



66 Falcon Street, East Boston Complaint Evaluation

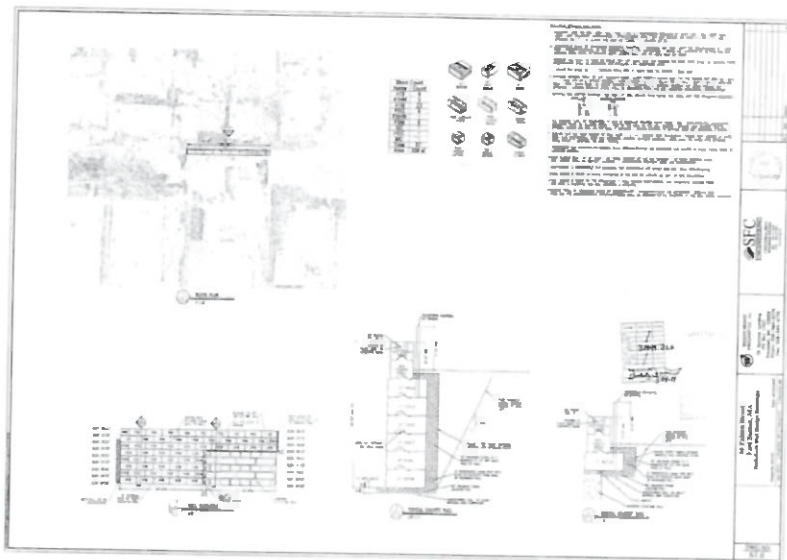
Description of Complaint

The City of Boston Finance Commission received a request from City Councilor Gabriela Coletta Zapata to review a complaint received by her office regarding the redevelopment and subsequent City of Boston inspections process at 66 Falcon Street, East Boston, a four-unit condo conversion. Commission staff conducted interviews and requested data from several homeowners of 66 Falcon Street and Boston's Inspectional Services Department and conducted a site visit to complete the review (see side timeline). The homeowners stated that they believed the city's inspections process should have resulted in the delay of issuance of a final Certificate of Use and Occupancy (C.O.) due to several outstanding repair issues. After reviewing the homeowners' list of grievances, the Commission was able to pare the concerns down to two issues of review: The retaining wall and the rear, outside stairs.

The retaining wall

The owners had stated that the retaining wall was not built per the specs. After reviewing documents provided by Inspectional Services it appears that the retaining wall was built to specs approved by the engineer on March 14, 2019. (See attachment A below). An email to Inspectional Services has confirmed that the approval of the wall that currently exists at 66 Falcon Street is in keeping with the engineering plans.

Figure A



December 2, 2024

Zoom meeting with owners of 66 Falcon Street. Owners informed the Finance Commission of building issues related to the development of the property based on what they believe was poor workmanship by the developer and/or the contractor. The owners requested an inquiry into the City of Boston inspections approval process of the project. After the meeting, The Finance Commission reached out to ISD to obtain information regarding the property.

December 6, 2024

The Commission received information from Inspectional Services on the issuance of the Certificate of Use and Occupancy at 66 Falcon Street. The documentation detailed that an inspection was completed on the deck at 66 Falcon Street on January 18th, 2022, and that the permanent Certificate of Use and Occupancy was issued three weeks later February 10th, 2022.

January 23, 2025:

A site visit at 66 Falcon Street was conducted by staff of the City of Boston Finance Commission. One of the owners gave a tour of the property. The Commission was informed by the owner that ISD conducted an inspection on November 5, 2021, and listed several items that needed to be corrected before a permanent certificate of occupancy would be issued.

