

ARTICLE 7
Construction Management

§ 7.1 Relationship to Other By-Laws and Regulations

These Rules and Regulations shall provide the standards for the management of anticipated construction impacts related to new development, redevelopment, and substantial rehabilitation project in Belmont as provided in By-Law § 5.5 and other sections as may reference Construction Management herein.

Applicability of a Construction Management Plan (“CMP”) shall be as set forth in §5.5 of the Zoning By-Law.

§ 7.2 Elements of a Construction Management Plan

The CMP shall be submitted as part of the Development Review process where applicable and finalized prior to issuance of a Building Permit. The CMP shall include the following minimum components:

- a. Parking and Staging Limitations
 - (1) Construction vehicles, equipment, and worker parking shall be prohibited from using metered, customer-serving public parking unless explicitly authorized in the CMP.
 - (2) The CMP shall demonstrate how the Applicant will:
 - (a) Restrict staging to outlying or non-customer-serving spaces, or lease alternative private lots where feasible;
 - (b) Designate a portion of the construction staging area for worker parking;
 - (c) Secure private parking agreements with nearby businesses or property owners;
 - (d) Encourage and facilitate carpooling among construction workers.

- b. Worker Carpooling and Shuttle Plan

For any development exceeding 20,000 gross square feet or Development that is anticipated to have 25 or more workers on site at any given time, a Worker Carpooling and Shuttle Plan shall be submitted by the developer or general contractor prior to commencement of construction. The plan shall:

- (1) Identify how carpooling or shuttle services will be provided or incentivized at the developer’s expense;
- (2) Specify how these measures will reduce demand for on-street parking;
- (3) Be reviewed and approved, with possible modifications, by the Office of Planning and Building.

- c. Business Continuity and Communication Measures

Commented [A1]: Document includes a mix of required and preferred rules and guidelines. Mandatory language has been highlighted yellow, and more voluntary language light blue to show the differences. No items of significant impact on the town should be voluntary.

Commented [A2]: These will pull from the same set of spaces used by customers and business owners now. There spaces were also the ones heavily relied on by the consultant in the recent parking study to claim adequate parking capacity in the center and center gateway overlays.

Commented [A3]: The plan is mandatory. The adoption of vehicle substitution by workers is voluntary. OPB can adjust the plan prior to approval; but the language does not indicate they can re-open if it is not working. Further, the plan covers on-street parking only. But as noted, the Parking Study relies heavily, even predominantly, on off-street, privately-owned spaces. The objective of the CMP is to keep the center or other areas functioning well during construction. If none of these workers are in street spots, but workers and construction vehicles are filling the private lots, we will still have a mess.

The CMP shall identify the general contractor or project representative responsible for:

- (1) Posting clear and professionally designed signage stating that “Businesses Remain Open During Construction”;
- (2) Providing advance notice (minimum 5 business days) to the Town liaison and businesses in close proximity to the project (to be determined by the Office of Planning & Building) for high-impact activities (e.g., crane use, road closures, utility interruptions);
- (3) Maintaining open pedestrian access to impacted Storefronts and coordinating safe temporary pedestrian detours in consultation with DPW and Public Safety.

Commented [A4]: Since this section includes general communication measures, why are only businesses in close proximity being informed? Residential inhabitants deserve the same courtesy.

d. Pre-Construction Coordination Conference

A mandatory pre-construction meeting shall be convened by the Town liaison as per h. below and shall include:

- (1) The developer and general contractor;
- (2) All relevant utilities;
- (3) Representatives from the Department of Public Works, Police, Fire, and Planning & Building;
- (4) Designated representatives from affected business organizations (e.g., Belmont Center Business Association) and other area businesses as may be interested;
- (5) Any other developer with an active or upcoming project in the vicinity.

