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NEWS

Haddon Hall Construction Work Violates Zoning Permit; Raises Concerns in the Back Bay

by [Lauren Bennett](#) • July 29, 2020 • [0 Comments](#)

The renovation work at 29 Commonwealth in the Back Bay, known as Haddon Hall, has been underway for some time now, but the Neighborhood Association of the Back Bay (NABB) has raised some concerns about recent violations at the site, which is in a Groundwater Conservation Overlay District (GCOD).

In 2017, the property was sold to developer Hexagon Properties, who wanted to convert it to a private club. NABB and many other community members were against this proposal as they did not feel this location was the best one for such a use.

The proposal was eventually changed into one for luxury condos, which are now under construction. The plan includes the installation of a basement garage with a scissor lift.

On June 12, 2018, the Zoning Board of Appeal (ZBA) approved the proposal for the work, including the 1" capture requirement, which was "contingent upon the architect stating that there was no work that was going to be done below...the no harm threshold for GCOD," according to Christian Simonelli, Executive Director of the Boston Groundwater Trust.

Simonelli told the Sun that he happened to walk by the construction site "by chance" one day several weeks ago, and noticed that something didn't look right.

"I reached out to them," he said, referring to the project team, and discovered that there was a design change from the 2018 approved plans, but "[the Inspectional Services Department (ISD)] had no notification of that design change. I'm not sure how this slipped through the cracks."

The proponent needed to dig deeper than originally anticipated to install the scissor lift, which required them to dewater, Simonelli said, and was beginning to do so without the proper approval.

“It was a clear indication that their requirement was not met and needed to be met,” Simonelli told the Sun. “At that time, we coordinated with ISD. They issued a stop work order for the below grade work” in early July, which he said has been followed. NABB also reached out to the Mayor’s Office of Neighborhood Services, as well as the City Council, for intervention, according to NABB chair Martyn Roetter.

“If you start pumping out water from one building, that can potentially have a very dangerous impact upon neighboring buildings,” Roetter said. “If the groundwater sinks low enough, the wooden pilings on many buildings and in the district will start rotting. It’s not a trivial concern.”

Luckily, that was not the case with this project. “This could have been a lot worse than it was,” Simonelli said. He said that he hasn’t seen issues with the piles, and the work went on for “such a short duration that hopefully we don’t.”

However, there was a complication of the work done in violation that that led to the breaking of a sewer pipe in the alley.

“We (NABB) heard about it from some neighbors who were complaining because there was a lot of night work going on...and the alley was blocked off.”

Elliott Laffer, also of NABB and the former Executive Director of the Boston Groundwater Trust, said that removing soil from under the building, causing a void, can lead to pipes breaking.

Roetter said that there is a concern of contamination from raw sewage, as it drained under the building.

“These two events coming close together raised a question: how vigilant do we have to be about what’s going on there?” Roetter asked.

“If you don’t file the appropriate application, then there’s no record of the work being done, and no one to stop by and look at it to see if it’s done right,”Laffer said. “It’s critically important that all of these standards are upheld.”

The project came before the ZBA on July 28 for Board Final Arbiter, where Simonelli explained how the construction was in violation of the conditional use permit.

“They moved very quickly,” Simonelli said of the proponents, who were able to produce a no-harm letter from an engineer at the hearing stating that there will be no negative impact on the groundwater once the project is complete.

“In addition, the project engineer...is also monitoring the water levels in the area throughout the work,” Simonelli said. “In a nutshell, we’re really comfortable moving forward. The proponent has been very responsible and acted quickly...to remedy this violation.” The ZBA approved the project and allowed the below grade work to continue now that it is documented and there is proof that no harm will be caused.

“Once the work is completed, it should have nothing but a positive impact on the ground water levels,” Simonelli told the Sun.

Although the situation did not end up causing drastic issues, it still raises questions from the Back Bay community about construction standards and safety.

“Our concern is about the procedure that led up to the dewatering taking place in the first place,” Roetter said. “Why was this excavation not implemented in a safe way?” He said that NABB also has concerns about the developer making changes to the permit without first informing the City.

Hexagon Properties did not respond to the Sun’s request for comment by press time.

Roetter said that with many people still working from home and not being able to hold in-person meetings, there are “fewer eyes and ears on the street. Are there more activities going on getting approved without proper review and input simply because of the situation we find ourselves in?” He said that NABB would like to “support ongoing economic activity,” but incidences like this raise serious concerns in the neighborhood.

“If this team, which includes an experienced architect who’s done a lot of work in Back Bay groundwater areas and a knowledgeable and well funded building owner, does this stuff wrong,” Laffer said, then concerns can arise about others with less experience or financial means doing work in the neighborhood.

“That’s when standards collapse,” he said, “and that would be tragic.”

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