February 10, 2025:

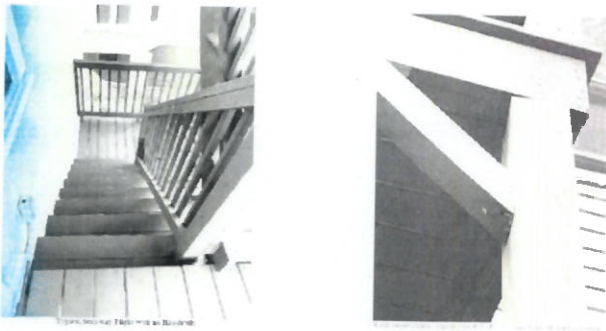
A Zoom meeting was held with ISD to review the 66 Falcon Street property file. During this meeting, the Finance Commission learned that there was documentation to show that the retaining wall was up to code. The Commission requested information regarding a final inspection of the backstairs. The Commission was told that it was believed that the inspection of the deck completed on January 18, 2022, included the back stairs, but that the Inspector would be contacted to verify.

February 14, 2025:

The Finance Commission reached out to the homeowners of 66 Falcon requesting any information that they had (i.e. pictures) that would show that the repairs to the stairs were not completed. The owners provided two emails to ISD, dated February 7th 2022, and February 8, 2022, expressing that they felt repairs completed on the exterior, rear stairs were not completed to code and requesting a re-inspection. Commissioner Lydon of Inspectional Services responded that he spoke to the inspector assigned and stated that a re-inspection of the property was conducted and confirmed that the modifications that were needed from the November visit were completed. A final Certificate of Use and Occupancy was issued two days later. The Commission asked if the owners could provide photos of the stairs after the permanent C.O. was issued; one picture of a small board with rusty nails was taken was provided.

The rear, outside stairs

The owners stated that these stairs were not built to code and were “pulling away” from the building causing further damage to the structure, and a report provided by the homeowners dated June 20, 2021, from Commercial Construction Consulting, Inc, provides written details and multiple pictures of what appears to be poor construction and apparent code violations on the rear stairs. (see pictures below from the report)



ISD documents provided seem to verify that some of the owners’ concerns regarding the stairs were included in an email dated five months later from Andy Choo Design to Doug Medvetz dated Tuesday, November 9, 2021 stating the following:

“Below is the list of repair for the rear deck.

1. Add new 6x6 post at 1st floor to align with posts above, add new 14” sono tube.
2. Move all the metal clips for the railing to underneath the railings.
3. Add galvanized nails
4. Add double 2x8s below 2nd floor stairs, see elevation
5. Add new 2x8 ledger on 1st floor landing
6. Attach 1st floor midway railing to wall
7. Move top floor midway railing to align with railing below, in order to make room for gutter.
8. Add diagonal bracing at 1st floor on existing post.

In addition, add new fence between rear retaining wall and bollards.”

The email included a drawing of the back stairs which is labeled “proposed decks/egress stair” and includes apparent notes which reference needed repairs to the stairs such as “attach railing” and “add nails” (See figure B to the right).

