

## ADMINISTRATION

### **SECTION 9: ADMINISTRATION**

#### **9.0 MANDATORY NOTICE PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK**

Written notice shall be sent by certified mail to the Board advising the Board that construction within an approved subdivision shall commence not sooner than seven (7) days from the date that such notice is mailed to the Board. Such notice shall be signed by the Applicant, developer, or other authorized representative of the record owner of the subdivision and shall include a proposed construction schedule, including milestones.

#### **9.1 INSPECTION**

##### **1. Purpose**

Inspections of the quality of materials used and methods of installation of the improvements within a subdivision by the Board are required to protect the health and welfare of the future subdivision residents and of the Town.

##### **2. Access**

The Applicant will provide safe and convenient access to all parts of the subdivision, for the purposes of inspection, to representatives of the Board or other Town agencies and boards.

##### **3. Responsibility**

The Applicant is responsible for requesting inspections at the proper stage in the process of installation of improvements.

##### **4. Inspection Process**

- a. The Applicant shall request each inspection in writing at least forty-eight (48) hours before the preferred date for such inspection. The written request shall be sent to the Planning Board's inspection consultant, with a copy forwarded to the Town Planner.
- b. Inspections of all construction phases shall be conducted by a qualified inspector designated by the Board for that purpose. In accordance with M.G.L. Chapter 44, Section 53G, the Applicant may appeal the choice of the Board's inspection consultant only upon a claim that the consultant has a conflict of interest or does not meet minimum required qualifications. The appeal shall be made to the Board of Selectmen, who will notify the Planning Board of such appeal. The Board of Selectmen may act within one month to overturn the Board's selection of the engineering consultant. In the event that no decision is made by the Board of

Selectmen within one month following the filing of an appeal, the Board's decision shall stand. The time within which the Board has to act on the original application under M.G.L. Chapter 41 shall be extended by the time of any appeal regarding selection of the consultant.

c. Inspections shall be performed at the proper time in the construction schedule as indicated in Section 7.1.

d. The Planning Board's agent shall indicate the date of inspection, and approval of work completed. Such form (See Appendix A, Form H) shall be filed with the Board. A copy shall also be given to the developer.

e. Any work which has been covered by subsequent work prior to acceptance, or is otherwise not available or obscured to the point of rendering inspection of the work difficult, shall be considered to be not acceptable to the Board. Such subsequent work shall be removed as directed by the Town Planner or the Planning Board's agent to insure availability of the work to be inspected as required herein. The release of the performance guarantee shall depend upon the acceptance of all work prescribed herein and as shown on the definitive plan.

f. The Applicant has the responsibility to insure that the approved construction plans are implemented. The inspection of the work shall not relieve the Applicant of any of his obligations to fulfill the requirements of the Rules and Regulations. Use of qualified persons to furnish adequate and timely engineering supervision during construction is required. Surveillance and field revisions by Town officials cannot be construed as fulfilling this responsibility.

## **9.2 ENFORCEMENT**

The enforcement of the provisions of these Rules and Regulations, or any approval or condition of approval granted by the Board under the provisions of these Rules and Regulations may be enforced by the Town Planner by non-criminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be three hundred dollars (\$300) for each offense. Each day such violation continues shall be deemed a separate offense and each provision of the Rules and Regulations or subdivision approval that is violated shall constitute a separate offense.

## **9.3 AMENDMENTS**

These Rules and Regulations or any portion thereof may be amended, supplemented or repealed by appropriate action taken at a public hearing, as provided by the M.G.L. Chapter 41, Section 81Q, as amended.