

## SECTION IX

### ADMINISTRATION

#### A. AUTHORITY

1. The Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Section 81 A to GG of Chapter 41 of Massachusetts General Laws.
2. The Board may assign as their agent's appropriate City Agencies or officials and may, from time to time, hire professional assistance to review plans and inspect improvements at the cost of the subdivider.
3. The Board, on its own motion or on the petition of any interested person, shall have the power to modify, amend or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan.

#### B. WAIVER OF COMPLIANCE

When requesting a waiver, the developer must demonstrate that the waiving of the requirement will not be detrimental to the City or future resident of the subdivision. Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Board such action is in the public interest and not inconsistent with the intent of the Subdivision Control Law. In waiving strict compliance, the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived.

#### C. INSPECTION

Inspection shall be carried out at appropriate times during the development of the subdivisions. The subdivider shall notify the City Engineer at least 48 hours before carrying out each operation to be inspected. Activities and operations include, but are not limited to the installation of drainage, water its services, excavation, roads, sidewalks and curbing. In the event of an interrupted installation of any of the above service, it is required that the developer renotify the Board and the City Engineer prior to recommencing installation. Any development which progresses beyond the inspection stage without City approval will be required to return the construction to the status necessary to perform the required inspection. Provisions for clearing operations and removal of all surplus material shall be included as a requirement for final approval.

**D. ENFORCEMENT BY DENIAL OF BUILDING PERMITS**

Any Board or officer of the City of Westfield, having the power and duty to issue any permit for the erection of a building shall not issue any permit for the creation of a building until first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under these Rules and Regulations, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied in the event that more than one building for dwelling purposes is proposed to be erected or placed or converted to use as such on any lot such consent has been obtained from the Planning Board.

**E. THE BOARD OF APPEALS**

The Board of Appeals for these Rules and Regulations as provided for by G.L., Chapter 41, Section 81-Z of the Subdivision Control Law shall be the same Board of Appeals provided for the City of Westfield for administering its Zoning Ordinance.

**F. SEVERABILITY**

If any section, paragraph, sentence, clause or provision of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these regulations shall be deemed to remain valid and effective.

**G. AMENDMENTS**

These regulations, or any portion thereof, may be amended, supplemented or repealed from time to time by the Planning Board after a public hearing on its own motion or by petition.

**H. INVALIDATION BY STATE LAW**

Any part of these regulations subsequently invalidated by a new law or modification of existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.

**I. INTERPRETATION**

Whenever these Rules and Regulations made under the authority hereof differ from those prescribed by any local Ordinance or other local regulations, the provision which imposes the greater restriction or higher standard shall govern.

**J. FORMS**

On the following pages are sample forms for the administration of these regulations. The administrative content of these forms may be revised from time to time by administrative action of the board. Copies of these forms may be obtained from the Planning Board Office or the City Clerk.

**K. EFFECTIVE DATE**

These Rules and Regulations were effective on and after \_\_\_\_\_, the date a separate copy certified by the City Clerk, as adopted by the Planning Board was transmitted by the Planning Board, to the Register of Deeds or Hampden county and the Recorder of the Land Court.

Any previous Rules and Regulations governing the subdivision of land in the City of Westfield, as adopted by the Westfield Planning Board, including amendments thereto, are repealed in whole.

