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Brian P. McDonough
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July 26, 2012

*Via Email (jprondak@townofmilton.org)
and First Class Mail*

Mr. Joseph Prondak
Building Commissioner
Town of Milton Inspectional Services
525 Canton Avenue
Milton, MA 02186

Re: Order of Unsafe Structure, 131 Eliot Street, Milton MA

Dear Mr. Prondak:

I write in follow-up to my letter of yesterday. We have received the further engineering report from Cowen & Associates as was referenced. I have enclosed a copy of same. As you will see, that report expressly opines that my client's building is stable and poses no risk to the general public.

As my letter indicated, my client intends to make any necessary repairs to its portion of the property. However, the planning of this work requires coordination with the Town.

In that regard, my letter inquired as to how the Town plans to proceed regarding the damage to its own contiguous property. While I suspect that the Town intends to tear down its portion of the property, I do not know that for certain. I asked for confirmation, and you have refused to provide it, writing: "[Y]our client's plans . . . should not be predicated on what the Town plans to do with its portion. The Town will do whatever is necessary."

This stance creates a very unfair situation for my client. The Town has ordered my client to make repairs, but is hindering its ability to do so. If the Town, in fact, intends to take down its property, then my client cannot even begin to plan its work until that demolition work has been completed, and the Town has performed its obligation to erect an exterior wall for my client's property. Indeed, as you know, the Town has had a deeded obligation since the time it purchased the property in 2004 to take down its structure, and to restore the exterior wall of my client's structure, but never has performed that obligation.

As such, you need to confirm whether the Town intends to tear down its portion of the property as necessary to providing my client a legitimate opportunity to plan and execute the repairs that,

Mr. Joseph Prondak

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as matter of law – and pursuant to the terms of the order that you served on Tuesday – it is entitled to undertake.

I look forward to learning how the Town plans to proceed with its property so that my client's engineer can begin to plan the repair work. In the meantime, should you have questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Brian P. McDonough". The signature is written in dark ink and is positioned above the printed name.

Brian P. McDonough

Cc: Mr. Steven Connelly

Cowen Associates

CONSULTING STRUCTURAL ENGINEERS

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Natick, MA 01760

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Mr. Fred Cowen

July 26, 2012

Mr. Steven Connelly

Carrick Realty Trust

1859 Dorchester Ave.

Dorchester, MA 02124

12.157 - 131 Eliot Street Milton

Structural Feasibility for Reconstruction/Development

Dear Steven:

As per your request, we are pleased to submit the following report.

Abstract

The writer was accompanied by Mr. Jeremiah Connelly on May 25, 2012 on a comprehensive inspection of the above captioned property. One hundred and two photographs were taken, depicting the structure owned by you and that of the adjacent attached Town Owned property. Annotated copies of these photos are enclosed.

On May 29, 2012 the writer was accompanied by you, the Fire Chief, the Building Commissioner and Mr. Clement F. McCarey, P.E. of Engineers Design Group on a brief tour of the building.

Mr. McCarey's report of his findings dated June 14, 2012 is attached.

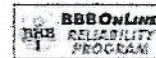
For clarity, a copy of a satellite generated image showing the building from above is enclosed, together with a Mortgage Plot Plan with a similar orientation and scale.

The Carrick Realty Trust property is composed of lots 1,2,3 & 4 as shown on the plot plan. Also shown on the plot plan is a lot owned by the Town of Milton at the corner of Central Avenue and the Railroad right-of-way.

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Abstract Continued

The enclosed photographs are annotated with the location by lot number and descriptions as required.

The reader may refer to these graphic images while reviewing the dialog below.

General

The building in question is a complex composed of many components built over a long period of time, starting most probably before the turn of the twentieth century. Accordingly, the building components are composed of materials and methods of construction which were common in their day.

The Town Owned Property

This property is believed to be the most recent. It is contiguous with Lots 1 & 2 of the Carrick Realty properties and is built of reinforced concrete and structural steel as a warehouse building.

It should be noted that a portion of this building is a wood framed building which connects the steel and concrete building to Lot 2 of the Carrick Realty. This building is on the property line of Lot 2. A portion of this connector has collapsed

Lot 1

Located on the corner of Central Avenue and Elliot Street, this lot is largely an empty lot and includes a small portion of the Town Owned steel and concrete building.

Lot 2

This building includes a former show room and several production and/or storage areas including a cold storage room.

The structure of this building begins with a foundation built of Stone Masonry and is partly constructed of a modern concrete foundation. Exterior walls and some interior walls are built of unreinforced brick masonry. The first floor is framed partly in structural steel girders and wood framed floors and another portion is framed in cast-in-place concrete.

The roof is framed in conventional wood framing.

An area of the building connecting to the Town Owned building has undergone a collapse (most probably due to snow load). This is comprised of an area of approximately 600 square feet and involves a segment of roof and second floor. The Collapse is limited to wood joisted rafters which were supported on masonry walls. The masonry wall on the Lot 2 side of the collapse is easily inspected and is largely intact, being braced by the intact wood framing on one side. The wall on the Town Owned side could not be inspected at the time of the visit as it open at the first floor and starts at the second floor.

