

ARTICLE 64
(Public Property Damage)

To see if the Town will vote to: require the Town of Nantucket through the PLUS department to create and enforce regulations to hold accountable all land owners to repair damage to public property caused by permitted activity. All applicants to the PLUS Department must submit photos of surroundings 500 feet beyond each boundary to a public way areas of concern shall include streets/roads, shoulders, sidewalks, medians and bike paths. These areas shall be inspected and approved before a certificate of occupancy or completion is issued; or otherwise act thereon.

(Andrew G. Lowell, et al)

Megan Trudel

From: Andrew Vorce
Sent: Friday, February 7, 2020 1:57 PM
To: Megan Trudel
Subject: FW: Petitioned Warrant Articles
Attachments: 780 CMR.PNG; Certificate of occupancy.PNG

From: Paul Murphy
Sent: Wednesday, January 29, 2020 12:00 PM
To: Andrew Vorce <AVorce@nantucket-ma.gov>
Cc: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: Petitioned Warrant Articles

Andrew,

I have reviewed the petitioned warrant articles for the 2020 ATM and I have the following comments:

Article 61 - Coastal Erosion Liability Waiver

I do not have the authority to withhold the issuance of a building permit for matters that do not relate to the building code or our zoning bylaws. The warrant article has no connection to the building code or our zoning bylaws, so it would be unlawful for me to deny the request for a permit. A liability waiver is not within my jurisdiction to enforce. The requirements for the issuance of a building permit are strictly regulated by 780 CMR Section 105.3.1. These requirements cannot be added to or amended by anyone except the Board of Building Regulations and Standards. A copy of the regulation is attached for reference.

Article 64 – Public Property Damage

I do not have the authority to withhold the issuance of a certificate of occupancy for damage to a public way. As explained above, if the issue is not related to the building code or our zoning bylaws, I cannot legally enforce it. This article has nothing to do with building code or our zoning bylaws. A request for a certificate of occupancy is also strictly regulated by 780 CMR Section 111.2. A copy of the regulation is attached for reference. The process for obtaining a certificate of occupancy cannot be added to or amended by anyone except the Board of Building Regulations and Standards.

Paul Murphy

Building Commissioner

Town of Nantucket
Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

Tel: 508-325-7587 X 7057
Fax: 508-228-7298

105.3.1 Action on Application. The building official shall examine or cause to be examined applications for permits and amendments, and shall issue or deny the permit, within 30 days of filing. If the application or the construction documents do not conform to the requirements of 780 CMR and all pertinent laws under the building official's jurisdiction, the building official shall deny such application in writing, stating the reasons therefore. The building official's signature shall be attached to every permit. The following requirements, where applicable, shall be satisfied before a building permit is issued:

1. Zoning: in accordance with M.G.L. c. 40A or St. 1956, c. 665.
2. Railroad Right-of-way: in accordance with M.G.L. c. 40, § 54A.
3. Water Supply: in accordance with M.G.L. c. 40, § 54.
4. Debris Removal: in accordance with M.G.L. c. 40, § 54.
5. Workers Compensation Insurance: in accordance with M.G.L. c. 152, § 25C(6).
6. Hazards to Air Navigation: in accordance with M.G.L. c. 90, § 35B.
7. Construction in coastal dunes: in accordance with flood construction requirements of 780 CMR.

R111.2 Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of 780 CMR or other laws that are enforced by the building official, the building official/inspector of buildings or state building inspector shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. (Reserved).
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of 780 CMR for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building commissioner or inspector of buildings or state inspector.
7. The edition of the code under which the permit was issued.
8. If an automatic sprinkler system is provided, whether the sprinkler system is required.
9. Any special stipulations and conditions of the building permit.
10. If the facility is licensed by a state agency, the name of the agency and the name and number of any relevant Code of Massachusetts Regulations that apply regarding building features.