
	Due to the Roof has collapsed. Violation is for 80 SMITH STREET	Apply and secure a permit to make safe the building. Contact Ward Inspector Pernell Jackson-617-961-3290

Failure to correct this Violation within **24 Hours** of service of this Notice will result in criminal prosecution and/or civil penalties and fines.

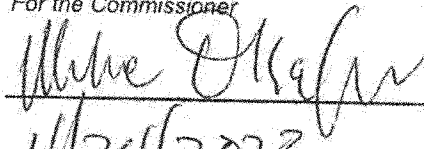
Inspector

Karl Mitchell

Phone: (617)961-3411

Email: karl.mitchell@boston.gov

For the Commissioner


4/24/2023

Date Issued

Boston

3-15

20

28

Officer's Return, Suffolk, ss.

By virtue of this Writ, I this day served the before described person or entity by:
(CIRCLE NUMBER THAT INDICATES METHOD OF SERVICE)

1. Personally, by any person authorized to serve process;
2. By leaving a copy of the order at his last and usual place of abode;
3. By registered or certified mail, return receipt requested; or
4. The premises are unoccupied and the residence of the owner agent is unknown or is without the Commonwealth, therefore, I posted the order on a conspicuous place on the premises; and published a copy of this notice in a newspaper of general circulation where the building is located for at least three out of five consecutive days.

A true copy.
Attest:

If served on authorized agent, state individual's name:

If served at last and usual place of abode, indicate street address including unit number when applicable:

(Please State Title)

Ann Marie Mahony

Constable

NOTICE

If this notice is not complied with in the time period specified the building official may institute appropriate proceeding to restrain, correct, or abate the violation or to require the removal or termination of the unlawful occupancy. You are also advised that in the appropriate circumstances the building official may take action to make a building safe or to raze the building. The cost of any such work incurred by the building official will be billed to the owner or person in control and will become a lien on the property. (780 CMR 118.3, 121.5)

Whoever violates any provision of the State Building Code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment of not more than one (1) year or both for each such violation. Each day during which a violation exists shall constitute a separate offense. (780 CMR 118.4)

The imposition of the penalties described above shall not preclude the building official from instituting an appropriate civil action to restrain, correct, or abate a violation of the State Building Code. (780 CMR 118.5)

You may have a right, as provided for in 780 CMR 122, to appeal this Order to either the local building code appeals board or the State Building Code Appeals Board.



Michelle Wu
Mayor

Boston Inspectional Services Department Building and Structures Division

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

VIOLATION NOTICE

Marc A. Joseph
Inspector of Buildings

MISSION ASSOCIATES LLC MASS LLC AND AUTHORIZED AGENT
C/O WESTON ASSOCIATES INC
170 NEWBURY STREET
BOSTON, MA 02116

DATE FILED: 04/24/2023

INSPECTOR: Pernell Jackson

VIOLATION NUMBER: **V672614**

Owner or in control of property located in the City of Boston at:

80 - 100 SMITH ST MISSION HILL, MA 02120

WARD: 10

The Commissioner of the City of Boston Inspectional Services Department and the Inspector of Buildings of the City of Boston have adjudged certain property owned or controlled by you to be in violation of the Massachusetts State Building Code, pursuant to M.G.L. c. 143 s. 1 et seq., and 780 CMR 114.0 et seq. (9th Ed.), as amended. Notice of said violation and order to abate same through the remedy and within the time prescribed below is hereby provided pursuant to 780 CMR 114.2.

780 CMR:	Description	Violation Remedy
116	Unsafe Structures Structures or Existing Equipment that are or here after become unsafe unsanitary or Deficient because of inadequate means of Egress Facilities or otherwise Dangerous to Human Life or Public Welfare: Roof has collapsed and portions of Exterior Wall at Roof Eaves have collapsed.	To remedy this condition: Apply for and secure a Permit forthwith to make all necessary repairs, including all required inspections. Contact Inspector Pernell Jackson @ 617-961-3290 or email Pernell.Jackson@boston.gov

Failure to correct this Violation within **24 Hours** of service of this Notice will result in criminal prosecution and/or civil penalties and fines.


Inspector

Pernell Jackson

Phone: (617)961-3290

Email: pernell.jackson@boston.gov

For the Commissioner


4/24/2023

Date Issued

Boston

5/15

20

23

Officer's Return, Suffolk, ss.

By virtue of this Writ, I this day served the before described person or entity by:

(CIRCLE NUMBER THAT INDICATES METHOD OF SERVICE)

1. Personally, by any person authorized to serve process;
2. By leaving a copy of the order at his last and usual place of abode;
3. By registered or certified mail, return receipt requested; or
4. The premises are unoccupied and the residence of the owner agent is unknown or is without the Commonwealth, therefore, I posted the order on a conspicuous place on the premises; and published a copy of this notice in a newspaper of general circulation where the building is located for at least three out of five consecutive days.

A true copy.

Attest:

If served on authorized agent, state individual's name;

If served at last and usual place of abode, indicate street address including unit number when applicable:

(Please State Title)

A. Blawie
 Constable

NOTICE

If this notice is not complied with in the time period specified the building official may institute appropriate proceeding to restrain, correct, or abate the violation or to require the removal or termination of the unlawful occupancy. You are also advised that in the appropriate circumstances the building official may take action to make a building safe or to raze the building. The cost of any such work incurred by the building official will be billed to the owner or person in control and will become a lien on the property. (780 CMR 118.3, 121.5)

Whoever violates any provision of the State Building Code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment of not more than one (1) year or both for each such violation. Each day during which a violation exists shall constitute a separate offense. (780 CMR 118.4)

The imposition of the penalties described above shall not preclude the building official from instituting an appropriate civil action to restrain, correct, or abate a violation of the State Building Code. (780 CMR 118.5)

You may have a right, as provided for in 780 CMR 122, to appeal this Order to either the local building code appeals board or the State Building Code Appeals Board.

Exhibit “10”

ROOME & GUARRACINO, LLC

Consulting Structural Engineers

300 Tradecenter, Suite 3540
Tel: 617.628.1700

Woburn, MA 01801
Fax: 617.628.1711

April 25, 2023

Mr. David MacKay
Weston Associates, Inc.
170 Newbury Street
Boston, MA 02116

Reference: Convent Building - 100 Smith Street
Mission Hill, MA

Dear David:

As a follow-up to our letter dated October 4, 2022, I re-visited the existing convent building located at 100 Smith Street in Boston, Massachusetts. The purpose of the visit is to review if further damage has occurred since September 2022 and to report herewith my findings. As you know, I made it know to you in my letter that the condition of this building was an imminent threat to public safety at which you informed Boston Landmarks Commission.

Many of the issues I noted in my letter report of October 2022 still hold true with the exception that the level of disrepair has worsened over time. Areas of deteriorated and collapsed floors have increased and more areas of masonry deterioration in the Walls are visible. It is evident that the conditions have worsened over the last several months through the winter and there is no way of telling when a catastrophic collapse can occur.

It is my strong professional opinion that the existing former convent building at 100 Smith Street be razed in a safe and controlled manner. If you have any further questions, or if we can be of any further assistance, please feel free to call.

Very truly yours,

ROOME & GUARRACINO, LLC



Carmine Guarracino, P.E.
Principal

ROOME & GUARRACINO, LLC

Consulting Structural Engineers

300 Tradecenter, Suite 3540
Tel: 617.628.1700

Woburn, MA 01801
Fax: 617.628.1711

April 25, 2023

Mr. David MacKay
Weston Associates, Inc.
170 Newbury Street
Boston, MA 02116

Reference: St. Alphonsus Hall - 80 Smith Street
Mission Hill, MA

Dear David:

As a follow-up to our letter of September 19, 2022, I re-visited the existing building originally known as Saint Alphonsus Hall on April 21, 2023 located at 80 Smith Street in Boston, Massachusetts. The purpose of the visit is to review if further damage has occurred since September 2022 and to report herewith my findings. As you know, I made it known to you in my letter that the condition of this building was an imminent threat to public safety at which you informed Boston Landmarks Commission.