The structure of this building has been subject to water damage. In general the steel frame girders, columns and walls are functional and appear to be in fair to good condition. The wood framed floors, however, are partially rotted and significant number of joists may require replacement. However, despite these local conditions, the flooring is largely intact and safe to walk on. The concrete floors have not been damaged by the water.

Lot 3

This building is perhaps the most modern of the properties owned by the Carrick Realty Trust. The foundation is entirely built of reinforced concrete. The first floor is also built of concrete encased steel girders and floor slabs. The second floor is framed in steel beams and wood floor joists (possibly a former roof system) and is reinforced with steel girders. The wood floor is covered with a system of checker-plate steel plates welded together. The roof is at least two stories above the second floor and is framed by steel columns and beams, X-bracing and the roof framing is modern steel joists with metal decking on the roof.

The two story exterior wall system is a concrete and brick masonry wall on trackside and wood framed on the other sides with steel angle girts at various levels. It should be noted that this wall system has been the subject of criticism by others. It is our opinion that this wall system is sound.

The roof deck has been subject to water incursion and is rotted away in some areas. We are not aware of severe damage to the roof framing.

The second floor framing has been damaged by water and many of the joists may have to be replaced. Otherwise the steel framing system appears intact.

The one story portion of this building consists of the loading dock area, the floor and roof of which has not sustained significant damage due to the good condition of the roof.

Lot 4

Lot 4 is an empty lot.

Conclusions

We conclude that the building is stable and not a danger to the public.

We also conclude that the collapse area is largely isolated and the walls on the Lot 2 side have been braced by the framing opposite the collapse site.

Most importantly, we have determined that the building is viable for future renovation and development.

It should be noted that Mr. Rene Mugnier, P.E. has also opined that "It is our professional opinion that the building can be rehabilitated." in his report included in the 7/23/12 Inspectional Services report by Joseph Prondak.

Recommendations

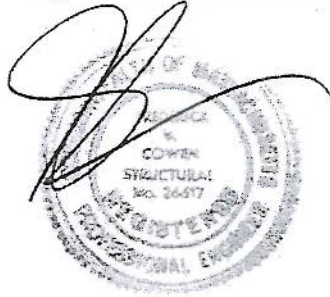
We therefore recommend the following:

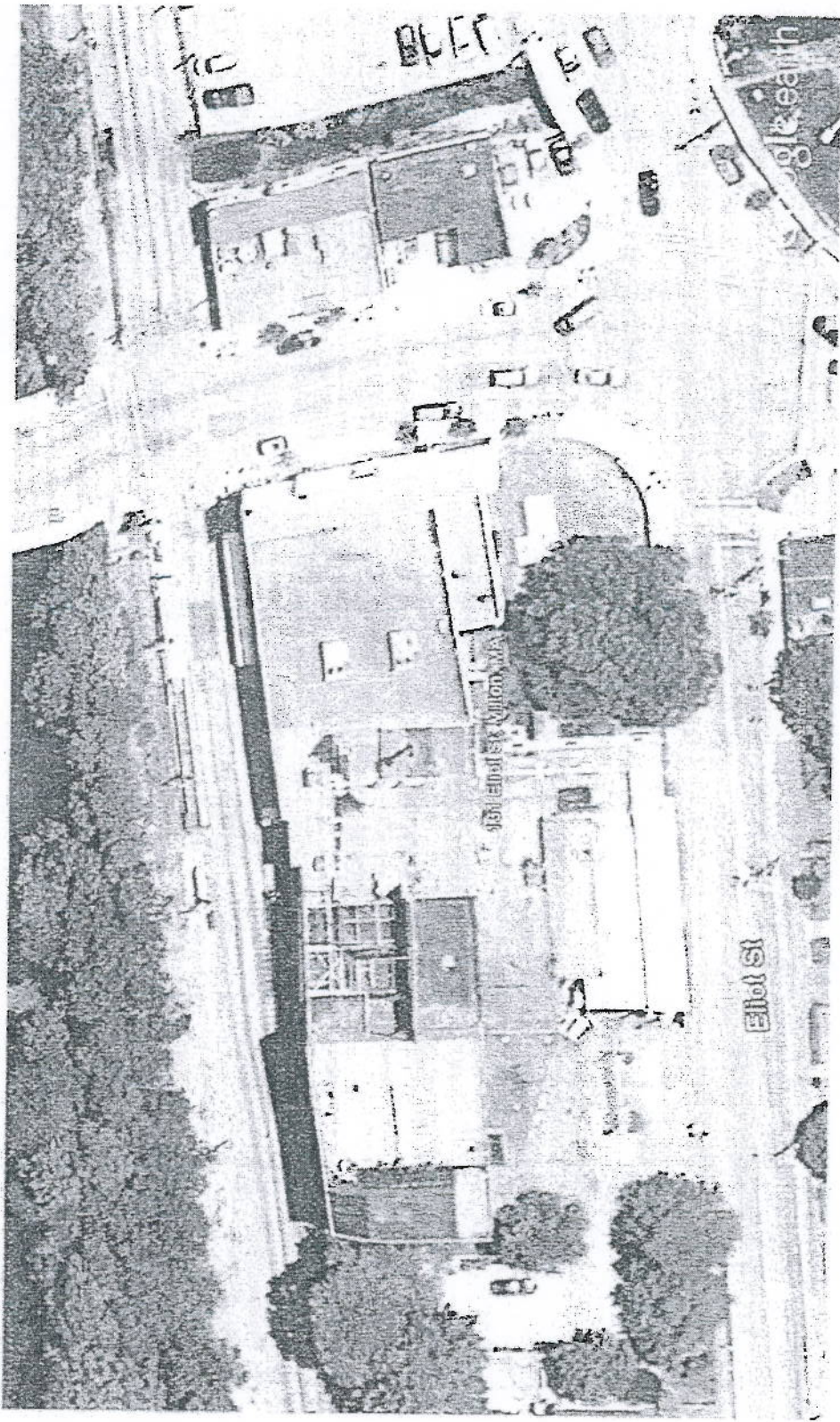
Begin a program of planning for the renovation and development of the property.

