

**AGENDA**  
**MUNICIPAL COUNCIL**

Bridgewater, NS

Tuesday, June 12, 2018 – 9:00 a.m.

Time & Page

1. CALL TO ORDER
2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION:
3. PUBLIC INPUT (15 Minutes)
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES May 22, 2018
6. BUSINESS ARISING FROM MINUTES: (Nil)
7. AWARDING OF TENDERS/RFPs:
  - 7.1 Award of Tender #2018-05-005 – Group 6 – LaHave River Project..... 1-3
8. PRESENTATIONS/SCHEDULED TIMES:
  - 8.1 NOW Lunenburg County re Internet ..... 9:15 a.m.
9. CONSIDERATION OF CORRESPONDENCE:
  - 9.1 12 Month Notice Letter – Nova Scotia Federation of Municipalities ..... 4-9
10. RECOMMENDATIONS FROM COMMITTEES & BOARDS:
  - 10.1 Nominating Committee
    - 10.1.1 Act of Bravery – New Germany Fire Department Banquet ..... 10-11
    - 10.1.2 Saw Pit Wharf Committee Appointments ..... 12-13
  - 10.2 Planning Advisory Committee
    - 10.2.1 Subdivision Bylaw and Municipal Planning Strategy ..... 11:00 a.m. 14-168
    - Reports and Correspondence Received at PAC ..... Circulated Separately
  - 10.3 Finance Committee
    - 10.3.1 Sponsorship Ad Grant – Mahone Bay Founder’s Society ..... 169-170
    - 10.3.2 Nat./Prov. Event Grant – Riverport Duathlon Classic..... 169, 171
    - 10.3.3 Rescind Motion re Approval of Lease Agreement – CEF/CES..... 169
    - 10.3.4 Approval of New Lease Agreement – CEF/CES ..... 169
    - 10.3.5 Connect to Innovate Proposal ..... 169
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    - 11.1.1 Comfort Centre Generator Grant Award..... 172-175
  - 11.2 Recreation Department
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12. MAYOR’S/DEPUTY MAYOR’S/COUNCILLORS’ MATTERS:
  - 12.1 Request Leave of Absence (M. Ernst) ..... 179
  - 12.2 Update – Municipal Joint Services Board (MJSB) (C. Bolivar-Getson/E. Knickle/C. Moore)
  - 12.3 Update – Deputy Mayor
  - 12.4 Update – Mayor

13. IN CAMERA:

- 13.1 Contract Negotiations re LaHave River Project under Section 22(2)(e) of the MGA
- 13.2 Contract Negotiations re Internet - Kingsburg under Section 22(2)(e) of the MGA
- 13.3 Contract Negotiations re Internet – Big Tancook under Section 22(2)(e) of the MGA
- 13.4 Contract Negotiations re Internet – Lun. Reg. Community Recycling Centre under Section 22(2)(e) of the MGA
- 13.5 Contract Negotiations re Centre School under Section 22(2)(e) of the MGA

14. ADJOURNMENT



# Municipality of the District of Lunenburg

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## MEMORANDUM

**REPORT TO:** Council

**SUBMITTED BY:** Maria Butts, LaHave River Project Coordinator

**DATE:** June 12, 2018

**RE:** Tender Award: On-Site Sewage Disposal System Installations for LaHave River Properties. Project – Group #6

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### RECOMMENDATIONS

*Hold an in-camera discussion prior to awarding tender 2018-05-005*

### EXECUTIVE SUMMARY

Three bids were received for *Tender 2018-05-005 On-Site Sewage Disposal System Installations for LaHave River Properties. Project – Group #6.*

The scope of work consists of the supply and installation of five septic systems located on private property belonging to homeowners who have applied to participate in the LaHave River Straight Pipe Replacement Program (SPRP), administered by the Municipality of the District of Lunenburg (MODL).

Tender 2018-05-005 is a bundle of five traditional systems.

### BACKGROUND

In the Spring of 2016, *Our Living Future* campaign was launched to bring awareness and education around the issue of straight pipes and their impact on the LaHave River and Council authorized staff to make an application to the New Build Canada Fund for a SPRP. Staff were directed to prepare a Wastewater Management District (WWMD) By-Law and policies to implement such a program. The drafted By-Law and policies have since been adopted by Council.

On June 29, 2017, federal and provincial authorities announced joint funding along with the Municipality for the replacement of straight pipes with on-site sewage disposal systems along the LaHave River.

Replacement of straight pipes with functioning septic systems required the services of a qualified engineer to select, design, and oversee the installation of approved septic systems. As such, council authorized staff to award of *RFP 2017-05-400 On-Site Sewage Disposal System Design for Lahave River properties* to ABLE Engineering Services Inc (ABLE) on August 22, 2017.

To date, MODL has received 122 applications for replacement from property owners within the WWMD.

Over the past few months, MODL has been working with ABLE to produce sewage disposal designs for each property owner enrolled in the SPRP. Five designs were selected from those completed to date for inclusion in tender 2018-05-005.

No Municipal dollars are being spent on this program as the federal and provincial grants cover up to two thirds of the cost and all eligible homeowners are required to pay the remaining one third.

## DISCUSSION

Tender 2018-05-005 was posted on Wednesday, May 16th, 2018 and closed on Thursday, May 31st, 2018.

Three bids were received by the deadline. Tenderer names and bids are described in Table 1 below:

<b>Funding</b>	<b>Total Bid (w/o HST)</b>
Provincial/Federal Grants	2/3
Property Owner	1/3
<b>Tenderers</b>	
Gerhardt Property Improvement	\$48,228.00
Town and Country Property Improvements Ltd	\$56,113.07
Dennis Lively Construction and Backhoe Services Ltd	\$50,900.00

Table 1: Bids for Tender 2018-05-005

Under the scope of work, the successful bidder is required to complete all excavation, bedding, pipe laying, backfill and compactions. They are to supply all septic tanks, miscellaneous fittings, filter sand, stone and concrete. The successful bidder is also required to complete leakage testing, and all surface restoration and any other work as specified and shown on the design drawings.

## CONCLUSION

Tender 2018-05-005: All three bids received are competitive, the lowest bid was submitted by Gerhardt Property Improvement of Lunenburg, Nova Scotia.

**Tender Award Recommendation**

**Tender:** 2018-05-005 On-Site Sewage Disposal System Installation for LaHave River Properties.  
Project – Group #6.

**Scope of Work:** Install five On-Site Sewage Disposal Systems on five properties along the LaHave River.

**Closing Date:** May 31, 2018

<b>Funding</b>	<b>Total Bid (w/o HST)</b>
Provincial/Federal Grants	2/3
Property Owner	1/3
<b>Tenderers</b>	
Gerhardt Property Improvement	\$48,228.00
Town and Country Property Improvements Ltd	\$56,113.07
Dennis Lively Construction and Backhoe Services Ltd	\$50,900.00

**Tender Award Recommendation:**

Council hold an in-camera discussion before awarding tender.

MEMO

**TO: Mayor and Council**  
**FROM: Trudy Payne, Acting Deputy CAO**  
**RE: 12 Month Notice Letter**  
**DATE: June 12, 2018**

Each year under the provisions of the Municipal Government Act, the Minister of Municipal Affairs must provide the Union of Nova Scotia Municipalities (UNSM - now the Nova Scotia Federation of Municipalities) 12' month's notice of any provincial legislation, regulation or administrative actions that could have the affect of decreasing revenues or increasing the required expenditures of municipalities. This letter was received on April 18, 2018 by UNSM and sent to municipalities on April 26, 2018. Please find attached the letter.

In the letter actions are listed by various Provincial Departments. This memo will follow the 12 month's notice format.

**Department of Municipal Affairs (DMA)**

Since the Municipality of the District of Lunenburg does not receive any **equalization grants** this action does not impact the Municipality.

The DMA is considering consulting with municipalities on **land use planning and minimum planning standards**. At this point costs associated with this are unknown. Comments from Jeff Merrill, Director of Planning & Development Services is that if we have to do regional planning or implement minimum planning standards there will be a cost but until we know what exactly the Province plans to do we are unable to predict the costs.

**Department of Environment (NSE)**

The Municipality provides drinking water to the public at the Municipal Activity Recreation Complex. The staff follow the regulations for testing the water. Adding **the testing of lead** based on NSE regulations will fall under this regime. It is anticipated the increase in cost will not be significant.

**Department of Justice**

Concerning **DNA analysis costs**, they were down for 2017-2018 and 2018-2019 mainly due to the consolidation of the labs. It was anticipated that staff would follow the jobs, but this did not happen, therefore, the lab has been short staffed resulting in temporary cost savings. In 2019-2020 municipalities will likely see a 'big jump' in costs due to the fact the lab is now fully staffed. The Department of Justice will receive a bill in July and will be in a better position at that time to fully understand the impact to municipalities and will notify municipalities in the Fall. The proration of the cost to municipalities will be reassessed annually upon DMA's release of the "Total Uniform Assessment' for the current fiscal year.

The **legalization of cannabis** could have implications to municipalities, however, the Department of Justice still does not know what the impact will be. Impacts could be in areas such as municipal policy and policing/by-law enforcement.

There is no intent at this time to eliminate the **Additional Officer Program**. Currently in Lunenburg County this program provides for four additional officers (street crime and school safety officers). Whatever decision made around this program they will not affect core policing services. The Department is looking at what crimes are impacting the County and how these positions may be reallocated. The Department of Justice pays for the officers through the Additional Officer Program so if for some reason the program is removed it could mean four less officers, who have focused on specific areas, for Lunenburg County but again, it will not impact the core services.

The **Accessibility Act** is likely to be prescribed to municipalities this Fall which means an Accessibility Committee will need to be formed (half of the membership consisting of individuals with disabilities or organizations representing those with disabilities) and developing an Accessibility Plan one year from the time the Act is prescribed. Municipalities can partner to form one Committee and one Joint Plan. The costs associated for the 2018-2019 budget is the recruitment of committee members and costs associated with the committee. In 2019-2020, depending on the standards enacted by the Province, there could be costs associated with the building environment, communications, transportation, employment and/or education.

#### **Department of Health and Wellness**

The Municipality does not have any **hospitals** within its' boundaries thus, looking at a uniform approach across the province on how municipalities invoice the health authority is not a concern.

#### **Department of Intergovernmental Affairs**

Concerning the **Canadian Free Trade Agreement**, a review which is anticipated to begin by July 2018 will look at whether the Person-to-Government Dispute Resolution provisions should apply to measures adopted or maintained by a Party's regional, local, district or other forms of municipal government. There will be no financial implications for municipalities this current fiscal year (2018-2019). If determined that Person-to-Government Dispute Resolution provisions apply to municipalities it could mean a person may launch a dispute with a municipality. The financial impact would mean a municipality would need to follow a process in which a panel is put in place to determine whether there was compliance or not and to determine the need to assign a monetary penalty. No decision has been made as yet - that is the purpose of the review. The letter is given notice that the review will take place this fiscal year which depending on the results may or may not have financial implications for municipalities in future fiscal years.

#### **Department of Natural Resources**

**Bill 32** does not impact the Municipality of the District of Lunenburg.

## **Housing Nova Scotia**

The Province is looking at a **Province-wide initiative pertaining to capital renewal in public housing buildings**. The Municipality has 30 units for seniors (basically two 15 unit facilities – one in New Germany; the other in Riverport); and 5 family units which are individual and scattered (Italy Cross, three in Hebbville and Whynott Settlement). This initiative is likely for capital repairs for the seniors housing. However, the letter is general to the Province and we may or may not have renewal projects happening for the buildings in the Municipality. The Province has not provided the Municipality with any budgets for the projects, so we currently do not have an idea on what our approximately 12.5% would be, which represents our share of the costs.



**Municipal Affairs**  
**Office of the Minister**

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902 424-5550 Fax 902 424-0581 • novascotia.ca

APR 18 2018

Mr. Geoff Stewart  
President  
Union of Nova Scotia Municipalities (UNSM)  
Suite 1106  
1809 Barrington Street  
Halifax, NS B3J 2K8

Dear President Stewart:

Under the provisions of the *Municipal Government Act*, the Minister of Municipal Affairs must provide to the Union of Nova Scotia Municipalities 12-months' notice of any provincial legislation, regulation or administrative actions that could have the effect of decreasing revenues or increasing the required expenditures of municipalities.

This letter is intended to provide notice of such changes for fiscal year 2019-2020 and beyond. The Department of Municipal Affairs (DMA) canvassed all provincial departments to seek information on plans for legislative, regulatory and policy changes in the coming fiscal year. The following is a summary of the results of that process.

**Department of Municipal Affairs**

In the 2016-17 Budget, the Province committed to freezing the Equalization Grant at 2014-15 allocations. The Equalization Grant will be reviewed in 2018-2019 in collaboration with our municipal partners to explore options for redevelopment. DMA could phase-in the redeveloped program over a period of several years beginning as early as fiscal year 2019-2020.

Based on the UNSM resolutions and commitment in the Partnership Framework, DMA is also considering consulting with municipalities on land use planning and minimum planning standards. Costs associated with land use planning and minimum planning standards are currently unknown; however, it could have a negative effect on some municipal budgets going forward.

**Department of Environment**

In November 2017, Health Canada approved a new lower health-based guideline for lead (5ug/L) in potable water. Once released (in 2018), the guideline will require utilities to collect samples for lead at the customer's tap. Nova Scotia Energy (NSE) regulations refer to these guidelines, and NSE will audit sampling protocols and respond to exceedances of the limits in these guidelines.

.../2

While the anticipated costs associated with the above-noted guidelines are currently unknown, Health Canada is informing utilities directly of the changes and what they could mean moving forward.

#### **Department of Justice**

The Biological Casework Analysis Agreement provides Nova Scotia municipalities with DNA analysis arising from criminal investigations. DNA analysis is an important and affordable service that helps solve crimes. The anticipated cost to Nova Scotia in 2018-19 is approximately \$681k. The temporary reduction in costs for 2017-18 and 2018-19 is due to lower than anticipated expenses resulting from the consolidation of the lab. It is expected that the cost of the service will normalize in 2019-20 onward as consolidation is now complete. The proration of the cost to municipalities will be reassessed annually upon DMA's release of the "Total Uniform Assessment" for the current fiscal year.

There is a possibility that the federally directed legalization of cannabis could have implications for municipalities in 2018/19 and beyond in areas such as municipal policy and policing/by-law enforcement. However, until there is clarity around the federal, and subsequent provincial, legislative and regulatory frameworks, there can be no specific implications identified. DMA is on the inter-departmental working group on cannabis legalization and will be leading municipal engagement as this initiative unfolds. As you know, all government departments are continuing to review programs which could affect municipalities. These potential impacts will be identified if and when they are approved through the process.

As outlined in previous correspondence from the Department of Justice, the Additional Officer Program may experience changes inclusive of both structure and functions, effective April 1, 2019. The review of the Additional Officer Program has been completed. The report has provided three options for the go-forward state of the program, currently under review. The Stakeholder Committee, made up of representation from police agencies and municipalities, will be kept informed as the process continues. It is anticipated that a decision on the future state of the program will be determined in Fall 2018, with any resulting changes effective April 1, 2019.

The *Accessibility Act* sets out that the Governor in Council may make regulations prescribing municipalities, universities and organizations as public-sector bodies. Within one (1) year of being prescribed as a public sector organization, municipalities will be required to develop an accessibility plan and establish an accessibility advisory committee. It is anticipated that municipalities will be prescribed as public sector organizations under the *Accessibility Act* within the next year.

A provincial/municipal accessibility working group has been established between the Department of Justice (Accessibility Directorate), the Department of Municipal Affairs, UNSM and the Association of Municipal Administrators (AMANS). The timing of prescription and the implications of the *Act* for municipalities are currently topics of discussion at this working group.

#### **Department of Health and Wellness**

Hospitals are exempt from property taxes under the *Hospital Act*, although municipalities can charge hospitals fees for services. Some Nova Scotia Municipalities charge the health authority for services and some do not. Currently, there is no uniform approach across the Province on how municipalities invoice the health authority or how they must be paid. The NSHA will be paying outstanding bills owed to municipalities for services such as sewer.

.../3

Over the coming year, the Department of Health and Wellness will be reviewing more broadly the issue of municipal charges to ensure consistency across the Province. It is not certain what, if any, negative effect this review may have on municipalities in the 2019-20 fiscal year.

**Department of Intergovernmental Affairs**

Under the terms of the Canadian Free Trade Agreement (CFTA), which came into force on July 1, 2017, the Province is responsible for compliance with the Agreement by regional, local, district and other forms of municipal government. The parties have agreed, within one year after the effective date (July 1, 2017), to undertake a review to determine whether the Person-to-Government Dispute Resolution provisions should apply to measures adopted or maintained by a Party's regional, local, district or other forms of municipal government (Article 1002). It is anticipated that this review will be initiated by July 2018.

**Department of Natural Resources**

Bill 32, an *Act to Repeal Certain Statutes Pertaining to Forestry Agreements*, includes repeal of the *Scott Maritimes Limited Agreement (1965) Act*. Repeal of this Act is subject to the successful completion of negotiations for a replacement Forest Utilization License Agreement with Northern Pulp under the Crown Lands Act.

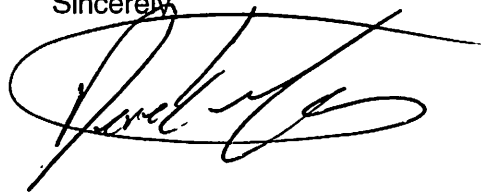
Repeal of the *Scott Maritimes Limited Agreement (1965) Act* will have negative financial implications for the Halifax Regional Municipality (HRM). A unique stumpage revenue-sharing provision of *the Scott Maritimes Limited Agreement (1965) Act* requires that 20% of the annual Crown lands' timber revenue generated from the leased lands be paid to Halifax County (now HRM) by the Province in lieu of tax being paid on that Crown land. A replacement for this in lieu payment is not anticipated to be included in the Forest Utilization License Agreement with Northern Pulp. Associated revenue payments to HRM in 2015-16 and 2016-17 were \$322,743.68 and \$230,695.59 respectively.

**Housing Nova Scotia**

A Province-wide initiative pertaining to capital renewal in public housing buildings may proceed in 2018-2019 that could require additional municipal contributions. Under existing handover agreements, municipalities pay a percentage of losses resulting from the operation of a public housing project. These percentages may differ by agreement, but the average cost-share rate is 12.5%. Should this initiative proceed, municipalities with public housing buildings that are identified for renewal investment in 2018-19 would be responsible for contributing their share of the renewal costs for the building, in alignment with the percentage share outlined in their current handover agreements.

If any of the above content is unclear or should you have any questions regarding the provided information, please do not hesitate to contact the Department for clarification.

Sincerely,



Derek Mombourquette  
Minister

**Rachel Eisenhauer**

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**To:** Sherry Conrad  
**Subject:** RE: Act of Bravery

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**From:** Claudette Garland  
**Sent:** May 25, 2018 3:02 PM  
**To:** Sherry Conrad <[Sherry.Conrad@modl.ca](mailto:Sherry.Conrad@modl.ca)>  
**Subject:** Act of Bravery

Good afternoon Ms. Conrad,

TO: Municipality of the District of Lunenburg Council

FROM: Nominating Committee of Council

RE: Act of Bravery Award

At the Nominating Committee meeting held on May 22, 2018 the following recommendation was made:

“To recommend to Council that Mr. Richard Joudrey be considered for an Act of Bravery Award for his quick response to a choking incident at the New Germany Fireman’s Banquet on April 28, 2018.”

The Municipality’s policy titled Acts of Bravery and Substantial Achievement Awards – MDL-42, states that an individual can be recognized “for their attempt to save the life of another, usually in hazardous circumstances and at great personal risk.”

As per policy MDL-42 the Nominating Committee did receive a letter naming the individual and describing why this person should receive an award and it was signed by two people. Two letters of support were also provided by individuals who were directly affected or involved in what the nominee has done. The letters of support describe the impact of the nominee’s actions.

The nomination of this individual fits the criteria as outlined in the policy and the nomination procedure was followed.

Respectfully submitted,

Councillor Claudette Garland

Chair-Nominating Committee

**Rachel Eisenhauer**

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**From:** Kevin Malloy  
**Subject:** RE: Saw Pit committee recommendations

**Subject:** FW: Saw Pit committee recommendations

Hi,

Below is a recommendation for appointments to the Saw Pit Wharf Committee that will be going forward to Council at the next Council meeting.

In the past, it has been mentioned that some background information on the recommended individuals be provided, especially if there are more applicants than positions to fill. The Saw Pit Wharf Committee had three vacancies. The Committee put out an advertisement for these three positions. They only received two applications. The two applications were reviewed at a meeting and recommended to Council for approval. The Committee agreed not to advertise again for the 3<sup>rd</sup> position. One of the current members whose term was about to expire had agreed to stay on and fill the remaining vacancy. The Board accepted the re-offer and it is reflected in the recommendation below.

If you would like to see the applications submitted, please contact me and they can be forwarded to you in confidence.

Thank you.

Sherry

*Sherry Conrad  
Municipal Clerk  
Municipality of the District of Lunenburg  
210 Aberdeen Road  
Bridgewater, NS B4V 4G8  
902-541-1323 (phone)  
902-543-7123 (fax)*



Clean Energy  
Financing

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**From:** Claudette Garland  
**Sent:** May 22, 2018 1:20 PM  
**To:** Sherry Conrad <[Sherry.Conrad@modl.ca](mailto:Sherry.Conrad@modl.ca)>  
**Cc:** Trudy Payne <[Trudy.Payne@modl.ca](mailto:Trudy.Payne@modl.ca)>  
**Subject:** Saw Pit committee recommendations

Good morning Ms. Conrad,

The Nominating Committee which met on Tuesday May 22, 2018, is making the following recommendations to Council for three upcoming vacant board positions on the Saw Pit Committee. The three recommendations will be, Richard Mosher, Graham Mowbray and to re-appoint Ian Fraser.

