



ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

By Certified First Mail

Notification of Bylaw Violations at 821 Massachusetts Avenue

July 21, 2021

Geoffrey Noyes
208 Beacon Street
Marblehead, MA 01945

Dear Mr. Noyes:

Please receive this letter as notice of numerous violations of Town of Arlington Bylaws and Zoning Bylaws as a result of specific actions taken by your contractors and agents on or about June 28, 2021 through July 2, 2021 at your property known as the "Atwood House;" as well as ongoing, long-term conditions at such property, which are governed not only by Town ordinances, but a special permit issued by the Arlington Redevelopment Board.

In brief, despite a scheduled hearing on August 3m 2021 regarding a demolition permit on an historic building before the Arlington Historical Commission (AHC), your contractors and agents conducted significant demolition of the Atwood House over an approximately weeklong period in advance of the July 4th holiday weekend without any permits or notices to the Town. As a result, Director of Inspectional Services Michael Ciampa issued a stop-work order on or about July 3, 2021 to your contractor, Groom Construction. Performing such work, particularly given your pending application for a demolition permit and scheduled hearing before the AHC, as well as this Department's efforts to work collaboratively with you on options for redevelopment is particularly egregious. As the property owner of record, you are hereby noticed of the following fines *at a minimum* for violations of the following sections of the Town Bylaws due to unpermitted, premature, and improper demolition and site maintenance activities on or about the week of June 28 through July 2, 2021, including the following:

Title V, Article 7 Section C	\$1,350
Title V, Article 9.1	\$350
Title V, Article 17	\$700
Title IX, Article 1	\$80
	<u>\$2,480</u>

Further, as the property owner of record, despite last registering your property on January 29, 2020, you have remained non-compliant with the Town's Vacant Storefront Bylaw (Title V Article 17) and are hereby noticed that absent immediate compliance, the Town will pursue up to two years of this Bylaw provision, totaling \$73,000. Please also be advised that you will be fined an additional \$100 per day until the building conditions are corrected to the Town's satisfaction. If you wish to avoid these fines, conditions at the Atwood House property including securing the building, properly registering it on the Vacant Storefront Registry, must improve swiftly and dramatically. Secure building conditions shall encompass the following: removal of all boarded windows and installing new windows and siding which shall be reviewed and approved by the Arlington Historical Commission and installation of a 24-hour security and monitoring system.

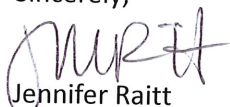
Moreover, the Town intends to reopen your Environmental Design Review Special Permit Docket #3348 for 833 Mass Ave due to continued non-compliance with Special Condition #5. This Special Permit is recorded at the Middlesex South Registry of Deeds Book 131350 and Page 69 on August 18, 2009. Pursuant to this Decision, as the property owner you are required to abide by all permit conditions. The Arlington Redevelopment Board requested follow-up on actions with regard to future redevelopment of the "Atwood House" as referenced in Special Condition #5 in the original Special Permit. You remain in non-compliance of the letter sent to you via certified mail on May 4, 2020. You were required to do the following and failed to follow through: you were to apply for a demolition permit within 30 days following the Board's vote or by May 27, 2020; you were to apply for an Environmental Design Review Special Permit following expiration of the demolition delay period or earlier contingent upon Arlington Historical Commission rulings per Town Bylaw Article 6 Historically or Architecturally Significant Buildings. If you had not filed for a demolition permit, you were to apply for an Environmental Design Review Special Permit with a renovation plan for the existing building within 60 days or by June 27, 2020. Please be advised that the Arlington Redevelopment Board reserves the right to revoke this Special Permit and staff may advise the Board of this option accordingly. As the owner, you have demonstrated willful and reckless negligence since this Special Permit was granted in 2009.

Finally, Inspectional Services advises this Department that commencing work prior to obtaining a permit constitutes a violation of the State Building Code, 780 CMR Sections 105.1 and 109.4, each of which are punishable by \$1,000 (or one year imprisonment) per violation, with each day constituting a separate violation. Inspectional Services will separately contact you and/or your contractor regarding penalties for commencing work without a permit.

Unless and until all of the above fines are paid and the violations are corrected to the satisfaction of the Arlington Historical Commission, the Town of Arlington intends to the full extent permitted by law to place a municipal lien on your property.

Please contact this office with questions regarding this notice at [781-316-3090](tel:781-316-3090).

Sincerely,



Jennifer Raitt

Director of Planning and Community Development



Michael Ciampa

Interim Director of Inspectional Services

cc: Robert J. Annese, Esquire

Rachel Zsembery, AIA, Chair, Arlington Redevelopment Board

JoAnn Robinson, Chair, Arlington Historical Commission

Douglas Heim, Town Counsel

Christine Bongiorno, Director of Health and Human Services

Chief Juliann Flaherty, Police Department

Chief Kevin Kelley, Fire Department