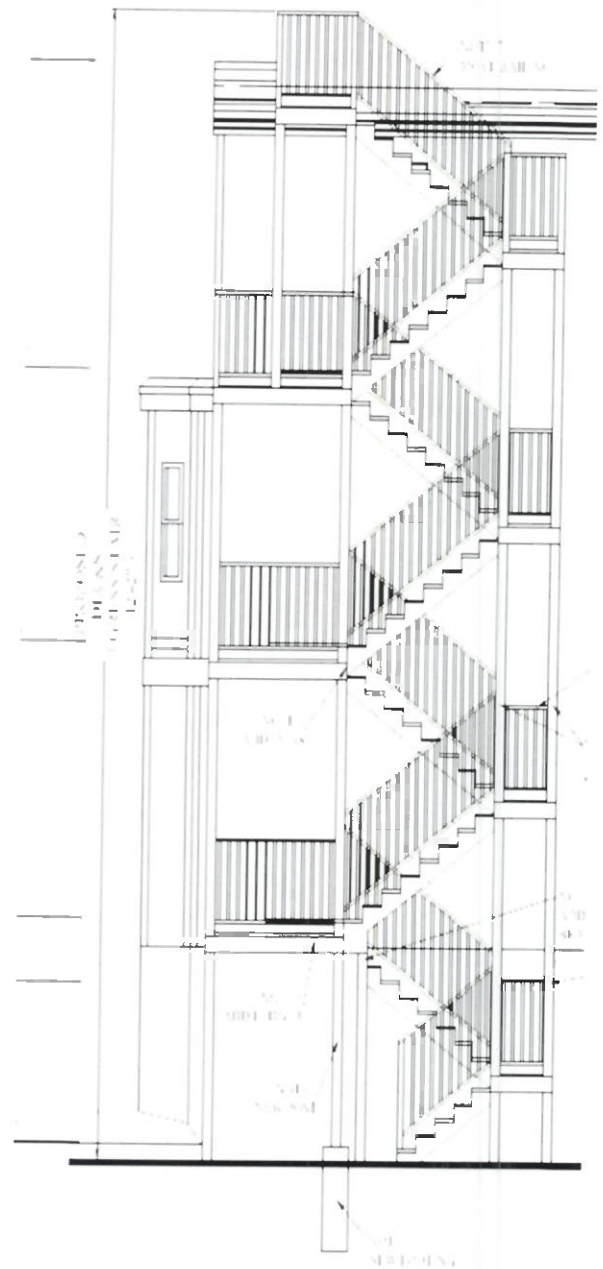


Figure B

There seems to be some discrepancy between the owners and Inspectional Services regarding the final inspection that took place on January 18, 2022. The inspection references repairs to the deck that had been completed and issued a final Certificate of Use and Occupancy. The Finance Commission questioned whether the rear stairs were viewed as part of the deck that was inspected on January 18, 2022. Emails from one of the owners to ISD dated February 7, 2022 and February 8, 2022 two days prior to the final C.O. being issued indicate that the owner still had concerns regarding the condition of the rear stairs and was strictly asking ISD to return to the property to reevaluate. Inspectional Services responded to an inquiry regarding whether the stairs were inspected as part of the final inspection that the stairs were part of the deck inspection that was completed and that the list of items that was noted on the November 5, 2021 ISD inspection report included repairs needed on the stairs, noted above and in Figure A.

Conclusions

Due to the late notice given to the City of Boston Finance Commission, we can find no evidence that the permanent Certificate of Use and Occupancy should not have been issued by Inspectional Services. The owners of 66 Falcon Street told the Finance Commission that they had a contractor complete needed repairs to the property which they stated included replacing the rear stairs prior to the Finance Commission being asked to review the matter. The Commission asked the owners for pictures or video of the back stairs after the final inspection was completed so there was dated evidence that the needed repairs to the rear stairs had not been completed prior to the final C.O. was issued but the owners only had one picture that didn't support their concerns.

The Finance Commission strongly recommends that City of Boston Inspectional Services make it standard practice to take pictures at the final inspections and in particular, create evidence of repaired "punch list" items that may have been previously identified. This would not only protect the city but also be a resource for property owners. In the case of 66 Falcon Street, pictures of the completed repairs outlined in the November of 2021 letter from Andy Choo Design could have easily been added to the file. It is also advisable that when a homeowner is imploring ISD not to issue a Certificate for Use and Occupancy at their home, as was the case with the emails from one of the owners of 66 Falcon Street, that, ISD revisit the property to review the owner's concerns and take pictures and video to support findings prior to issuing a final C.O.

The owners of 66 Falcon Street have been through a very stressful process and it is difficult not to sympathize with them, however, the owners are unable to provide pictures or video of the rear staircase showing inspectional violations after the final inspection and the owners had a contractor replace the stairs in question prior to the Finance Commission being requested to review the matter. In reviewing this complaint, there is no evidence that would support that Inspectional Services did anything that could be seen as not following policies and procedures.

