

## **SECTION 3.0 GENERAL REGULATIONS**

The following regulations shall apply in all circumstances governed by the Subdivision Control Law.

### **3.1 APPLICABILITY**

Any person desiring to divide or subdivide land shall, before proceeding with the improvement or sale of lots in the division or subdivision, or the construction of ways, or the installation of municipal services therein, submit to the Board a plan of such division or subdivision pursuant to the Subdivision Control Law and secure approval by the Board as hereinafter provided.

### **3.2 APPLICATIONS AND OTHER REQUIRED SUBMITTALS**

The applicant is responsible for the acquisition of the necessary rights and presentation of complete and correct information to the board. Failure to do so including the failure or inability to obtain all necessary permits, licenses, releases or rights, may be a reason for disapproval, rescission of an approved subdivision, and or modification of subdivision, in addition to any other actions provided by law.

All applications for approval or endorsement, required plans, required submittals, and required fees shall comply in all respects with the provisions of these Rules and Regulations. No application or plan shall be acted upon by the Board until said plan together with all required accompanying applications, forms, fees, lists and other items have been delivered by the applicant, and are properly executed and fully completed in accordance with these Rules and Regulations. Where the applicant fails to comply with these Rules and Regulations, the Planning Board may reject the application.

### **3.3 COMPLIANCE WITH THE BOARD'S RULES AND REGULATIONS**

A proposed division and/or subdivision of land shall comply in all respects with these Rules and Regulations, as most recently amended, unless the Planning Board authorizes a waiver from specified sections of these regulations.

### **3.4 WAIVERS**

Strict compliance with these Rules and Regulations Governing the Subdivision of Land may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law, and promotes public health and safety. The applicant shall request in writing the requirements they are seeking a waiver from upon submittal of a preliminary and/or definitive plan.

### **3.5 ISSUANCE OF BUILDING PERMITS**

The Building Inspector shall not issue any permit for erection of a building until first satisfied (a) that the lot on which the building is to be erected is not within a subdivision, or (b) that a way furnishing the access to the lot within a subdivision as required by the subdivision control law is shown on a recorded plan and that any conditions endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied, and (c) that all other applicable requirements have been met.

### **3.6 PROFESSIONAL AND TECHNICAL ASSISTANCE AND REVIEW**

The Board may assign as its agents appropriate Town officials and may hire professional assistance to review plans, conduct material testing, conduct property surveys of land and infrastructure and inspect improvements at the cost of the applicant.

### **3.7 FEES**

The fees indicated in Appendix A - Planning Board Fee Schedule, as most recently amended, shall accompany the submittal of application materials and of the various plans specified in the Rules and Regulations to cover costs of processing, technical review, and inspection, as most recently amended.

### **3.8 DWELLING LIMITATION**

Not more than one building designed or available for use for dwelling purposes shall be erected, or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town without the prior written consent of the Planning Board.

### **3.9 ACCESS ADEQUACY REGULATIONS**

**3.9.1 General.** Plans shall be endorsed as not requiring approval under the Subdivision Control Law and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, G.L. c. 41, ss. 81K - 81GG.

#### **3.9.2 Standards of Adequacy.**

1. *To an ANR Site.* Ways providing access to lots developed pursuant to G.L. c. 41, s. 81P shall be considered adequate for access if said way provides access for fire, police and emergency vehicles at all times.
2. *Within a Subdivision.* Streets within a subdivision shall be considered to provide adequate access if complying with the standards established in these Rules and Regulations.
3. *To a Subdivision.* Existing ways providing access to streets within a subdivision shall be considered to provide adequate access if such existing way meets the standards set forth herein for width of right of way, pavement width, sight distance, and maximum grade.

**3.9.3 Obligations.** The Board may require as a condition of its approval of a subdivision plan that the applicant dedicate or acquire and dedicate a strip of land for the purpose of widening access ways to a width as required in these regulations, above, and that applicant make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.

**3.9.4 Waiver of Access Rules.** The Board may waive strict compliance with these access regulations only upon its determination, following consultation with the Selectmen, Highway Superintendent, Police Chief, and Fire Chief, that the way in fact will be otherwise sufficient to serve the needs for access to serve potential uses of land abutting on or served by the way in question.

### **3.10 PLACEMENT ON AGENDA**

Anyone who wishes to be heard by the Planning Board must be placed on the agenda. The Planning Board Agenda closes at 4:30 P.M. on the Tuesday before the regularly scheduled meeting on Thursday of that week.