Commented [A5]: But no impacted residents? They use the same roads, are the ones supporting the stores, and pay the vast majority of the taxes that keep this town going. At the very least there should be residential neighborhood reps (a primary and a backup) who are part of this.

e. Ongoing Coordination Meetings

Bi-monthly construction coordination meetings shall be held during the construction period with the same stakeholder group, at the discretion of the Town liaison, to address:

- (1) Phasing updates;
- (2) Unanticipated disruptions;
- (3) Adjustments to mitigation or traffic flow strategies.

Commented [A6]: Ensuring resident participation in the pre-construction meeting will carry forward to the ongoing meetings as well. Also, the text should perhaps note whether meetings can be in person, remote, or hybrid, unless other general town bylaws apply this option systematically.

f. Temporary Construction Traffic & Pedestrian Management

- (1) Developers shall submit and assist in implementing temporary pedestrian access plans, particularly where sidewalks or crosswalks are affected.
- (2) Developers may be required to fund, install, or maintain temporary signage, barriers, or alternative walking routes to preserve access to highly trafficked areas, including Belmont Center or the Town’s municipal parking lots (e.g., Claflin Street Lot).

g. Staging and Equipment Placement

Construction equipment, dumpsters, hoists, and materials staging areas shall be:

- (1) Clearly designated on the CMP Site Plan;
- (2) Reviewed during the pre-construction conference;
- (3) Reassessed and adjusted during coordination meetings if conflicts with circulation or businesses are identified.
- (4) The CMP shall identify coordination with utility providers where work may affect service or infrastructure.”

Commented [A7]: Are you entirely prohibiting any use of street parking for these? If not, many towns charge per day for use of the public spots. This plays two important roles: it brings in revenues, and it provides a fiscal incentive for developers to use public roads only when necessary, and only for as long as necessary. Rental fees for the Claffin lot should also be applied for staging, equipment placement, or job-related parking for the same reasons.

Commented [A8]: Wording is unclear.

h. Town Liaison for Business Interface

The Planning Board or their designee shall assign a Construction Liaison to serve as the point of contact for business owners and to coordinate with the general contractor. This liaison shall be empowered to:

Commented [A9]: Should be “for adjacent property owners and business owners, and to coordinate...”

- (1) Convey concerns or operational impacts in real time;
- (2) Assist in resolving conflicts or facilitating adjustments;
- (3) Ensure that communication protocols and notices are timely and effective.

The Applicant shall post and maintain on-site contact information for a responsible party available to respond to complaints or concerns during construction.

i. Coordinated Development Timing and Phasing

(1) Where multiple unrelated construction projects are planned in close proximity:

Commented [A10]: A growing number of bylaw chapters are “by right”, include rapid review and approval timelines even for complex projects, and limit the implementation of additional restrictions for a compliant project. OPB should clearly inform the PB and the public in writing whether, and to what degree, the town has the ability to force phasing under a by-right framework.

- (a) The Planning Board or Office of Planning and Building may require formal coordination of phasing, meetings, and mitigation strategies;
- (b) Conditions of approval may include adjusted timelines, shared staging, or delayed mobilization of a project to reduce cumulative disruption.

Commented [A11]: The town seems to be taking a stronger stance to force phasing onto unrelated construction projects than it does regarding a single large development that has the potential to be phased. The logic of differentiating these is not clear, as the negative impacts will link to location and scale much more directly than project ownership.

(2) Phasing

Large-scale projects are encouraged to be staged in multiple phases so as to minimize development impact and ensure early public benefits, infrastructure coordination, and design continuity. Phased development plans shall be submitted for projects involving:

Commented [A12]: Should you define what this means? The entire center overlay is probably “close proximity”. Same with the 10A parcels. How is OPB and the PB thinking about this term and the applicability of the phasing?

- (a) Lots of 1 acre or more;
- (b) more than 50,000 square feet of gross floor area added; or
- (c) multiple principal buildings or discrete development pads.

Commented [A13]: Not needed in every case, but the wording implies the town can dictate these conditions to a developer. Is that in fact the case, even for by-right projects?