Many of the issues I noted in the report of September 2022 still hold true with the exception that the level of disrepair has worsened over this time. For example, the large holes in the large main roof over the theater have become wider and additional sections of wall along the edges of the damage have collapsed. It is evident that conditions have worsened over the last several months through the winter and there is no way of telling when a catastrophic collapse can occur.

It is my strong professional opinion that the existing former church building at 80 Smith Street be razed in a safe and controlled manner. If you have any further questions, or if we can be of any further assistance, please feel free to call.

Very truly yours,
ROOME & GUARRACINO, LLC



Carmine Guarracino, P.E.
Principal

Exhibit “11”



Michelle Wu
Mayor

Boston Inspectional Services Department

Building and Structures Division

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

Marc A. Joseph
Inspector of Buildings

PERMIT

For minor alteration, repair, replacement, renovation & demolition, not to include structural work, egress, or change of occupancy.

Primary Contact: **JOHN GORMAN**

Issue Date: **05/19/2023**

Name of Owner:

Fees: **\$4,400.00**

Address: **80 - 100 Smith ST
Mission Hill, MA 02120**

Declared Value: **\$438,000.00**

Legal Occupancy: **Institutional
offices**

Neighborhood: **Mission Hill**

Ward: **10**

Application/Permit No: **SF1411715**

Work Description: At 80 Smith Street to correct "unsafe and dangerous" violation V637004, raze the entire building/structure. The building at 100 Smith Street is being razed under building permit SF1411719. The occupied building at 90 Smith Street is remaining intact. Dig Safe # 20231201777

Requirements:

1. Before any construction commences, this permit must be posted at the front of the street address, affixed to a window and open to public inspection until the completion of work.
2. Rough inspections are required for: excavation before concrete is poured; before foundation work is covered; when rough wiring or plumbing is completed; prior to insulating or closing of walls.
3. Final inspections for mechanical and/or electrical shall be done prior to obtaining the final approval by the Building Inspector.
4. The holder must call the District Inspector to arrange for all inspections: 617 635-5300.

Date	Building Inspector	Insp Type	Date	Building Inspector	Insp Type
Date	Electrical Inspector	Insp Type	Date	Electrical Inspector	Insp Type
Date	Mech Inspector	Insp Type	Date	Mech Inspector	Insp Type

Construction work is permitted from Mon - Fri, 7am to 6pm, CBC Ord. 16-26.4

POST THIS PERMIT IN VIEW OF THE PUBLIC WAY OR STREET



Michelle Wu
Mayor

Boston Inspectional Services Department

Building and Structures Division

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

Marc A. Joseph
Inspector of Buildings

PERMIT

For minor alteration, repair, replacement, renovation & demolition, not to include structural work, egress, or change of occupancy.

Primary Contact: **JOHN GORMAN**

Issue Date: **05/19/2023**

Name of Owner:

Fees: **\$4,220.00**

Address: **94 Saint Alphonsus ST
Mission Hill, MA 02120**

Declared Value: **\$420,000.00**

Neighborhood: **Mission Hill**

Ward: **10**

Legal Occupancy: **School**

DOC#1786/2

Application/Permit No: **SF1411719**

Work Description: At 100 Smith Street, to correct "unsafe and dangerous" violation V639670, raze the entire building/structure. The building at 80 Smith is being razed under building permit SF1411715. The occupied building at 90 Smith Street is remaining intact. Dig Safe # 2023120777

Requirements:

1. Before any construction commences, this permit must be posted at the front of the street address, affixed to a window and open to public inspection until the completion of work.
2. Rough inspections are required for: excavation before concrete is poured; before foundation work is covered; when rough wiring or plumbing is completed; prior to insulating or closing of walls.
3. Final inspections for mechanical and/or electrical shall be done prior to obtaining the final approval by the Building Inspector.
4. The holder must call the District Inspector to arrange for all inspections: 617 635-5300.

Date	Building Inspector	Insp Type	Date	Building Inspector	Insp Type
Date	Electrical Inspector	Insp Type	Date	Electrical Inspector	Insp Type
Date	Mech Inspector	Insp Type	Date	Mech Inspector	Insp Type

Construction work is permitted from Mon - Fri, 7am to 6pm, CBC Ord. 16-26.4

POST THIS PERMIT IN VIEW OF THE PUBLIC WAY OR STREET

Exhibit “12”

Boston Inspectional Services Demolition order for 80 and 100 Smith Street

On Friday, May 19th, the Inspectional Services Division of the City of Boston issued a permit for the removal of both 80 and 100 Smith Street (Saint Alphonsus Hall and the Convent Building). The permit was issued for the immediate clearing of both buildings based on concerns for structural integrity and possible collapse.

History

Saint Alphonsus Hall at 80 Smith Street was closed in the late 1970's by the Redemptorist Fathers religious order that operate the Mission Church and school property, due to declining church membership, underutilization of the buildings, increased upkeep and declining revenues. The Convent building at 100 Smith Street closed in the early 1990's.

As the buildings remained closed into the early 2000's the Redemptorist order was confronting decay in all of the Mission Church buildings with no resources to support a maintenance effort. Weston Associates was brought in by the order to take possession of 80, 90, and 100 Smith Street, in exchange for financial remuneration and reconstruction of elements of Mission Church and the Rectory building. In 2005, after a nearly four year public process that included independent preservation studies, it was determined that 80 and 100 Smith Street should be demolished to make way for new housing and in 2008, 90 Smith Street would be restored to house the Chan Harvard School of Public Health. The Boston Landmarks Commission permitted the removal of 80 and 100 Smith Street, but due to the economic downturn of 2007-08, the project was put on hold. In 2022 Weston Associates filed a Notice of Project Change that would resurrect housing on both 80 and 100 Smith street with a new design. As part of the regulatory process Weston participated in an advisory meeting with the Boston Landmarks Commission. At that meeting concern over the structural integrity of the both buildings was raised and Weston was directed to the Boston Inspectional Services Department (ISD) to have the buildings inspected. It was determined by ISD that the buildings posed a danger to the surrounding community and needed to be brought down.

Schedule

In consultation with abutters, Weston Associates will begin staging demolition equipment on June 12th. Demolition will commence on a date that is most advantageous for the site's neighbors and neighboring institutions.

Community Considerations

Safety

All work performed by the licensed demolition contractor will be done in strict accordance with local, state, and federal safety requirements. A Safe Work Construction Plan(s) will be prepared for this demolition phase, and the Superintendent will convene a safety meeting prior to starting

work at which all operatives shall be present. The Superintendent shall review the Safe Work Construction Plan(s) daily and ensure that all attendees understand the demolition procedure, all pertinent safety issues, including fall protection and what is required of them. All rigging to be utilized in the performance of the work will be inspected for damage at the beginning of each shift, and its size and load capacity (per tag) verified with that specified in the approved demolition procedure(s). Should site conditions be unfavorable to the proposed demolition procedure, work shall be halted until an alternate method is submitted for review.

The Demolition Contractor shall not allow debris, tools, or incidental equipment to swing over areas where vehicular or pedestrian traffic exists.

A City approved Traffic Control Plan will be instituted. Traffic controls and/or physical barriers will be installed by the demolition contractor as deemed necessary to prevent vehicular and pedestrian traffic from entering the area of demolition.

Mission Hill Playground area will be protected by temporary fencing. The fence will be tight against the building during non-working hours. The fence will be pushed out into the park as necessary to protect the public during work hours.

The Contractor in consultation with Mission Grammar leadership will ensure the active pick up and drop off door on Saint Alphonsus Street will be closed and secured during the demolition.

Air Quality/Dust and Silt Control

Dust control shall be provided during demolition operations and consist of water hose(s) equipped with spray nozzles to wet down debris as required. During Demolition Activities dust suppression will be handled by an onsite demolition contractor to ensure active dust suppression during any dust creating activities. During heavy dust creation, operations onsite will be sporadic to allow dust control to “catchup” and suppress the dust currently in the air.