Respectfully submitted,

Councillor Claudette Garland  
Chair-Nominating Committee



# Municipality of the District of Lunenburg

210 Aberdeen Road Bridgewater Nova Scotia Canada B4V 4G8  
Phone: 902.541.1325 Fax: 902.527.1135 [www.modl.ca](http://www.modl.ca)

May 24, 2018

To Her Worship, the Mayor and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Planning Advisory Committee (PAC) in session May 24, 2018 made the following recommendation to Municipal Council:

**Unable to make a recommendation on the first reading of the Subdivision By-law and Municipal Planning Strategy, the Planning Advisory Committee refers the matter to Council to find a resolution.**

Respectfully submitted,

Chairman and Members,  
Planning Advisory Committee

/jll

Attachments



# Municipality of the District of Lunenburg

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## REQUEST FOR DECISION

**REPORT TO:** Council

**SUBMITTED BY:** Jeff A. Merrill, MCIP, LPP, Director of Planning & Development Services

**DATE:** June 12, 2018

**RE:** Municipal Planning Strategy and Subdivision By-law Review

**ORIGIN:** (PAC)

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### RECOMMENDATION

Staff recommends that Council bring together a group of stakeholders to discuss a solution to the outstanding issues, being: aggregate amount, aggregate type, and Professional Engineer certifying that the private road was constructed as per the design.

Motion:

**That Council selects option 2 as presented and direct staff and the consultant to hold a stakeholder meeting to discuss the outstanding issues with the draft Subdivision By-law and report back to Council.**

### BACKGROUND

The Planning Advisory Committee (PAC) has held six meetings and has reviewed numerous draft Municipal Planning Strategies and Subdivision By-laws. At the last meeting held May 24<sup>th</sup>, 2018 PAC defeated a motion recommending the May 24<sup>th</sup> draft Municipal Planning Strategy and Subdivision By-law to Council. At an impasse PAC passed a motion to refer the matter to Council to find a resolution.

### DISCUSSION

Council has two options to consider in working towards completing the review.

### **Option 1**

Adopt the proposed Municipal Planning Strategy and Subdivision By-law. This option requires that Council conduct first reading of the documents and set a date and time to hold a public hearing. After the close of the public hearing Council, if they deem it advisable, can conduct second reading and adopt the documents. A public hearing is an opportunity for the public to speak for or against the proposed documents. A public hearing is one last time for Council to hear from the public on the proposed documents. After the close of the public hearing, Council either adopts the documents or rejects the documents. For Council to make any substantial changes to the documents they'd need to conduct first reading again and provide notice of and hold another public hearing.

Before conducting first reading Council should consider the following two options that were discussed at PAC:

- A) Flag Lots: Change the date for the area of land that flag lots can be created from. i.e. Change from January 1, 2017 to the effective date of the Subdivision By-law.
- B) Public Open Space: Revise the draft MPS and Subdivision By-law to give Council the option to take land and/or cash, at the time of subdivision, vs taking cash only.

### **Option 2**

Bring together a group of stakeholders to arrive at a solution for the outstanding issues, being:

- a. Aggregate amount,
- b. Aggregate type, and
- c. Professional Engineer certifying that the private road was constructed to the design.

This option allows for additional consultation from stakeholders but is limited to the outstanding items noted above.

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## **CONCLUSION**

Based on the feedback received during the last six PAC meetings there are 3 main issues outstanding that the Committee has arrived at an impasse on: aggregate amount, type of aggregate and the use of a Professional Engineer to certify the roads construction. Additional stakeholder consultation outside of a regular PAC meeting is recommended in these areas.

There are two other issues that were discussed at PAC that Council should discuss prior to conducting first reading of the draft documents. These are flag lots and public open space land. The flag lot discussion focused around the date used to determine the “area of land” and the number of flag lots permitted to be created. The public open space land issue is Council determining whether to enable the municipality the option to accept public open space land at the point of subdivision approval.

# Memorandum

**Report To:** Council  
**Submitted By:** Ian Watson, Planner, UPLAND Planning + Design  
**Date:** June 12, 2018  
**Re:** Updates to the Municipal Planning Strategy and Subdivision By-law

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## Background

In fall of 2017, Council initiated a process to review the Municipality's Subdivision By-law and associated sections of the Municipal Planning Strategy. This is the first review of the Subdivision By-law in 18 years. Many factors have prompted this review:

- Since the last Subdivision By-law review 18 years ago, the Municipality of the District of Lunenburg has undergone many changes;
- Considerable growth has occurred at the edges of the towns the District surrounds;
- Climate change impacts the viability of public infrastructure;
- There is a growing recognition that the way we design our communities has a direct impact on the health of its residents;
- Private road residents are frustrated with the challenges of maintaining their private road;
- The review of the Subdivision By-law and Infrastructure Design Standards is an opportunity to address current shortcomings and ready the Municipality for the future;
- The Municipality wants to make the Subdivision By-law more user-friendly.

In particular, this review is intended to answer a number of specific questions and address issues with the existing By-law, such as:

- Private Designed Road Standards
  - Safe access for emergency vehicles
  - Construction standards that are easy to maintain and do not lead to undue costs for property owners on Private Designed Roads
  - Development costs that are reasonable and can be absorbed by the local development market
- Public Roads
  - If (and where) the Municipality should consider accepting new Public Roads

- Standards for Public Roads in “urban” contexts
- The sustainability of public infrastructure
- Access exemptions
- Clarity and ease of administration

Addressing these questions and issues has been a step-by-step process with multiple draft versions of the new documents.

## **Planning Advisory Committee Recommendation**

The Planning Advisory Committee (PAC) considered the most recent drafts of the Municipal Planning Strategy and Subdivision By-law at its May 24, 2018 meeting. PAC voted against a proposal to recommend the current drafts to Council; however, PAC was of the opinion that progress on reaching a recommended draft had stalled and agreed to forward the drafts to Council with no formal recommendation, to ask for further direction from Council on the best way to proceed.

## **Consultation**

Consultation has, to date, been an important component of this Subdivision By-law review. These efforts have been guided by an internal “Consultation Strategy”. Consultation has included:

- A development stakeholder focus group (developers, engineers, architects, surveyors, etc.)
- Written input from fire departments
- A private road resident focus group
- Two public open houses
- An online and paper survey
- Public comment as part of each Planning Advisory Committee meeting
- Various written submissions from developers and private road residents

The Consultation Report on the initial consultation efforts can be found on the November 23, 2017 PAC agenda.

## **Planning Advisory Committee**

The Planning Advisory Committee has met extensively over the past seven months to hear summaries of the public consultation, to review various drafts of the Subdivision By-law and Municipal Planning Strategy, to receive public feedback on each draft, and to discuss changes for future drafts. Specifically, PAC discussed the Subdivision By-law review on:

- November 23, 2017
- January 11, 2018
- January 25, 2018
- February 15, 2018
- April 12, 2018
- April 26, 2018
- May 24, 2018

The agendas from each of these meetings provides further, detailed information on the evolution of the drafts, on public feedback, and on key areas of PAC discussion.

## Summary of Proposed Changes

The May 24 drafts of the Subdivision By-law and Municipal Planning Strategy contain a wide range of changes. These have evolved considerably over the past seven months as a result of PAC discussion and from feedback from developers and residents. Many of them are minor changes to improve readability, modernize the documents (*e.g.* provincial department names), and remove typos/errors. However, there are a number of larger changes, summarized here:

### Private Designed Road Standards

The May 24 draft proposes the implementation of design and construction standards for Private Designed Roads. These standards have evolved significantly throughout the drafts in an effort to balance emergency access and road quality with the cost of development. Specifically, the standards include:

- Requiring Private Designed Roads to be on their own lot and constructed within the lot boundaries.
- Allowing a design speed of 40 km/h for Private Designed Roads. This allows for tighter turns and steeper slopes, which enables these roads to better follow the landscape, reducing construction costs and creating a “slow, winding character” for these roads.
- Creating two classes of Private Designed Roads. Rural Laneways (RLW) have a minimum width of 5.5 metres (18 ft.) and serve up to 18 lots. Low Volume Rural Roads (LVR) have a width of 6.6 metres (21.6 ft.) and serve more than 18 lots. These widths allow two-way traffic and safe emergency vehicle access, while minimizing the overall road width for cost purposes and for the “feel” of the neighbourhoods built on these roads.

- Stipulating that drainage is to be designed by the developer’s Engineer. This recognizes site-specific conditions and allows the developer to build a drainage system that most efficiently meets the site’s needs.
- Stipulating that road bed material and thickness is to be designed by the developer’s Engineer. This allows for roadbeds that are tailored to the site conditions, yet will provide a good road that is easier to maintain.
- Allowing extensions to Existing Private Roads, and only requiring them to be upgraded to modern standards if the extension serves more than 18 lots.
- Requiring the Private Designed Road to be constructed as designed.
- Stamping survey plans for lots on Private Designed Roads to notify residents that they are on a private road and public property services (e.g. garbage collection) are not guaranteed.

### Public Roads

Public Roads can be a significant expense to the Municipality that is not always balanced out by the development these roads enable. The May 24 drafts by default do not allow new Public Roads, deeming them “premature” (to comply with the requirements of the *Municipal Government Act*). Instead, they give Council the power to consider any proposal for new Public Roads and to be the final decider on whether a new Public Road is appropriate based on economic considerations and on any other consideration Council thinks is relevant.

### Access Exemptions

Various types of access exemptions exist that allow lots to be created without frontage on a road, with access typically provided by a “driveway” that is not designed or built to any standard. These access exemptions can be useful in specific, unique situations. However, overuse of these exemptions can lead to significant level of subdivision activity served by a driveway. Such subdivision activity on a driveway is generally incompatible with a municipal focus of providing standards for safe emergency access and quality roads for residents, and should be minimized. The May 24 drafts remove a rarely-used exemption related to multi-owner lots, but keeps a general exemption that allows two lots to be created from an area of land with no frontage. The May 24 drafts also limit the number of flag lots (lots with a long, skinny “pole” to gain the required frontage) to three from an area of land. Beyond three lots, the combined “poles” are wide enough to provide a right-of-way for a Private Designed Road.

## **Conclusion**

The Subdivision By-law review is an extensive project with important implications for balancing developments costs, the impacts of development, safe and easy-to-maintain access to developments, municipal sustainability, and the desired form of communities in the Municipality of the District of Lunenburg. The project has, to date, involved extensive public consultation and Planning Advisory Committee discussion on the best way to regulate subdivision activity and access in the future. The project is now at a stage where the Planning Advisory Committee feels further direction is needed from Council on how to move forward.

Amendments to the Municipal Planning Strategy are proposed by deleting text with strikethrough and adding the text in bold.

## MUNICIPALITY OF THE DISTRICT OF LUNENBURG

### MUNICIPAL PLANNING STRATEGY

Approved By Council on ~~May 4, 1999~~ **June XX, 2018**

#### CONSOLIDATED EDITION

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history.

- 1.) Original Adoption                      Municipal Planning Strategy adopted by Municipal Council on ~~May 4, 1999~~ **June XX, 2018**
  
- 2.) ~~Amended, September 11, 2001~~      ~~Amendments to the Public Open Space Requirements (Section 11) to require that a subdivider give to the Municipality 2% of the market value of every new lot created, and to exempt lots around existing buildings, consolidations, additions and remainder lots from this requirement; and housekeeping amendments.~~
  
- 3.) ~~Amended, June 10, 2003~~              ~~Amendments to define "Main Building"; exempt private roads approved as a separate lot from the public open space requirement; and miscellaneous housekeeping amendments.~~
  
- 4.) ~~Amended, May 21, 2007~~              ~~Amendments allow land held in joint tenancy or tenancy in common that does not have frontage on a public highway or private designed road to be subdivided as many times as there are tenants holding title in the area of land, prior to January 1, 2007.~~

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## Attachments

### Map 1: Land Use Control

## **PART 1 OVERVIEW**

### **1.0 INTRODUCTION**

#### **1.1 BACKGROUND**

~~With a population of 25,720 (1991 Census) and an area of 47,311 acres, the Municipality of the District of Lunenburg, hereinafter referred to as Municipality, is the largest of the five municipal units in Lunenburg County. The Municipality surrounds three Towns (Bridgewater, Lunenburg and Mahone Bay), and includes within it one Village (the Village of Hebbville) as well as many smaller communities, thirty one (31) of which have their own volunteer fire departments.~~

~~—————The eastern boundary of the Municipality is within 80 kilometres (45 minutes drive) of Halifax City, a major urban centre which provides shopping and other consumer services, as well as major employment opportunities. The Town of Bridgewater is a regional centre which also provides a wide range of services and opportunities.~~

~~—————The ocean shore of the Municipality includes part of Mahone Bay, all of Lunenburg Bay, the LaHave River estuary, and open shoreline to the mouth of Medway Harbour. In addition to the fishing port of Lunenburg and the lumber shipping terminal at Bridgewater, this coast has been a favourite yachting and vacation area for a hundred years, and parts are increasingly built up as permanent residential areas for retirees and commuters. The shores of the dozens of lakes in the Municipality are also favoured for vacation homes and are in demand as permanent dwelling places.~~

~~—————Only 32.7% of the workforce in the Municipality works within the Municipality, the other 67.3% commuting into the Towns, to Halifax, or to adjacent municipal districts. From an analysis of population and income statistics in 1989, the Joint Consultative Committee also concluded that:~~

~~—————"First, it would appear that there is a growing number of people of working age who live in or are moving into the County but work in Halifax..." Second, there are a small, but growing, number of people moving from urban areas outside the Province and becoming self-employed in the County. Third, there is an increasing number of people of independent means who are moving to the County to retire or to locate summer homes for recreation or retirement".~~

~~—————These changes have produced a population growth of 39.7% during the 1961—1991 period (2.1% over 1986-1991), making the Municipality the fourth fastest growing of the sixty six municipal units in the province.~~

— These changes create opportunities for conflicts between land uses, and increase the demand for public services.

The Municipality of the District of Lunenburg (MODL) is one of five municipal units found in Lunenburg County, Nova Scotia. The Municipality was first incorporated as a separate political entity with the concurrent incorporation of the District of Chester in 1879. The County itself was first established in 1759. Covering an area of approximately 1,760 square kilometres, the Municipality surrounds the three towns of Bridgewater, Mahone Bay and the Town of Lunenburg.

The Municipality consists of over 130 established communities, many of which date from the period of European settlement in the eighteenth and nineteenth centuries. Initial settlement created a dispersed community pattern, with many north-south roadways, reflecting the significantly higher degree of private land that was originally granted in Lunenburg County than can be found in other parts of Nova Scotia.

The 2016 Statistics Canada Census population for MODL was 24,863. Population decline for the Municipality has occurred in the last four census periods. Within the Municipality, there are identified areas of more recent population growth, with new subdivision and building occurring more intensively, while other communities are facing notable decline, specifically with a diminishment in average household sizes.

**Population: 1991 to 2016 (taken from various Statistics Canada Censuses)**

	1991	1996	2001	2006	2011	2016
Municipality	25,684	25,949	25,570	25,160	25,138	24,863
County	47,630	47,560	47,595	47,150	47,310	47,126
Province	899,945	909,280	908,005	913,465	921,725	923,598
Canada	27.2M	28.8M	30.0M	31.6M	33.4M	35.1M

Coupled with the evident stagnation in local population growth, the shift in local age demographics has also shaped the Municipality’s development in the last two decades. Such shifts alter individual perspectives on both the use and type of services that a Municipality offers to residents.

**Age: 1991 & 2016, Municipality & Nova Scotia Comparisons, Percentages**

Municipality		Age Range	Nova Scotia	
1991	2016		1991	2016
26%	17%	0-19	28%	20%
30%	17%	20-39	33%	23%
29%	42%	40-64	26%	37%
15%	24%	65+	13%	20%

**The Municipality's proximity to the Halifax Regional Municipality, which has acted as the employment and population growth centre for the province for the last two decades, has also had consequences on the Municipality's development. Where there has been a long history of interaction between the Towns the Municipality surrounds, in terms of employment and services, communities on the South Shore have increasingly identified where, as a region, local communities have been impacted by Halifax's predominance and economic growth. Continued change resulting from broader technological, cultural, and economic transitions in society are anticipated to bring opportunities and challenges.**

## **1.2 AUTHORITY AND SCOPE**

The *Municipal Government Act* allows Council to adopt a Municipal Planning Strategy which sets out Council's policies for governing the Municipality. The Municipal Government Act also specifies how Council adopts or amends a Municipal Planning Strategy and how to present it for the review of the Director of Planning for Municipal Affairs.

Section 212 of the *Municipal Government Act* allows Council to adopt a Municipal Planning Strategy for all or for part of the Municipality. The Strategy can address problems and opportunities in the development of land, as well as the environmental, social and fiscal effects of developments. It can also establish programs for putting policies into effect.

Sections 213 and 214 of the Act allows a Municipal Planning Strategy to include policy statements on matters such as:

- a) the goals and objectives of the Municipality;
- b) the improvement of the physical and social environment;
- c) the use, protection, and development of lands;
- d) the protection of pits, quarries, and aggregate deposits;
- e) the provision of municipal services and facilities;
- f) environmental protection;
- g) municipal finances;
- h) land subdivision;
- i) use and conservation of energy;
- j) public involvement in planning;
- k) stormwater management and erosion control
- l) municipal investment in public and private development
- k) any other matter related to the physical, social, or economic environment of the Municipality.

Council's policies on these matters can be put into effect through resolutions of Council or through a wide range of municipal by-laws. The *Municipal Government Act* specifically enables Council to adopt two by-laws

which have special relationships with the Municipal Planning Strategy: the Land Use By-law and the Subdivision By-law. Under Section 210 of the *Municipal Government Act* a Land Use By-law cannot be adopted or amended contrary to the policies stated in the Municipal Planning Strategy. Under Section 271(2) of the *Municipal Government Act*, a Subdivision By-law can not conflict with the Provincial Subdivision Regulations and may address some topics only if the Municipal Planning Strategy has policies to support the by-law. Council has adopted ~~six~~-seven Land Use By-laws applying to various parts of the Municipality, and a Subdivision By-law applying to the whole of the Municipality.

## **2.0      PURPOSE AND STRUCTURE**

### **2.1      PURPOSE**

The following policies express Council's purposes in adopting this Municipal Planning Strategy:

2.1.1            This Municipal Planning Strategy provides a framework and a process to accommodate change in development, land use, and division of land in the Municipality.

2.1.2            This Municipal Planning Strategy applies to the whole of the Municipality and expresses those policies of Council which apply to the whole of the Municipality.

### **2.2      STRUCTURE**

2.2.1            This Municipal Planning Strategy applies to the whole of the Municipality, which is an area of land shown specifically on Map 1, the Land Use Control Map.

2.2.2            This Municipal Planning Strategy is a primary policy document through which the future growth and development of the Municipality will be encouraged, guided and controlled.

2.2.3            The Maps referred to in the various policies of this Municipal Planning Strategy form part of the Municipal Planning Strategy.

2.2.4            Throughout this Municipal Planning Strategy, the Subdivision By-law, and Land Use By-laws, the metric measurement system is used to show the required standards. Imperial measurements are approximate only and are inserted only for convenience.

### 3.0 ADMINISTRATION

The Municipal Planning Strategy is adopted under the authority of the *Municipal Government Act*. It governs the subdivision of land and the use of land within the boundaries of the Municipality. The Planning Strategy expresses Council's intentions and policies. The Subdivision By-law and Land Use By-laws provide the detailed requirements and rules which carry out the intent of the Planning Strategy. Amendments to the Subdivision By-law and to the Municipal Planning Strategy follow the same procedure and any amendment may require the approval of the Minister of Municipal Affairs. Council may amend a Land Use By-law provided the amendment conforms with the policies in the Municipal Planning Strategy.

Council's specific policies for administration of the Municipal Planning Strategy, the Subdivision By-law and Land Use By-laws are:

- 3.1 When considering amendments to the Subdivision By-law or to Land Use By-laws, the Council shall consider the following:
- a) that the proposal conforms to the intent of the Municipal Planning Strategy; and
  - b) that the proposal conforms to all applicable requirements of all municipal by-laws and the Provincial Subdivision Regulations.
- 3.2 A Public Participation Program shall be held prior to any proposed amendment to the Municipal Planning Strategy, to the Subdivision By-law, or to a Land Use By-law as well as in conjunction with the ~~five~~ ten-year review of the Municipal Planning Strategy, and the purpose of the Public Participation Program shall be to hear the opinions of the public.
- 3.3 The Municipal Engineer appointed by Council shall be responsible for the review and approval of all engineering drawings and proposals for all municipal services, including proposals for central sewer and central water systems. Furthermore, the Municipal Engineer shall be responsible for the review and approval of all engineering drawings and proposals for **private** designed roads.
- 3.5 Amendment of this Planning Strategy shall be required where any policy expressed in the Planning Strategy is to be changed or where any amendment to a Subdivision By-law or a Land Use By-law would be in conflict with the policies expressed in this Planning Strategy.
- 3.6 This Municipal Planning Strategy and any subsequent amendments shall be reviewed as required by the *Municipal Government Act*, when requested by the Minister of Municipal Affairs, or when deemed advisable by Municipal Council, but in any case, not later than ~~five~~ ~~(5)~~ ten years from the date of its coming into force and effect.

## **PART 2 LAND USE CONTROL**

### **4.0 POWERS AND HISTORY**

#### **4.1 POWERS**

Although a Municipal Planning Strategy may state policies which are carried out through resolutions of Council or through by-laws other than the Land Use By-Law, the Land Use By-Law has a special relationship with the Municipal Planning Strategy. Section 210 of the Act forbids Council from adopting or amending a Land Use By-Law contrary to the policies stated in the Municipal Planning Strategy.

Sections 220 to 224 of the Act detail specific aspects of land use which a municipality can regulate through a Land Use By-Law. They include such things as:

- 1) creating zones together with lists of structures and land uses permitted or prohibited in each zone;
- 2) lot frontage, area, yard requirements and density;
- 3) location, height, floor area, and external appearance of structures;
- 4) population density;
- 5) the nature, kind, size and description of advertising;
- 6) fences, walks, landscaping and outdoor lighting;
- 7) the excavation or filling in of land;
- 8) development near watercourses, or on unstable ground, or adjacent to pits and quarries;
- 9) parking requirements; and
- 10) temporary developments.

Where there is a Land Use By-Law in effect Section 244 of the Act states that a Municipal Development Permit is required for any development, but also allows the by-law to specifically exempt some developments from this requirement.

