

may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.”

### **Section 1. Purpose**

These Regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Tyringham and to preserve the environment, natural resources, and rural character of the Town through the construction of ways, subdivisions, and their infrastructure

The powers of the Planning Board and Board of Appeals under these Regulations shall be exercised with due regard for these purposes, the purposes of the state Subdivision Control Law and for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning by-laws; for securing adequate provisions for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with adjacent and nearby public and private ways.

### **Section 2. Authority and Applicability**

**Authority:** Under the authority vested in the Planning Board of the Town of Tyringham by MGL Chapter 41, Section 81Q, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Tyringham, consistent with MGL Chapter 41, Sections 81K to 81GG (“Subdivision Control Law”). These regulations should be read in conjunction with the Subdivision Control Law and do not repeat requirements or definitions of that law.

**Applicability:** No person shall subdivide any land in the Town of Tyringham, proceed with the subdivision of land within the meaning of the Subdivision Control Law or the improvement or sale of lots in a subdivision, or the construction of ways or the installation of municipal services therein except consistent with the Subdivision Control Law and these Subdivision Regulations and only when a definitive plan of such subdivision has been submitted to, approved and endorsed by, the Planning Board as hereinafter provided, and recorded at the Registry of Deeds.

**Severability:** The invalidity of any section, paragraph, clause or provision of these Rules and Regulations shall not invalidate any other section, paragraph, clause or provision therein.

**Relationship to Other Bylaws and Regulations:** Whenever these Rules and Regulations made under the authority hereof differ from those prescribed by any local Bylaw or regulations, the provision which imposes the greater restriction or the stricter standard shall govern.

The Building Commissioner shall issue no building permits for any of the lots of any subdivision unless notified in writing by the Planning Board that the approved subdivision plans and documents have been recorded at the Registry of Deeds.

The Building Commissioner shall not issue an Occupancy Permit for any of the lots of the subdivisions unless notified in writing by the Planning Board that the subdivision is in compliance with the subdivision regulations and the definitive plan approval.

**One Dwelling 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 a subdivision or elsewhere in the Town, without the consent of the Board, and 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.

### **Section 3.     Waivers**

Approval of a subdivision plan, regardless of what is shown on the plan, does not relieve a project developer from complying with the Subdivision Rules and Regulations except as specifically provided for in any Planning Board issued waiver of those Rules and Regulations.

The Planning Board may, in special and appropriate cases, waive strict compliance with such portions of these Rules and Regulations, as provided for in M.G.L. Chapter 41, Section 81-R, where such action is in the public interest and not inconsistent with the purpose and intent of the Subdivision Control Law. Waivers are **only** granted for projects which provide, in the **sole opinion** of the Planning Board, **clear and significant improvements to the quality of a project compared with a project which meets the minimum** of the subdivision regulations.

Limited waivers may be granted when appropriate to encourage development which is in keeping with traditional rural character of Tyringham or to create significantly more permanently protected open space and public trails and/or create more affordable workforce housing than required by zoning.

A request for a waiver of a requirement, rule, or regulation shall be made in writing by the applicant, and submitted, whenever feasible, with the submission of the Preliminary Plan. 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 to the plan, which shall be deemed a part of the plan. The Planning Board shall notify the applicant in writing of its approval, disapproval, or approval with conditions.