

SECTION II GENERAL

2.0 SUBDIVISION COMPLIANCE

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town of West Springfield, or proceed with the improvement or sale of lots within a subdivision, or the construction of ways, or installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Planning Board and recorded at the Hampden County Registry of Deeds or Land Registration Office of Hampden County as hereinafter provided.

2.1 COORDINATION WITH MUNICIPAL DEPARTMENTS AND OTHER AGENCIES

Compliance with the applicable rules, regulations and requirements of the Office of the Mayor, Town Council, Board of Health, , Department of Public Works, Fire Department, Police Department, Recreation Commission and Conservation Commission shall be required before a plan is approved by the Board, and certification of performance relative to the proper construction and installation of the respective utilities shall be required before a performance guarantee can be reduced or released.

2.2 EFFECT OF PRIOR RECORDING OF SUBDIVISION PLAN

The recording of a plan of land within the Town of West Springfield in the Hampden County Registry of Deeds prior to the effective date of the Subdivision Control Law in the Town, May 23, 1955, showing the division thereof into existing or proposed lots, sites or other divisions and ways furnishing access thereto, shall not exempt such land from the application and operation of these Rules and Regulations except as specifically exempt by Section 81-FF, of the Subdivision Control Law, M.G.L. Chapter 41.

The improvement of a way, shown on a plan recorded prior to January 1, 2002 and not lawfully begun before the effective date of these Rules and Regulations, shall be constructed in accordance with these regulations.

2.3 EFFECTIVE DATE

These Rules and Regulations shall not be in effect until recorded with the Town Clerk. A copy of these Rules certified by the Clerk shall be transmitted forthwith to the Registrar of Deeds and the Recorder of the Land Court. Amendments to these Rules and Regulations shall not apply to any subdivision lawfully begun or any complete subdivision application lawfully submitted prior the first publication of notice of a public hearing as required by MGL, Chapter 41, Section 81-Q, but shall apply to any amendment to an approved development or to any application for approval submitted after the first publication notice of said public hearing. These rules and regulations shall apply to any plan duly recorded but not lawfully begun within two years of the recording of said subdivision plan. These rules and regulations shall also apply to any prior plan disapproved by the Planning Board where no amendment thereto has been submitted within sixty (60) days of said disapproval.

2.4 MORE THAN ONE BUILDING FOR DWELLING PURPOSES PER LOT

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 the Town of West Springfield, except as exempt under M.G.L. Ch. 183A, without the consent of the Planning Board, and that such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision. The procedures for approval are detailed within these Rules and Regulations.

2.5 COMPLIANCE WITH ZONING

All plans submitted for Planning Board action shall conform to all applicable requirements of the Zoning Ordinance of the Town of West Springfield.

2.6 ENTRY ON LAND

Members of the Planning Board and its agents shall have the right of entry onto private lands to inspect and evaluate land and development conditions to further the purposes of the Rules and Regulations Governing the

Subdivision of Land and to ensure compliance with said Rules and Regulations and decisions rendered therefrom. Said individuals may also acquire information, measurements, photographs, observations and/or materials or may require submittal of any data or information deemed necessary to carry out the purpose of these Rules and Regulations.

2.7 WAIVER FROM THE REGULATIONS

2.71 As provided for by Section 81-R, Chapter 41 of the General Laws, where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may waive strict compliance with these regulations provided that the public interest is secured and that a waiver of the regulations shall not have the effect of nullifying the intent and purpose of these regulations; and further providing that the Planning Board shall not approve a waiver unless it finds that:

- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to abutting property.
- The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to the area in which the property is located.
- Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular non-monetary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations is carried out.
- The relief sought will not in any manner vary the provisions of the Master Plan, Zoning Ordinance or other municipal ordinances or regulations.

2.72 In approving waivers of these regulations, the Planning Board may require such conditions as will, in its judgment, secure substantially the purposes of these regulations.

2.73 The applicant shall submit a petition for waiver in writing at the time the Preliminary Plan and/or the Definitive Plan is submitted for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the applicant.

2.74 If the Planning Board approves the request for a waiver, it shall endorse conditions of such waiver (if any) on the Plan or set them forth in a separate instrument attached to and referenced on the Plan, which shall be deemed a part of the Plan.

2.8 ISSUANCE OF BUILDING PERMITS

No building permit for the construction of a residential or commercial structure associated with the layout of a lot created by the Board's approval of a Definitive Plan shall be issued until adequate access has been provided to support access by public safety vehicles.

2.9 ISSUANCE OF CERTIFICATES OF OCCUPANCY

No Certificate of Occupancy for the completed construction of a residential or commercial structure associated with the layout of a lot created by the Board's approval of a Definitive Subdivision Plan shall be issued unless the Board holds a monetary performance guarantee in excess of the value, plus 10%, of the subdivision improvements to be completed or, as established by written report from the Department of Public Works, that all subdivision improvements have been completed and the Board has released the development from subdivision control.