#### **4.2 HISTORY**

Council considered the possibility of regional planning in the middle 1970s, and rejected a proposal for land use control in the Village of Hebbville in 1977 after a lively public debate. Similar proposals for detailed land use control in other communities have resulted in similar lively public debates. Because of these experiences, Council has been unwilling to consider land use control under the authority of the *Municipal Government Act* unless a community requests such zoning.

Those communities which are subject to Planning Strategies and Land Use By-laws are discussed in Part 4, Secondary Planning Strategies.

## **5.0 INTENT AND METHOD**

### **5.1 INTENT**

The following policies express Council's intentions for the control of land use within the Municipality.

- 5.1.1 It is the policy of Council to refrain from imposing land use control through a Land Use By-law on any part of the Municipality unless a community specifically requests Council to adopt a Land Use By-law for that community.
- 5.1.2 Notwithstanding Policy 5.1.1, Council may prepare a Secondary Planning Strategy and a Land Use By-law on its own initiative where Council deems that such land use control is in the best interests of the community and of the Municipality.

### **5.2 METHOD**

Where Council wishes to regulate land use in accordance with Policy 5.1.1 or Policy 5.1.2, Council can do so only by adopting a Land Use By-law. As discussed in Subsection 4.1 above, these Land Use By-laws must conform with policies set out in a Municipal Planning Strategy. Policy 2.1.2 states that this Municipal Planning Strategy applies to the whole Municipality and so any land use by-laws must conform to the policies of this Municipal Planning Strategy.

The *Municipal Government Act* provides in Section 212 for Council to adopt Secondary Planning Strategies which form part of this Municipal Planning Strategy and which apply to specific areas of the Municipality. These Secondary Planning Strategies are discussed in Part 4, Section 12.0 (below) of this Municipal Planning Strategy, and will express Council's specific policies regarding land use control in specific areas of the Municipality.

- 5.2.1 It is the policy of Council to consider adopting a Secondary Planning Strategy and a Land Use By-law for the purpose of regulating land use in accordance with Policy 5.1.1 or Policy 5.1.2.

## **PART 3 SUBDIVISION CONTROL**

### **6.0 POWERS AND HISTORY**

#### **6.1 POWERS**

This Municipal Planning Strategy sets out Council's policies on the subdivision of land, in support of the Municipal Subdivision By-law.

The *Municipal Government Act* defines "Subdivision" in Section 191, Clause (q):

"'subdivision' means the division of any area of land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels."

Subsection 268(2) of the *Municipal Government Act* reduces the impact of this definition by listing ~~ten~~ ways of dividing land which the Act specifically does not affect. ~~These~~ **The following** divisions of land do not require approval by a Municipal Development Officer under a Municipal Subdivision By-law:

- (a) where all lots to be created, including the remainder lot, exceed ten hectares in area;**
- (b) resulting from an expropriation;**
- (c) resulting from an acquisition or disposition of land by Her Majesty the Queen in right of the Province or in right of Canada or by an agency of Her Majesty;**
- (d) of a cemetery into burial lots;**
- (e) resulting from an acquisition of land by a municipality for municipal purposes;**
- (ea) resulting from an acquisition of land by a village for village purposes;**
- (f) resulting from the disposal, by a municipality or Her Majesty the Queen in right of the Province, of a street or part of a street or a former street or part of a former street, including the consolidation of a street or part of a street or a former street or part of a former street with adjacent land;**
- (fa) resulting from the disposal of a trail or part of a trail, including the consolidation of a trail or part of a trail with adjacent land;**
- (g) of an abandoned railway right of way;**
- (h) that is a consolidation of a part of an abandoned railway right of way with adjacent land;**
- (i) resulting from a lease of land for twenty years or less, including any renewal provisions of the lease;**
- (ia) resulting from the acceptance for registration by the Registrar of Condominiums of a phase of a phased development condominium that meets the requirements, if any, prescribed by the regulations made pursuant to the *Condominium Act*;**
- (ib) resulting from the quieting of a title; and**
- (j) resulting from a devise of land by will executed on or before January 1, 2000.**

- ~~1. Division of property by a will, executed on or before January 1, 2000~~
- ~~2. Expropriation~~
- ~~3. Any acquisition by the Crown~~
- ~~4. Internal division of a cemetery~~
- ~~5. Selling of Public Streets by a municipality~~
- ~~6. Acquisition of land by a municipality for municipal purposes~~
- ~~7. Public Open Space under a Subdivision By law~~
- ~~8. Division of abandoned railway rights of way, including consolidation with adjacent properties~~
- ~~9. Leases of less than twenty years~~
- ~~10. Divisions in which all lots are larger than 25 acres~~

The *Municipal Government Act* further restricts the powers of a Municipality's Subdivision By-law at Section 271(2), by requiring the by-law to include all applicable parts of the Provincial Subdivision Regulations. These may not be relaxed unless a Municipal Planning Strategy explains the relaxation. Relaxing the requirements is greatly restricted by Section 208(3) which allows the Minister of Municipal Affairs to refuse approval of a Municipal Planning Strategy if it conflicts with any provincial interest. The current thought of the Department of Municipal Affairs is that the Provincial Subdivision Regulations express provincial interests and no relaxation of requirements will be permitted without background studies to show that those interests are protected and to support Municipal Planning Strategy policy statements.

Section 271(2) of the *Municipal Government Act* also allows Council to impose requirements which are more restrictive than the Provincial Subdivision Regulations. The use of this provision is also limited by the Minister's obligation to protect Provincial interests as expressed in the Provincial Subdivision Regulations and the Provincial Statements of Interest.

Other subsections of Section 271 list matters of Municipal interest which are not addressed by the Provincial Subdivision Regulations but may be addressed in a Municipal Subdivision By-law:

1. Public Street construction standards
2. Construction standards for private roads in a rural municipality
3. Standards for water mains, sanitary sewer, storm drainage and other utilities
4. Public Open Space for recreation purposes
5. Limits on the number of lots subdivided in one year from any property
6. Fees for review and approval of plans
7. Access to lots
8. Shapes of lots (including frontage and area)
9. Concept Plans

10. Transportation Reserves
11. Development on roads
12. Infrastructure Charges

The inevitable conclusion is in four parts: (1) that a Municipal Subdivision By-law must conform with the minimum requirements of the Provincial Subdivision Regulations regarding lot sizes, lot access, contents of a plan, and the procedure to be followed in approving a plan; (2) that the Municipal Planning Strategy and Subdivision By-law can be more restrictive than the Provincial Regulations; (3) that the Strategy and By-law can address subjects of Municipal interest such as recreation space and sewer, water, or road construction; and (4) that the Strategy and By-law can be less stringent than Provincial Subdivision Regulations only if they do not conflict with Provincial Interests.

## **6.2 HISTORY**

The Minister of Municipal Affairs first prescribed Subdivision Regulations for the Municipality on 5 March, 1975 and soon afterward the Municipal Council adopted a Subdivision By-law which became law on 19 December, 1975. From that time, all subdivisions of land in the Municipality required the approval of the Municipal Development Officer.

From the time the former *Planning Act* was amended in 1987, every subdivision of land in the province has required approval. The Provincial Subdivision Regulations applied where there was no Municipal Subdivision By-law.

The *Municipal Government Act* stipulates that in those municipal units in which there is no Subdivision By-law, the Provincial Subdivision Regulations shall become the Subdivision By-law for these municipal units. Thus, under the *Municipal Government Act* subdivision controls are mandatory for all municipal units.

**Since Municipal Council first adopted a Subdivision By-law in 1975 the construction and design requirements for private road design and construction have seen numerous changes.**

**The Subdivision By-law during the period of 1975-1993 enabled the creation of cottage lots on private “designed” roads. Cottage Subdivisions implied that the lots were to be used for seasonal or periodic occupancy. The Subdivision By-law enabled the creation of 10 lots on a private “designed” road, without the requirement that the designed road be constructed. Upon creation of the 11<sup>th</sup> lot, the road had to be constructed to the designed road construction standards of the Subdivision By-law for cottage subdivision roads.**

**In 1993, Municipal Council repealed the 1975 Subdivision By-law and adopted a new Subdivision By-law. The 1993 Subdivision By-law enabled the creation of lots on private “designed” roads, regardless of whether the intended occupancy of the lot was permanent or seasonal. The Subdivision By-law further exempted the**

developer from a requirement to construct the road if six or fewer lots were created on a private “designed” road. Upon the creation of the seventh lot, the developer was required to construct the road to the private “designed” road construction standards of the Subdivision By-law.

In 1997 Municipal Council amended the Subdivision By-law to remove the construction standards for private “designed” roads. The result was that private “designed” roads were no longer required to be constructed.

In the late 1998 the former Nova Scotia *Planning Act* was replaced with the *Municipal Government Act*.

In 1999 Municipal Council updated the Subdivision By-law by repealing and replacing the previous version.

During the period from 2001 to 2004 Municipal Council conducted a review of both public and private “designed” road design standards. Although private “designed” road construction standards were proposed, Council did not implement private “designed” road construction standards. Private “designed” roads were required to be designed but not constructed to the design.

Private roads are sometimes difficult to maintain. The greater the number of lots using the roadbed, the greater the traffic and increased numbers of people who must be persuaded to share the maintenance costs.

Since the last review, the Municipality has received feedback from residents on private roads who are frustrated with the challenges of maintaining their private road. Identified challenges include the construction quality of private roads; maintenance costs associated with private roads; and residents being unaware of the potential issues associated with living on a private road.

With the adaption of the Subdivision By-law in 2018, Municipal Council has approved new design, construction and inspection requirements for public and private designed roads. These new road standards respond to feedback by private road residents and emergency response providers and reflect Council’s desire to ensure adequate access by implementing road construction standards.

## **7.0 INTENT AND METHOD**

### **7.1 INTENT**

The following policies express Council's intentions in adopting this Municipal Planning Strategy for the subdivision of land:

- 7.1.1 This Municipal Planning Strategy provides a background and a rationale for the control of subdivision of lands in the Municipality, expressing Council's intentions for such control.
- 7.1.2 It is the intention of Council to control the subdivision of land in an orderly manner so as to: protect public health by promoting proper sewage disposal; promote public safety and cost-efficiency in the construction and use of new roads; ensure that new municipal services are constructed and maintained at minimum cost to the municipality; and provide essential information about land ownership within the municipality.

### **7.2 METHOD**

To carry out the intentions and purposes set out in Subsection 7.1 above, Council has adopted this Municipal Planning Strategy according to the following policies:

- 7.2.1 The Subdivision By-law applies to the whole of the Municipality, including any areas affected by a Secondary Planning Strategy.
- 7.2.2 This Municipal Planning Strategy is the policy document through which the subdivision of lands shall be guided and controlled.
- 7.2.3 The Subdivision By-law provides the principle means for control of land subdivision through which the intent of this Municipal Planning Strategy is put into effect.
- 7.2.4 The Development Officer of the Municipality appointed under the authority of the *Municipal Government Act* shall be responsible for the administration of the Subdivision By-law and shall issue or refuse subdivision approvals.
- 7.2.5 The Subdivision By-law regulates the subdivision of lands within the Municipal boundaries so as to ensure:
  - a) that such subdivisions of land conform with any applicable requirements of any applicable Land Use By-law for minimum lot area and lot frontage;

- b) where there is no Land Use By-law and no central sewer system, that such subdivisions of land provide an adequate lot size for on-site sewage disposal while providing flexibility for the creation of very small lots where on-site sewage disposal is not required;
- c) where there is no Land Use By-law but lots are served by a central sewer system, that such subdivisions of land provide an adequate lot size for ordinary residential purposes;
- d) that such subdivisions of land provide for safe, adequate access from the Public **Highway Road** network to each approved lot;
- e) that any central sewer systems and central water systems are properly designed and constructed, as well as connected to existing municipal systems where possible;
- f) that provisions are made for the contribution of cash in lieu of land for parks, playgrounds and similar public purposes;
- g) that surveyors' plans of subdivision showing such subdivisions are approved and filed at the Registry of Deeds;
- h) that where a plan of subdivision involves the addition or consolidation of parcels or areas of land the deeds to effect the addition or consolidation, along with the approved plan, are filed at the Registry of Deeds.
- i) that sufficient information is shown on such surveyors' plans of subdivision to conform with the applicable requirements of the *Municipal Government Act* and the Provincial Subdivision Regulations as well as to enable evaluation of the proposal;
- j) that engineering drawings are prepared by qualified persons and filed with the Municipal Engineer to show the construction details of any new central sewer or water services and of any new **Municipal Public Highways Roads and Private Designed Roads**, ~~as well as the engineering design of any new private roads; and~~
- k) that the Municipal Engineer shall inspect the construction of any new central sewer or water services and of any new Public Roads;**
- l) that a Private Engineer shall inspect the construction of any new Private Designed Road; and**

↳m) that consistent procedures are followed in the review and approval of such plans so as to conform with the requirements of the Municipal Government Act and the Provincial Subdivision Regulations.

## **8.0 PROCEDURE, LOT SIZE AND LOT ACCESS**

### **8.1 PROVINCIAL SUBDIVISION REGULATIONS**

As explained in Subsection 6.1 above, the Municipality must include in the Subdivision By-law all the crucial parts of the Provincial Subdivision Regulations as they are at the time the By-law is adopted. These parts govern the contents of subdivision plans and the procedure used in processing them, access to lots, and lot sizes. Where the Minister allows the Municipality to be stricter or less strict than these requirements, the variation is explained in this section of the Municipal Planning Strategy.

In the administration of regulations as complicated as the Subdivision Regulations there is always a need to interpret the meaning of various sections in order to guide the Development Officer in specific situations. Where the Municipality has adopted the exact wording of the Provincial Subdivision Regulations it is generally in the interests of developers, surveyors and lawyers to have consistent administration from one jurisdiction to another. In order to provide this consistency, Council must allow its Development Officer to follow the lead of the Department of Municipal Affairs in interpreting those parts of the By-law which directly copy the Provincial Subdivision Regulations.

In view of these considerations, Council has adopted the following policies:

- 8.1.1 To adopt a Subdivision By-law which is not inconsistent with the Provincial Subdivision Regulations and further, to include in the Subdivision By-law any provisions of the Provincial Subdivision Regulations which are applicable to the Municipality.
- 8.1.2 To be guided by any interpretation by the Department of Municipal Affairs of all provisions of the Provincial Subdivision Regulations which are directly incorporated into the Subdivision By-law.

### **8.2 PROCEDURE AND INFORMATION**

The compulsory procedures for reviewing and approving a subdivision plan are set out in the *Municipal Government Act* and the Provincial Subdivision Regulations. The Regulations also specify what information must be shown on or accompany a subdivision plan. Although these are incorporated into the Subdivision By-law, Council has additional requirements as set out in the following policies:

- 8.2.1 To allow subdivided land to be easily and accurately shown on maps, to require the subdivision plan to show the bearing and distance from the subdivided land to a Nova Scotia ~~Co-ordinate Monument~~ **High Precision Network Monument or Nova Scotia Co-ordinate Referencing System Monument** wherever possible, or in lieu of Monument ties, measurements to features which are defined on existing mapping.

8.2.2 In order to ensure efficient street networks, adequate storm water management measures, adequate layout of public open space and the suitability of subdivision for on-site or central services to require in the Subdivision By-law, that where new streets or roads are proposed, the subdivider be required to submit a Concept Plan. Furthermore, to specify in the Subdivision By-law the contents necessary in order to evaluate street networks, stormwater management, layout of public open space, and suitability of site for on-site or central services.

The Provincial Subdivision Regulations require, amongst other things, that Concept Plans show the estimated lot yield figure, based on zoning requirements or requirements of [the Department of Environment Nova Scotia Environment](#), and that a concept plan be evaluated in terms of any proposed community and commercial uses. Council feels that these items are necessary only in areas with larger developments, as opposed to the Municipality. In addition, most of the municipality does not have any zoning regulations and as such, for the majority of the subdivisions there would be no requirements upon which to evaluate commercial or community uses. It is for this reason that the Subdivision By-law is less stringent than the provincial subdivision regulations with regards to the required contents of Concept Plans, as indicated in the following policy of Council.

8.2.3 Due to sparsely zoned areas in the Municipality and the relatively small scale, low density residential nature of development in the municipality it is Council's policy not require Concept plans to show the estimated lot yield or to be evaluated based upon a proposed commercial or community use.

### 8.3 LOT SIZE

Minimum lot sizes for on-site sewage disposal by septic tank and disposal field are set by ~~the~~ Nova Scotia Environment's ~~Department of Environment's~~ "On-Site Sewage Disposal Systems Regulations". The Provincial Subdivision Regulations do not have a minimum lot area requirement, but rather rely on the results of an assessment conducted by ~~the Department of Environment~~ Nova Scotia Environment to set the minimum lot area. In those areas in which a Land Use By-law exists that contain minimum lot area requirements, a lot being created must satisfy the more stringent requirement.

The Provincial Subdivision Regulations further require that in areas not served by a central sewer, all plans of subdivision shall be forwarded to ~~the Department of Environment~~ Nova Scotia Environment to determine compliance with the 'On-Site Sewage Disposal Systems Regulations'. This requirement is waived, however, when the lot is in excess of 9000 square metres (~~96,878.4 square feet~~); has a width of 75 metres (~~246.1 feet~~) or more; and, the applicant has certified that the lot is being created for a purpose which does not require an on-site sewage disposal system.

Council has experienced considerable difficulty over the years with "remainder lots", defined as "a lot for which subdivision approval is not requested or granted, but which results from the approval of lots shown on a plan of subdivision". Because these lots are not required to satisfy one or another of the By-law requirements (in particular the survey requirement) they are often created with an area, width or frontage which renders them unsuitable for on-site sewage disposal. Council sees a definite need to have these lots assessed for the suitability to install/construct an on-site sewage disposal system. This assessment is difficult when boundaries are not clearly defined. ~~The Department of Environments~~ Nova Scotia Environment's 'On-Site Sewage Disposal Systems Regulations' require that any lot less than 9000 square metres (~~96,878.4 square feet~~) is required to be assessed for the suitability of the lot for the installation / construction of an on-site sewage disposal system. ~~The Department of Environment~~ Nova Scotia Environment advises that lots in excess of this are usually capable of supporting an on-site sewage disposal system. Council will, therefore, require all new lots under that size threshold to be surveyed, shown on a plan of subdivision, approved by the Development Officer and approved by ~~the Department of Environment~~ Nova Scotia Environment as complying with the 'On-Site Sewage Disposal Systems Regulations'. This is intended to provide more useful information to the subdivider as well as subsequent purchasers of the land.

Where there is a central sewer system the minimum lot area will continue to be the standard established in the Municipal Subdivision By-law in 1975.

In most other respects, the Subdivision By-law follows the provisions of the Provincial Subdivision Regulations in accordance Policy 8.1.1 above.

To carry out these intentions, Council adopts the following policies:

- 8.3.1 In conformity with the Provincial Subdivision Regulations, to require plans of subdivision to be forwarded to ~~the Department of Environment~~ **Nova Scotia Environment** to determine if the lots shown comply with the 'On-Site Sewage Disposal Systems Regulations.
- 8.3.2 To waive the requirements of Policy 8.3.1 where
- a) the proposed lot:
    - i) has an area in excess of 9000 square metres (~~96,878.4 square feet~~),
    - ii) has a width of 75 metres (~~246.1 feet~~) or more, and
    - iii) is to be used for a purpose which does not require an on-site sewage disposal system,  
or
  - b) the proposed lot:
    - i) is served by a central sewer system and has the minimum lot area established in the Subdivision By-law, for lots served by a Central Sewer System.
- 8.3.3 In conformity with the Provincial Subdivision Regulations, to require all lots approved by the Development Officer on a Plan of Subdivision to be surveyed.
- 8.3.4 In addition to the requirements of the Provincial Subdivision Regulations, to require all new lots of less than 9000 square metres (~~96,878.4 sq. ft.~~) area to be surveyed, and approved by the Development Officer, pursuant to Policy 8.3.1 and Policy 8.3.2.
- 8.3.5 To waive the requirements of Policies 8.3.3 where lot boundaries are being altered and no new lots are being created.

## 8.4 LOT ACCESS

The Provincial Subdivision Regulations require that lots must abut a public highway; a right-of-way at least 20 metres (~~66 feet~~) wide; or a lesser width permitted by a Subdivision By-law; or an existing right-of-way which has been listed on a schedule in the Subdivision By-law (Schedule `B'). There is also a provision for lots on an island and a provision for one division of any existing lot without any specific access requirement.

Although Policies 8.1.1 and 8.1.2 express Council's acceptance of this general arrangement, there are two road issues of concern to Council: ~~Municipal Public Highways~~ **Roads** and ~~private roads~~ **Private Designed Roads**.

~~Although Council does not wish to restrict the creation of Public Highways which are owned and maintained by the Municipality, Council has adopted, as a Schedule to the Subdivision By law, design and construction standards for new Municipal Public Highways. More specifically, Council has adopted design and construction standards for new Municipal Public Highways based upon a three tiered road system of low volume rural, rural local undivided and rural collector undivided roads.~~

**Prior to 1995, new public roads in subdivisions were the responsibility of the Province. However, with servicing adjustments in 1995, new public roads became the responsibility of municipalities. Now, whenever a public road is built, it is turned over to the Municipality to maintain. In 2018, Council conducted a review of the Municipal Public Roads built since 1995 in the Municipality and determined that many of them cost more to maintain than the property taxes collected from the properties they serve. Council, therefore, feels that it is premature to allow the development of any new Public Roads without careful consideration of whether that new Public Road is economically sustainable. Council will only consider new Public Roads on a case-by-case basis through amendments to the Subdivision By-law.**

**To ensure consistent design and construction quality for the creation of new roads in the Municipality as well as proper emergency vehicle access, Council has adopted Municipal Road Design and Construction Standards. These standards are based on a five-tiered road class designation system and recognize the different functions of roads in urban and rural contexts. The Municipal Road Design and Construction Standards recognize the challenges of building roads in the Municipality due to the topography in the area and therefore allow for a lower design speed road option for Private Designed Roads. In response to the challenges with topography, the Subdivision By-law also enables a limited number of flag lots and access exemption lots.**

~~These Municipal Public Highways~~ **New Public Roads** are to be constructed and conveyed to the Municipality prior to subdivision approval for any lots serviced by the ~~Municipal Public Highway~~ **Public Road**. Alternatively, Council may enter into an agreement with the subdivider, which guarantees construction of a ~~Municipal Public Highway~~ **Public Road**, and subdivision approval may be granted prior to construction provided

that the agreement is backed by an appropriate bond or other security acceptable to Council. This agreement will also clearly define the subdividers responsibilities for the work to be completed.

