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Jeff Levine, AICP
Director, Planning & Urban Development Department

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Date: 01/30/14

Kenneth Fisk
43 Spinnaker Lane
Falmouth, MA 02540

Re: 9-11 Wescott Street Demolition Permit/Housing Replacement Ordinance

January 6, 2014

Dear Mr. Fisk:

In reviewing your application of December 12th, 2013, to demolish the damaged building at 9-11 Wescott Street, the question of the applicability of the City's Housing Preservation & Replacement Ordinance was raised. The Housing Replacement Ordinance, Division 29 of Article 14 of the City Code, generally requires that demolition of existing housing units result in the replacement of the units or a per unit payment into the City's Housing Replacement Fund.

The property in question is subject to Division 29. However, we are aware that the building was hit by a crane on a nearby construction site in the fall of 2006 and, as a result, significantly damaged. While we are not able to determine definitely that the building was not repairable, we have determined the resulting demolition of the building is a reasonable outcome given the level of damage sustained.

Division 29 defines "loss of dwelling or dwelling unit" as:

> "[T]he elimination or conversion to nonresidential use of a dwelling or dwelling units; elimination includes dwelling units lost due to demolition unless the demolition resulted from accidents outside of the owner's control, fire, natural disasters, or acts of war."

Given that the demolition is a direct result of an accident outside of your control, we have determined that this demolition request is not subject to the other requirements of the Housing Preservation & Replacement Ordinance. However, this determination is made with the condition that this demolition occurs in a timely fashion.

Please let me know if you have any questions or comments.

Sincerely,

Jeff Levine

cc: Trish McAllister, Corporation Counsel's office
Marge Schmuckal, Zoning Administrator