



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
KATJANA BALLANTYNE
MAYOR

THOMAS F GALLIGANI JR
EXECUTIVE DIRECTOR

PLANNING DIVISION
HISTORIC PRESERVATION

**STEP 2: DETERMINATION OF PREFERABLY PRESERVED
STAFF REPORT**

Site: 38 Laurel Street

Case: HPC.DMO 2021.26

Applicant: Shang Yang

Owner: Same as Applicant

Legal Ad: *The Applicant seeks to
demolish a building
constructed a minimum
of 75 years ago.*

HPC Meeting Date: June 20, 2023



The purpose of a staff report is to provide the Historic Preservation Commission (HPC) with additional information and professional assessments regarding properties that are proposed for demolition. These assessments are based on the criteria allowed for consideration by the HPC in accordance with the Demolition Review Ordinance (DRO). A Staff Report is not a determination/decision, nor does it constitute authorization in any form.

I. SUMMARY OF November 16, 2021 MEETING

At their regular public meeting on November 16, 2021 the HPC declared the structure at 38 Laurel Street to be “Historically Significant”. Due to this determination, 38 Laurel Street moved on to the second step in the demolition review process, which calls for the HPC to determine whether or not the building should be “Preferably Preserved”. A determination of “preferably preserved” does not permanently halt demolition of a building.

II. SUBSEQUENT WITHDRAWAL

After the November 16, 2021 HPC meeting, a representative for the Applicant emailed Preservation Staff to discuss alternatives to demolition. The applicant asked if instead of demolishing the property they renovated the property and added a small addition, keeping the demolition of the exterior below the 50% demolition threshold, would the project no longer require demolition review. Staff responded that so long as the demolition of the exterior stayed below 50% then demolition review would not be required. In that same email Staff provided the applicant with the portion of the Demolition Review Ordinance regarding what work is NOT included under the definition of ‘demolition’. The Applicant team responded that the work would fall under the 50% demolition threshold and formally withdrew the application on December 16, 2021.

III. BUILDING UNDER CONSIDERATION

The structure at 38 Laurel Street was a two and half story wood-framed structure. The period of significance began in 1874. Please see the Staff Report on Historic Significance for the November 16, 2021, HPC meeting for information on the history of the property.

Below, aerial view of 38 Laurel Street and immediate surroundings.



Below is a timeline of events for the demolition at 38 Laurel Street.

- **11/16/21** – 38 Laurel St was declared Historically Significant by the HPC
- **12/16/21** – The Applicant team withdrew their demolition review application stating that they would add an addition and keep the demolition below 50% of the exterior building envelope.
- **9/29/22** - A demolition narrative was uploaded to permit application B22-001211 for interior gut work and the exterior shingle, trim, eaves, fascia, and soffit work. The provided narrative made no mention of the building being in a precarious structural condition.
- **11/21/22** - Permit B22-001211, was issued to do an interior renovation and construction of a new larger half story, construction of a new 2 ½ story “side wing” building component with a gable roof, construction of one shed dormer, alteration of the “rear addition” component roof, construction of a new rear roof deck, construction of a new two-story exterior stair with access from grade to second and third floors, convert the existing “engaged porch” component to a “projecting porch” component to access the entrances of the building, and add a hip roof above the front exterior stair. Work under these permits did not require HPC approval as it did not include work which would demolish 50% or more of the exterior surface of the building.
- **02/09/23** – A member of the public reached out to Preservation Staff to notify us that the property at 38 Laurel St had largely been demolished and that this work had been on-going for a few weeks.
- **02/09/23** – Preservation Staff notified ISD of the issue and asked them to go to the property and verify the statement in the email sent to Staff.
- **02/10/23** – ISD visited the property and took photos of the site. These photos showed that the Applicant had demolished, without permission from either the HPC or ISD, all of the building except for the first floor front and right walls and a portion of the foundation of the building.
- **02/27/23** – ISD issued a Stop Work Order
- **06/01/23** - ISD issued a Violation Notice to the property owner, construction supervisor, the architect, and the engineer associated with the project. This notice included a directive that the remainder of the building needed to be demolished and removed, to fill the site to grade, and that no permit for a new building will be issued for four years.

Below are photos of 38 Laurel prior to the commencement of demolition, followed by the current state of 38 Laurel following the unauthorized demolition.

