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NORFOLK COUNTY

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPARTMENT
C.A. No. 2182 CV 00603

E STREET LLC,
Plaintiff,

v.

TOWN OF BRAINTREE, MAYOR
CHARLES C. KOKOROS,
INDIVIDUALLY, and MAYOR
CHARLES C. KOKOROS, TRUSTEE
OF PETERSEN TRUST,
Defendants.

**AFFIDAVIT OF RUSSELL FORSBERG IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

I, Russell Forsberg, being duly sworn hereby depose and state as follow:

1. I am the Chief Building Inspector for the Town of Braintree.
2. I have personal knowledge about the facts alleged in the Complaint, various plans for the development of the pool and ice rink complex in Braintree, Massachusetts that is the subject of this litigation (the "Project") and review of those plans by me and my office.
3. On or about June 15, 2021, Paul Cokinos, the manager of E Street LLC, delivered what he stated were his revised architectural plans for the Project.
4. I reviewed those plans and determined they were insufficient for my department to issue a building permit for the Project. Based on my review I concluded the plan package lacked essential details that would make it impossible to issue a permit for either a foundation or structural frame.
5. Specifically, as to the deficiencies in the submitted foundation plans:
 - a. The plans were not stamped by a Structural Engineer;
 - b. The corresponding Construction Control Affidavit required by the State for this portion of the project was not provided;

- c. The foundation plans did not include plans which accurately reflect the “pool” portion of the building which needed to be elevated due to ground water tables and the inclusion of a diving well;
 - d. There were no details relative to interior column pads;
 - e. There was no Soil Analysis Report confirming the required bearing strength of existing soil as called for in the specifications; and
 - f. There were no details relative to the slab construction.
6. With respect to the submitted structural frame plans, I noted the following

deficiencies:

- a. The plans were not stamped by a Structural Engineer;
- b. The corresponding Construction Control Affidavit required by the State for this portion of the project was not provided;
- c. There is a general lack of any form of structural framing plans with the exception of a single cross-section at a specified column line and no information relative to any portion of the pools structural frame; and
- d. There were no structural steel connection details.

7. Requests for some of these items date back to as early as February 2020 and despite multiple requests were never provided to the Town. *See attached Exhibit A.*

8. As to the submitted architectural plans I noted that the plans were totally lacking in detail of any sort. Of special concern was that the plans lacked any detail relative to the connection between the main floor and pool deck given that the pool area of the building will have to be elevated twelve feet or more to allow for the inclusion of the diving well.

9. Based on my review of all the plans submitted on June 15th, I concluded that the plans were insufficient to support issuance of a building permit or a foundation permit and significant revisions to the plans would be required before a permit could be issued. I notified Mr. Cokinos of the deficiencies in writing on June 16th. *See attached Exhibit B.*

Signed under the pains and penalties of perjury this 15 day of July, 2021.



Russell Forsberg

EXHIBIT A

Taub, Nicole

From: McGrath, Marybeth
Sent: Thursday, February 20, 2020 11:17 AM
To: Paul Cokinos (paul@bochice.com); David Doherty (dpd711@hotmail.com)
Cc: Kokoros, Charles; Taub, Nicole; Forsberg, Russell; Halley, Michael; Steve Rusteika (srusteika@pmaconsultants.com); Cody Gibb (cgibb@pmaconsultants.com)
Subject: RE: Foundation permit application NEEDS

Good morning Paul,
As of today's date, we have not received the following:

- 1) Foundation plan with specifications;
- 2) Stamped soils report;
- 3) Initial construction control affidavit by engineer of record.

Please immediately forward the required documentation, so that we can review and process the foundation permit application, and get the foundation permit issued.

Thanks,
Marybeth

Marybeth McGrath
Director
Town of Braintree
Department of Municipal Licenses & Inspections
1 JFK Memorial Drive
Braintree, MA 02184
Tel: (781) 794-8095
Fax: (781) 794-8098

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From: McGrath, Marybeth
Sent: Wednesday, February 5, 2020 4:50 PM
To: Paul Cokinos (paul@bochice.com) <paul@bochice.com>; David Doherty (dpd711@hotmail.com) <dpd711@hotmail.com>
Cc: Kokoros, Charles <ckokoros@braintreema.gov>; Taub, Nicole <ntaub@braintreema.gov>; Forsberg, Russell <rforberg@braintreema.gov>; Halley, Michael <mhalley@braintreema.gov>
Subject: Foundation permit application NEEDS

Hi Paul and David,
As a reminder regarding the foundation permit application, I need the following supporting documentation:

- 1) Contractor's worker's comp and liability insurance binders;
- 2) Foundation plan with specifications;
- 3) Stamped soils report;

4) Initial construction control affidavit by engineer of record.

Please forward asap, so that we can upload to the permit application and move forward on review.

Thanks,
Marybeth

Marybeth McGrath
Director
Town of Braintree
Department of Municipal Licenses & Inspections
1 JFK Memorial Drive
Braintree, MA 02184
Tel: (781) 794-8095
Fax: (781) 794-8098

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EXHIBIT B



Department of Municipal Licenses and Inspections

Mary E. McGrath, R.S., Director

1 J.F.K. Memorial Drive Braintree, Massachusetts 02184

Building Division Telephone: 781-794-8070 Fax: 781-794-8022

Health Division Telephone: 781-794-8090 Fax: 781-794-8098

Charles C. Kokoros
Mayor

June 16, 2021

Paul Cokinos
1105 East Street
Dedham, MA. 02026

RE: Plan Review, Braintree Sports Complex, 128 Town Street, Braintree, MA.

Paul Cokinos,

I have had an opportunity to review the plans provided by yourself on June 15, 2021 in conjunction with your application (#17533) filed on February 5, 2020 for a foundation for the Braintree Sports Complex with the following findings:

To begin, the plans relating to the foundation, structural frame and architectural layout are not stamped by a Massachusetts Registered Structural Engineer or Architect. No Construction Control Affidavits as required by the State are provided for any aspect of the work.

The foundation plans do not include accurate and detailed information given the need to create an elevated foundation to accommodate both pool and diving well. No details regarding interior column pads are provided, nor slab construction. No analysis attesting to the required specified bearing strength of the soil is provided.

As for the structural frame, there is a general lack of plans or information relating to the total structural skeleton, spacing or connections to be employed.

The architectural plans in addition to lacking adequate detail of any sort do not accurately reflect the connection between the main level of the sports complex and the elevated pool deck.

It is for the aforementioned reasons, that no form of permit (Foundation, Shell or Fit-Out) can be issued.

A handwritten signature in black ink, appearing to read "Russell Forsberg".

Russell Forsberg – Inspector of Buildings