

Emergency Order for Temporary Moratorium on all construction projects in West Tisbury

In consideration of the State of Emergency in the Commonwealth of Massachusetts declared by the Governor on March 10, 2020 in response to the novel coronavirus COVID-19, and the Governor's order of March 15, 2020 prohibiting gatherings of more than 25 people until April 6, 2020, and the recommendation of the federal government on March 16, 2020 that persons avoid gathering in groups of more than 10 people; and upon the recommendation of Public Safety and Public Health officials, including the Board of Selectmen and the Health Agent; and in consideration of the fact that construction sites are busy locations, often with workers in very close proximity to each other, and often with a single portable commode or similar equipment as the only facility for bathroom use and personal hygiene for the entire crew of workers and that social distancing and good hygiene practices are simply not always possible; and in order to protect the health of the inhabitants of the Town of West Tisbury (the "Town"), the following order shall be implemented until such time as the state of emergency has been lifted:

Effective Monday, March 23, 2020, at 9:00 a.m., the Town is suspending all regular activity at construction sites in West Tisbury, including but not limited to all work authorized by building permits and street opening permits. Upon issuance of this order, all active construction sites shall be secured to prevent unauthorized entry, damage to equipment and/or work-in-progress, and to protect public safety. Operators shall employ the necessary crews and labor to complete the work necessary to secure their sites by 5 p.m. on Wednesday, March 25, 2020. After that time only skeleton crews will be permitted to enter construction sites for the remainder of the moratorium and such entry shall be limited to what is necessary to ensure safety and security.

The only work that will be permitted after March 25, 2020 will be emergency work, which will need to be approved jointly by the Town of West Tisbury Building Department and the Town of West Tisbury Board of Health, acting through the Health Agent.

For purposes of this Order, emergency work includes only the minimum work necessary to prevent damage to persons or property and/or to ensure the habitability of existing residential structures until such time as this order is lifted, including the following:

- Emergency utility, road or building work, such as to repair water leaks and sinkholes.
- New utility connections to occupied buildings where prior connections are no longer functioning.
- Mandated building or utility work to protect public health and safety.
- Work at health care facilities, shelters, including temporary shelters and other facilities that support vulnerable populations or that provides emergency services.
- Work which ensures the reliability of the Martha's Vineyard transportation network.
- Other work necessary to render occupied residential buildings fully habitable.

In addition to such emergency work, the Town will, on a case-by-case basis, review requests for exceptions to the temporary construction moratorium. These may be granted jointly by the Building Inspector and the Health Agent for building related work or the Highway Superintendent for street-related work. These will be granted only if they support increased public health and safety.

This order is effective Wednesday, March 25 (5:00 p.m.) through Monday, April 6, 2020 (5:00 p.m.), and will be reviewed at regular intervals to determine if it should be modified or amended. No new construction projects may be started at this time, and no new permits will be issued unless they meet the criteria above.

Any currently permitted and/or active construction project/work must be in a secured and inactive situation by 5 p.m. on Wednesday, March 25, 2020.

Any person who violates this Order will be subject to issuance of an immediate Stop Work or similar Order and an assessment of the maximum penalty authorized by law.

So Ordered:

WEST TISBURY BOARD OF SELECTMEN

J. Skipper Maunter

Kent A. Healy

Cynthia Mitchell

WEST TISBURY BOARD OF HEALTH

Tim Barnett

Erik Lowe

Jessica Miller

Dated: March 21, 2020