Silt Sacks will be installed at all sewers drain manholes within construction site fence lines as well as surrounding manholes in the area surrounding the site to ensure debris and sediment never enter the sewer system. Silt Socks will be installed along the exterior fence lines (Placed on the inside of the site) around the project site to maintain erosion controls and ensure no debris or sediment leaves the jobsite and enters the surrounding storm water/sewer system.

Noise

Noise will be kept to a minimum relative to the work being performed because we do not intend to use hydraulic hammers for the demolition. If we do encounter the need to perform any heavy noise related activities, they will be strategically performed later in the mornings after 8AM and avoiding any work from occurring during school time. The owner will provide/manage vibration monitoring equipment for the site during the demolition activities onsite.

Before the construction site fencing is taken down, the existing footprint of the demolished buildings will be brought back up to grade using common fill compacted into place.

Pest Control

Pest control measures have been in place since November of 2022. Humane trapping and rodent eradication efforts have been ongoing and neither site has contained a food source for nearly thirty years.

Preservation

As part of the planned demolition, and in conjunction with the Boston Landmarks Commission, several elements of the existing buildings will be salvaged and items will be incorporated into the new buildings. Items to be salvaged include: stone, the St. Alphonsus Hall granite sign, terra cotta panels, wrought iron railing and stained glass.

Exhibit “13”

From: [Sean Lydon](#)
To: [Sean Curran](#)
Cc: [Margaret Van Scoy](#); [Enrique Pepen](#); [John Gorman](#); [Michael Christopher](#); [David Mackay](#); [JHanley@mamlip.com](#)
Subject: Re: 80 and 100 Smith Street Demolition order from ISD
Date: Tuesday, June 6, 2023 2:38:42 PM

Nope.

Rescind what you have previously stated in text as far as ISD's orders.

Your structural engineer's reports from September of 2022 and April of 2023 were the catalyst behind the issuance of any permits.

On Tue, Jun 6, 2023 at 2:33 PM Sean Curran <scurran@watervilleconsulting.com> wrote:
Mr. Lydon,

As per our conversation, here is how we have taken the word “order” out and portrayed ISD’s interest. We would like to notify the Impact Advisory Group for 80 and 100 Smith Street as soon as we are able:

Subject line: Important notification to Impact Advisory Group members for 80 and 100 Smith Street

Dear Members,

As a member of the Mission Associates development team for 80 and 100 Smith Street, I am writing to inform you that on Friday, May 19th, the Inspectional Services Department of the City of Boston issued a violation notice and permit for the removal of both 80 and 100 Smith Street (Saint Alphonsus Hall and the Convent Building). The permit was issued for the immediate clearing of both buildings based on concerns for structural integrity and possible collapse.

History

Saint Alphonsus Hall at 80 Smith Street was closed in the late 1970’s by the Redemptorist Fathers religious order that operate the Mission Church and school property, due to declining church membership, underutilization of the buildings, increased upkeep and declining revenues. The Convent building at 100 Smith Street closed in the early 1990’s.

As the buildings remained closed into the early 2000’s the Redemptorist order was confronting decay in all of the Mission Church buildings with no resources to support a maintenance effort. Mission Associates was brought in by the order to take possession of 80, 90, and 100 Smith Street, in exchange for financial remuneration and reconstruction of elements of Mission Church and the Rectory building. In 2005, after a nearly four year public process that included independent preservation studies, it was determined that 80 and 100 Smith Street should be demolished to make way for new housing and in 2009, 90 Smith Street would be restored to house the Chan Harvard School of Public Health. The Boston Landmarks Commission permitted the removal of 80 and 100 Smith Street, but due to litigation and the global financial crisis, the project was put on hold. In 2022 Mission Associates filed a Notice of Project Change that would resurrect housing on both 80 and 100 Smith street with a new design. As part of the regulatory process Mission Associates participated in an advisory meeting with the Boston Landmarks Commission. At that meeting concern over the structural integrity of the both buildings was raised and

Mission Associates was directed to the Boston Inspectional Services Department (ISD) to have the buildings inspected. It was determined by ISD that the buildings posed a danger to the surrounding community and a permit for demolition was issued on May 19th.

Schedule

In consultation with abutters, Weston Associates will begin staging demolition equipment on June 12th. Demolition will commence on a date that is most advantageous for the site's neighbors and neighboring institutions.

Community Considerations

Safety

All work performed by the licensed demolition contractor will be done in strict accordance with local, state, and federal safety requirements. A Safe Work Construction Plan(s) will be prepared for this demolition phase, and the Superintendent will convene a safety meeting prior to starting work at which all operatives shall be present. The Superintendent shall review the Safe Work Construction Plan(s) daily and ensure that all attendees understand the demolition procedure, all pertinent safety issues, including fall protection and what is required of them. All rigging to be utilized in the performance of the work will be inspected for damage at the beginning of each shift, and its size and load capacity (per tag) verified with that specified in the approved demolition procedure(s). Should site conditions be unfavorable to the proposed demolition procedure, work shall be halted until an alternate method is submitted for review.

The Demolition Contractor shall not allow debris, tools, or incidental equipment to swing over areas where vehicular or pedestrian traffic exists.

A City approved Traffic Control Plan will be instituted. Traffic controls and/or physical barriers will be installed by the demolition contractor as deemed necessary to prevent vehicular and pedestrian traffic from entering the area of demolition.

Mission Hill Playground area will be protected by temporary fencing. The fence will be tight against the building during non-working hours. The fence will be pushed out into the park as necessary to protect the public during work hours.

The Contractor, in consultation with Mission Grammar leadership will ensure the active pick up and drop off door on Saint Alphonsus Street will be closed and secured during the demolition.

Air Quality/Dust and Silt Control

Dust control shall be provided during demolition operations and consist of water hose(s) equipped with spray nozzles to wet down debris as required. During Demolition Activities dust suppression will be handled by an onsite demolition contractor to ensure active dust suppression during any dust creating activities. During heavy dust creation, operations onsite will be sporadic to allow dust control to "catchup" and suppress the dust currently in the air.

Silt Sacks will be installed at all sewers drain manholes within construction site fence lines as well as surrounding manholes in the area surrounding the site to ensure debris and sediment never enter the sewer system. Silt Socks will be installed along the exterior fence lines (Placed on the inside of the site) around the project site to maintain erosion controls and ensure no debris or sediment leaves the jobsite and enters the surrounding storm water/sewer system.

Noise

Noise will be kept to a minimum relative to the work being performed because we do not intend to use hydraulic hammers for the demolition. If we do encounter the need to perform any heavy noise related activities, they will be strategically performed later in the mornings after 8AM and avoiding any work from occurring during school time. The owner will provide/manage vibration monitoring equipment for the site during the demolition activities onsite.

Before the construction site fencing is taken down, the existing footprint of the demolished buildings will be brought back up to grade using common fill compacted into place.

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Pest control measures have been in place since November of 2022. Humane trapping and rodent eradication efforts have been ongoing and neither site has contained a food source for nearly thirty years.

Preservation

As part of the planned demolition, and in conjunction with the Boston Landmarks Commission, several elements of the existing buildings will be salvaged and items will be incorporated into the new buildings. Items to be salvaged include: stone, the St. Alphonsus Hall granite sign, terra cotta panels, wrought iron railing and stained glass.

On Jun 6, 2023, at 2:19 PM, Sean Lydon <sean.lydon@boston.gov> wrote:

Good afternoon.

This portrayal of a demolition order by ISD is misleading and of a misrepresentation of this department's interest in this project.

Please clarify and rescind this statement immediately Mr. Curran.

