

## ARTICLE 6

### ADMINISTRATION

#### 6.1 Inspection and Control

- 6.1.1 At the points hereinafter indicated, the construction of required streets and other improvements shall be inspected by the Planning Board or its agent:
- a. The installation of underground utilities and services shall be inspected as appropriate by the Board or its agent, the Board of Health, the Board of Water Commissions, as appropriate, before the backfilling of trenches (see Form D).
  - b. The roadway shall be inspected prior to each required construction step by the Board or its agent upon completion of the subgrade, base course, binder, and surface course.
  - c. The sidewalk shall be inspected prior to each required construction step.
  - d. Following the completion of all the improvements shown in the Definitive Plan, the subdivision shall be inspected by the Board or its agent and/or appropriate Town Boards and Commissions.
- 6.1.2 Unless the approval of the work completed, including approval of materials used, to each point has been given in writing, no further work shall be conducted until such work is subsequently completed to the satisfaction of the Highway Superintendent or the appropriate Town Boards or Commissions.
- 6.1.3 Inspection shall be requested by the Applicant at least 48 hours in advance by notice to the respective Department using Form J.
- 6.1.4 Inspection of improvements shown in the Definitive Plan shall be by the appropriate Town Boards or Commissions. The cost of such inspection shall be paid by the Applicant at a rate of \$1.00/linear foot of roadway. A certified check in the amount of the calculated fee shall be submitted to the Town. Following each of the above indicated inspections, the Applicant shall render a check to the Town in the actual amount as billed by the Town for said inspection services. Following final acceptance of the roads by the Planning Board, the Town shall return any excess fee remaining to the Applicant.

#### 6.2 Waiver of Compliance

The Board may in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of the subdivision Control Law, waive strict compliance with these Rules and Regulations, and with the frontage and access requirements specified in said law, and may, where the ways are not otherwise deemed adequate, approve a Definitive Plan on conditions limiting the lots upon which buildings may be erected on particular lots and the length of time for which particular buildings may be maintained without further consent by the Board to the access provided. The Board shall endorse such conditions on the plan to which they relate, or set them forth in a separate instrument attached thereto to which reference is made on such plan and which shall be for the purpose of the Subdivision Control Law be deemed to be a part of the plan.

#### 6.3 Zoning Board of Appeals

The Board of Appeals for these Rules and Regulations as provided for by SECTION 81-Z of the Subdivision Control Law shall be the same Zoning Board of Appeals provided for the Town of Topsfield for administering its zoning bylaw.

6.4 Amendments

These Rules and Regulations may be amended from time to time in accordance with SECTION 81-Q of the Subdivision Control Law.

6.5 Validity

The invalidity of any portion of the foregoing rules, regulations, and requirements shall not affect the validity of the remainder.

## ARTICLE 7

### EFFECTIVE DATE AND REPEALER

7.1 Effective Date

These Rules and Regulations were in effect on and after the April 27, 2006, the date a separate copy certified by the Town Clerk as adopted by the Planning Board was transmitted by the Planning Board to both the Register of Deeds, South District of Essex County and the Recorder of the Land Court of Essex County.

7.2 Repealer

Any previous Rules and Regulations Governing the Subdivision of Land in the Town of Topsfield as adopted by the Topsfield Planning Board, are repealed in their entirety.