**New Private Designed Roads shall conform to the design and construction standards of the Subdivision By-law.**

Private roads are sometimes ~~a problem~~**challenging** to maintain. The greater the number of lots using the roadbed, the greater the ~~problem~~**challenge**, with increased traffic and increased numbers of people who must be persuaded to share the maintenance costs. These ~~problems~~**challenges** are sometimes solved ~~through the Streets Improvement By-law. This allows the~~ **by the** Municipality, upon petition by lot owners, to build the road to the required Municipal standard and recover the costs from the landowners abutting the road by means of an area rate. In order to facilitate the construction of a Public **Highway Road** at any future time, Council will require the Subdivider to design the **Private Road** with a right-of-way width, ~~alignment~~ and drainage that satisfies the ~~Municipal Public Highway standards~~ **Municipal Road Design and Construction Standards** of the Subdivision By-law.

In addition to road issues, another concern of Council is lots with no frontage. Council is aware of the provision within the Provincial Subdivision Regulations which allows for a lot with no frontage to be created within an area of land as it existed on August 1, 1987, and two lots with no frontage out of an area of land that does not meet the frontage requirements of the Subdivision By-law. However, it is Council's opinion that this provision discourages development and therefore, will enable one lot with no frontage to be created out of an area of land as it existed on December 30, 1994, and two lots with no frontage to be created out of an area of land which does not meet the frontage requirements of the Subdivision By-law.

~~Council is also aware of difficult situations in which land cannot be subdivided under the Provincial Subdivision Regulations because of inadequate access. Council is prepared to provide relief from the strict access requirements where a division of property would resolve problems of joint tenancy or tenancy in common. [Amended May 21, 2007]~~

These concerns give rise to the following policies:

- 8.4.1 Where the Subdivision By-law enables lots to be approved with frontage on a right-of-way 15.2 metres (~~50 feet~~) wide, to require such rights-of-way to be acceptable to the Municipal Engineer as having sufficient width, ~~alignment~~ and drainage provisions to satisfy ~~the Municipal Public Highway specifications~~ **Municipal Road Design And Construction Standards** of the Subdivision By-law, in order to facilitate construction of a **Public Highway Road** at any future time.
- 8.4.2 To enable the division of land into lots which do not have frontage on a Public **Highway Road** provided that such lots have frontage on any private right-of-way which is indexed on Schedule "B" of the Subdivision By-law.

8.4.3 To consider proposals for indexing private rights-of-way on Schedule "B" of the Subdivision By-law provided Council is satisfied that:

- a) the existing road is constructed within a right-of-way which was being used to provide access to three or more developed lots prior to 19 December, 1975;
- b) the right-of-way intersects with a ~~public highway~~ **Public Road**, and the intersection point has been approved by the authority having jurisdiction over the ~~Public Highway~~ **Public Road**;
- c) the minimum width of the right-of-way was on 19 December, 1975, and is at the time of indexing, 7.62 metres (~~25 feet~~);
- d) the length of the right-of-way to be included in the schedule does not extend beyond the last existing residential use;
- e) the road and the right-of-way are shown on a survey plan prepared by a licensed Nova Scotia Land Surveyor, unless Council is satisfied that existing surveys are sufficient to determine the exact location of the right-of-way;
- f) the road within the right-of-way is soundly constructed on a stable base, with a gravel or asphalt surface, well-drained by means of ditches, culverts or storm sewers as appropriate so that it is capable of carrying the anticipated traffic load;
- g) it is not feasible to provide a ~~public highway~~ **Public Road** to serve the proposed lots and it is not feasible to provide a right-of-way with a minimum width of 15.2 metres (~~50 feet~~).

8.4.4 To include in the subdivision by-law standards for design and construction of ~~Municipal Public Highways~~ **Public Roads and Private Designed Roads**.

8.4.5 To enable the approval of a final plan of subdivision prior to construction of the required ~~Municipal Public Highway~~ **Public Roads and Private Designed Roads** where:

- (a) the developer has entered into an agreement, which is satisfactory to Council, to carry out and complete the required work within a period of time as specified in the agreement; and
- (b) the developer has posted a performance bond or other security acceptable to Council, and

- (c) the agreement provides that the developer may receive subdivision approval for lots after posting the performance bond or other acceptable security, but prior to construction of the proposed ~~Municipal Public Highway~~ **Public Roads and Private Designed Roads**; and
- (d) the agreement provides for the conveyance of all road rights-of-ways and road beds necessary to the operation of the ~~Municipal Public Highway Road~~, together with easements sufficient for the maintenance of all associated road drainage systems.

8.4.6 Notwithstanding Policy 7.2.5 (d), to enable the division of one lot with no frontage from an area of land as it existed on December 30, 1994 and the division of two lots with no frontage from an area of land which does not meet the frontage requirements of the Subdivision By-law, as it existed on December 30, 1994.

**8.4.7 To only permit the development of new Public Roads in areas identified in Schedule ‘K’ of the Subdivision By-law. In considering adding areas to Schedule ‘K’ of the Subdivision By-law, Council will consider whether or not the proposal for new Public Roads is economically-premature based on the density of development, required length of road, expected market uptake of created lots, proximity to existing Municipal Public Roads, and any other factor that Council deems relevant.**

~~8.4.8 Notwithstanding Policy 7.2.5 (d), to enable the division of lots, which are owned and have been so owned prior to January 1, 2007 by joint tenants or tenants in common, into as many lots as there are owners which do not meet the frontage requirement of the Subdivision By law. [Amended May 21, 2007]~~

## 9.0 SEWER SERVICES

Other than specifying minimum sizes for lots in serviced areas, the Provincial Subdivision Regulations are silent about central sewer systems. These services are the responsibility of municipal government, and Council has a number of concerns as a result of experience.

The Municipality owns and operates central sewer systems and sewage treatment plants in the New Germany area, **Cookville**, and in the Riverside Subdivision in Conquerall Bank. In addition, the Municipality owns the sewage collection system including easements, pipes and pumping stations in Hebbville, but has connected this system to the Town of Bridgewater system for sewage disposal.

Council encourages the extension of the existing Municipally-owned sewer systems and encourages connection of future development to the existing municipal systems, subject to the operating capacity of these systems.

Past experience with privately-owned central sewer systems has convinced Council that these systems often cause maintenance problems for lot owners, especially if the construction of the system is inadequate in the first place.

~~Council will agree to the construction of new central sewer systems only if such systems are constructed to a standard suitable for maintenance by the Municipality. These systems will be conveyed to the Municipality before subdivision approval is granted for any lots serviced by the central sewer system. Alternatively, Council may enter into an agreement with the developer, which guarantees construction of the system, and subdivision approval may be granted before construction provided that the agreement is backed by an appropriate bond.~~

Where there is no central sewer system available, Council will permit new lots to be serviced by on-site sewage disposal systems on each lot. A lot which satisfies the minimum lot size requirement of the "Regulations Respecting On-site Sewage Disposal Systems" may be perceived by the public to be suitable for on-site sewage disposal. However, because not all such lots are suitable due to shallow soil depth, proximity to watercourses, steep slopes, impermeable soil, development density, etc., Council wishes to ensure that these lots are assessed by ~~the~~ **Department of Environment Nova Scotia Environment** and that their suitability or lack of suitability is shown on the Plan of Subdivision in accordance with Policies 8.3.1 and 8.3.4 above.

These concerns give rise to the following policies:

- 9.0.1 To enable the subdivision of land into lots serviced by any existing central sewer system owned and operated by the Municipality.

~~9.0.2 To enable the subdivision of land into lots which are to be serviced by a central sewer system provided that any such system is constructed to a standard suitable for maintenance by the Municipality, as specified in the Subdivision By law, and that any such system is constructed and conveyed to the Municipality prior to subdivision approval.~~

9.0.32 ~~Notwithstanding Policy 9.0.2, to~~ To enable the subdivision of land into lots which are to be serviced by a central sewer system where:

- a) the developer has entered into an agreement which is satisfactory to Council, to carry out and complete the required work within a specified period of time as set out in the agreement; and
- b) the developer has posted a performance bond, or other security acceptable to Council; and
- c) the agreement provides that the developer may receive subdivision approval for lots after posting the performance bond, or other acceptable security, but prior to construction of the proposed sewer system; and
- d) the agreement provides for the conveyance of all ~~plants and~~ assets necessary to the operation of central sewer systems, together with easements sufficient for the maintenance of all services.

## 10.0 WATER SERVICES

~~As with sewer services, delivery of central water services is a Municipal responsibility more than Provincial.~~ The Municipality does not own or operate any central water supply. Dug wells and drilled wells on individual lots are the normal sources of drinking water in the Municipality and this is likely to continue. **A limited area of the Municipality has access to central water systems. The Municipality will consider the creation of new lots on these existing systems according to the standards of the Subdivision By-law.**

~~If a private owner wishes to service new lots with a central water system, Municipal Council is prepared to allow private ownership of the system, but will require the system to be built to a standard suitable for maintenance by the Municipality, in order to make municipal operation of the system possible at some future time.~~

~~Council will assume ownership and operation of a central water system only where these have been constructed according to the standards specified in Schedule 'G' of the Subdivision By law. Before subdivision approval is given, the central water system will have to be constructed to the standards specified in the Subdivision By law, and conveyed to the Municipality. Alternatively, Council may enter into an agreement with a subdivider, which guarantees construction of the system, and subdivision approval may be granted prior to construction provided the agreement is backed by an appropriate bond or other security acceptable to Council. This agreement will also clearly define the subdividers responsibilities for the work to be completed.~~

~~Central water systems serving three (3) lots or fewer are regarded by Council as a purely private matter and Council will not set construction standards for such small arrangements.~~

In view of these possibilities, Council's policies are:

~~10.0.1 To enable the subdivision of land into lots that are to be serviced by a central water system which is not owned or operated by the Municipality, provided that any system serving four (4) or more lots is constructed to a standard suitable for maintenance by the Municipality, as specified in the Subdivision By law.~~

~~10.0.2 To assume ownership, operation, and maintenance responsibility for any central water system only where the system has been constructed to the standard specified in the Subdivision By law and an area rate has been set to cover the maintenance and operational costs.~~

10.0.31 To permit the subdivision of land into lots which are to be serviced by on-site wells.

**10.0.2 To permit the subdivision of land into lots serviced by an existing central water system provided that the system is constructed to the standards of the Subdivision By-law.**

~~10.0.4 To enable the approval of a final plan of subdivision prior to construction of a central water system, where the system is to be owned and maintained by the Municipality, and:~~

- ~~(a) the developer has entered into an agreement, which is satisfactory to Council, to carry out the required work within a period as set out in the agreement; and~~
- ~~(b) the developer has posted a performance bond or other security acceptable to Council; and~~
- ~~(c) the agreement provides that the developer may receive subdivision approval for lots after posting the performance bond, or other acceptable security, but prior to the construction of the proposed central water system; and~~
- ~~(d) the agreement provides for conveyance of all plants and assets necessary to the operation of the system, together with easements sufficient for the maintenance of all services.~~

## 11.0 PUBLIC OPEN SPACE

The Municipality is responsible for providing recreation services. To this end, the Municipality offers public recreational services and programs through the Municipal Recreation Department. The Municipality also provides recreational opportunities through the provision of a recreation complex in Dayspring, as well as a Municipal Beach at Lake Mush-A-Mush, and walking trails at Miller Point Park, along the LaHave River. In addition to these facilities and parklands, ~~the Municipality owns approximately 83 parcels of land.~~ the Municipality has acquired ~~the majority of these numerous~~ parcels through the former Public Open Space requirements of the Subdivision By-law.

The Municipality had been acquiring Public Open Space within their Subdivision By-law for developments that have occurred between the years 1975 and 2001. The *Municipal Government Act* enables Council to require, within the Subdivision By-law, that a subdivider convey land, equivalent value to land, or a combination of both for public open space purposes. Council is also able to specify those instances where land or an equivalent value is required. Prior to July 2001, Council required that the developer convey useable land or cash-in-lieu of land.

Between June 1999 and March 2000 municipal staff undertook research related to Public Open Space. The objective of this research was to determine whether the former public open space requirements were satisfying the needs of the Municipality, based upon the past 25 years of development and the anticipated development pattern. This report concluded that the recreational needs of the Municipality were not being satisfied (Public Open Space Study, March 2000). The report further recommending that Council adopted a municipal wide approach to public open space, being that Public Open Space should benefit all of the municipality's residents, not just those in a local subdivision. To this end, Council, in September 2001, removed the former public open space requirements of the Subdivision By-law, and has incorporated new policy and subdivision by-law requirements into this Planning Strategy and accompanying Subdivision By-law.

As provided for in the *Municipal Government Act* Council will require that a subdivider contribute two percent (2%) of the market value of all new lots created. Council does not wish to impose this requirement on any division in which the lot(s) created contains an existing main building, is a remainder lot, is a consolidation of two or more lots, is a **private** designed road approved as a separate lot, ~~or~~ is an alteration of lot boundaries in which no new additional lots are created, **or is on land owned by the Municipality.**

As required by the *Municipal Government Act*, Council shall use the funds for no other purpose other than the acquisition of, and capital improvements to, parks, playgrounds and similar public purposes and may use the interest on the funds not expended for these purposes, for the operation and maintenance costs of parks, playgrounds, and similar public purposes. This will enable Council to strategically acquire and develop recreational lands in a location and of a quality and quantity that will benefit the municipality as a whole. To ensure that land is strategically acquired, Council will develop a strategic plan for the acquisition of future land. As part of this

strategic plan, Council will review the existing municipal land inventory to determine the usefulness of these parcels in relation to the Strategic Plan. This plan will include estimated time frames and budget expenditures necessary to reach Councils' goals.

To provide the residents in the Municipality with reasonable access to park, playground and similar public areas, Council's policies are:

- 11.0.1 To require subdividers to contribute cash in the amount of two percent of the market value of all new lots created and for which subdivision approval has been requested or is required.
- 11.0.2 To waive the requirements of Policy 11.0.1 where:
- a) a lot created contains an existing main building;
  - b) a lot created is a remainder lot;
  - c) an approval is for the consolidation of two or more lots;
  - d) lot boundaries are altered and no new additional lots are created; ~~or~~
  - e) an approval is for a designed road as a separate lot; **or**
  - f) **the Municipality owns the property being subdivided.**
- 11.0.3 To develop a Strategic Plan for the acquisition and disposition of land by the Municipality, which will identify Councils' goals with respects to recreational lands and incorporate projected budget expenditure estimates and the time frames necessary to reach these goals.

## **PART 4      SECONDARY PLANNING STRATEGIES**

### **12.0      ADOPTION OF SECONDARY PLANNING STRATEGIES**

#### **12.1      BACKGROUND**

Where Council has adopted a Municipal Planning Strategy for the whole municipality such as this one, the Municipal Government Act provides that Council may adopt a secondary planning strategy which applies, as part of the Municipal Planning Strategy, to specific areas within the municipality. Where planning strategies are put in place in conformance with Policy 5.1.1 as a consequence of a request from a community for land use control, or in conformance with Policy 5.1.2, they will be secondary planning strategies included within this Municipal Planning Strategy.

Considering the powers set out in the Municipal Government Act, and in order to carry out intentions and policies set out in Section 5.0 of this Municipal Planning Strategy, Council has adopted the following policies:

12.1.1            It is the policy of Council to provide planning staff and to consider adopting a Secondary Planning Strategy for any community which specifically requests Council for such services and consideration.

~~12.1.2            The Municipal Planning Strategies in effect in various parts of the Municipality at the time of adoption of this Municipal Planning Strategy will be amended in future to clarify their status as Secondary Planning Strategies included within this Municipal Planning Strategy.~~

12.1.32           The Land Use Control Map (1) which is attached to this Municipal Planning Strategy is a generalized representation of the location of areas affected by Secondary Planning Strategies and Land Use By-laws.

12.1.43           The exact boundaries of the areas affected by Secondary Planning Strategies are shown on the Future Land Use Maps and Zoning Maps appended to the Secondary Planning Strategies and Land Use By-laws in effect in various parts of the Municipality.

12.1.54           Where there is any conflict between the policies expressed in this Municipal Planning Strategy and the policies expressed in any Secondary ~~Municipal~~ Planning Strategy, the latter shall prevail only in the area specifically defined in the Secondary Planning Strategy.

## 12.2 VILLAGE OF HEBBVILLE

On **February 14, 2012** ~~10-October-2000~~, Municipal Council approved a ~~Municipal~~ **Secondary** Planning Strategy and Land Use By-law for the Village of Hebbville. The Minister of Services Nova Scotia and Municipal Relations reviewed these documents and deemed them not to require ministerial approval. The ~~Municipal~~ **Secondary** Planning Strategy for the Village of Hebbville is to be included within this Municipal Planning Strategy as a Secondary Planning Strategy. **On March 21, 2012 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.**

12.2.1 **It is the policy of Council that the Secondary Planning Strategy for the Village of Hebbville as approved by Municipal Council, effective March 21, 2012, is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.**

~~It is the policy of Council that the Municipal Planning Strategy for the Village of Hebbville as approved by Municipal Council on October 10, 2000 is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Municipal Planning Strategy.~~

## 12.3 OAKLAND

**On September 9, 2003, Municipal Council approved a Secondary Planning Strategy and Land Use By-law for the community of Oakland. The Minister of Service Nova Scotia and Municipal Relations reviewed the Oakland Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On October 22, 2003 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.**

~~On 6 August 1992, the Minister of Municipal Affairs approved a Municipal Planning Strategy and a Land Use By-law for the community of Oakland. Upon approval by the Minister of this Municipal Planning Strategy for the Municipality, the Municipal Planning Strategy for the community of Oakland is to be included within this Municipal Planning Strategy as a Secondary Municipal Planning Strategy.~~

12.3.1 It is the policy of Council that the **Secondary** ~~Municipal~~ Planning Strategy for the community of Oakland as approved **by Municipal Council, effective October 22, 2003** ~~by the Minister of Municipal Affairs on 6 August, 1992~~, is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

## 12.4 MUNICIPAL INDUSTRIAL PLANNING AREA

On June 30, 1994, the Minister of Municipal Affairs approved a Secondary Planning Strategy and a Land Use By-law for the block of land owned by the Lunenburg Municipal Industrial Commission and reserved for an

Industrial Park. This land contains parts of the community of Oakhill north of the Town of Bridgewater in Municipal District 4. This Secondary Planning Strategy is included within the Municipal Planning Strategy.

12.4.1 It is the policy of Council that the Secondary Planning Strategy for the Lunenburg Municipal Industrial Park as approved by the Minister of Municipal Affairs on 30 June, 1994, is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

## **12.5 RIVERPORT AND DISTRICT ~~MUNICIPAL COUNCIL DISTRICT 3~~**

**On July 12, 2005 Municipal Council approved a Secondary Planning Strategy and Land Use By-law for Municipal Council District Three. The Minister of Service Nova Scotia and Municipal Relations reviewed the District 3 Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On August 10, 2005 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.**

~~On 6 September 1994, the Minister of Municipal Affairs approved a Secondary Planning Strategy and a Land Use By-law for what was then Municipal Council District 2. After the elections in October of 1994, this area now comprises the largest part of Municipal Council District 3. Within District 3, only Polling Division 66, being the Crouse Settlement Area and part of Middle LaHave, is not part of the Planning Area. This Secondary Planning Strategy is included within the Municipal Planning Strategy.~~

12.5.1 It is the policy of Council that the Secondary Planning Strategy for **Riverport and District Municipal Council District 3** as approved by **Municipal Council, effective August 10, 2005** ~~the Minister of Municipal Affairs on 6 September, 1994~~, is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

## **12.6 PRINCES INLET AND AREA**

**On January 12, 2016 Municipal Council approved a Secondary Planning Strategy and Land Use By-law for Princes Inlet and Area. The Minister of Service Nova Scotia and Municipal Relations reviewed the Princes Inlet and Area Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On February 17, 2016 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.**

~~On March 7, 1996, the Minister of Municipal Affairs approved a Secondary Planning Strategy and Land Use By-law for the Princes Inlet and Area. Upon approval by the Minister of Municipal Affairs, the Secondary Planning Strategy for the Princes Inlet and Area is included within this Municipal Planning Strategy.~~

12.6.1 It is the policy of Council that the Secondary Planning Strategy for the Princes Inlet and Area, as approved by **Municipal Council, effective February 17, 2016** ~~the Minister of Municipal Affairs on 7 March, 1996~~,

is incorporated into this Municipal Planning Strategy for the Municipality, as a Secondary Planning Strategy.

## **12.7 BLOCKHOUSE**

**On September 9, 2008 Municipal Council approved a Secondary Planning Strategy and Land Use By-law for Blockhouse. The Minister of Service Nova Scotia and Municipal Relations reviewed the Blockhouse Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On October 14, 2008 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.**

~~On April 17, 1997, the Minister of Municipal Affairs approved a Secondary Planning Strategy and Land Use By-law for the Blockhouse Area. Upon approval by the Minister of Municipal Affairs, the Secondary Planning Strategy for the Blockhouse Area is included within this Municipal Planning Strategy.~~

12.7.1 It is the policy of Council that the Secondary Planning Strategy for the Blockhouse Area, as approved by **Municipal Council, effective October 14, 2008** ~~the Minister of Municipal Affairs on 17 April 1997,~~ is incorporated into this Municipal Planning Strategy for the Municipality, as a Secondary Planning Strategy.

