



City of Cambridge

78.

IN CITY COUNCIL

January 12, 1998

COUNCILLOR DAVIS
COUNCILLOR GALLUCCIO

ORDERED: That the City Manager be and hereby is requested to report back to the City Council on whether the curb cuts at the proposed Polaroid Development are deemed safe and in conformance with all relevant laws, and if so, how and on what basis the determination was made.

In City Council January 12, 1998.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury
City Clerk

City of Cambridge

MASSACHUSETTS

In City Council

1/12

, 1998

Consent Agenda Items //

	YEA	NAY	ABSENT	PRESENT
Ms. Kathleen L. Born	✓			
Ms. Henrietta Davis	✓			
Mr. Francis H. Duehay	✓			
Mr. Anthony Galluccio	✓			
Mr. Kenneth E. Reeves	✓			
Ms. Sheila T. Russell	✓			
Mr. Michael A. Sullivan			✓	
Mr. Timothy J. Toomey, Jr.	✓			
Ms. Katherine Triantafillou	✓			

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CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 349-6100

ROBERT R. BERSANI
Managing Director/
Acting Commissioner

January 8, 1998

To: Robert W. Healy, City Manager

From: Bob Bersani, Inspectional Services

Subj: Council Order #035, dated 12/22/97 RE: REPORT ON WHAT
ORDINANCES, REGULATIONS AND STATE LAWS APPLY TO THE GRANTING OF
BUILDING PERMITS AND WHAT INPUT THE COUNCIL HAS

This report supersedes my report dtd. December 26, 1997.

In response to this Council Order, the following information is submitted:

The issuance of building permits is controlled by the Massachusetts Building Code, 6th ed. (780CMR), The Massachusetts Zoning Act, G.L. c. 40A, and the Cambridge Zoning Ordinance. The authority to grant building permits rests exclusively with the Building Commissioner which in Cambridge is the Commissioner of Inspectional Services.

The applicable sections of the Building Code dealing with the issuance of building permits are paraphrased as follows:

a. 780CMR 106.0 DUTIES AND POWERS OF THE BUILDING OFFICIAL

- - Provides for the building official to enforce all of the provisions of the Building Code and other State statutes, rules, and regulations or ordinances (zoning) that empower the building official.
- - Provides for the building official to receive applications and issue building permits and enforce compliance in accordance with the provisions of the Building Code.

b. 780CMR 111.0 PERMITS

- provides for the Building Official to review permit applications for compliance with the Building Code and other laws under his jurisdiction (Zoning Ordinance) and requires issuance of the building permit within 30 days if the project is in compliance.

c. 780 CMR 122.1 STATE BUILDING CODE APPEALS BOARD

- Provides for appeal of the building official's actions/inactions as pertains to the building code to the State Building Code Appeals Board.

note: The building official's determinations as pertains to the

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OFFICE OF THE CITY MANAGER

Zoning Ordinance are appealable to the Cambridge Board of Zoning Appeal (BZA).

The applicable sections of the Cambridge Zoning Ordinance dealing with the issuance of building permits include the following:

a. **ARTICLE 9, SECTION 9.12** - requires all building permits to be issued only when the provisions of the Cambridge Zoning Ordinance have been met.

b. **ARTICLE 9, SECTION 9.12** - provides that when a building permit is denied, the reasons for the denial shall be clearly stated in writing.

c. **ARTICLE 10, SECTION 10.20** - provides for persons aggrieved by actions of the Building Commissioner concerning permits or other matters to appeal to the Board of Zoning Appeals (BZA) ..

It should be noted that the Building Official routinely consults with a number of City Departments, depending on the specific circumstances of the project, prior to issuance of building permits. These include the Fire, Public Works, Traffic, Parking and Transportation, Community Development, and Law Departments as well as the Historical and Conservation Commissions. Also, comments received from interested individuals, other City Departments and officials, and other government agencies are considered prior to the issuance of building permits.

Very truly yours,


R. R. Bersani

cc
Don Drisdell



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



January 12, 1998

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 11, regarding a report on what ordinances, regulations and state laws apply to the granting of building permits and what input the Council has in the process, received from Inspectional Services Commissioner Robert Bersani.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #11

8-5

Relative to Awaiting Report Item Number Eleven, regarding a report on what ordinances, regulations and state laws apply to the granting of building permits and what input the Council has in the process.

In City Council January 12, 1998

PLACED ON FILE

Order adopted
see order #78