

August 9, 2019

To: Select Board of Arlington

Effectiveness of the 'Good Neighbor Agreement' bylaw

At your last meeting on July 22, the Board was presented with the results of a survey conducted earlier this year to determine how effective the 2017 'Good Neighbor Agreement' bylaw has been in informing residents of construction in their neighborhoods. The bylaw requires

*The notice required herein shall, at a minimum, contain contact information for the developer or contractor, a site plan for any applicable residential demolition, open foundation excavation, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.*

The results were disappointing. Only about 14% of those abutters of the 24 selected projects returned the survey, and of them, 60% did not remember receiving the required information packet from the developer.

I wish to acquaint you with a second survey that was done in parallel. The bylaw also specifies that:

*Prior to issuance of a demolition or building permit, or commencing an open foundation excavation the applicant shall demonstrate to the satisfaction of the Inspector of Buildings that he or she has given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.*

This survey was more direct. It only required looking at the information package filed with Inspectional Services to verify compliance.

This second survey looked at 13 of the 24 building projects covered by the first survey, a sufficient number to cover all of the developers who conducted teardown projects in 2018. It looked for the three basic elements required by the bylaw: A letter of notification containing at the least a contact number, a site plan, and the list of abutters contacted. The results:

11 of 13 developers filed a letter of notification. Most were minimal in content, providing a contact phone number and little more other than promising to work the standard hours set by town bylaw, observe safety and health rules, etc. without further specification.

5 out of 13 developers provided a site plan as part of the packet.

Only 6 out of 13 provided the required list of abutters who would be notified. Of those who did, only 4 provided a complete list. One developer submitted a list of 12 of the 25 abutters who should have been notified. For one project, only 8 out of 42 abutters were notified. This suggests that only about 36% of the abutters were actually notified. Interestingly, 39% of those who responded to the first survey remembered being contacted.

Overall report card: only 3 of 13 teardown projects complied with the minimum three elements required by the bylaw in order to obtain a building permit.

Sincerely,

Don Seltzer