Neighbors of 113 Newbury Street,

This email is to update you on the status of work at the Seaport Lofts at 113 Newbury Street.

As you are likely aware, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015 the City issued a stop work order at the 113 Newbury Street site. The Order was issued by the City’s building inspections division based on concerns about structural safety. In response to that Order as well as to the complaints raised by you, the abutters, the developer has retained and is working with a licensed engineering firmto develop a fully engineered action plan to address structural failures and propose mitigation measures in order to proceed with construction. The City has communicated to the developer and its contractor that this plan, stamped by a licensed professional engineer, and peer reviewed by a third-party engineer hired by the developer, is to be submitted to the City .  before the stop work order may be lifted.[[1]](#footnote-1) Although there is no formal noticing requirement applicable to the lifting of stop work orders, as a courtesy, when we receive a copy of that updated and peer reviewed plan, we will notify all abutters within 500 feet and provide an opportunity for you to review it.

Please understand that the City’s review and approval authority is limited in this situation. When analyzing whether the stop work order may be lifted, the question will simply be whether the developer has presented substantial evidence demonstrating that it has developed a plan to mitigate the safety concerns that led to the issuance of the order. The City is not authorized or qualified to determine whether the proposed plan is the best plan or whether it will ultimately succeed, and relies upon the credentials of the engineer of record and peer review engineer. The City does not purport to dictate or approve construction methodologies. To the extent that a developer’s construction activities cause damage to neighboring properties, the City’s recourse is very limited. Rather, damage caused by a developer or its contractor to neighboring properties is a matter to be addressed privately between those parties. The developer therefore proceeds at its own risk and it will bear any and all responsibility for damages caused as a result of its actions.

 If you have further questions about the developer’s plans, we encourage you to be in touch with its representatives. In the meantime, as I’ve said, we will notify you when we received the final, peer reviewed plan from the developer and, further, will notify you if and when the stop work order is lifted.

1. Please be aware that the developer has informed the City that buttress filling may be required to stabilize the site prior to the completion of the action plan mentioned above. The City may approve limited work before the stop work order has been lifted if it is shown to be a safety and emergency measure based upon the recommendations of the developer’s licensed professional engineer contained within a stamped plan. To be clear, this work would be solely to stabilize the site to prevent further structural failures. [↑](#footnote-ref-1)