On Tue, Jun 6, 2023 at 1:24 PM Margaret Van Scoy
<margaret.vanscoy@boston.gov> wrote:

FYI



Maggie Van Scoy (*she/her/hers*)

Back Bay, Beacon Hill, Fenway, and Mission Hill Liaison
Mayor Michelle Wu's Office of Neighborhood Services

617-635-2679

Sign up for neighborhood news [here](#)

----- Forwarded message -----

From: **Sean Curran** <scurran@watervilleconsulting.com>

Date: Thu, Jun 1, 2023 at 4:00 PM

Subject: 80 and 100 Smith Street Demolition order from ISD

To: margaret.vanscoy@boston.gov <margaret.vanscoy@boston.gov>, enrique.pepen@boston.gov <enrique.pepen@boston.gov>

Maggie,

I wanted you to be aware that ISD has issued both a violation notice and demolition permit to Weston Associates for 80 and 100 Smith Street in Mission Hill. ISD toured the site some time ago and determined that both buildings pose a threat to public safety due to their condition. Below is a more fulsome brief on this issue. Please contact me should you have any questions and we stand ready to discuss this matter with you at any time.

Sean

Sean Curran
Principal
Waterville Consulting
84 State Street, Suite 900
Boston, MA 02109
Ph: (617) 335-7744

<2mMl9K0.png>

--

Sean C. Lydon
Commissioner, Inspectional Services Department
City of Boston
617.961.3076 (w)

--

Sean C. Lydon
Commissioner, Inspectional Services Department

City of Boston
617.961.3076 (w)

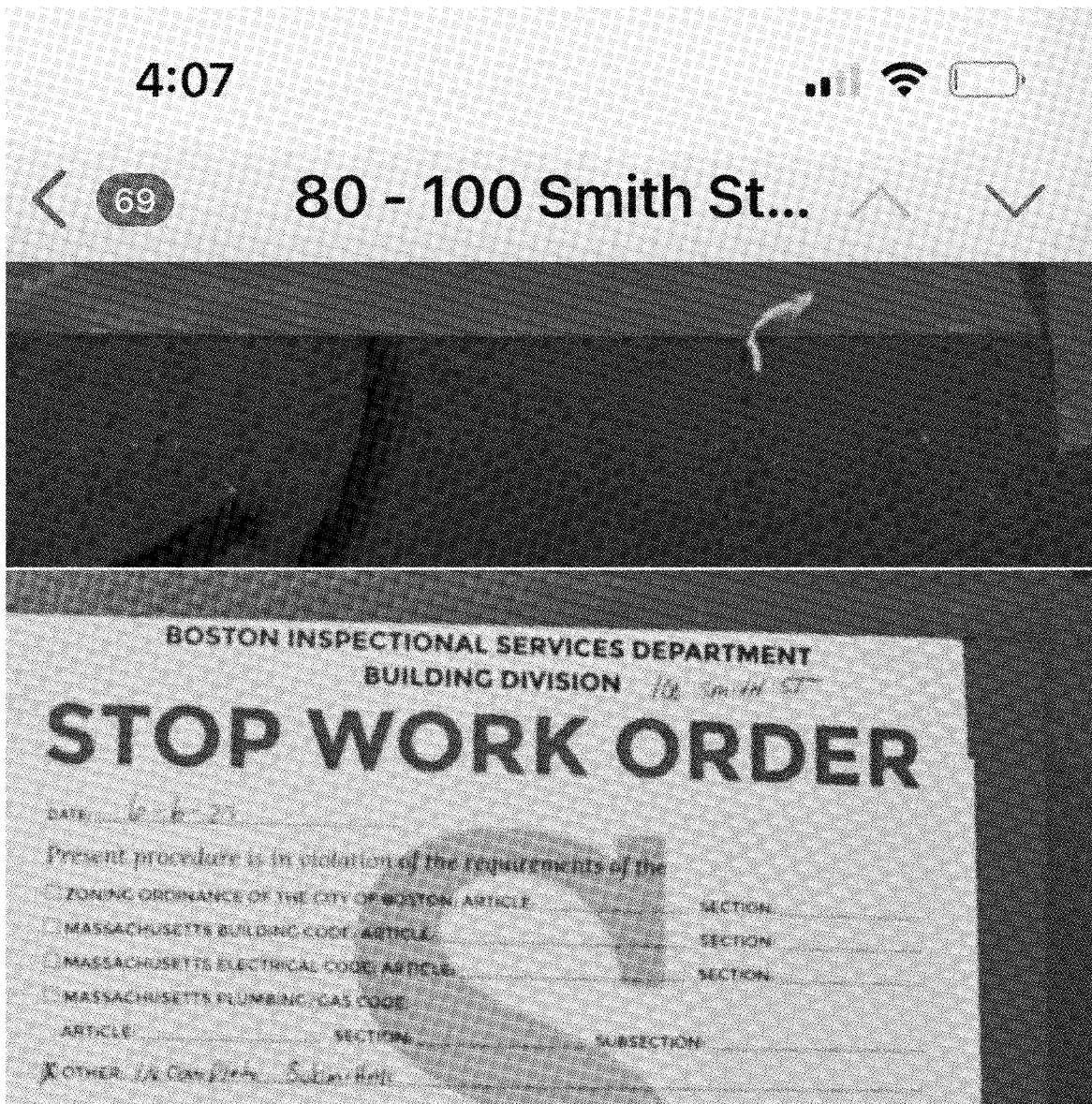
Exhibit “14”

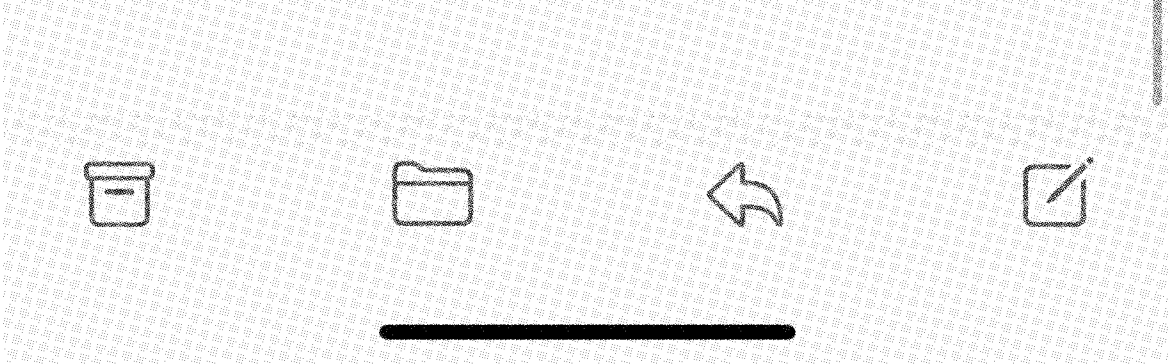
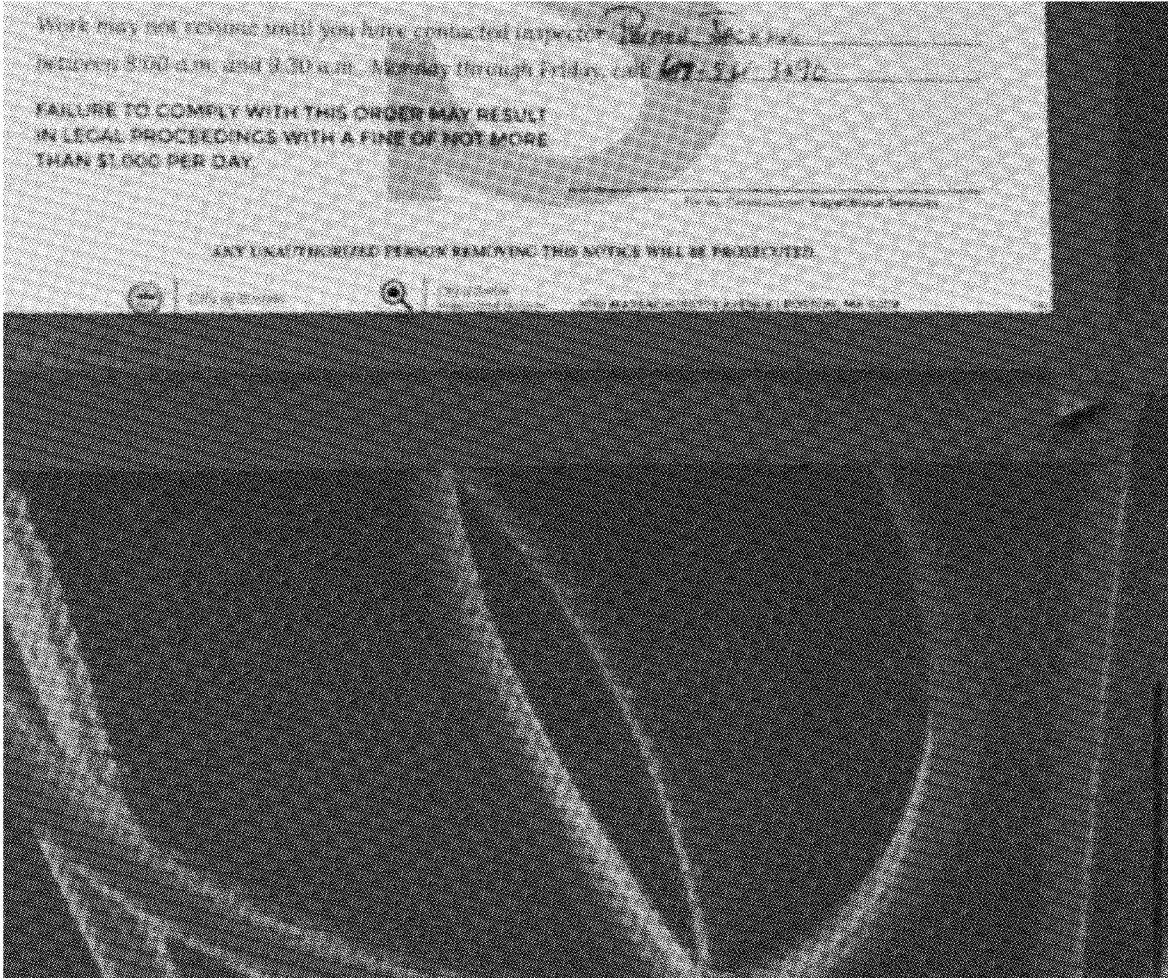
From: [Joseph Hanley](#)
To: [Sean Curran](#); [David Mackay](#); [Mark Donahue](#); [John Gorman](#); "[mford@fordlawpc.com](#)"
Subject: Re: Stop Works Order at 80 and 100 Smith
Date: Thursday, June 8, 2023 6:33:59 PM