Matthew A. Cahill

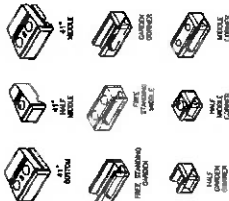


Executive Director

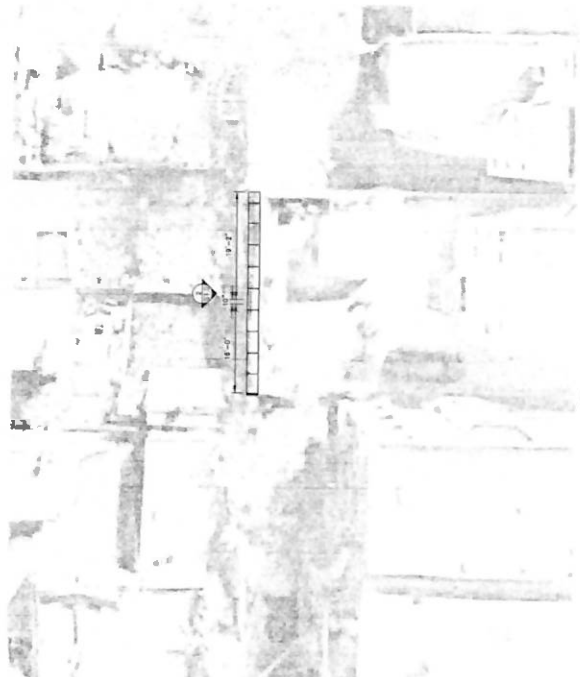
City of Boston Finance Commission

NO.	DATE	REVISION
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4	10/1/01	ISSUED FOR PERMIT
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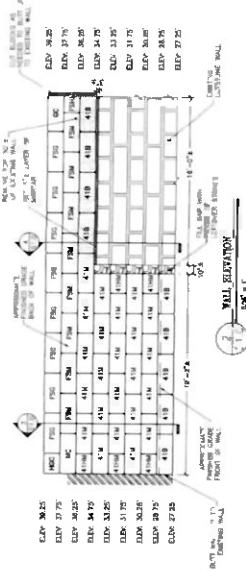
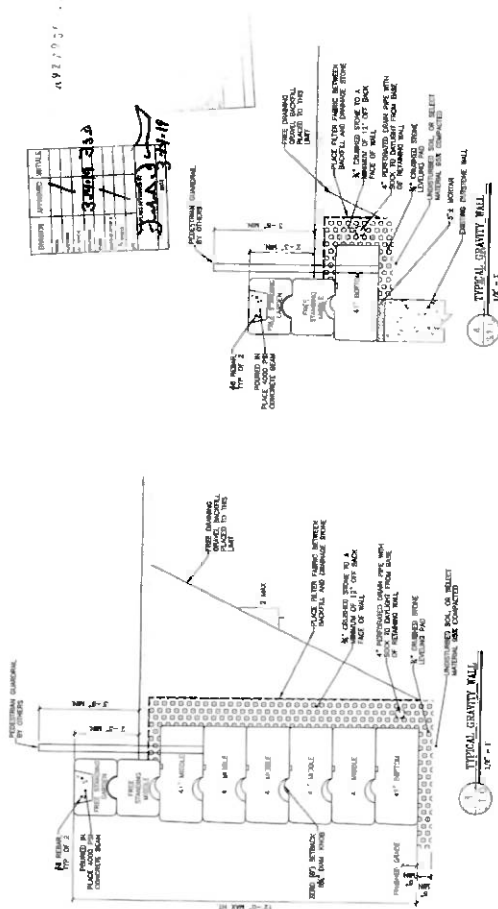
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2. THE WALL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BOSTON, MASSACHUSETTS, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, STANDARD SPECIFICATIONS FOR HIGHWAYS, BRIDGES AND TUNNELS, EDITION 1997, WITH THE LATEST REVISIONS.
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Name	Count
4x8	1
4x12	1
4x16	1
FSH	1
FSM	1
HSC	1
MC	1
Total	57
Area	308 sq ft



1" = 10'



1" = 10'