The applicant shall submit a Phasing Plan that includes:

Commented [A14]: Why is this language so weak? Large projects can trigger all sorts of economic costs on those using the same section of town. Also, what do you mean by “and ensure early public benefits”?

- A sitewide concept diagram of proposed full buildout;
- A breakdown of the proposed phases;

Commented [A15]: Is this plan required despite the non-mandatory language in i(1) and i(2) above?

- Estimated timeline for each phase;
- Identification of shared or public infrastructure improvements by phase.

The Planning Board may approve, modify, or condition a phased Development plan as part of Design and Site Plan Review or Special Permit review. Minor adjustments to phase boundaries or sequencing may be approved administratively. Major changes shall require modification of the original approval.

Subsequent phases may not proceed until all public infrastructure required in prior phase is complete.

Cross-phasing of shared parking or infrastructure is permitted.

Each phase shall commence within 3 years of the prior phase unless extended.

j. **Geological Integrity & Construction Impacts**

(1) Applicability.

This subsection applies to any project involving:

- Excavation more than eight feet below adjacent grade within 20 feet of an abutting structure or public way;
- Construction on a lot with mapped slopes of 10 percent or greater or with a retaining wall six feet or more in height;
- Permanent dewatering; or
- Use of excavation support systems extending beneath adjoining property.

(2) Required Submittals.

In addition to other CMP elements, the Applicant shall provide the following prior to obtaining a Building permit:

- A geotechnical report stamped by a Massachusetts Professional Engineer addressing subsurface conditions, groundwater, foundation and shoring concepts, and, where applicable, slope/retaining wall stability;
- A vibration and settlement monitoring plan specifying instrumentation locations, alert/action thresholds, and reporting protocols;
- An erosion and sediment control and stormwater management plan meeting Town and Massachusetts DEP standards, including construction dewatering provisions where applicable;
- Pre-construction (including photo documentation) of buildings, retaining walls, and other structures within 25 feet of the proposed excavation.

Once a building permit is issued and construction commences, the applicant shall provide the following, as applicable:

Commented [A17]: This is a great check on the process. But it only works if you can force the phasing rather than just encouraging it.

Commented [A18]: You have extended the permit life to 3 years, so perhaps that is why each phase is also 3 years. But a tighter timeline for the phases together would probably make sense. Unlike a construction start, the teams would already be on the site for these phased projects. Long delays could result in incoherent public infrastructure that also extends over many years, as some improvements may be slated for each phase.

Commented [A19]: This is an important section and I'm glad to see it back in the zoning.

Commented [A20]: Is this sufficient per engineering need? Would the soil type affect what the buffer should be?

Commented [A21]: As noted in earlier comments when this was still in the center overlay, if you are doing blasting, excavation, or pile driving, the 25' distance seems too small. Goden Street residents much further away from the BMHS construction than 25' had foundation damage on their homes.

- (a) Post-construction condition surveys (including photo documentation) of buildings, retaining walls, and other structures within 25 feet of the proposed excavation.
- (b) Immediate stabilization measures if monitoring thresholds are exceeded, with a Massachusetts Professional Engineer's certification before work may resume

Commented [A22]: As noted above, this perimeter may be too small for more intrusive activities like blasting and pile driving. In fact, you require pre-blasting surveys within 300' of blasting activities, so at the very least should have this same perimeter for post-construction condition surveys.

(3) Standard Construction Management Conditions.

All Construction Management Plans shall include:

- (a) Real-time vibration monitoring during excavation, pile driving, or other high-impact activities, with automatic notifications to the Town when alert thresholds are exceeded and note that immediate work stoppage and corrective measures must be taken;
- (b) Settlement monitoring where deep excavation or underpinning is proposed, with weekly reporting during critical phases;
- (c) Submission of stamped excavation support drawings prior to issuance of an excavation permit;
- (d) Town Department of Public Works permits for any dewatering discharge or work within the public Right-of-Way;

Commented [A23]: Where are bonding requirements being addressed? With property damage a possibility during these large projects, developers should have policies or bonds that specifically name parties within the impact areas as potential beneficiaries, or at least include coverage for the related risks and that coverage would include such damages outside of the property line.

