



Ruthanne Fuller  
Mayor

# Inspectional Services Department

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TO: Ruthanne Fuller, Mayor

FROM: John Lojek, Commissioner, Inspectional Services Department

SUBJECT: Turtle Lane, LLC Development at 283 Melrose Street

DATE: January 4, 2023

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Residents in the area surrounding 283 Melrose Street in Auburndale have voiced frustration with the stalled Turtle Lane Development, which includes a theater building and a 16-unit modular residential dwelling (the "Residential Building") at 283 Melrose Street. I appreciate these frustrations and share them.

This memo focuses on the issues concerning the Residential Building. I have significant concerns about the structural integrity of the Residential Building and the overall safety of the site. Significant work was performed without building permits and in violation of multiple City of Newton Stop Work Orders. Much of the work has not been sufficiently inspected or signed off on in accordance with the State Building Code.

## I. History

On multiple occasions, work on the Residential Building has been performed without obtaining building permits; without notice, knowledge, or oversight by ISD; and in direct violation of the State Building Code. The installation of manufactured (modular) units is strictly regulated under the State Building Code. One notable issue is that the modular housing units were set on the foundation without a building permit.

As a result of such violations, the City has issued numerous stop work orders and notices of violation. Despite this, work continued to be performed in violation of the notices and orders. Some on my recent notices were appealed to the Massachusetts Building Code Appeals Board and upheld after thorough review.

After conducting a walkthrough of the Residential Building, I determined that the structure was not safe and issued a notice of unsafe structure. The Newton Fire Department also determined that the structure is unsafe in the case of fire and marked the Residential Building with a red X as notice of its unsafe condition, signifying that the structure is deemed unsafe for interior firefighting or for interior response by first responders.

## II. Structural Concerns

An overarching concern is that the Residential Building was installed without building permits and without full inspections. Even without full inspections, it is clear that the physical structure, as it currently exists, does not meet the requirements of the State Building Code and is not structurally sound. Based on its walkthroughs of the property, ISD has discovered a number of serious structural problems with the Residential Building and has been unable to confirm the Residential Building's compliance with the State Building Code or issue building permits to complete the building. In essence, the Residential Building was incorrectly assembled.

ISD has sent comprehensive letters to Turtle Lane, LLC listing the requirements that need to be fulfilled in order for a building permit to be granted for the completion of the Residential Building. To date, the majority of these requirements have not been fulfilled.

## III. Steps Forward

I want to see the Residential Building completed as quickly as possible, but it must be built safely and in accordance with the law. I have continually consulted with the City's Law Department to consider all possible avenues of achieving completion of this project. As this is private construction on private property, the options available to the City to force compliance are limited. It is ultimately the property owner's responsibility, along with their construction team, to comply with the State Building Code. I have clearly and unequivocally communicated to the property owner and the development team the steps that are required for the Residential Building to proceed. They know what is necessary to come into compliance to complete construction and it is ultimately their responsibility to do so.

The City should continue to evaluate all of its options and rights. Currently, an upcoming meeting has been scheduled with city officials and the developer's representatives in another attempt to resolve the outstanding issues. I will provide a further update after that meeting.