## **12.8 OSPREY VILLAGE**

**On December 12, 2006 Municipal Council approved a Secondary Planning Strategy and Land Use By-law for Osprey Village. The Minister of Service Nova Scotia and Municipal Relations reviewed the Osprey Village Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On January 24, 2007 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.**

12.8.1 It is the policy of Council that the Secondary Planning Strategy for Osprey Village as approved by **Municipal Council, effective January 24, 2007,** is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

**The Municipal Planning Strategy of the Municipality, approved by Council and effective on May 4, 1999, and amendments thereto, is hereby repealed and this Municipal Planning Strategy substituted.**

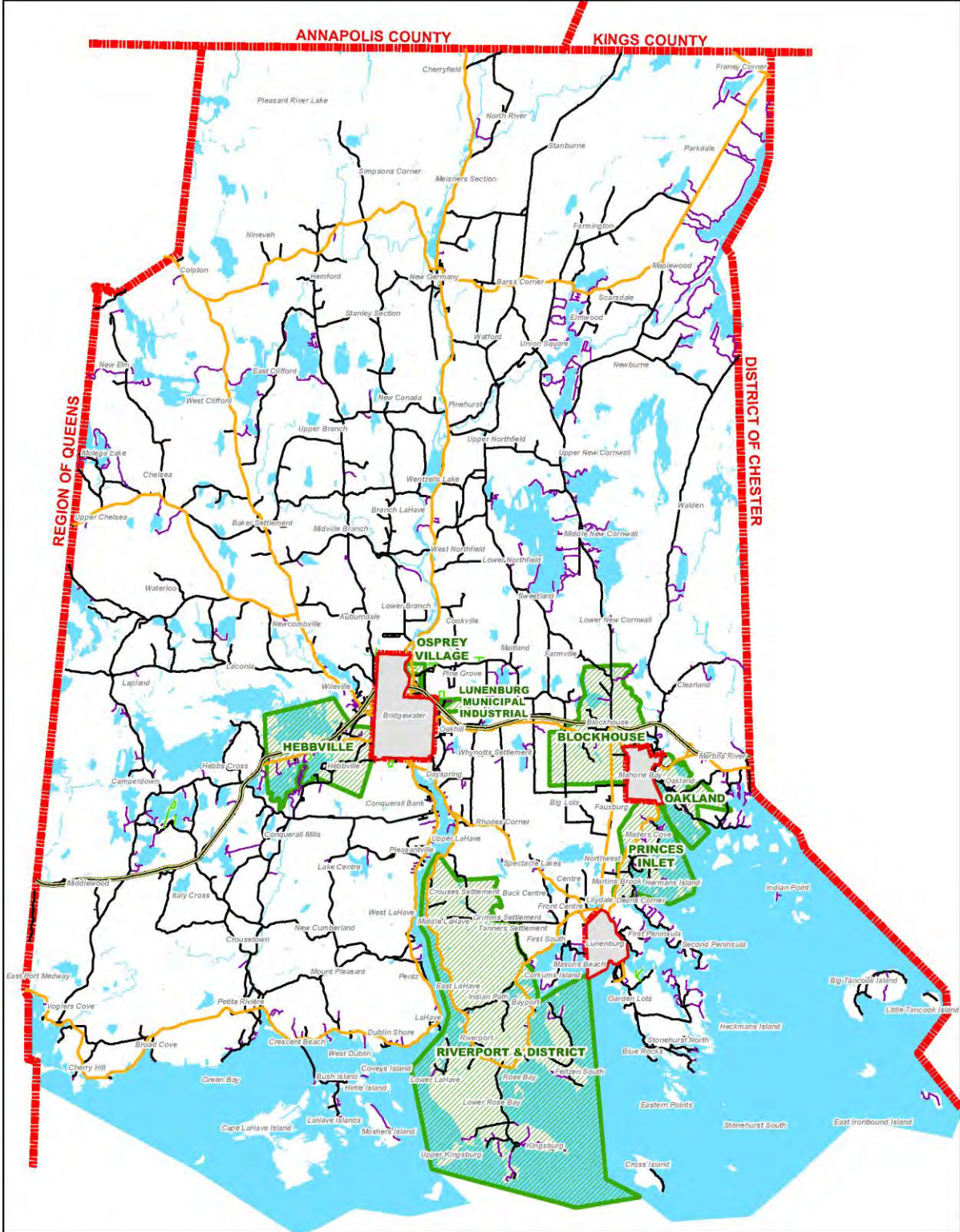
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**Sherry Conrad, Municipal Clerk**

**I, Sherry Conrad, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the above is a true copy of the Municipal Planning Strategy which were duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on [INSERT DATE].**

**DATED at Bridgewater, Nova Scotia, [INSERT DATE].**

.....  
**Sherry Conrad, Municipal Clerk**



**MUNICIPALITY OF THE DISTRICT OF LUNENBURG**

**Municipal Planning Strategy  
MAP 1: Land Use Control**

- Towns Not Within the Municipality
- Areas With Zoning

- Highway 103 (Provincial)
- Collector Road (Provincial)
- Provincial Road
- Municipal Road
- Private Road
- Municipal Line
- Waterbody



1:192,000



Sources: Municipality of the District of Lunenburg  
Service Nova Scotia & Municipal Relations  
January, 2018



~~8.) Amended August 23, 2016 — Amendments to Schedule A — Application form to remove the requirement for persons with legal interest, including Mortgagees, to sign the form.~~

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**PART 1 AUTHORITY AND TITLE**

- 1.1 This By-law is enacted by the Council of the Municipality under the authority of Section 271 of the *Municipal Government Act*.
- 1.2 This By-law may be cited as the "Subdivision By-law" of the Municipality.

**PART 2 ADMINISTRATION**

- 2.1 This By-law shall be administered by the Municipal Development Officer of the Municipality appointed under the authority of the *Municipal Government Act*.
- 2.2 In the absence or incapacity of the Development Officer, the acting Development Officer appointed by Council shall act in the Development Officer's stead.

**PART 3 INTERPRETATION**

- 3.1 The Metric System of measurement is used throughout this By-law. ~~Imperial Measurements are approximate only, for convenience only, and in all cases of conflict between Imperial Measure and Metric Measure, the Metric Measure shall prevail.~~

**PART 4 DEFINITIONS**

- 4.1 In this By-law:
  - a) **APPROVED LOT** means any lot approved by the Municipal Development Officer on a Plan of Subdivision.
  - b) **AREA OF LAND** means the boundaries of a lot on the noted date or, where no date is provided, on the effective date of this By-law, notwithstanding the lot has been subdivided after the noted date or, where no date is provided, the effective date of this By-law.
  - c) **COUNCIL** means the Council of the Municipality.
  - d) **CENTRAL SEWER SYSTEM** means a system of pipes and associated facilities for the collection and disposal of sewage from more than one lot.
  - e) **CENTRAL WATER SYSTEM** means a system of reservoirs and pipes ~~which supplies potable water to four (4) or more~~ that supplies potable water to four (4) or more lots.
  - f) **DESIGNED ROAD** means any street or road which is not public where:
    - i) ~~the right of way width, alignment, and drainage of the road, conform with the requirements contained in "Schedule H" of this By-law, and~~

- ii) ~~the road extends to, and has access to, a Public Highway at an intersection approved by the authority having jurisdiction, and, where not totally located within the area of land proposed to be subdivided, it shall be a right of way which is assignable and perpetual and which has been clearly granted to the subdivider by deed, registered in the Registry of Deeds for this Municipality.~~
  
- f) **EXISTING PRIVATE DESIGNED ROAD** means a private road that does not meet the definition of Private Designed Road but:
  - (i) was approved in accordance with the requirements of any previous subdivision by-law in effect in the Municipality;
  - (ii) was shown on an approved plan of subdivision prior to June **XX**, 2018; and
  - (iii) was approved by the authority having jurisdiction for the approval of the road.
  
- g) **FLAG LOT** means a lot with a configuration that resembles an outstretched flag at the top of a flag pole extending from a Public Road, an Existing Private Designed Road, or Private Designed Road.
  
- h) **FRONTAGE** means:
  - i) the distance between the side lines of a lot measured along a ~~Public Highway, or a designed road~~ **Public Road, Private Designed Road, Existing Private Designed Road** or Schedule "B" Road; or
  - ii) as defined in the Land Use By-law, where a Land Use By-law is in force.
  
- i) **LOT** means any parcel of land as defined by its boundaries.
  
- j) **MAIN BUILDING** means a building ~~that~~ **which** is **occupied**, or is capable of being occupied, as a residential, commercial, industrial or institutional use, and does not include accessory structures which are normally incidental, customary or accessory to a main use.
  
- k) **MARKET VALUE** means the amount that in the opinion of an assessor would be paid if the lot was sold on the date of assessment in the open market by a willing seller to a willing buyer.
  
- k) **MUNICIPALITY** means the Municipality of the District of Lunenburg.
  
- l) **MUNICIPAL ENGINEER** means the engineer of the Municipality and includes a ~~person~~ **municipal employee, agent, or contractor** acting under the supervision and direction of the engineer.

- mk)** **MUNICIPAL GOVERNMENT ACT** means an “Act Respecting Municipal Government”, Chapter 18, Acts of 1998.
- n)** **PRIVATE DESIGNED ROAD** means any street or road that is not public where:
- i)** the design, construction and inspection conforms with the requirements contained in “Schedule H” of this By-law;
  - ii)** the road shall be approved as a separate lot; and,
  - iii)** the road:
    - A)** extends to and has access to a Public Road at an intersection approved by the authority having jurisdiction, or
    - B)** the road extends to another Private Designed Road or Existing Private Designed Road that extends to and has access to a Public Road at an intersection approved by the authority having jurisdiction and includes a right-of-way for access which is assignable and perpetual and has been clearly granted by deed, registered at the Land Registration Office for the Municipality.
- ok)** **PROPOSED LOT**, means any lot being proposed to be created by a plan of subdivision, including a remainder lot. ~~added – November 12, 2003~~
- pl)** **PROVINCE** means the Province of Nova Scotia.
- q)** **PUBLIC ROAD** means any street or highway owned and maintained by a Municipality, a Town, or the Province excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*.
- m)** ~~**PUBLIC HIGHWAY** means any street or highway owned and maintained by the Municipality, a Town or the Province excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*.~~
- r)** **REGISTRY OF DEEDS** means the office of the Registrar of Deeds for the Municipality.
- se)** **REMAINDER LOT** means a lot for which subdivision approval is not requested or granted but which results from the approval of lots shown on a plan of subdivision.
- tp)** **ROAD SIGNAGE** means a device, or permanent marking intended to regulate, warn or guide the road user, and which is placed upon, over or adjacent to a road way. For the purpose of this by-law road signage shall mean any signage as described in the latest edition of the Uniform Traffic Control Devices for Canada.

- ue) **SCHEDULE "B" ROAD** means a right-of-way not owned and maintained by the municipality, a Town or the Province ~~thatwhich~~ is indexed in Schedule "B" of this By-law, and ~~thatwhich~~ existed prior to December 19, 1975.
- vf) **SUBDIVIDER** means the owner or owners of any area of land proposed to be subdivided and includes anyone acting with the owner's written consent;
- ws) **SUBDIVISION** means the division of any area of land into two or more parcels and includes a resubdivision or a consolidation of two or more parcels.

## **PART 5 LOT SIZE AND ACCESS**

### **5.1 ROAD FRONTAGE**

All lots shall abut **a**:

- ~~a) a public highway, or~~
- ~~b) a designed road, or~~
- a) **Public Road;**
- b) **Private Designed Road;**
- c) **Existing Private Designed Road; or**
- ~~d) a Schedule "B" Road.~~

### **5.2 AREA**

5.2.1 All lots ~~thatwhich~~ are to be serviced by a central sewer shall meet the requirements for minimum lot area contained in Schedule "C" of this By-law.

5.2.2 All remainder lots not serviced by central sewer shall have a minimum lot area of 9000 square metres.  
(~~96,878.4 square feet~~)

### **5.3 LAND USE BY-LAW**

Where a Land Use By-law is in effect:

- a) notwithstanding Section 5.2, all lots shall meet the applicable requirements contained in such by-law;
- b) no remainder lot shall have an area less than 9000 square metres (~~96,878.4 sq. ft.~~); and
- c) ~~Sections~~**Clauses** 5.1(b), (c), and (d), ~~and (e), and Sections~~ 5.4, 5.5, 5.7, 5.8, ~~5.9~~, and ~~5.16~~**5.14** are inoperative and do not apply unless the Land Use By-law permits development on any lot created pursuant to these sections and the Municipal Planning Strategy provides for both the subdivision and development of such lots.

**5.4 10% VARIANCE**

5.4.1 Notwithstanding Section 5.2 and **clause** 5.3(a), the Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with Section 279 of the *Municipal Government Act* provided all other requirements of this By-law are met.

5.4.2 Subsection 5.4.1 shall not vary the requirements established by the ~~Department of Environment and Labour Nova Scotia Environment and Labour~~ **Nova Scotia Environment** for the construction or installation of an on-site sewage disposal system. (~~amended—November 12, 2003~~)

**5.5 ISLANDS**

5.5.1 For the purposes of this section, "water frontage" shall mean the distance measured as a straight line between the two points where the side lot lines meet a watercourse.

5.5.2 Notwithstanding Section 5.1, and the lot frontage requirements of clause 5.3(a), the Development Officer may approve the subdivision of an island ~~which~~**that** does not contain a ~~public highway~~ **Public Road**, provided all lots have a minimum water frontage of 6 metres (~~19.7 feet~~).

**5.6 BOUNDARY ALTERATION**

5.6.1 Notwithstanding Sections 5.1, ~~and~~ 5.2, and **clause** 5.3(a), the Development Officer may approve a subdivision altering the boundaries of two or more lots where:

- a) no additional lots are created; ~~and~~
- b) each resulting lot:
  - i) meets the minimum dimension for lot frontage contained in any applicable Land Use By-law, or
  - ii) has not had its frontage, if any, reduced; ~~and~~
- c) each resulting lot:
  - i) meets the lot area requirements of Section 5.2 or any applicable dimensions for minimum lot area contained in any applicable Land Use By-law, or
  - ii) has not had its area reduced.

5.6.2 Notwithstanding Section 15.9, where the lots are not surveyed pursuant to clauses 16.1(b) and 16.2.1(h), the final plan of subdivision prepared pursuant to subsection 5.6.1 shall:

- a) show by a heavy solid line that the boundaries of the parcel of land proposed to be added to the existing lot have been surveyed, except that their common boundary shall be shown by a heavy broken line; ~~and~~

- b) show as a light solid line the remaining unsurveyed boundaries of the lot to be approved, notwithstanding clauses 16.1(b) and 16.2(h), and Section 15.9; ~~and~~
- c) have the following notation or words to similar effect affixed to the plan adjacent to the certification required by the Nova Scotia Land Surveyors Act and Regulations made thereunder, such notation to be signed by the surveyor:

"Note: The only boundaries shown on this plan ~~which~~**that** have been surveyed are the boundaries of . The common boundary between the existing lots identified by \_\_\_\_ and \_\_\_\_\_, which is shown by a heavy broken line is hereby certified as having been the common boundary.

The remaining boundaries of resulting lots \_\_\_\_ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries ~~which~~**that** are subject to a field survey".

## 5.7 ENCROACHMENTS

- 5.7.1 Notwithstanding the lot area requirements of Section 5.2 and the lot area and frontage requirements of Section 5.3(a), where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent lot, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.
- 5.7.2 Where the lots created pursuant to Subsection 5.7.1 are not surveyed in accordance with ~~Section~~**clauses** 16.1(b) and 16.2.1(h), the provisions of Subsection 5.6.2 shall apply.

## 5.8 ACCESS EXEMPTION

### Lots With Frontage

- ~~5.8.1 For the purpose of this section "area of land" means any lot as described by its boundaries as they existed on December 30, 1994, notwithstanding that the area of land has been subdivided subsequent to December 30, 1994.~~
- 5.8.1 **Where an area of land, as it existed on December 30, 1994, has more than 6 metres of frontage on a Public Road or Existing Private Designed Road, one lot may be created that does not meet the requirements of Section 5.1, or the frontage requirements of clause 5.3(a), provided:**
  - (a) **no such lot has already been subdivided within the area of land; and**
  - (b) **all other requirements of this By-law are met.**

### Lots Without Frontage

5.8.2 Where an area of land, as it existed on December 30, 1994, has less than 6 metres of frontage, or does not abut an existing Public Road or Existing Private Designed Road, two lots may be created, including any remainder lot, that does not meet the requirements of Section 5.1, or the frontage requirements of clause 5.3(a), provided:

- (a) no such lot has already been subdivided within the area of land; and
- (b) all other requirements of this By-law are met.

~~5.8.2 One lot may be created within an area of land that does not meet the requirements of the section 5.1 or the frontage requirements of clause 5.3(a), provided no such lot has already been subdivided within the area of land.~~

~~5.8.3 Notwithstanding subsection 5.8.2, two lots may be created within an area of land, where~~

- ~~a) the area of land does not abut a public highway, designed road, or a Schedule "B" road, or~~
- ~~b) the area of land has less than 6 metres (19.7 feet) of frontage on a public highway, a designed road, or a Schedule "B" road; and~~
- ~~c) provided no such lots have already been subdivided within the area of land.~~

~~5.9 Repealed [November 12, 2003]~~

### **5.409 LOT SHAPES**

5.409.1 Wherever possible, side lot lines shall be substantially at right angles to a ~~public highway, designed road,~~ **Public Road, Private Designed Road, Existing Private Designed Road,** or Schedule "B" road, or radial to a curve on a ~~Public Road, Existing Private Designed, Private Designed Road~~**public highway, designed road,** or Schedule "B" Road.

5.409.2 Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, rather than being stepped or jogged.

5.409.3 Lots shall not be subdivided to create a width or depth of less than 6 metres ~~(19.7 feet).~~

**5.9.4 Flag lots shall not be permitted except where the following provisions are met:**

- (a) the 'flag' portion of the lot shall contain the required minimum lot area specified in this By-law or, where a Land Use By-law is in effect, the applicable minimum lot area for the zone in which the lot is located;
- (b) the width of the 'pole' shall be at least 6 metres along its entire length; and
- (c) no more than three flag lots shall be created from an area of land as it existed on January 1, 2017.

#### 5.4110 INTERSECTION

There shall not be more than four (4) ~~public highway, designed road,~~ **Public Road, Existing Private Designed, Private Designed Road, right-of-way** or Schedule "B" Road approaches in an intersection.

#### 5.4211 EXTEND ROADS

Any ~~public highway, designed road,~~ **proposed Public Road or Private Designed Road** on a plan of subdivision submitted for approval shall, if reasonably feasible and not in violation of this By-law, be laid out in prolongation of any ~~public highway, designed road,~~ **Public Road, Existing Private Designed Road, or Private Designed Road** road which abuts the boundaries of the land to be subdivided.

#### 5.4312 ADJACENT ACCESS

A ~~designed~~ **proposed Private Designed Road** or ~~a right-of-way for a~~ **Public Highway proposed Public Road** shown on a plan of subdivision submitted for approval shall, if reasonably feasible, extend to adjacent properties and adjacent watercourses at a minimum of every 400 metres (~~1312 feet~~) along the boundary of the adjacent property and watercourse.

#### 5.4413 RIGHT-OF-WAY SHOWN

Where **Private Designed Roads** or Schedule "B" Roads are required by any Sections of this By-law, the entire length of the right-of-way shall be shown and identified on the plan as being intended to provide access to the proposed lots.

#### 5.4514 MAIN BUILDING

5.4514.1 For purposes of this Section, "main building" is a building ~~that~~**which** is not an accessory building to another building on the lot.

5.4514.2 Notwithstanding the lot area requirements of Section 5.2 and lot area and frontage requirements of clause 5.3(a), where a lot contains more than one main building built or placed on the land prior to 19 December 1975, the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sewer or meets the requirements of the ~~Department of Environment and Labour~~ **Nova Scotia Environment** for on-site sewage disposal. (~~amended—November 12, 2003~~)

#### 5.4615 SIGHT STOPPING DISTANCE

All proposed accesses to a ~~public highway~~ **Public Road** shall be approved by the authority having jurisdiction for ~~public highway~~ **Public Roads**.

#### ~~5.17 ACCESS EXEMPTION—MULTIPLE OWNERSHIP~~

~~Any area of land held in joint tenancy or tenancy in common may be divided into lots without regard to the requirements of Section 5.1 or the frontage requirements of clause 5.3(a) provided that:~~

- a) ~~the area of land was so held by a deed recorded at the Registry of Deeds or Land Registration Office prior to January 1, 2007 or by a will dated prior to October 1, 2001 and recorded at the Registry of Deeds or Land Registration Office prior to January 1, 2007; and~~
- b) ~~the number of lots created does not exceed the number of tenants holding title in the area of land prior to January 1, 2007.~~ [Amendment – May 21, 2007]

**PART 6 ~~DESIGNED ROADS~~**

**6.1 SEPARATE LOT**

- (a) A ~~designed road~~ **Public Road or Private Designed Road** ~~may~~ **shall** be approved as a separate lot and is deemed to meet minimum lot area requirements of Section 5.2 and the minimum lot area and lot frontage requirements of clause 5.3(a).
- (b) **An Existing Private Designed Road may be subdivided as a separate lot and such lot is deemed to meet minimum lot area requirements of Section 5.2 and the minimum lot area and lot frontage requirements of clause 5.3(a).**

~~6.2 BOUNDARY~~

~~Where the boundary of a designed road shown on a plan of subdivision is not intended to be a lot boundary, it shall be shown as a lighter solid line or a dashed line.~~

~~6.3 AREA CALCULATION~~

~~No part of a designed road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of subsection 5.2 or of clause 5.3(a).~~

**6.2 NEW PUBLIC ROADS**

New Public Roads shall not be permitted except in areas identified in Schedule ‘K’ of this By-law.

**6.3 EXTENSION ON EXISTING PRIVATE DESIGNED ROAD**

**6.3.1 ~~Notwithstanding Subclause 4.1(a)(ii),~~ A proposed Private Designed Road may extend to an Existing Private Designed Road and lots may be approved on the proposed Private Designed Road provided:**

- (a) **the Existing Private Designed Road(s) extends to a Public Road;**
- (b) **a right-of-way easement is provided for access over the Existing Private Designed Road to the Public Road and that right-of-way easement is assignable and perpetual and has been clearly granted to the Subdivider by deed or other instrument of conveyance and registered at the Land Registration Office for the Municipality;**
- (c) **no other such extension has been made to the Existing Private Designed Road; and**
- (d) **the proposed Private Designed Road extension(s) provides frontage for no more than 18 lots.**

6.3.2 For greater clarity, where a proposed Private Designed Road extending to an Existing Private Designed Road is proposed to provide frontage for more than 18 lots, the entire length of the Existing Private Designed Road(s) extending to the Public Road shall be upgraded to meet the definition of a Private Designed Road in this By-law.