Get [Outlook for iOS](#)

From: Joseph Hanley <JHanley@mqmllp.com>
Sent: Thursday, June 8, 2023 6:29:43 PM
To: Sean Curran <scurran@watervilleconsulting.com>; dmackay@waboston.com <dmackay@waboston.com>; Mark Donahue <mjd@waboston.com>; John Gorman <jfgorman3@yahoo.com>; 'mford@fordlawpc.com' <mford@fordlawpc.com>
Subject: Re: Stop Works Order at 80 and 100 Smith





Get [Outlook for iOS](#)

From: Joseph Hanley <JHanley@mqmlp.com>

Sent: Thursday, June 8, 2023 6:28:53 PM

To: Sean Curran <scurran@watervilleconsulting.com>; dmackay@waboston.com <dmackay@waboston.com>; Mark Donahue <mjd@waboston.com>; John Gorman <jfgorman3@yahoo.com>; 'mford@fordlawpc.com' <mford@fordlawpc.com>

Subject: Re: Stop Works Order at 80 and 100 Smith

4:07

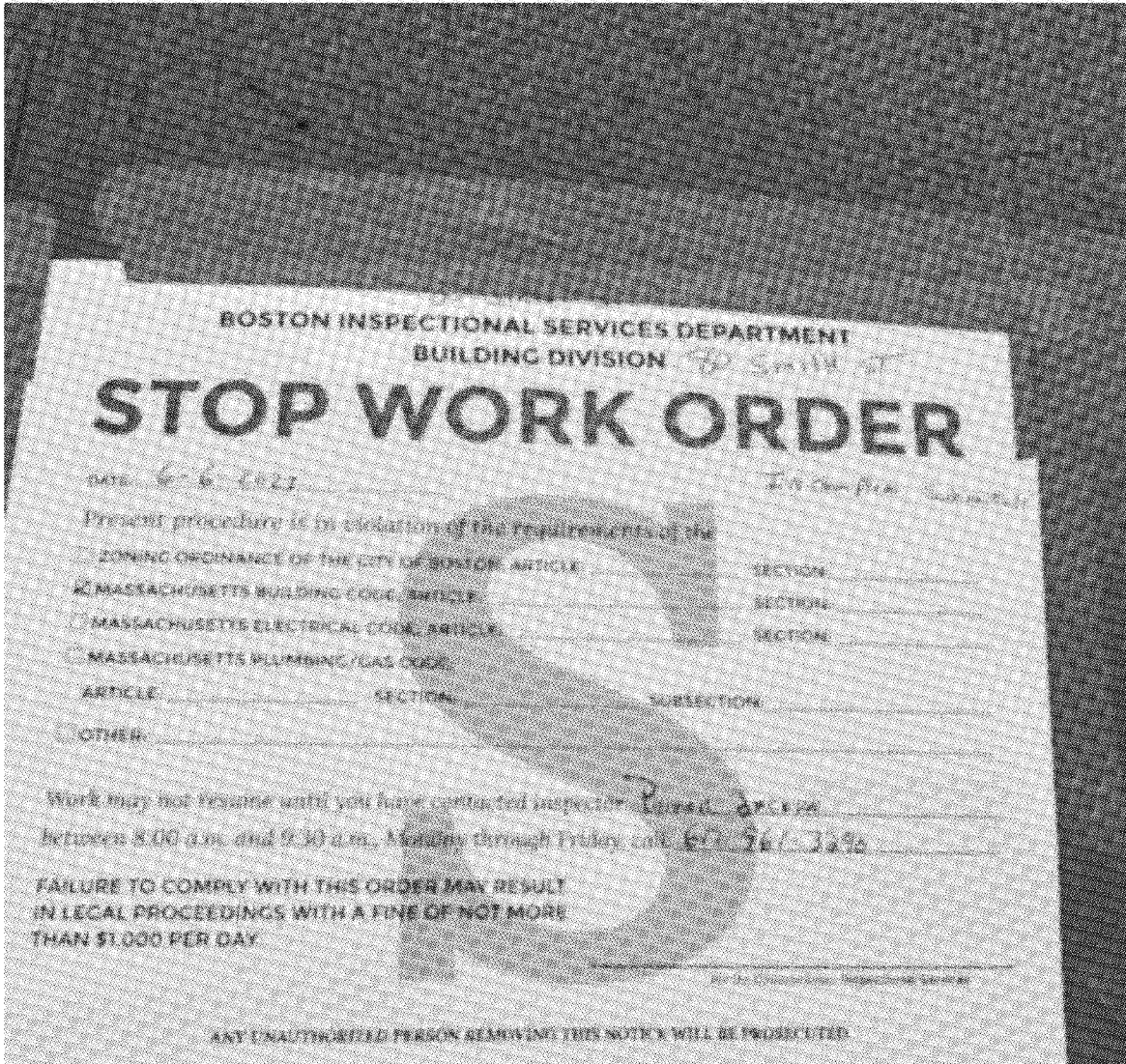


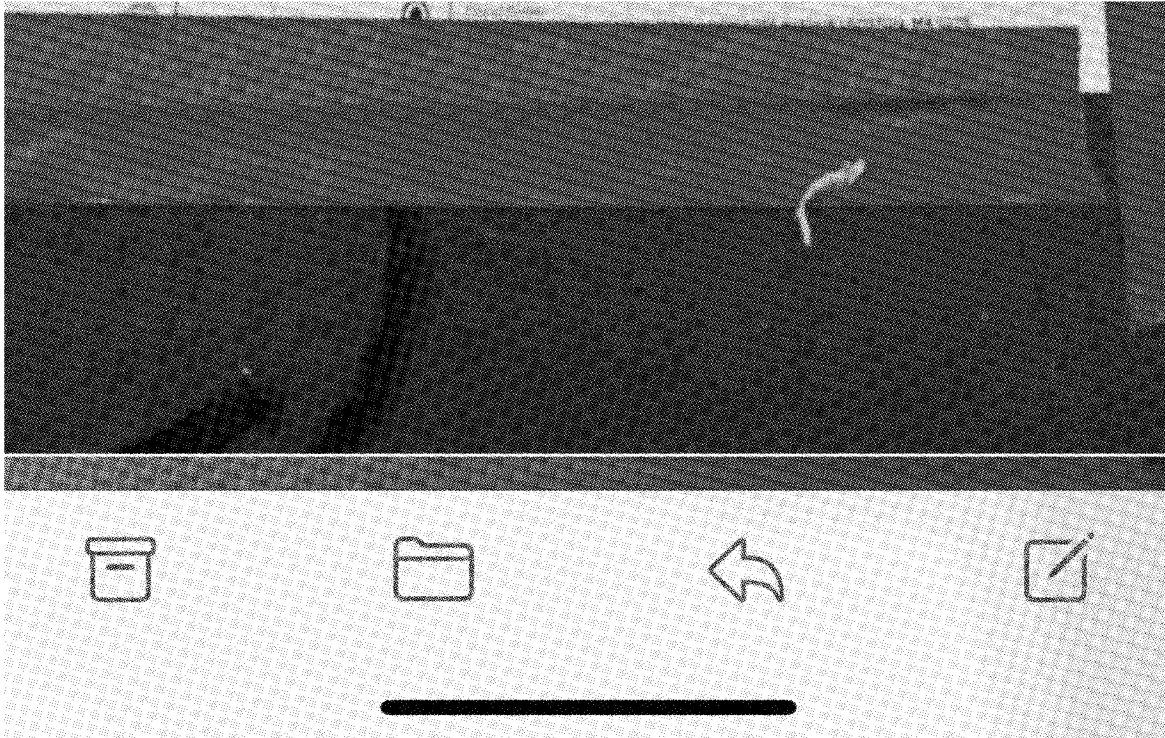
80 - 100 Smith St...



Date	Electrical Inspector	Insp Type	Date	electrical inspector	insp type
Date	Mech Inspector	Insp Type	Date	Mech Inspector	Insp Type

Construction work is permitted from Mon - Fri, 7am to 6pm, CBC Ord. 16-26.4
POST THIS PERMIT IN VIEW OF THE PUBLIC WAY OR STREET





Get [Outlook for iOS](#)

From: Joseph Hanley

Sent: Thursday, June 8, 2023 6:27:32 PM

To: Sean Curran <scurran@watervilleconsulting.com>; dmackay@waboston.com <dmackay@waboston.com>; Mark Donahue <mjd@waboston.com>; John Gorman <jfgorman3@yahoo.com>; 'mford@fordlawpc.com' <mford@fordlawpc.com>

Subject: Stop Works Order at 80 and 100 Smith

I am told that there are Stop Work Orders now posted at the sites.

Thanks. Joe

Joseph P. Hanley, Esq. - Partner

McDERMOTT

QUILTY &

MILLER LLP

28 STATE STREET, SUITE 802

BOSTON, MA 02109

OFFICE PH: #617-946-4600 ext. 4438

CELL PHONE: #617-905-3601

FAX: #617-946-4624

JHANLEY@MQMLLP.COM

WWW.MQMLLP.COM

P Please don't print this e-mail unless you really need to

In compliance with IRS requirements, we inform you that any U.S. tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of avoiding tax penalties or in connection with marketing or promotional materials. The information contained in this e-mail message is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone 617-946-4600, and destroy the original message. Thank you.

Exhibit “15”

From: [Sean Curran](#)
To: [Sean Lydon](#)
Cc: [John Gorman](#)
Subject: Direct message with an attached timeline
Date: Wednesday, June 7, 2023 1:01:55 PM

Commissioner,

I apologize that I am taking as much of your time on this matter as I have. The fault lies with me alone.

Here is the message I would like to send back, with your permission, to the two folks from ONS and Mike Christopher:

Mike, Enrique, and Maggie,

As you are aware from a prior email response from ISD Commissioner, Sean Lydon, I used incorrect terminology to describe ISD's posture in regards to the demolition permits for 80 and 100 Smith Street. I described it as an "order" which the Commissioner rightfully points out is not correct. In an attempt to use shorthand, I improperly described the true nature of ISD's engagement with those two buildings. It was inadvertent, but it is important to set the record straight.