For some interventions (permanent dewatering, stabilization structures) the risks to adjacent structures may extend beyond completion of construction. For these risks, longer-lasting financial assurance products should required to be in place.

(4) Blasting Operations (as applicable)

Where blasting is proposed as part of site preparation or excavation, the Construction Management Plan shall include a Blasting Plan prepared by a qualified professional and shall comply with all applicable federal, state, and local regulations. The Blasting Plan shall include, at a minimum, the following:

(a) Pre-Blasting Requirements

- (i) Identification of all areas where blasting is proposed, including depth and extent of rock removal;
- (ii) A blasting schedule indicating anticipated frequency, duration, and hours of operation;
- (iii) Pre-blast condition surveys, including photographic documentation, of all structures within at least 300 feet of the blasting area, or a greater distance as determined by the Office of Planning and Building;
- (iv) Notification procedures, including advance written notice to abutters, occupants, and the Town at least 48 hours prior to commencement of blasting operations, and same-day notice prior to each blast event;
- (v) Identification of all required permits and approvals, including compliance with requirements of the Massachusetts Department of Fire Services and local Fire Department.

Commented [A24]: Note that your pre-blasting survey uses a 300 foot radius, but your written notice is only to abutters (i.e., those who share a physical boundary).

(b) Operational Controls

- (i) Blasting shall be conducted only by a licensed blasting contractor;
- (ii) Blasting operations shall be limited to days and hours approved by the Planning Board or its designee;
- (iii) Measures shall be implemented to control flyrock, air overpressure, dust, and noise;
- (iv) Temporary road closures, traffic control, and site security measures shall be coordinated with the Police and Fire Departments.

Commented [A25]: Very important to have this linked to the blasting, as levels could be higher than during normal construction. I think noise is dealt with elsewhere in the bylaw. However, dust control should not be limited to just blasting operations. This broad-based need for dust control should be reflected in the Rules and Regs.

(c) Monitoring and Reporting

- (i) Seismographs shall be installed and operated to monitor ground vibration and air overpressure at locations approved by the Town;
- (ii) Monitoring thresholds shall be established in accordance with industry standards and subject to review by the Town;
- (iii) Real-time monitoring data shall be made available to the Town upon request;
- (iv) Blasting logs shall be maintained for each event and submitted to the Office of Planning and Building on a weekly basis or as otherwise required.

Commented [A26]: Is weekly the minimum? If so, wording should be "on a weekly basis, with additional reporting as otherwise required."

(d) Contingency and Response Measures

- (i) Blasting shall cease immediately if monitoring thresholds are exceeded or if unsafe conditions are identified;
- (ii) The Applicant shall implement corrective measures and shall not resume blasting until authorized by the Town;
- (iii) The Applicant shall be responsible for repair of any damage attributable to blasting operations.

§ 7.3 Compliance and Enforcement

Compliance with the Construction Management Plan (CMP) shall be required as part of any Design and Site Plan Review approval, Special Permit, or Building Permit, as applicable, in accordance with §5.5 and other relevant provisions of the Belmont Zoning By-Law.

Construction activity shall comply with applicable Town bylaws and conditions of approval governing hours of operation.

The approved CMP shall be binding on the Applicant and its contractors for the duration of construction.

The Office of Planning and Building, in coordination with other Town departments, may require reasonable adjustments to the CMP during construction to address site conditions or operational conflicts, provided that such adjustments are consistent with the applicable approvals and the Zoning By-Law.

Commented [A27]: You can stop work, and you can withhold a certificate of occupancy. However, where are the fines and fees?

Enforcement of CMP requirements shall be carried out pursuant to the Zoning By-Law, the State Building Code, and other applicable laws and regulations.