**6.4 EXISTING ROADS**

~~Any designed road approved in accordance with the requirements of any previous subdivision by law in effect in the Municipality is deemed to have met the requirements of clause 4.1(e), provided that prior to February 13, 1997, the road was shown on an approved plan of subdivision, and approved by the authority having jurisdiction for the approval of the road.~~

**6.54 INTERSECTION APPROVED**

The intersection of a ~~designed road~~ **Private Designed Road** with a ~~public highway~~ **Public Road** shall be approved by the authority having jurisdiction for the ~~Public Highway~~ **Public Road**.

**6.5 DESIGN, CONSTRUCTION AND INSPECTION**

All proposed roads shall be designed, constructed and inspected conforming with the requirements contained in “Schedule H” of this By-law. In particular:

- (a) the design of Public Roads shall be reviewed by the Municipal Engineer;
- (b) the construction of Public Roads shall be inspected by the Municipal Engineer;
- (c) the design of Private Designed Roads shall be reviewed by the Municipal Engineer; and
- (d) the construction of Private Designed Roads shall be inspected by a qualified Professional Engineer licensed to practice in Nova Scotia and hired by the Subdivider at their expense.

**6.6 FUTURE ROAD CONNECTIONS**

Where a Subdivision or development proposal abuts a:

- (a) vacant parcel; or
- (b) undeveloped remainder parcel; or
- (c) parcel with a high likelihood for future infill development, redevelopment or intensification;

the street layout of the proposed Subdivision shall provide for adequate future road and trail or sidewalk connections to the adjacent undeveloped or underdeveloped lands.

**6.7 EXISTING ROAD CONNECTIONS**

Where a Subdivision or development proposal abuts an existing or approved Subdivision, the street network in the proposed Subdivision must connect to all existing or approved stub streets, dead end streets, and transportation reserves that abut the subject property(s), except where deemed unfeasible by the Municipal Engineer. Existing road reserves shall be constructed to the standards contained in “Schedule H” of this By-law, at the Subdivider’s expense.

**6.8 ACTIVE TRANSPORTATION**

Where a proposed road is deemed a critical active transportation link by the Municipal Engineer, the road design shall include walkways and/or bicycle infrastructure as per Schedule H and Schedule J of this Subdivision By-law.

**6.9 STREETSCAPING**

Where streetscape elements such as street trees and street lighting are proposed within a proposed road right-of-way, they shall be designed as per Schedule J of this Subdivision By-law.

**PART 7 WATER SUPPLY**

7.1 Where lots are not to be serviced by on-site wells, the subdivider shall design, lay out, and construct a central water system to service every proposed lot in conformance with the requirements contained in “Schedule G”.

7.2 The design of any proposed central water system shall be executed over the stamp of a Professional Engineer.

**PART 8 SANITARY SEWERS**

8.1 Where lots are not to be serviced by on-site sewage disposal systems, the subdivider shall design, lay out, and construct all central sewer systems to service each proposed lot in conformance with the requirements contained in “Schedule G” and ~~where possible~~ connect these sewers with an existing municipal central sewer system.

8.2 The design of any proposed Central Sewer System shall be executed over the stamp of a Professional Engineer.

~~**PART 8A MUNICIPAL PUBLIC HIGHWAYS**~~

~~8A.1 —Where Municipal Public Highways are proposed, the subdivider shall design, lay out and construct public highways in accordance with the requirements contained in “Schedule H”.~~

~~8A.2 —The design of any proposed public highway shall be executed over the stamp of a Professional Engineer.~~

**PART 9 PUBLIC OPEN SPACE**

**9.1 2% CASH REQUIRED**

Prior to endorsement of approval on the final plan of subdivision, the subdivider shall contribute to the Municipality cash in the amount of two percent (2%) of the market **value** of all new lots created by the final plan of subdivision, for parks.

## **9.2 EXEMPTION**

Council hereby exempts the following from the requirements of Section 9.1:

- (a) lots created that contain existing main buildings;
- (b) remainder lots;
- (c) the consolidation of two or more lots;
- (d) the alteration of ~~lots~~ boundaries in which no additional lots are created; ~~or~~
- (e) a ~~Private~~ **Designed Road** approved as a separate lot; **and**
- (f) **any land owned by the Municipality.**

## **PART 10 CONSTRUCTION OF SERVICES**

### **10.1 INSPECTION**

The subdivider shall permit the Municipal Engineer to inspect the construction of roads and services at any reasonable time, and shall advise the Municipal Engineer of the dates, sites and times of any required inspection or testing of water systems, sewer systems, or roads.

### **10.2 DEVIATIONS**

No deviation from the plans, drawings and specifications required by Subsection 10.5.1 shall take place during construction unless such deviation is approved by the Municipal Engineer.

### **10.3 DUTY ON COMPLETION**

When the Municipal Engineer has determined that the ~~Public Highways~~ **Public Roads**, central water systems, and central sewer systems have been constructed as required by this By-law, and within thirty (30) days of being notified of such determination, the subdivider shall:

- (a) Provide the Municipal Clerk with the "as built" reproducible engineering drawings conforming with the requirements of "Schedule G" of this By-law; and
- (b) Provide the Municipal Clerk with all necessary operating and procedural manuals for each water or sanitary sewer system; and
- (c) Provide the Municipal Clerk with reports of all required tests to indicate that the central water and central sewer systems are operating to the standard required by "Schedule G" of this By-law; and
- (d) Except in the case of Central Water Systems which are not to be owned or maintained by the Municipality, post for one (1) year, a maintenance bond or other security acceptable to the Council in an amount equal to

ten percent (10%) of the actual cost of construction **based on third party costs as approved by the Municipal Engineer**; and

- (e) Except in the case of Central Water Systems which are not to be owned or maintained by the Municipality, transfer to the Municipality title in fee simple to all ~~plants and~~ assets necessary to the operation of the, ~~public highways~~ **Public Roads**, central water systems and central sewer systems together with easements sufficient for the maintenance of all services, ~~public highways~~ **Public Roads** and ~~public highway~~ **Public Road** drainage systems, such title and easements to be conveyed free of encumbrances and at no cost to the Municipality.

#### **10.4 CONSTRUCTION AGREEMENT AND BOND**

- 10.4.1 Where the subdivider wishes the subdivision plan to be approved prior to construction of roads or services, the subdivider shall, with the consent of Municipal council, enter into an agreement with the Municipality to carry out and complete the required construction according to the requirements of this By-law within a period of time as set out in the agreement and shall also post a performance bond or other security acceptable to the Municipality to guarantee such agreement, in the amount of one hundred twenty-five percent (125%) of the total estimated cost of supplying such construction.
- 10.4.2 The estimated cost required by Subsection 10.4.1 shall include a detailed cost breakdown and be prepared over the stamp of a Professional Engineer.
- 10.4.3 The Municipal Engineer shall review the estimate and shall advise Council of the adequacy of the size of the performance bond or other security.
- 10.4.4 The agreement required by Subsection 10.4.1 shall require the subdivider to transfer to the Municipality good marketable title to all ~~plants and~~ assets necessary to the operation of central sewer systems, together with easements sufficient for the maintenance of all services, such title and easements to be conveyed free of encumbrances and at no cost to the Municipality.
- 10.4.5 The agreement required by Subsection 10.4.1 shall require the subdivider to transfer to the Municipality good marketable title to all ~~plants and~~ assets necessary to the operation of central water systems which are to be owned and maintained by the Municipality, together with easements sufficient for the maintenance of all services, such title and easements to be conveyed free of encumbrances and at no cost to the Municipality.
- 10.4.6 The agreement required by Subsection 10.4.1 shall require the subdivider to transfer to the **Municipality** good marketable title to all road rights-of-way and roadbeds necessary to the operation of ~~Public Highways~~ **Public Roads** which are to be owned and maintained by the Municipality, together with easements sufficient for the maintenance of all associated road drainage systems, such title and easements to be conveyed free of encumbrances and at no cost to the Municipality.

10.4.7 Upon completion of the roads or services, as per Section 10.4, the subdivider shall provide all the material required by Section 10.3 as a prerequisite for acceptance of these services and release of any bond or other accepted security.

## **10.5 PLAN APPROVAL**

10.5.1 Where municipal ~~public highways~~ **Public Roads**, central water systems or central sewer systems are required, the Development Officer shall not approve a Tentative Plan of subdivision until the subdivider has submitted plans, drawings and specifications which satisfy the requirements of Section 14.3, "Schedule 'G' and Schedule 'H'" of this By-law.

10.5.2 Where a ~~municipal public highway~~ **Public Road**, central water system or a central sewer system are required, the Development Officer shall not approve a final plan of subdivision, until the requirements of Section 10.3 or of Section 10.4 have been met.

## **PART 11 PRELIMINARY PLANS OF SUBDIVISION (Optional First Step)**

### **11.1 PRELIMINARY PLAN**

11.1.1 A person proposing to subdivide an area of land may submit to the Development Officer an application in the form specified in Schedule "A" of this By-law together with four (4) copies of the preliminary plan of subdivision drawn to scale showing the following: ~~{amended—November 12, 2003}~~

- (a) name of the owner of the area of land being subdivided;
- (b) names of all owners of all properties abutting the land being subdivided;
- ~~(c)~~ (ba) the unique Parcel Identifier (PID) of all areas of land being subdivided; ~~{added—November 12, 2003}~~
- ~~(d)~~ (de) a location plan showing the approximate distance between the area of land being subdivided and nearest prominent landmark;
- ~~(e)~~ (ed) the shape, dimensions, and area of the proposed lots; ~~{amended November 12, 2003}~~
- ~~(f)~~ (fe) each proposed lot to be created identified by a number except where a parcel is being added to or subtracted from an existing area of land, such parcel shall be identified by a letter and the new lots identified by the identifier, where available, of the existing area of land and the letter; ~~{amended November 12, 2003}~~
- ~~(g)~~ (gf) no duplication of lot identifiers;
- ~~(h)~~ (he) the approximate location of railways and railway rights-of-way;

- (ih) the location and Civic Address System name of existing ~~designed roads,~~ **Public Road, Private Designed Road, and** Schedule "B" Roads ~~and public highways~~ and the **provincial** public highway ~~authority~~ number;;
- (ji) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;;  ~~[amended—November 12, 2003]~~
- (kj) general location and civic numbers of all main buildings;;
- (lk) general location of watercourses, and wetlands;
- (ml) north point;;
- (nm) the scale to which the preliminary plan of subdivision is drawn; **and**
- (on) any other information ~~which~~ the Development Officer deems necessary to determine whether this preliminary plan conforms to this subdivision by-law.

11.1.2 (a) Where a preliminary plan of subdivision is to be forwarded to ~~the Department of Environment and Labour~~ **Nova Scotia Environment** pursuant to clause ~~11.2 (11.2.1) (a)~~ **11.2.1(a)**, the information listed in clause **11.1.2(b), below**, is required for the following proposed lots:

- (i) a proposed lot ~~that which~~ is being created for a purpose that will require the construction of an on-site sewage disposal system; or
- (ii) a proposed lot being divided from an existing area of land ~~that~~, contains an on-site sewage disposal system; and
  - A) is 9000 square metres ~~(96,878.4 square feet)~~ or less in area; or
  - B) has a width of less than 76 metres ~~(249.3 feet)~~.

(b) Unless the information already has been submitted to the ~~Department of Environment and Labour~~ **Nova Scotia Environment**, the following additional information is required for the proposed lots referred to in clause (a):

- (i) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;;

- (ii) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
  - (iii) the surface slopes and directions;
  - (iv) the location of any test pit;
  - (v) the proposed on-site sewage disposal system, selected or designed;
  - (vi) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
  - (vii) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
  - (viii) any other information necessary to determine whether the subdivision meets the On-Site Sewage Disposal Systems Regulations.
- (c) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (~~96,878.4 square feet~~) in area with a width of 76 metres (~~249.3 feet~~) or more, the lot layout including the location of buildings, driveways, on-site sewage disposal systems and wells shall be provided.
- (d) For a proposed lot 9000 square metres (~~96,878.4 square feet~~) or less in area or with a width of less than 76 metres (~~249.3 feet~~) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule “A” must be completed. ~~[amended—November 12, 2003]~~

## 11.2 REFERRAL

11.2.1 The Development Officer shall, if applicable, forward a copy of all material received pursuant to Section 11.1 to:

- (a) in areas not serviced by a central sewer system, ~~the Department of Environment and Labour Nova Scotia~~ **Environment** to determine if the lots shown are generally appropriate to meet the On-Site Sewage Disposal Systems Regulations, except where the proposed lot:
  - (i) is greater than 9000 square metres (~~96,878.4 square feet~~), has a width of 76 metres (~~249.3 feet~~) or more, and the applicant has indicated on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or

(ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (i). ~~{amended—November 12, 2003}~~

(b) the authority having jurisdiction for ~~public highways~~ **Public Roads** for preliminary review;

(c) in areas served by a central sewer the authority having jurisdiction for the central sewer; and

(d) any other agency of the Province or the Municipality the Development Officer deems necessary.

11.2.2 A preliminary plan of subdivision that shows a proposed lot referred to in clause ~~11.1 (11.1.2) (d)~~ **11.1.2(d)** shall be forwarded to ~~the Department of Environment and Labour~~ **Nova Scotia Environment** for confirmation that ~~the Department of Environment & Labour~~ **Nova Scotia Environment** is in agreement that the proposed lot does not require an on-site sewage disposal system. ~~{added—November 12, 2003}~~

### 11.3 MUNICIPAL GOVERNMENT ACT

The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.

### 11.4 REPORTS

~~The Department of Environment and Labour~~ **Nova Scotia Environment**, the Department of Transportation ~~and Public Works and Infrastructure Renewal~~ and any other agency of the Province or Municipality who has been forwarded a copy of the Preliminary Plan shall forward a written report of their findings to the subdivider and the Development Officer. The Development Officer shall then report to the applicant regarding the status of the application. ~~{amended—November 12, 2003}~~

## PART 12 CONCEPT PLANS

### 12.1 REQUIRED TO APPLY

~~a)~~ **12.1.1** Where an area of land is being subdivided and will involve new ~~public highways or designed roads~~ **Public Road or Private Designed Road**, a person shall submit to the Development Officer eight (8) copies of a concept plan of the entire area of land, including future phases of the subdivision. ~~{amended—November 12, 2003}~~

~~b)~~ **12.1.2** Concept plans shall be:

(~~a~~) **(a)** Folded to approximately 20 X 30cm (~~8 X 12in~~) with the face of the folded print being the title block which is located in the lower right hand corner of the concept plan.

(~~b~~) **(b)** At a scale sufficient for clarity of all particulars of the plan and shall show the following:

(~~iA~~) **(iA)** the words “Concept Plan” located in the title block;

(~~iiB~~) **(iiB)** the contents required in Section 11.1.1 and 11.1.2 of this By-law, for the area of land proposed to be divided in the current phase of the subdivision;

- (iii) the proposed internal street system with connections to existing streets;
- ~~C) the proposed location of public open space,~~
- ~~E)(iv)~~ the location of municipal sewer and water available or to be available to the land proposed to be subdivided;
- ~~F)(v)~~ contours at maximum 21 metre intervals within the area of land being subdivided in the current phase;
- ~~G)(vi)~~ contours at maximum 52 metre intervals for a distance of 1000 metres (3,280 ft) , or to the highest or lowest point of land, which ever is less, extending from and surrounding the boundary of the area of land being subdivided in the current phase;
- ~~H)(vii)~~ the drainage patterns for the area of land being subdivided and lands surrounding the area of land, for a distance of 1000 metres (3,280 ft) extending from the boundary of the area of land being subdivided in the current phase; and
- ~~I)(viii)~~ any other information necessary to determine if the subdivision meets with municipal standards and accepted engineering practices as determined by the **Municipal Engineer**.

## ~~12.2~~ — **CONCEPT PLAN PROCEDURE**

### ~~12.2.1~~ — **REQUIRED TO APPLY**

Application for approval of a concept plan shall be made to the Development Officer in the form specified in Schedule A of these regulations.

#### ~~12.2.2~~ **12.2 MUNICIPAL GOVERNMENT ACT**

The development officer shall comply with the notification and approval provisions of the Act.

#### ~~12.2.3~~ **12.3 REFERRAL**

The development officer shall forward the concept plan and supplementary information to:

- (a) The Municipal Engineer to evaluate the concept plan with regards to topography, natural features and other site constraints and restrictions in relation to:
  - (i) the street layout and connections with existing and proposed transportation links on a local and regional scale;
  - (ii) the proposed drainage patterns for the area of land being subdivided and the lands surrounding the area of land being subdivided; and
  - (iii) the feasibility of servicing the proposed development with applicable services, and the effect of the layout on the provisions of future services where applicable.
- (b) ~~The Department of Environment and Labour~~ **Nova Scotia Environment:**

- (i) in areas not serviced by a central sewer, to determine if the lots shown are generally appropriate to meet the On-Site Sewage Disposal Regulations, except where the proposed lot:
  - A) is greater than 9000 square metres (~~96,878.4 square feet~~), has a width of 76 metres (~~249.3 feet~~) or more, and the applicant has indicated on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or
  - B) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in sub-subclause (A).
  
- (ii) where a concept plan shows a proposed lot referred to in clause ~~11.1 (11.1.2)~~ **11.1.2(d)**, for confirmation that ~~the Department of Environment and Labour~~ **Nova Scotia Environment is** in agreement that the proposed lot does not require an on-site sewage disposal system; ~~and [amended—November 12, 2003]~~
  
- (iii) where the subdivision is to be serviced by central sewer (for information purposes); ~~and~~
- (iv) ~~to determine if any of the activity related to the proposed subdivision is subject to the requirements of the Activities Designation Regulations, pursuant to the Nova Scotia Environment Act.~~
  
- (c) Where the proposed ~~public highway or design road~~ **Public Road or Private Designed Road** extends from, or intersects with a road owned and maintained by Department of Transportation ~~and Public Works~~ **and Infrastructure Renewal**, a copy of the concept plan shall be forwarded to the Department of Transportation ~~and Public Works~~ **and Infrastructure Renewal** for their preliminary evaluation; and
  
- (d) Where applicable, Nova Scotia Power and ~~Maritime Tel and Tel~~ **the telecommunications service provider.**

#### **12.312.4 APPROVAL NOT WITHELD**

Approval of a concept plan may not be refused or withheld as a result of the assessment or recommendations made by **Nova Scotia Environment, the**~~and Labour,~~ Department of Transportation ~~and Public Works~~ **and Infrastructure Renewal** or any other agency of the Province or Municipality, unless the concept plan is clearly contrary to a law of the Province or a regulation or by-law made pursuant to the law of the province. ~~[amended—November 12, 2003]~~

#### **12.412.5 STAMPS**

The following information shall be stamped or written and completed by the Development Officer on any concept plan which is approved:

- (a) “This concept plan is approved.”
  
- (b) The date of approval of the concept plan

- (c) “This concept plan shall not be filed in the registry of deeds as no subdivision takes effect until a final plan of subdivision is endorsed by the Development Officer and filed in the Registry of Deeds.”

#### **12.512.6 NOTIFICATION**

- 12.56.1 The Development Officer shall forward a copy of the approved concept plan to the applicant, and shall notify in writing those departments or agencies of the Municipality or Province the Development Officer had requested to review the plan, of the Development Officer’s decision to approve the concept plan. ~~{amended—November 12, 2003}~~
- 12.56.2 When a Development Officer refuses to approve a Concept Plan, the Development Officer shall notify the applicant of the reasons for refusal in writing, and shall advise the subdivider of the appeal provisions of the Municipal Government Act. The Development Officer shall give notice to all agencies which were forwarded a copy of the plan. ~~{amended—November 12, 2003}~~

### **PART 13 TENTATIVE PLAN PROCEDURES - Optional Step**

#### **13.1 REQUIRED TO APPLY**

A person proposing to subdivide an area of land may submit to the Development Officer for approval an application in the form specified in Schedule "A" of this By-law together with eight (8) copies of the tentative plan of the proposed subdivision meeting the requirements of Part 14 of this By-law. ~~{amended—November 12, 2003}~~

#### **13.2 REFERRAL**

When the Development Officer is satisfied that an application and tentative plan of subdivision are complete, a copy shall be forwarded to:

- (a) ~~Nova Scotia Environment~~~~The Department of Environment and Labour:~~
- (i) in areas not serviced by a central sewer system, to determine compliance with the On-Site Sewage Disposal Systems Regulations, except where the proposed lot:
    - A) is greater than 9000 square metres (~~96,878.4 square feet~~), has a width of 76 metres (~~249.3 feet~~) or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or
    - B) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements of paragraph (A). ~~{amended—November 12, 2003}~~
  - (ii) ~~where there are proposed public highways, designed roads, or central sewer systems, to determine if any of the activities related to the proposed subdivision is subject to the requirements of the Activities Designation Regulations, pursuant to the Nova Scotia Environment Act.~~

- (ii) where a tentative plan shows a proposed lot referred to in clause ~~14.2 (14.2.2)~~ **14.2.2**(d), for confirmation that ~~Department of Environment and Labour Nova Scotia Environment~~ is in agreement that the proposed lot does not require an on-site sewage disposal system. ~~(amended—November 12, 2003)~~
- (b) the authority having jurisdiction for ~~public highways~~ **Public Roads**;
- (c) in areas service by a central sewer, the authority having jurisdiction for the central sewer;
- (d) if applicable, Nova Scotia Power ~~& Maritime Tel & Tel~~ **and the telecommunications service provider**;  
and
- (e) any other agency of the Province or the Municipality the Development Officer deems necessary

### 13.3 MUNICIPAL GOVERNMENT ACT

The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.

### 13.4 APPROVAL NOT WITHHELD

Approval of a tentative plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by ~~Nova Scotia Environment~~~~the Department of Environment and Labour~~, the Department of Transportation ~~and Public Works and Infrastructure Renewal~~ or any other agency of the Province or the Municipality unless the tentative plan of subdivision is clearly contrary to a law of the Province or to a Regulation or By-law made pursuant to a law of the Province. ~~(amended—November 12, 2003)~~

### 13.5 STAMPS

The following information shall be stamped or written on any tentative plan of subdivision which is approved together with any other information necessary for the tentative plan to proceed to the final plan stage:

- (a) "This tentative plan of subdivision is approved for lots \_\_\_\_\_. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two (2) years of the date of the approval of the tentative plan."
- (b) the date of the approval of the tentative plan.
- (c) "This tentative plan of subdivision shall not be filed in the Registry of Deeds as no subdivision takes effect until a final plan of subdivision is endorsed by the Development Officer and has been filed by him in the Registry of Deeds."