Mission Associates, through their structural engineer, provided two reports to ISD regarding the lack of structural integrity in the two buildings. Those reports were the impetus for an ISD inspector to come to the site to observe the buildings himself. At that point there was concurrence with what appeared in the structural engineer's report and a violation and permits were granted. (See timeline of events below)

We will be more precise in describing this scenario in the future in both internal and external communication.

Sean Curran

August 25, 2022: Carmine Guarracino visits the site and delivers a report detailing his fear that the buildings were at risk of a catastrophic collapse which could endanger the public due to the buildings' proximity to sidewalks, a school, an office building, and an active public park.

INITIAL ENGINEER REPORTS SEPT 19 & OCT 4, 2022

September 27, 2022 At an advisory meeting of the Boston Landmarks Commission the Executive Director of the BLC, Roseanne Foley, instructs the project proponents to immediately consult with Boston Inspectional Services due to the threat to public safety, stating "If there is some kind of public danger associated with these deteriorating buildings, the Inspectional Services Department can certainly let you demolish them immediately. Have you been in touch

with ISD to proceed?" "If it is as dangerous as you say it is, we would not want to be seen as putting children in danger."

October 6, 2022: Inspector Pernel Jackson of ISD tours the buildings and issues VIOLATION NOTICES OCT 6 & 20, 2022, noting the buildings are unsafe and dangerous

October to April In consultation with the ISD Mission Associates, LLC completes all items of the Demolition checklist that are required prior to demolition, including, rodent control, full hazardous remediation, cut and cap of all utilities.

April 18, 2023 David MacKay meets with ISD commissioner Sean Lydon to discuss the pending demolition application for 80 – 100 Smith Street, provides full engineering report to Commissioner Lydon

SECOND ROUND OF ISD VIOLATION NOTICES ISSUED APRIL 21 & 24, 2023

SECOND ROUND OF ENGINEER REPORTS APRIL 25, 2023

May 15, 2023: Mission Associates, LLC is served a second violation notice by constabulary.

May 19, 2023: ISD issues permit for demolition of 80 and 100 Smith Street

Exhibit “16”

APPLICATION CONFIRMATION

Permit Type: ZONING BOARD OF APPEALS

Permit Number: BOA1501228

Site Location: 80 TO 100 SMITH ST TO MISSION HILL MA 02120

Primary Applicant: RYAN GAZDA

Declared Value: \$18,800,900.00

Legal Occupancy: MIXED USE

Description of Work: THIS APPEAL SEEKS A REVISION OF THE STOP WORK ORDER ISSUED CONCERNING THE DEMOLITION OF THE BUILDING LOCATED ON THE PROPERTY WHICH IS IN A DANGEROUS STATE OF DISREPAIR. SEE DEMOLITION PERMIT SF1411715.

Milestone: INTAKE

NEXT STEPS

Your application is under review. We'll email you if we need more information or when payment is due. Additional information on the appeal process is available at boston.gov/zba-appeal.

