

ARTICLE 11 BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NEIGHBOR NOTIFICATIONS AND MEETINGS

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders to provide the following material to abutters within 200 feet of residential demolition, open foundation excavation, new construction, or large addition sites, within seven (7) calendar days of the filing of a Building Permit application: site plan, hours of operation, anticipated completion date, work schedule, health, safety, abutting property protection, and noise abatement and to require evidence of such notice to abutters to the Department of Inspectional Services prior to the issuance of a Building Permit; and determine any fines for violations of said Bylaw Amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

VOTED: That Title VI, Article 7, be and is hereby amended as follows to add new categories of construction required for notice, and additional substantive notice requirements:

ARTICLE 7 NOTICE OF DEMOLITION, OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS

A. The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, or build a large addition must, at the least at least seven (7) calendar days prior to the commencement of any site work (including demolition or open foundation excavation), or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier prior thereto, give notice by first-class mail to all abutters and current occupants (to the extent practicable) within 200 feet of such building or construction site before such demolition, construction, or open foundation excavation can commence.

B. The notice required herein shall, at a minimum, contain 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.

C. “Demolition” shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.

“Open foundation excavation” shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be

construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

“Large additions” shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

D. When applying for 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.

E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.

(4-0) Mr. Greeley was absent.

COMMENT: This bylaw amendment is the first of a suite of recommendations from the Residential Study Group established at the 2016 Annual Town Meeting to examine and address some broadly shared concerns about the impacts of residential construction on neighbors and neighborhoods throughout Arlington. Specifically, the proposed motion expands: a) the categories of residential construction activities that trigger the requirement of owners, contractors, and/or developers to send a notice to abutters (neighboring owners and/or occupants) within 200 feet of the project site; and b) the required content of such notices to include site plans, project timelines and working hours, as well as other valuable information specific to a given project.

The Residential Study Group's believes that these expanded notices will help improve awareness of residential construction before it commences, foster shared expectations between contractors/builders and residents, encourage communication and dialogue to address concerns, and enable residents to plan accordingly. For example, it is particularly important for residents who work from home, or in households with young children or children with special needs to be apprised of potentially disruptive construction activities so they may plan accordingly; and similarly advise contractors of important circumstances to consider.

Finally, the Town Meeting action recommendations by the Group will be accompanied by both increased staffing in Inspectional Services and the development of a residential construction “good neighbor agreement” – a set of rules that codifies all the relevant Town and State bylaws and regulations (including those before Town Meeting if approved) in one place so that contractors/builders and residents to further add clarity and mutual understanding to the rules and expectations of the Town. Thus, the Board, grateful for the time, energy, and teamwork of the Residential Study Group, highly recommends Town Meeting's approval of this amendment.