### 13.6 NOTIFICATION

- 13.6.1 The Development Officer shall forward a copy of the approved tentative plan to the applicant and notify in writing, where applicable, the Department of Transportation ~~and Public Works and Infrastructure Renewal~~, ~~Department of Environment and Labour~~ Nova Scotia Environment, and any other agency of the Province or Municipality the Development Officer had requested to review the plan, of the Development Officers decision to approve the tentative plan. ~~{amended—November 12, 2003}~~
- 13.6.2 Where the Development Officer refuses to approve a tentative plan of subdivision the Development Officer shall notify the applicant of the reasons for refusal in writing and shall advise the subdivider of the appeal provisions of the *Municipal Government Act*. ~~{amended—November 12, 2003}~~

## **PART 14 TENTATIVE PLAN REQUIREMENTS**

### **14.1 PLAN CHARACTERISTICS**

Tentative plans of subdivision submitted to the Development Officer shall be:

- (a) drawn to scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
- (b) based on a description of the property to be subdivided, preferably, but not necessarily, as surveyed; and
- (c) folded to approximately 20 x 30 cm ~~(8 x 12 in.)~~ with the face of the folded print being the title block which is located in the lower right hand corner of the tentative plan of subdivision.

### **14.2 PLAN CONTENTS**

14.2.1 Tentative plans of subdivision shall show the following:

- (a) the words "PLAN OF SUBDIVISION" located in the title block;;
- (b) the words "TENTATIVE PLAN" located above the title block;;
- (c) a clear space for stamping being a minimum of 225 square centimetres ~~(36 sq. in.)~~ with a minimum width of 10 centimetres ~~(4 in.)~~;;
- (d) name of the subdivision, if any, and the name of the owner of the area of land;;
- (e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Registry of Deeds;;
- (f) names of all owners, or the identifiers, of all properties abutting the proposed subdivision;;

- (g) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- (h) the shape, dimensions, and area of proposed lot including the general location of any existing sewage disposal test pits; ~~amended—November 12, 2003~~
- (i) each proposed lot identified by a number, except, where a parcel is being added to or subtracted from an existing area of land, such parcel shall be identified by a letter and the new lots identified by the identifier, where available, of the existing area of land, and the letter; ~~amended—November 12, 2003~~
- (j) no duplication of lot identifiers;
- (k) the boundaries of lots proposed shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines; ~~amended—November 12, 2003~~
- (l) general location and civic number of existing main buildings, with the general location of existing wells and existing on-site sewage disposal systems, where known;
- (m) the location and Civic Address System name of existing **Public Roads, Existing Private Designed Roads, Private Designed Roads, right-of-ways** or Schedule "B" Roads ~~existing designed roads and existing public highways~~ together with the **provincial** public highway **authority** number;
- (n) the width, location, and Civic Address System names of proposed ~~public highways, proposed designed roads,~~ **Public Roads, proposed Private Designed Roads** and proposed Schedule "B" Roads;
- (o) the width and location of railroads and railroad rights-of-way;
- (p) the general location of watercourses, wetlands or prominent rock formation;
- (q) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (r) identification of which lots are serviced by central sewer systems, and which by central water systems;
- (s) north point;
- (t) the date on which the tentative plan of subdivision was drawn and the date of any revisions;
- (u) the scale to which the tentative plan of subdivision is drawn;

- (v) the unique Parcel Identifier (PID) of all areas of land being subdivided; ~~amended—November 12, 2003~~
  - (w) In the form specified in “Schedule I”, the Stopping Sight Distance for all proposed lots ~~that, which~~ have access to a ~~public highway~~ **Public Road**, as well as all intersections of all proposed ~~private roads~~ **Private Designed Roads** with a ~~public highway~~ **Public Road**. Where lots abut a proposed ~~public highway~~ **Public Road** shown on a final plan of subdivision, and for which approval is requested, the Stopping Sight Distances are not required to be shown; ~~and~~ ~~amended—November 12, 2003~~
  - (x) any other information ~~which~~ the Development Officer deems necessary to determine whether a tentative plan of subdivision conforms to this Subdivision By-law.
- 14.2.2 (a) Where a tentative plan of subdivision is to be forwarded to ~~the Department of Environment and Labour~~ **Nova Scotia Environment** pursuant to subclause 13.2(a)(i), the information listed in clause 14.2.2(b), **below**, is required for the following proposed lots:
- (i) a proposed lot ~~that~~~~which~~ is being created for a purpose that will require the construction of an on-site sewage disposal system; or
  - (ii) a proposed lot being divided from an existing area of land ~~that~~; contains an on-site sewage disposal system; and
    - A) is 9000 square metres (~~96,878.4 square feet~~) or less in area; or
    - B) has a width of less than 76 metres (~~249.3 feet~~).
- (b) Unless the information already has been submitted to ~~the Department of Environment and Labour~~ **Nova Scotia Environment**, the following additional information is required for proposed lots referred to in clause (a):
- (i) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;;
  - (ii) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;;
  - (iii) the surface slopes and directions;;
  - (iv) the location of any test pit;;

- (v) the proposed on-site sewage disposal system, selected or designed;
  - (vi) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
  - (vii) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
  - (viii) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.
- (c) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (~~96,878.4 square feet~~) in area with a width of 76 metres (~~249.3 feet~~) or more, the lot layout including the location of buildings, driveways, on-site sewage disposal systems and well shall be provided.
- (d) For a proposed lot 9000 square metres (~~96,878.4 square feet~~) or less in area or with a width of less than 76 metres (~~249.3 feet~~) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule “A” must be completed. ~~{amended—November 12, 2003}~~

### 14.3 ADDITIONAL INFORMATION

In addition to meeting the requirements of Sections 14.1 and ~~14.2 subsections 14.2.1 and 14.2.2~~, where the proposed lots front on a proposed ~~public highway~~ **Public Road**, front on a proposed ~~designed road~~ **Private Designed Road**, or are to be serviced by a proposed central sewer or water system, a tentative plan of subdivision shall:

- (a) show or be accompanied by a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Nova Scotia Land Surveyors Act* and the Regulations made thereunder; and
- (b) be accompanied by four (4) copies of each of the following designs, stamped and signed by ~~an~~ **Professional Engineer** registered or licensed to practice in the province of Nova Scotia, as per “Schedule ‘G’ and ‘H’”, as applicable:
  - (i) existing and proposed central sewer and water systems, proposed connections thereto, and other system details;
  - (ii) drainage design plans and details in accordance with the requirements of Schedule ‘H’, as applicable; and ~~{amended—June 1, 2004}~~

- (iii) road designs, profiles and details in accordance with the requirements of Schedule 'H'. ~~amended—June 1, 2004~~

## **PART 15 FINAL PLAN PROCEDURES**

### **15.1 REQUIRED TO APPLY**

**15.1.1** The subdivider proposing to subdivide an area of land shall submit an application in the form specified in Schedule "A" of this By-law together with ten (10) copies of the final plan of subdivision meeting the requirements of Part 16 of this By-law.

**15.1.2** Prior to approval of a plan of subdivision that adds or consolidates parcels or areas of land in different ownerships, the ~~De~~velopment ~~O~~fficer shall have received: ~~amended—November 12, 2003~~

- (i) the deed or deeds suitable for registering to effect the addition or consolidation;
- (ii) the fees for registering the deed or deeds; and
- (iii) the affidavit of value including particulars of any exemption, pursuant to Part V of the *Municipal Government Act*.

### **15.2 TIME LIMITS**

**The Development Officer may extend a completed application as per Section 277 of the *Municipal Government Act*. If requirements of the Subdivision By-law are not met within two years of the date the application is confirmed complete, it will be deemed refused.**

### **15.3 MUNICIPAL GOVERNMENT ACT**

The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.

### **15.4 REFERRAL**

When the Development Officer is satisfied that an application and final plan of subdivision are complete a copy shall be forwarded to:

- (a) ~~the Department of Environment and Labour~~ **Nova Scotia Environment:** ~~amended—November 12, 2003~~
  - (i) in areas not served by a central sewer, ~~the Department of Environment and Labour~~ **Nova Scotia Environment** to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot:
    - A) is greater than 9000 square metres (~~96,878.4 square feet~~), has a width of 76 metres (~~249.3 feet~~) or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or

- B) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in sub-subclause (A);

~~[amended—November 12, 2003]~~

~~(ii) where there are proposed public highways, designed roads, or central sewer systems, to determine if any of the activities related to the proposed subdivision are subject to the requirements of the Activities Designation Regulations, pursuant to the Nova Scotia Environment Act;~~

- (iii) where a final plan shows a proposed lot referred to in clause 16.2.2 (d), for confirmation that ~~the Department of Environment and Labour~~ **Nova Scotia Environment** is in agreement that the proposed lot does not require an on-site sewage disposal system. ~~[amended—November 12, 2003]~~

(b) the authority having jurisdiction for ~~public highways~~ **Public Roads**;

(c) in areas serviced by a central sewer, the authority having jurisdiction for the central sewer;

(d) if applicable, Nova Scotia Power ~~& Maritime Tel and Tel~~ **and the telecommunications service provider**;  
and

(e) any other agency of the Province or the Municipality the Development Officer deems necessary.

#### **15.5 LAND USE BY-LAW/BUILDING CODE BY-LAW**

Where buildings are shown on the plan of subdivision within 10 metres (~~32.8 ft.~~) of a new lot boundary, the Development Officer shall forward a copy of the plan to the Building Inspector and to the Development Officer administering the relevant Land Use By-law, asking them to identify any violation of the Land Use By-law or of the *Building Code Act* and the Nova Scotia Building Code Regulations.

#### **15.6 SEWER AND WATER APPROVALS**

Where a central water system, or a central sewer system is required by Sections 7.1 and 8.1, no approval of the Final Plan may be given until the applicant has obtained the required approvals of these systems from the appropriate provincial authority.

#### **15.7 CONSTRUCTION OR AGREEMENT REQUIRED**

No approval of a Final Plan may be given unless the subdivider either has laid out and constructed roads, and any other services required in accordance with the provisions of ~~and~~ Section 10.3 or has entered into an agreement with the Municipality according to Section 10.4.

#### **15.8 PUBLIC OPEN SPACE CONTRIBUTION – 2% CASH**

Pursuant to Section 9.1 and Section 9.2, no approval of a final plan of subdivision may be given unless the subdivider has contributed to the municipality two percent (2%) of the market value of all new lots created by the final plan of subdivision.

**15.9 SURVEY REQUIRED**

No approval may be given to any lot shown on a final plan of subdivision unless that lot has been surveyed in accordance with Clauses 16.1(b) and 16.2.1(h) except for lots approved pursuant to Section 5.6.

**15.10 APPROVAL NOT WITHHELD**

Approval of a final plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by **Nova Scotia Environment, the ~~and Labour,~~ Department of Transportation ~~and Public Works and Infrastructure Renewal~~** or any other agency of the Province or Municipality unless the final plan of subdivision is clearly contrary to a law of the Province or to a regulation or by-law made pursuant to a law of the Province. ~~[amended—November 12, 2003]~~

**15.11 BY-LAW VIOLATION**

Approval of a final plan of subdivision may not be refused or withheld as a result of a violation of a Land Use By-law or the *Building Code Act* and Nova Scotia Building Code Regulations, unless the proposed subdivision creates such a violation.

**15.12 APPROVAL REFUSED**

Where a Development Officer refuses to approve a Final Plan of subdivision, the Development Officer shall so notify the subdivider of the reasons for refusal in writing, and shall advise the subdivider of the appeal provisions of the *Municipal Government Act*. The Development Officer shall give notice of refusal to all agencies which were forwarded a copy of the plan.

**15.13 MUNICIPAL GOVERNMENT ACT**

The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.

**PART 16 FINAL PLAN REQUIREMENTS**

**16.1 PLAN CHARACTERISTICS**

Final plans of subdivision submitted to the Development Officer ~~may shall~~ be drawn ~~either~~ to Metric ~~or to Imperial~~ Scale and shall be:

- (a) drawn to scale or scales sufficient for clarity of all particulars on the final plan of subdivision; and

- (b) certified and stamped by a Nova Scotia Land Surveyor that all lots of less than 9290 square metres ~~(100,000 sq.ft.)~~ in area and all lots for which approval is requested, have been surveyed in the manner required by the *Nova Scotia Land Surveyors Act* and the regulations made thereunder; and
- (c) folded to approximately 20 x 30 cm ~~(8 x 12 in.)~~ with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision; and
- (d) accompanied by two (2) copies of the final version of any required engineering drawings referred to in Clause 14.3(b).

## 16.2 PLAN CONTENTS

### 16.2.1 Final plans of subdivision shall show the following:

- (a) the words "PLAN OF SUBDIVISION" located in the title block; and
- (b) a clear space for stamping, having a minimum area of 620 square centimetres ~~(96 sq. in.)~~ with a minimum width of 10 centimetres ~~(4 in.)~~; and
- (c) the name of the subdivision, if any, and the name of the owner of the area of land; and
- (d) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Registry of Deeds; and
- (e) the names of all owners or the lot identifiers of all properties abutting the proposed subdivision; and
- (f) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided; and
- (g) the shape, dimensions, and area of the proposed lots; and ~~{amended—November 12, 2003}~~
- (h) the bearings of the boundaries of each lot for which approval is requested as well as each lot less than 9290 square metres ~~(100,000 sq. ft.)~~ in area; and
- (i) each proposed lot identified by a number, except, where a parcel is being added to or subtracted from an existing area of land, the parcel shall be identified by a letter and the new lots identified by the identifier, where available, of the existing area of land, and the letter; and ~~{amended—November 12, 2003}~~
- (j) no duplication of lot identifiers; and

- (k) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines; and ~~amended—November 12, 2003~~
- (l) approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical and mathematical location for all buildings within 3 meters ~~(9.8 feet)~~ of any boundary which has been surveyed in accordance with clause 16.1(b), together with the civic numbers of all main buildings shown; and
- (m) the location and Civic Address System name of existing **Public Roads, Existing Private Designed Roads, Private Designed Roads, right-of-ways** or Schedule "B" Roads ~~existing designed roads and existing public highways~~ together with the **provincial** public highway **authority** number; and
- (n) the Civic Address System names, width, location, angles of intersection, and bearings of the boundaries of ~~proposed public highways, proposed designed roads; and proposed Schedule "B" Roads~~ **proposed Public Roads, proposed Private Designed Roads** and proposed Schedule "B" Roads; and
- (o) the width and location of railroads and railroad rights-of-way; and
- (p) the location of any watercourse, wetlands, or prominent rock formation; and
- (q) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and
- (r) identification of which lots are served by central sewer systems and which by central water systems; and
- (s) north point; and
- (t) the date on which the final plan of subdivision was drawn and the dates of any revisions; and
- (u) the scale to which the final plan of subdivision is drawn; and
- (v) the accurate location of at least one Nova Scotia ~~Coordinate Monument~~ **High Precision Network Monument or Nova Scotia Coordinate Referencing System Monument** , where these are available, or in lieu of monument ties, measurements to features which are defined on existing mapping; and
- (w) the unique Parcel Identifier (PID) of all areas of land being subdivided; and ~~amended—November 12, 2003~~
- (x) where no preliminary plan and no tentative plan have been submitted in accordance with Section 11.1 and Section 13.1, the general locations of any existing sewage disposal test pits, existing wells and existing on-site sewage disposal systems, where known; **and**

- (y) in the form specified in Schedule ‘~~I~~’, the Stopping Sight Distances for all proposed lots, which have access to a ~~public highway~~ **Public Road**, as well as all intersections of all proposed ~~private roads~~ **Private Designed Roads** with a ~~public highway~~ **Public Road**. Where lots abut a proposed ~~public highway~~ **Public Road** shown on a final plan of subdivision, and for which approval is requested, the Stopping Sight Distances are not required to be shown; ~~and~~ ~~amended—November 12, 2003~~
  - (z) any other information ~~which~~ the Development Officer deems necessary to determine whether the final plan of subdivision conforms to this Subdivision By-law.
- 16.2.2 (a) Where a final plan of subdivision is to be forwarded to ~~the Department of Environment and Labour Nova Scotia Environment~~ pursuant to ~~sub~~clause 15.4(a)(i), the information listed in clause 16.2.2(b), ~~below~~, is required for the following proposed lots:
- (i) a proposed lot ~~that~~~~which~~ is being created for a purpose that will require the construction of an on-site sewage disposal system, or
  - (ii) a proposed lot being divided from an existing area of land, contains an on-site sewage disposal system; and
    - A) is 9000 square metres (~~96.878.4 square feet~~) or less in area; or
    - B) has a width of less than 76 metres (~~249.3 feet~~).
- (b) Unless the information already has been submitted to ~~the Department of Environment and Labour Nova Scotia Environment~~, the following additional information is required for proposed lots referred to in clause (a):
- (i) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;;
  - (ii) the location of any watercourse, wetland, marine water body and other feature that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;;
  - (iii) the surface slopes and directions;;
  - (iv) the location of any test pit;;
  - (v) the proposed on-site sewage disposal system, selected or designed;;

- (vi) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
  - (vii) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
  - (viii) any other information necessary to determine whether the subdivision meets the On-Site Sewage Disposal Systems Regulations.
- (c) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (~~96,878.4 square feet~~) in area with a width of 76 metres (~~249.3 feet~~) or more, the lot layout including the location of buildings, driveways, on-site sewage disposal systems and wells shall be provided.
- (d) For a proposed lot 9000 square metres (~~96,878.4 square feet~~) or less in area or with a width of less than 76 metres (~~249.3 feet~~) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule “A” must be completed. ~~[amended—November 12, 2003]~~

### ~~16.2.3~~ 16.3 ADDITIONAL INFORMATION

Where the applicant has not submitted a Tentative plan and the proposed lots front on a proposed ~~public highway~~ **Public Road**, proposed ~~designed road~~ **Private Designed Road**, or are to be serviced by a proposed central sewer or water system, a final plan of subdivision shall be accompanied by:

- (a) Four (4) copies of each of the following designs, stamped and signed by a ~~an~~ **Professional Engineer** registered or licensed to practice in the Province of Nova Scotia, as per “Schedule ‘G’ and ‘H’”, as applicable:
  - (i) the existing and proposed central sewer and water systems, proposed connections thereto, and other system details,
  - (ii) drainage design plans in accordance with the requirements of Schedule ‘H’, and ~~[amended—June 1, 2004]~~
  - (iii) road designs and profiles in accordance with the submission requirements of Schedule ‘H’, ~~and [amended—June 1, 2004]~~

### 16.34 APPROVAL AFTER CONVEYANCE

A Final Plan of subdivision showing lots to be approved pursuant to Section 287(3) of the *Municipal Government Act* by special note on the plan shall:

- (a) identify such lots; and
- (b) state the names of the grantor and the grantee of such lots; and
- (c) state the date, book and page number of the conveyance of such lots as recorded in the Registry of Deeds.

**16.2.416.5 IDENTIFY DESIGNER**

Where the design or layout of the subdivision was designed by an individual or firm other than the individual or firm of the professional land surveyor who has certified the Final Plan of subdivision, the name of such individual or firm and the nature of the work performed shall be shown in the title block of the Final Plan of subdivision.

**PART 17 ENDORSEMENT AND FILING OF FINAL PLANS**

**17.1 ENDORSEMENT**

When the requirements of the *Municipal Government Act*, this By-law and On-Site Sewage Disposal Systems Regulations made pursuant to the *Nova Scotia Environment Act* have been met, and the Final Plan of subdivision has been approved by the Development Officer, approval shall be endorsed on the Final Plan of subdivision by the Development Officer.

**17.2 PLAN TO SUBDIVIDER**

The Development Officer shall forward a copy of the endorsed Final Plan of subdivision to the subdivider.

**17.3 NOTIFICATION OF APPROVAL**

The Development Officer shall give notice of the endorsement of approval on the Final Plan of subdivision to:

- (a) the Council; and
- (b) the surveyor; and
- (c) the Department of Transportation ~~and Public Works and Infrastructure Renewal~~; and
- (d) ~~the Department of Environment and Labour~~ **Nova Scotia Environment**; and ~~(amended—November 12, 2003)~~
- (e) any other department or agency of the Province or the Municipality who had been requested to review the Final Plan of Subdivision.

**17.4 STAMPS**

The following information shall be written or stamped on any Final Plan of subdivision which is endorsed:

- (a) "This Final Plan of subdivision is approved for lots \_\_\_\_\_";
- (b) where applicable,

(i) " \_\_\_\_\_ ( is, are) suitable for the construction or installation of an  
(lot(s) approved and/ or remainder)  
on-site sewage disposal system for \_\_\_\_\_ and any conditions which apply  
(proposed use)  
are contained in a report dated \_\_\_\_\_ and available from ~~the Department of~~  
~~Environment and Labour Nova Scotia Environment.~~ " ~~{amended—November 12, 2003}~~ OR

(ii) "IMPORTANT NOTICE  
\_\_\_\_\_ (has, have) been created for a purpose which does not require an on-site  
(lot(s) approved and/or remainder)  
sewage disposal system and will not be eligible for a permit to install a system unless the  
requirements of ~~the Department of Environment and Labour Nova Scotia Environment~~ are  
met." ~~{amended—November 12, 2003}~~

(iii) “ \_\_\_\_\_ (is/are) served by an existing  
lot(s) approved  
on-site sewage disposal system. Should a replacement system become necessary  
in the future, approval from ~~the Department of Environment and Labour Nova Scotia~~  
~~Environment~~ is required.” ~~{amended—November 12, 2003}~~

(c) the identification of those lots being created which are or are to be serviced by a central sewer system; in  
the following form: "The following lots shown on this plan of subdivision are or are to be served by a  
central sewer system: \_\_\_\_\_.";

(d) where there are ~~public highways~~ **Public Roads** which are owned and maintained by the Province, the  
words "The following streets and highways are owned and maintained by the Department of Transportation  
& ~~Public Works~~ **and Infrastructure Renewal** of the Province of Nova Scotia:  
\_\_\_\_\_";

(e) Where there are **Existing Private** Designed Roads, the following words:  
"The right-of-way width, alignment and drainage of the following rights-of-way are acceptable to the  
Municipality of the District of Lunenburg under subdivision application \_\_\_\_\_, however, lot purchasers  
should be aware that the road within the right-of-way has not been constructed to a standard suitable for  
listing as a public road, and that public services such as school bus, garbage collection or ~~snowploughing~~  
**snowplowing** should not be expected along these roads \_\_\_\_\_"

(f) **Where there are Private Designed Roads constructed to standard, the following words:**  
**"The right-of-way width, alignment, drainage and construction of the following private designed**  
**roads are acceptable to the Municipality of the District of Lunenburg under subdivision application**  
**\_\_\_\_\_, however, lot purchases should be aware that the road within the right-of-**

way has not been constructed to a standard suitable for listing as a public road, and that public services such as school bus, garbage collection or snowplowing should not be expected along these roads \_\_\_\_\_.”