[View \(../LookUp.aspx?PID=B3O9dE5wnHDk5UOuh9nbMVD6QvnfRuLlquER04wAqw=\)](#) | [Clone \(../ApplyApplication.aspx?PID=B3O9dE5wnHDk5UOuh9nbMVD6QvnfRuLlquER04wAqw=\)](#) | [Edit \(../ApplyApplication.aspx?PID=B3O9dE5wnHDk5UOuh9nbMfIsbAM3KvjQMDv+9O6czXR9W9PGoVYV0PYPBhr5n0W2KhJw3whKygZCxiK9oZYi](#)

BOS:311 - REPORT AN ISSUE ([HTTP://WWW.CITYOFBOSTON.GOV/311/](http://www.cityofboston.gov/311/))

PUBLIC NOTICES ([HTTPS://BOSTON.GOV/PUBLIC-NOTICES](https://boston.gov/public-notices))

PAY AND APPLY ([HTTPS://BOSTON.GOV/PAY-AND-APPLY](https://boston.gov/pay-and-apply))

FEEDBACK ([MAILTO: ISD@BOSTON.GOV](mailto:isd@boston.gov))

This form must be completed and signed by the owner-of-record, their attorney and/or authorized agent. If form is not signed by property owner, please attach a signed letter of authorization designating the authorized agent.



APPEAL
under Boston Zoning Code

Boston, Massachusetts July 20, 20 23

To the Board of Appeal in the Inspection Services Department of the City of Boston:

The undersigned, being **Authorized Agent of Owner**
The Owner(s) or authorized agent

of the lot at **80** **Smith Street** **10** **Mission Hill Neighborhood**
number street ward district

hereby appeal(s) under St. 1956, c. 665, s. 8, to the Board of Appeal in the Inspectional Services Department of the City of Boston the action taken by Inspectional Services Commissioner as outlined in the attached refusal letter.

DESCRIBE IN DETAIL THE REASON(S) FOR THIS APPEAL

This Appeal seeks a rescision of the Stop Work Order issued concerning the demolition of the building located on the property which is in a dangerous state of disrepair. See demolition permit SF1411715.

STATE REASONS FOR THIS PROPOSAL

The allowance of the within Appeal will enable the Appellant reinstate the demolition permit that was issued in response to multiple urgent and uncontested findings of a structural engineer that the subject building is at risk of catastrophic collapse.

PROVIDE REASONS WHY BOARD SHOULD GRANT RELIEF

The Appellant submits that the Board should grant the requested relief, as to do so will create no detrimental effect on the surrounding neighborhood, but rather, is necessary to abate an immediate public safety threat. The Stop Work Order was arbitrary, capricious, and an abuse of discretion, and must be rescinded in the interest of public welfare and safety.

COMMENTS

For these and other reasons more precisely enumerated at the public hearing before the Board, the Appellant respectfully requests the allowance of the within appeal.

OWNER **Mission Associates, LLC**
AUTHORIZED AGENT **Michael W. Ford, Esq.**
ADDRESS **245 Sumner Street, Suite 110**
..... **East Boston, MA 02128**
TELEPHONE **617-328-3400**
FAX **617-328-3400**

July 20, 2023

VIA ELECTRONIC TRANSMISSION

Zoning Board of Appeal
1010 Massachusetts Avenue, 5th Floor
Boston, Massachusetts 02118

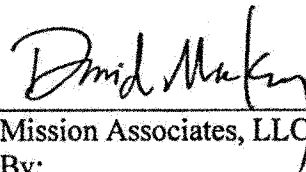
**Re: Authorization Letter
80-100 Smith Street, Boston, Massachusetts 02120**

Dear Sir/Madam:

This letter is written to confirm that Mission Associates, LLC, as owner of the property located at 80-100 Smith Street, Boston, Massachusetts 02120 (the "Property"), has authorized Michael W. Ford, Esq. and FORD LAW P.C., and the attorneys thereof, to file the within Zoning Code Appeal on the Property owner's behalf with the Zoning Board of Appeal for the City of Boston concerning the Property.

Should you have any questions, please do not hesitate to contact me. Thank you for your attention in this matter.

Very truly yours,



Mission Associates, LLC

By:
Its:

BOSTON INSPECTIONAL SERVICES DEPARTMENT
BUILDING DIVISION *70 Smith St*

STOP WORK ORDER

DATE *6-6-2021*

1000 Comm Ave *Weymouth, MA 01981*

Present procedure is in violation of the requirements of the

- ZONING ORDINANCE OF THE CITY OF BOSTON, ARTICLE _____ SECTION _____
- MASSACHUSETTS BUILDING CODE, ARTICLE _____ SECTION _____
- MASSACHUSETTS ELECTRICAL CODE, ARTICLE _____ SECTION _____
- MASSACHUSETTS PLUMBING/GAS CODE, ARTICLE _____ SECTION _____ SUBSECTION _____
- OTHER _____

Work may not resume until you have contacted inspector *James Brown*
between 8:00 a.m. and 9:30 a.m., Monday through Friday, call *617-961-3296*

**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT
IN LEGAL PROCEEDINGS WITH A FINE OF NOT MORE
THAN \$1,000 PER DAY.**

Form No. C-100 (Revised 10/15/10) Inspectional Services Dept.

ANY UNAUTHORIZED PERSON REMOVING THIS NOTICE WILL BE PROSECUTED



Boston Inspectional Services Department Building and Structures Division

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

Michelle Wu
Mayor

Marc A. Joseph
Inspector of Buildings

PERMIT

For minor alteration, repair, replacement, renovation & demolition, not to include structural work, egress, or change of occupancy.

Primary Contact: **JOHN GORMAN**
Name of Owner:
Address: **80 - 100 Smith ST
Mission Hill, MA 02120**

Issue Date: **05/19/2023**
Fees: **\$4,400.00**
Declared Value: **\$438,000.00**
Legal Occupancy: **Institutional offices**

Neighborhood: **Mission Hill** Ward: **10**

Application/Permit No: **SF1411715**

Work Description: At 80 Smith Street, to correct "unsafe and dangerous" violation V637004, raze the entire building/structure. The building at 100 Smith Street is being razed under building permit SF1411719. The occupied building at 90 Smith Street is remaining intact. Dig Safe # 20231201777

Requirements:

1. Before any construction commences, this permit must be posted at the front of the street address, affixed to a window and open to public inspection until the completion of work.
2. Rough inspections are required for: excavation before concrete is poured; before foundation work is covered; when rough wiring or plumbing is completed; prior to insulating or closing of walls.
3. Final inspections for mechanical and/or electrical shall be done prior to obtaining the final approval by the Building Inspector.
4. The holder must call the District Inspector to arrange for all inspections: 617 635-5300.

Date	Building Inspector	Insp Type	Date	Building Inspector	Insp Type
Date	Electrical Inspector	Insp Type	Date	Electrical Inspector	Insp Type
Date	Mech Inspector	Insp Type	Date	Mech Inspector	Insp Type

Construction work is permitted from Mon - Fri, 7am to 6pm, CBC Ord. 16-26.4

POST THIS PERMIT IN VIEW OF THE PUBLIC WAY OR STREET

APPLICATION CONFIRMATION

Permit Type: ZONING BOARD OF APPEALS

Permit Number: BOA1501229

Site Location: 80 TO 100 SMITH ST 10 MISSION HILL MA 02120

Primary Applicant: RYAN GAZDA

Declared Value: \$18,800,900.00

Legal Occupancy: MIXED USE

Description of Work: THIS APPEAL SEEKS A RECISION OF THE STOP WORK ORDER
ISSUED CONCERNING THE DEMOLITION OF THE BUILDING
LOCATED ON THE PROPERTY WHICH IS IN A DANGEROUS STATE
OF DISREPAIR. SEE DEMOLITION PERMIT SFI411719.

Milestone: INTAKE

NEXT STEPS

Your application is under review. We'll email you if we need more information or when payment is due. Additional information on the appeal process is available at boston.gov/zba-appeal.