38 Laurel prior to demolition:



Above: Front elevation prior to demolition



Above: Left elevation prior to demolition



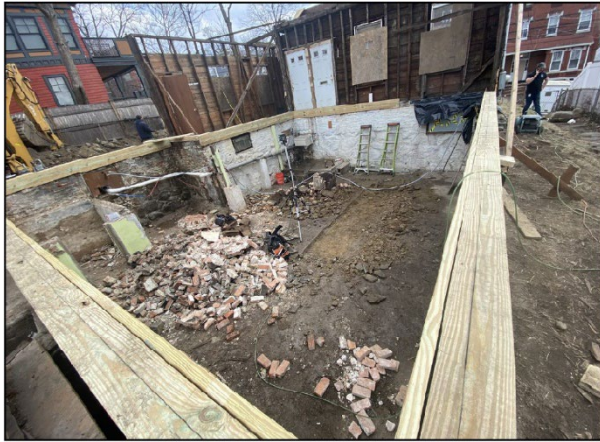
Above: Rear elevation prior to demolition



Above: Right elevation prior to demolition

38 Laurel prior to demolition:





IV. STRUCTURAL ENGINEER'S REPORT

On February 2, 2023, the Applicant team provided a structural engineer's report for the renovation permit for 38 Laurel St.

Staff notes to the Commission that, that the letter from the Structural Engineer is dated January 20th, 2023; however, the structural engineer's report was dated **February 20th, 2023**, eleven days *after* the building Staff was first made aware that the building had largely been demolished and that the demolition had been ongoing for several weeks by that point. The Structural Engineer's report does not provide photo documentation of the issues noted in the report itself.

The structural engineer's report assesses the building against modern building code and practices and does not offer suggestions for remedying the perceived problems with the (now half-demolished) structure. The structural engineer has not provided proof of documented experience and expertise in historic building techniques. Such proof is required by the Demolition Review Ordinance (DRO) as noted in the language below taken from chapter 7-28 Section 6(f)(1):

In the event that the applicant and/or owner seek to take a position that the building is of deficient structural integrity, the applicant shall submit an independent licensed structural engineer's report, from a qualified and experienced structural engineer with proven expertise in historic building techniques.

Verbal statements of expertise in historic building techniques does not constitute proof. No such proof has been provided to Staff. Such proof must be provided to Staff well in advance of a scheduled HPC meeting. New information, including proof of expertise, cannot be presented to the Commission during a meeting.

V. ADDITIONAL INFORMATION

Preservation Planning has not uncovered any additional information about the history of this building beyond that which was provided in the November, 2021 staff report on Historic Significance.

To see the historic maps and research regarding structure at 38 Laurel Street and a general history of the area, see the November 16, 2021, staff report on Historic Significance.

VI. DETERMINATION

The HPC must consider the merits of the building before it was demolished, not the condition of the site now. The HPC must determine one of the following for the structure at 38 Laurel St:

- a. That the building is Preferably Preserved.
- b. That the building is not Preferably Preserved.
- c. That the building is not Preferably Preserved *with Conditions*.

See the following section V “Findings” for guidance.

VII. FINDINGS

The HPC need to make determinations of whether the structure is to be preferably preserved and adopt findings.

a. Preferably Preserved

For a determination of **preferably preserved**, the HPC must make the following finding:

- *That the demolition of the structure at **38 Laurel Street** would be detrimental to the architectural, cultural, political, economic, or social heritage of the City.*

If the HPC makes the above finding, the Commission must state their reasons why they take either position.

b. Not Preferably Preserved

If the HPC makes the above finding, the Commission must state their reasons why they take either position.

c. Not Preferably Preserved with Conditions

For a determination of **NOT preferably preserved with Conditions**, the HPC must make the following finding:

- *That the structure at **38 Laurel Street** do not meet any of the criteria to be “preferably preserved.”. The HPC may add any or all of the following as conditions to this determination:*
 - 1. *photographic documentation of the building to be demolished;*
 - 2. *architectural renderings of the building to be demolished;*
 - 3. *identification of materials for salvage of material; and/or,*
 - 4. *a plan for installation of historic or interpretive signage at or near the site.*

If the HPC makes the above finding, the HPC must state their reasons why they take this position.

VI. VOTE

When bringing the matter to a vote, the HPC must include the reasons why the structure at **38 *Laurel Street*** is or is not “preferably preserved”.