ARTICLE 13 BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: ABUTTER AND PUBLIC PROPERTY PROTECTIONS

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders engaged in residential demolition, open foundation excavation, new construction, or large addition projects protect neighboring public and private property by requiring a drive entrance pad, or its equivalent, to minimize tracking of soils from the building site; and prohibit removal of lateral support from any footing or foundation without first protecting such footings or foundations against settlement or lateral translation; 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 be and hereby is amended to add a new article, "Article 9: Residential Construction Site Control and Maintenance," to read as follows:

ARTICLE 9: RESIDENTIAL CONSTRUCTION SITE CONTROL AND MAINTENANCE

A. Purpose and Applicability

The purpose of this article is to establish construction site maintenance requirements for residential demolition, open foundation excavation, new construction, and large addition projects in the interests of minimizing adverse impacts on the neighboring community and promoting public health and safety.

B. Definitions

1. **"Demolition shall be defined as the act of pulling down, destroying, removing, or razing a 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.**

2. **"Open foundation excavation" shall be defined as an open and exposed excavation for the purpose 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.**

3. **"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.**

C. Site Maintenance Requirements

Throughout the course of any demolition, open foundation excavation, new construction, or large addition project as defined herein, the primary contractor, builder, or developer shall be required to keep the residential construction site in neat and orderly condition. Specifically, the construction site shall be required to be maintained as follows:

1. **All waste shall be managed and secured daily so as not to impact site abutters or the surrounding area; and at a minimum, dumpsters shall be cleaned or removed every thirty (30) calendar days;**

2. **Portable restrooms shall be secured, maintained, free from the public way, and placed at least ten (10) feet from adjacent residential properties unless otherwise permitted by the Town through the Building Inspector or his or her designee;**

3. **Construction equipment and materials shall be stored in safe, secure and non-obstructive locations on the site, or as otherwise permitted by the Town through the Building Inspector or his or her designee;**

4. **Construction equipment and materials no longer to be used on the site shall be removed from the site within 14 calendar days, unless other otherwise permitted by the Town through the Building Inspector or his or her designee;**

5. **A drive entrance pad, or its equivalent, shall be placed, utilized, and maintained on site to provide an area where construction vehicles entering and exiting the building site can remove mud and sediment from tires prior to driving on public or private ways, unless determined technically infeasible by the Building Inspector or his or her designee;**

6. **In interests of public safety and protecting abutting property owners, lateral supports shall not be removed from any footing or foundation without first protecting such footings or foundations against settlement or lateral translation.**

D. Violations and Fines

Violations of the foregoing requirements shall be determined by the Inspectional Services Department. A fine of $50 per category of violation per day for the first seven (7) calendar days of such violations or violations shall be imposed upon notification of the Building Inspector. A fine of $100 per category of violation or violations per day shall be imposed thereafter until conditions are corrected and the construction site is in compliance with each of the foregoing requirements.

(4-0) Mr. Greeley was absent.

COMMENT: The Board of Selectmen also recommends favorable, consolidated action on Articles 12 and 13, through the creation of a new Article 9 under Title VI to mandate rules of residential project site maintenance and care, which will mitigate adverse impacts on direct abutters and the Town generally. The proposal sets forth a series of straightforward rules covering a wide range of issues on which the Town and the Residential Study Group have received feedback as problematic during the course of construction.