[View \(.../LookUp.aspx?PID=B3O9dE5wnHDk5UOuh9nbMXAjtxFM4M4pZU4jSh1ztL0=\)](#) | [Clone \(.../ApplyApplication.aspx?PID=B3O9dE5wnHDk5UOuh9nbMXAjtxFM4M4pZU4jSh1ztL0=\)](#) | [Edit \(.../ApplyApplication.aspx?PID=B3O9dE5wnHDk5UOuh9nbMbRQsAqJWK4iWnz495IFgpqukkUN5OhJcE3lfHTROsHdwidd7AAPvhsAwIQQJpmG](#)

BOS.311 - REPORT AN ISSUE ([HTTP://WWW.CITYOFBOSTON.GOV/311/](http://www.cityofboston.gov/311/))

PUBLIC NOTICES ([HTTPS://BOSTON.GOV/PUBLIC-NOTICES](https://boston.gov/public-notices))

PAY AND APPLY ([HTTPS://BOSTON.GOV/PAY-AND-APPLY](https://boston.gov/pay-and-apply))

FEEDBACK ([MAILTO: ISD@BOSTON.GOV](mailto:isd@boston.gov))

This form must be completed and signed by the owner-of-record, their attorney and/or authorized agent. If form is not signed by property owner, please attach a signed letter of authorization designating the authorized agent.



APPEAL
under Boston Zoning Code

Boston, Massachusetts July 20, 20 23

To the Board of Appeal in the Inspection Services Department of the City of Boston:

The undersigned, being **Authorized Agent of Owner**
The Owner(s) or authorized agent

of the lot at **100** **Smith Street** **10** **Mission Hill Neighborhood**
number street ward district

hereby appeal(s) under St. 1956, c. 665, s. 8, to the Board of Appeal in the Inspectional Services Department of the City of Boston the action taken by Inspectional Services Commissioner as outlined in the attached refusal letter.

DESCRIBE IN DETAIL THE REASON(S) FOR THIS APPEAL

This Appeal seeks a rescision of the Stop Work Order issued concerning the demolition of the building located on the property which is in a dangerous state of disrepair. See demolition permit SF1411719.

STATE REASONS FOR THIS PROPOSAL

The allowance of the within Appeal will enable the Appellant reinstate the demolition permit that was issued in response to multiple urgent and uncontested findings of a structural engineer that the subject building is at risk of catastrophic collapse.

PROVIDE REASONS WHY BOARD SHOULD GRANT RELIEF

The Appellant submits that the Board should grant the requested relief, as to do so will create no detrimental effect on the surrounding neighborhood, but rather, is necessary to abate an immediate public safety threat. The Stop Work Order was arbitrary, capricious, and an abuse of discretion, and must be rescinded in the interest of public welfare and safety.

COMMENTS

For these and other reasons more precisely enumerated at the public hearing before the Board, the Appellant respectfully requests the allowance of the within appeal.

OWNER **Mission Associates, LLC**
AUTHORIZED AGENT **Michael W. Ford, Esq.**
ADDRESS **245 Sumner Street, Suite 110**
..... **East Boston, MA 02128**
TELEPHONE **617-328-3400**
FAX **617-328-3400**

July 20, 2023

VIA ELECTRONIC TRANSMISSION

Zoning Board of Appeal
1010 Massachusetts Avenue, 5th Floor
Boston, Massachusetts 02118

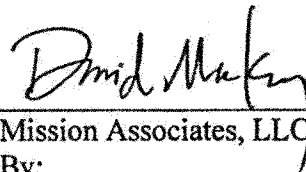
**Re: Authorization Letter
80-100 Smith Street, Boston, Massachusetts 02120**

Dear Sir/Madam:

This letter is written to confirm that Mission Associates, LLC, as owner of the property located at 80-100 Smith Street, Boston, Massachusetts 02120 (the "Property"), has authorized Michael W. Ford, Esq. and FORD LAW P.C., and the attorneys thereof, to file the within Zoning Code Appeal on the Property owner's behalf with the Zoning Board of Appeal for the City of Boston concerning the Property.

Should you have any questions, please do not hesitate to contact me. Thank you for your attention in this matter.

Very truly yours,


Mission Associates, LLC

By:
Its:

BOSTON INSPECTIONAL SERVICES DEPARTMENT
BUILDING DIVISION *100 South St*

STOP WORK ORDER

DATE *6-6-23*

Present procedure is in violation of the requirements of the

- ZONING ORDINANCE OF THE CITY OF BOSTON, ARTICLE _____ SECTION _____
- MASSACHUSETTS BUILDING CODE, ARTICLE _____ SECTION _____
- MASSACHUSETTS ELECTRICAL CODE, ARTICLE _____ SECTION _____
- MASSACHUSETTS PLUMBING/GAS CODE
ARTICLE _____ SECTION _____ SUBSECTION _____

OTHER *As Complete Submittal*

Work may not resume until you have contacted Inspector *Patrick J. ...*
between 8:30 a.m. and 9:30 a.m. Monday through Friday, call: *617-534-1190*

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT
IN LEGAL PROCEEDINGS WITH A FINE OF NOT MORE
THAN \$1,000 PER DAY.

City of Boston Inspectional Services Department

ANY UNAUTHORIZED PERSON REMOVING THIS NOTICE WILL BE PROSECUTED.



City of Boston



Inspectional Services Department

100 SOUTH STREET, BOSTON, MASSACHUSETTS 02109



Michelle Wu
Mayor

Boston Inspectional Services Department

Building and Structures Division

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

Marc A. Joseph
Inspector of Buildings

PERMIT

For minor alteration, repair, replacement, renovation & demolition, not to include structural work, egress, or change of occupancy.

Primary Contact: **JOHN GORMAN**

Issue Date: **05/19/2023**

Name of Owner:

Fees: **\$4,220.00**

Address: **94 Saint Alphonsus ST
Mission Hill, MA 02120**

Declared Value: **\$420,000.00**

Legal Occupancy: **School**

Neighborhood: **Mission Hill** Ward: **10**

DOC#1786/2

Application/Permit No: **SF1411719**

Work Description: At 100 Smith Street, to correct "unsafe and dangerous" violation V639670, raze the entire building/structure. The building at 80 Smith is being razed under building permit SF1411715. The occupied building at 90 Smith Street is remaining intact. Dig Safe # 2023120777

Requirements:

1. Before any construction commences, this permit must be posted at the front of the street address, affixed to a window and open to public inspection until the completion of work.
2. Rough inspections are required for: excavation before concrete is poured; before foundation work is covered; when rough wiring or plumbing is completed; prior to insulating or closing of walls.
3. Final inspections for mechanical and/or electrical shall be done prior to obtaining the final approval by the Building Inspector.
4. The holder must call the District Inspector to arrange for all inspections: 617 635-5300.

Date	Building Inspector	Insp Type	Date	Building Inspector	Insp Type
Date	Electrical Inspector	Insp Type	Date	Electrical Inspector	Insp Type
Date	Mech Inspector	Insp Type	Date	Mech Inspector	Insp Type

Construction work is permitted from Mon - Fri, 7am to 6pm, CBC Ord. 16-26.4

POST THIS PERMIT IN VIEW OF THE PUBLIC WAY OR STREET

Exhibit “17”

80 to 100 Smith ST Ward 10 Mission Hill MA 02120

Altagracia De Los Santos <altagracia.delossantos@boston.gov>

Fri 7/21/2023 8:56 AM

To: Ryan Gazda <rgazda@mqmlp.com>

Cc: Stephanie Haynes <stephanie.haynes@boston.gov>; Theresa Donga <theresa.donga@boston.gov>; Cameron Clark <cameron.clark@boston.gov>

Good morning,

BOA Intakes not processed.

Please reach out to Planning and Zoning. Zoning Refusal letter not issued for :
80 to 100 Smith ST Ward 10 Mission Hill MA 02120

Bes,
Altagracia

Altagracia De los Santos

Inspectional Services Department/Board of Appeal

1010 Massachusetts Avenue 4th Floor

Boston MA 02118

617 635-4775