As is stated in the report by the Inspectional Services Department, we recommend that you preserve the building and "make it safe". We do not recommend that the building be demolished.

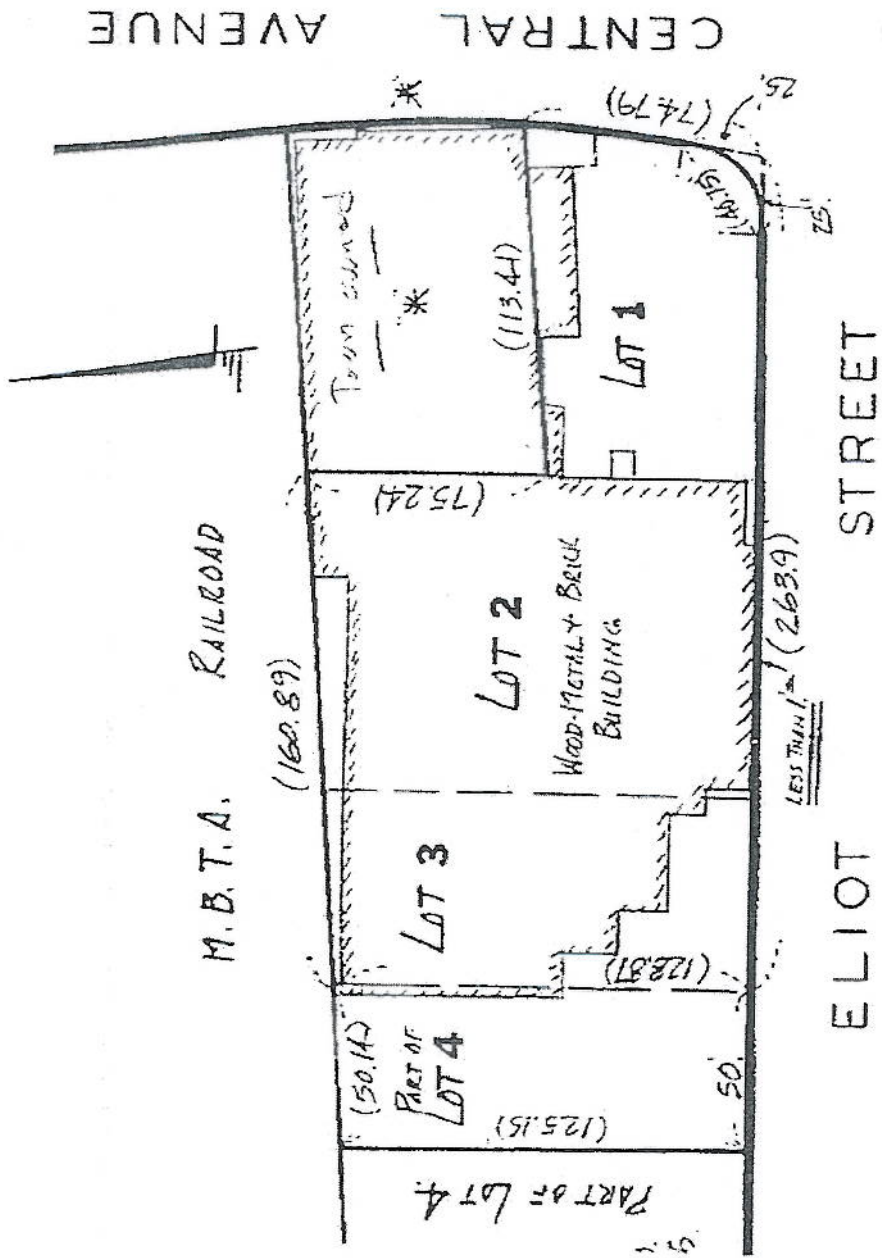
Very truly yours,

Mr. Fred Cowen
Cowen Associates
e-mail





131 Eliot Street Milton, MA



131 Flint Street Milton MA