

Property History - 43 Vivian

Agenda Item #6 Request to Demo Candidate

11/21/2013 – Condemnation order, Order to vacate, and Order to secure were issued.

5/29/2014 – Basement flooding due to leaking pipe, water turned off by DPW

1/6/2015 – Vendor performed “trash-out” and cleaned up property exterior

2/6/2015 – Property has been boarded up to arson standards by vendor

6/30/2016 – Complaint of tall grass and no house numbers from Fire Inspector

7/11/2016 – Highway department has mowed lawn and spray painted numbers on house

5/24/2018 – Health inspector notes the wrap-around porch is beginning to collapse

8/28/2018 – Vandalism and Illegal dumping activity on property

2018 – present – Highway Department annually mowing overgrowth in front of property.

6/23/2021 – Boat on trailer was dumped on property

10/5/2021 – Boat removed by owner

12/6/2022 – Verified complaints about Illegal dumping in backyard.

1/14/2022 – DPW placed a jersey barrier to block driveway per Health department request.



PITTSFIELD BOARD OF HEALTH

Roberta Orsi, MS, RN, CCP, Chairperson

Kimberly Loring, PMHNP-BC ~ Steve Smith, MA ~ Brad Gordon, JD ~ Jeffrey A. Leppo, MD

ORDER TO DEMOLISH

March 1, 2023

**RE: 43 Vivian Avenue, Pittsfield, MA
Assessors Map: F13-0004-009**



Dear Sir/Madam,

On **November 21, 2013**, the above titled property was condemned and ordered vacated and secured by the Pittsfield Board of Health pursuant to Massachusetts General Laws Chapter 111, Section(s), 122, 123, 125, 127A and/or 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation.

The Board further found conditions of the dwelling are unfit for human habitation and such that the danger to the life or health of the occupants and/or public of the subject property was so immediate that no delay could be permitted in making that finding.

Based upon information to date and under authority of 105 CMR 410.831(F) and MGL Chapter 111, Sec. 127B, the Board finds that immediate demolition or removal of the structure located at **43 Vivian Avenue, Pittsfield, Massachusetts**, is essential to protect the health and safety of the neighborhood and public.

As the most recent owner of the property located at **43 Vivian Avenue, Pittsfield, Massachusetts**, or being the lender having an equitable interest in the property situated at **43 Vivian Avenue, Pittsfield, Massachusetts**, you are hereby ordered to demolish this dwelling [as well as any exterior accessory structures] within **90 calendar days** of posting, service, or receipt of this order.

If you do not demolish this dwelling and/or any of the accessory structures within the specified time listed above, the City of Pittsfield will begin the procedure to demolish and will pursue reimbursement from you for all costs incurred. If you do not pay these costs, the city will place a lien on your land for these costs plus interest.

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This process can be halted if you deliver to the Health Department an executed contract with a contractor which includes both a commencement and anticipated completion date for the demolition of this dwelling within 14 days of posting, service, or receipt of this order.

After the structure is demolished, you shall maintain the property exterior free from overgrowth, refuse, trash, rubbish, debris and litter and, during winter months, you shall maintain any abutting public sidewalk free of snow and ice. City Ord. § 3-4.9, 14-3, and 20-21.

You have the right to a hearing concerning this matter if you request a hearing in writing within **seven (7) days** of posting, service, or receipt of this notice, and you have the right to be represented by counsel at the hearing. You also have the right to inspect and copy any records pertaining to this property.

Sincerely,

Andrew Gagnon, Senior Code Enforcement
City of Pittsfield Health Department

Roberta Orsi, MS, RN, Chairperson
CITY OF PITTSFIELD BOARD OF HEALTH

Ref. #: Violation No.: C-18-1586

Cc: City Solicitor, Dept. of Community Development, Building Dept., Fire Dept.

Enclosures: Condemnation Order dated November 21, 2013 & Property History