⇒ (g) where there are ~~public highways~~ **Public Roads** which are owned and maintained by the Municipality, the words "The following ~~streets and highways~~ **roads** are owned and maintained by the Municipality of the District of Lunenburg:

\_\_\_\_\_”;

⇒ (h) where there are Schedule "B" Roads, the following words:

"The right-of-way that provides access to lots \_\_\_\_\_ is private and is not owned and maintained by the Province of Nova Scotia or the Municipality of the District of Lunenburg. It shall be the responsibility of the abutters to upgrade this right-of-way to a public road if such is ever desired. The right-of-way is not entitled to any provincial or municipal services including grading, ditching, ~~snowploughing~~ **snowplowing**, gravelling, school bussing, and garbage collection. Approval of lots abutting this right-of-way does not imply a legal right to use the right-of-way."

⇒ (i) where applicable, the following words:

A) “ Access to the ~~public highway~~ **Public Road(s)** as shown, has been approved for the lots created by this final plan of subdivision, and any conditions which apply are contained in a report dated \_\_\_\_\_, and available from the authority having jurisdiction for the ~~public highways~~ **Public Roads**.”

B) Where \_\_\_\_\_ abuts the ~~public highway(s)~~ **Public Road(s)** \_\_\_\_\_, direct access to the ~~public highway(s)~~ **Public Road(s)** is/are not permitted.

⇒ (j) where applicable, the following words:

“Lot(s) \_\_\_\_\_ is/are approved as a lot without frontage on a ~~Private~~ **Designed Road** or a ~~public highway~~ **Public Road**.

Unless otherwise indicated on this plan, access to this lot is not guaranteed. Any future division of Lot(s) \_\_\_\_\_ and or the remainder lot(s) will be subject to the frontage requirements, as well as all other requirements, of the Municipality of the District of Lunenburg’s Subdivision By-law.

Or

“The Remainder Lot(s) is/are created as a lot without frontage on a ~~Private~~ **Designed Road** or a ~~Public Road~~ **highway**. Unless otherwise indicated on this plan, access to this lot is not guaranteed. Any

subdivision of the Remainder Lot(s) will be subject to the frontage requirements, as well as all other requirements, of the Municipality of the District of Lunenburg's Subdivision By-law."

#### **17.5 PLANS TO REGISTRY**

- (a) The Development Officer shall forward by Registered Mail or hand deliver one endorsed copy of the Final Plan of Subdivision to the Registry of Deeds and pay the fees required under Part 18 of this By-law.
- (b) Pursuant to ~~Section 15.2~~**Subsection 15.1.2**, where a plan of subdivision adds or consolidates parcels or areas of land, the Development Officer shall register the deed or deeds with the approved plan.

#### **17.6 REGISTER NOTICE**

The Development Officer shall register a notice, in the form specified in Schedule "D" of this By-law in the Registry of Deeds, which indicates approval of the Final Plan of subdivision, and forward the fees required in Part 18 of this By-law.

### **PART 18 FINAL PLAN FEES**

#### **18.1 FEES**

At the time of final application, the subdivider shall submit to the Development Officer by cheque or money order:

- (a) the fees contained in the *Costs and Fees Act*, and regulations made thereunder, for:
  - (i) filing the endorsed final plan of subdivision and registering a notice of approval of the plan; or
  - (ii) registering a repeal of a plan of subdivision.
- (b) a processing fee for Final Plan of Subdivision approval **in accordance with Council's Fee Policy (Policy MDL-58)**, ~~of \$100.00 for two (2) or less lots, for which approval is requested, plus \$25.00 for each additional lot, for which approval is requested.~~ ~~[Amended: August 28, 2009]~~

#### **18.2 RETURN OF FEES**

Where the Development Officer refuses to approve or repeal a final plan of subdivision, the development officer shall return to the subdivider the fees referred to in Section 18.1(a). ~~[Amended: August 28, 2009]~~

### **PART 19 PLAN REPEAL PROCEDURES**

#### **19.1 REPEAL OR PARTIAL REPEAL OF A PLAN OF SUBDIVISION**

Where a plan of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan of subdivision.

#### **19.2 REQUIRED TO APPLY**

Any person requesting the repeal of an approved plan of subdivision shall submit an application to the Development Officer in the form specified in “Schedule E” of this By-law.

**19.3 MUNICIPAL GOVERNMENT ACT**

The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act* ~~that which~~ apply to the repeal of a plan of subdivision.

**19.4 REFERRAL**

When the Development Officer is satisfied ~~that~~ an application is complete, the Development Officer may forward a copy ~~to~~ any agency of the Province or Municipality ~~that which~~ commented on the original approval of the plan of subdivision.

**19.5 PROVISIONS NOT APPLICABLE**

The provisions of Parts 5 to 17 inclusive of this By-law do not apply to the repeal of an approved plan of subdivision.

**19.6 STRUCTURES**

Where buildings have been erected on the subject lands after the date of the subdivision approval ~~that which~~ is to be repealed, no repeal of this original plan shall be granted ~~that which~~ would cause these buildings to be in violation of the *Building Code Act* and Nova Scotia Building Code Regulations, Land Use By-law or On-Site Sewage Disposal Systems Regulations unless a new plan of subdivision rectifying such violations is approved and filed at the Registry of Deeds on the same day as the repeal of the plan of subdivision for which repeal is requested.

**19.7 ENCUMBRANCES**

No plan of subdivision may be repealed unless a practising, insured member of the Nova Scotia Barristers Society has certified that no encumbrance registered at the Registry of Deeds is in effect against the subject land.

**19.8 REPEAL NOT WITHHELD**

Repeal of an approved plan of subdivision may not be refused or withheld as a result of the assessment or recommendations pursuant to ~~S~~section 19.6 unless the repeal is clearly contrary to a law of the Province or to a regulation or by-law made pursuant to a law of the Province.

**PART 20 REPEAL NOTICE**

**20.1 NOTICE**

When the requirements of the Municipal Government Act and of this By-law have been met, the Development Officer shall complete and sign a notice, in the form specified in “Schedule F” of this By-law, register the notice at the Registry of Deeds, and forward the fees required by Section 20.4 of this By-law.

**20.2 REFUSAL**

Where a Development Officer refuses to repeal a Final Plan of subdivision, the Development Officer shall so notify the applicant, advising the applicant of the appeal provisions of the *Municipal Government Act*.

**20.3 NOTIFICATION**

The Development Officer shall forward a copy of the notice of the repeal of a plan of subdivision to:

- (a) the applicant; **and**
- (b) any department or agency of the Province or the Municipality who reviewed the original application for subdivision approval.

**20.4 FEES APPLICABLE**

The Provisions of Part 18 of this By-law apply to the repeal or partial repeal of an approved plan of subdivision as they do to the approval of a Plan of Subdivision.

Municipality of the District of Lunenburg  
POLICY

Title: Subdivision Approval Form	
Policy No.	
Effective Date:	Amended Date:

SCHEDULE "A"  
Municipality of the District of Lunenburg  
Application for Subdivision Approval

Change of Use Tax may be charged after Subdivision Approval - contact the **Assessment Office** at **1-800-380-7775**

**APPLICANT**

Phone No.(owner or agent) \_\_\_\_\_

Name of Land Owner(s) \_\_\_\_\_

Assessment Account Number(s) \_\_\_\_\_

Parcel Identifier(s) (PID's) \_\_\_\_\_

Name of Owner's Agent (if applicable) \_\_\_\_\_

Mailing Address \_\_\_\_\_

**LAND TO BE DIVIDED**

Community Name \_\_\_\_\_ Street Address \_\_\_\_\_

Type of Application Preliminary (Optional) \_\_\_\_\_ Concept (Mandatory) \_\_\_\_\_  
Tentative (Optional) \_\_\_\_\_ Final (Mandatory) \_\_\_\_\_

\_\_\_ Registration fee submitted (payable to the Registry of Deeds).

\_\_\_ Final Plan of Subdivision Fee: \$100.00 for two (2) or less lots, for which approval is requested, plus \$25.00 for each additional lot. (payable to the Municipality of the District of Lunenburg).

**Approval is requested for the following lots and conditions:**

<u>CONDITION</u>	<u>LOT IDENTIFIER ON PLAN</u>
On-Site Sewage	_____
Central Sewage	_____
No Development	_____
Other (specify)	_____

Comments Required From the Department of Environment Yes \_\_\_\_\_ No \_\_\_\_\_  
Qualified Persons Report attached Yes \_\_\_\_\_ No \_\_\_\_\_

**CERTIFICATION - ON-SITE SYSTEM NOT REQUIRED (unserved areas)**

I certify that (lot(s), and or remainder) \_\_\_\_\_, (is, are) being subdivided for a purpose (specify use) \_\_\_\_\_, which will not require the installation of an on-site sewage disposal system.

SIGNATURES

I certify that I am the owner of the land to be divided or am acting with the owner's consent.

Signature of owner/agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of owner \_\_\_\_\_

Signature of owner \_\_\_\_\_

Amended August 23, 2016

**Clerk's Annotation for Official Policy Book**

Date of Notice to Council Members

Date of Passage of Current Policy:

Date of Notice to Council Members  
of Intent to Consider Amendments:

Date of Passage of Amendments:

I certify that this "Policy MDL-\_\_\_\_" was adopted by Council as indicated above.

\_\_\_\_\_

Municipal Clerk

\_\_\_\_\_

Date

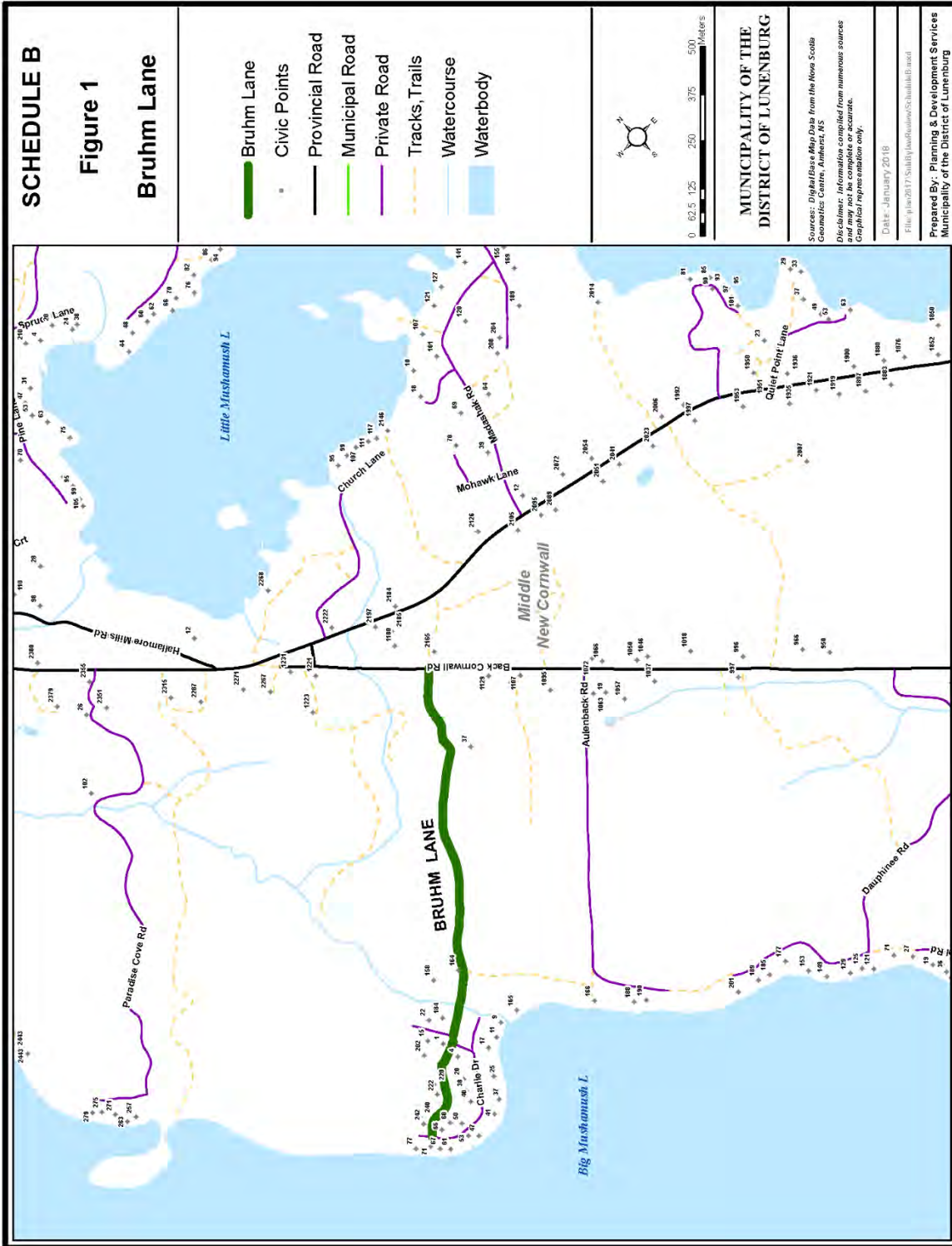
Municipality of the District of Lunenburg  
POLICY

Title: <b>List of Existing Private Schedule "B" Roads</b>	
Policy No.	
Effective Date:	Amended Date:

**SCHEDULE "B"**  
**LIST OF EXISTING PRIVATE SCHEDULE "B" ROADS**

NAME AND DESCRIPTION	DRAWING NUMBER (appended)	SURVEY PLAN REFERENCE
Bruhm Lane, from Public Highway #471(Back Cornwall Road) to its westerly intersection with Charlie Drive, a distance of approximately 1.6 kilometres.	One (1)	1) Property of Lawrence S. Veinotte, by Lester W. Berrigan, N.S.L.S. # 409, dated 13 January, 1994, his plan #V - 48 2) Lands of Lawrence Stedman Veinotte, by Darryl R. Spidle, N.S.L.S.# 419, dated 12 November, 1974

SCHEDULE 'B' ROAD DRAWINGS



**Clerk's Annotation for Official Policy Book**

Date of Notice to Council Members

Date of Passage of Current Policy:

Date of Notice to Council Members  
of Intent to Consider Amendments:

Date of Passage of Amendments:

I certify that this "*Policy MDL-\_\_\_\_*" was adopted by Council as indicated above.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

Municipality of the District of Lunenburg  
POLICY

Title: Minimum Lot Sizes for Lots with Central Sewer	
Policy No.	
Effective Date:	Amended Date:

SCHEDULE "C"

MINIMUM LOT SIZES  
LOTS WITH CENTRAL SEWER

**DESCRIPTION**

Lots serviced by a central sewer service with or without central water service

**MINIMUM LOT AREA**

650 square metres (~~7,000 sq.ft.~~) such that a 21 metre (~~70 ft.~~) diameter circle could be contained within the lot boundaries

**Clerk's Annotation for Official Policy Book**

Date of Notice to Council Members

Date of Passage of Current Policy:

Date of Notice to Council Members of Intent to Consider Amendments:

Date of Passage of Amendments:

I certify that this "Policy MDL-\_\_\_\_" was adopted by Council as indicated above.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

Municipality of the District of Lunenburg  
POLICY

Title: Subdivision Approval Notice Form	
Policy No.	
Effective Date:	Amended Date:

SCHEDULE "D"  
NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION IN  
SUBSECTION 285(3) AND 285(4) OF THE MUNICIPAL GOVERNMENT ACT

Name of the Owner(s)

Name of Subdivision

Location

Surveyor \_\_\_\_\_ Date of Plan

L.C.D.P.C. Subdivision File Number

Date of Approval \_\_\_\_\_ For Lot(s)

Dated this \_\_\_\_ day of \_\_\_\_\_, **19 20**

Municipal Development Officer

Plan of Subdivision Filed in the Registry of Deeds as Plan #

Dated this \_\_\_\_ day of \_\_\_\_\_, **19 20**

This plan of subdivision also contains information regarding the lots approved on this plan with respect to one or more of the following:

The lots' eligibility for on-site sewage disposal systems.

The availability of public sewer and water systems.

Information indicating whether or not the lots abut a public street or highway.

**Clerk's Annotation for Official Policy Book**

Date of Notice to Council Members

Date of Passage of Current Policy:

Date of Notice to Council Members  
of Intent to Consider Amendments:

Date of Passage of Amendments:

I certify that this "*Policy MDL-\_\_\_\_*" was adopted by Council as indicated above.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

Municipality of the District of Lunenburg  
POLICY

Title: Application Form for Repeal of Subdivision	
Policy No.	
Effective Date:	Amended Date:

SCHEDULE "E"  
**Municipality of the District of Lunenburg**  
Application for Repeal of a Plan of Subdivision

=====

**APPLICANT**

Phone No.(owner or agent) \_\_\_\_\_

Name of Land Owner(s) \_\_\_\_\_

Name of Owner's Agent (if applicable) \_\_\_\_\_

Mailing Address \_\_\_\_\_

=====

**LAND**

Community Name \_\_\_\_\_ Street Address \_\_\_\_\_

Number of Buildings on the land \_\_\_\_\_

Number of Buildings built on the land after the Subdivision Plan was approved \_\_\_\_\_

=====

**APPROVED PLAN**

Date of Plan \_\_\_\_\_ Title of Plan \_\_\_\_\_

Surveyor \_\_\_\_\_ Surveyor's Plan # \_\_\_\_\_

Date of Approval \_\_\_\_\_ for lot(s) \_\_\_\_\_ Planning File # \_\_\_\_\_

Date of Registry Filing \_\_\_\_\_ Registry File # \_\_\_\_\_

=====

**REPEAL SOUGHT FOR**

Lot(s) \_\_\_\_\_ was/were approved and repeal is sought for approval of Lot(s) \_\_\_\_\_

=====

**OWNERS CERTIFICATE**

**I certify that the information in this application is true and complete, and that I am the owner(s) of the land(s) to be affected by the repeal or am acting with the owner's consent.**

Signature of owner/agent \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

=====

**SOLICITOR'S CERTIFICATE**

**I certify that I have searched the title of the lands to be affected by this repeal of an approved plan of subdivision, that all persons whose interests are shown on the approved plan of subdivision or are registered at the Registry of Deeds have co-signed this application.**

Signature and Seal of Solicitor \_\_\_\_\_ Date \_\_\_\_\_

**Clerk's Annotation for Official Policy Book**

Date of Notice to Council Members

Date of Passage of Current Policy:

Date of Notice to Council Members  
of Intent to Consider Amendments:

Date of Passage of Amendments:

I certify that this "*Policy MDL-\_\_\_\_*" was adopted by Council as indicated above.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

Municipality of the District of Lunenburg  
POLICY

Title: Repeal of Subdivision Notification Form	
Policy No.	
Effective Date:	Amended Date:

SCHEDULE "F"

NOTICE OF REPEAL OF AN APPROVED PLAN OF SUBDIVISION IN  
ACCORDANCE WITH THE MUNICIPAL GOVERNMENT ACT

Name of the Owner(s)

Name of Subdivision

Location

Surveyor \_\_\_\_\_ Date of Plan

Date of Original Approval \_\_\_\_\_ For Lot(s)

L.C.D.P.C. Subdivision File Number (Approved Plan)

Approved Plan of Subdivision Filed in the Registry of Deeds as Plan #

This Subdivision is hereby REPEALED at the Date and Time of the Registration of this Notice.

ENTIRE PLAN OF SUBDIVISION \_\_\_\_\_ OR ONLY LOT(S) \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, ~~19~~ 20 \_\_\_\_

Municipal Development Officer

PLEASE NOTE: Any lot or parcel created by this repeal may not be eligible for development

**Clerk's Annotation for Official Policy Book**

Date of Notice to Council Members

Date of Passage of Current Policy:

Date of Notice to Council Members  
of Intent to Consider Amendments:

Date of Passage of Amendments:

I certify that this "*Policy MDL-\_\_\_\_*" was adopted by Council as indicated above.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

# Municipality of the District of Lunenburg POLICY

Title: General Specifications and Design Requirements for Water and Sewer Systems	
Policy No.	
Effective Date:	Amended Date:

## SCHEDULE "G" GENERAL SPECIFICATIONS AND DESIGN REQUIREMENTS FOR WATER AND SEWER SYSTEMS

### GENERAL

1. (1) All water and sewer systems shall be designed in accordance with the specifications included in this schedule. These specifications shall be read in conjunction with the latest edition of "Standard Specifications for Municipal Services" which may be obtained from the Joint Committee on Contract Documents, **18 Laurier Street, Dartmouth, NS, B3A 2G7; Telephone: (902) 233-9362 or email at nsmunicipalservices@gmail.com. e/o Spectech Ltd., Halifax, N.S.** The **wastewater system** design shall also be in compliance with the latest edition of the "~~Nova Scotia~~ **Atlantic Canada** Standards and Guidelines Manual for the Collection, Treatment, and Disposal of Sanitary Sewage" **and the water system design shall comply with the latest edition of the "Atlantic Canada Guidelines for the Supply, Treatment, Storage, Distribution and Operation of Drinking Water Supply Systems"** prepared by ~~the Department of Environment and Labour~~ **Nova Scotia Environment.** ~~[amended - November 12, 2003]~~
- (2) The specifications stated in this schedule shall govern over the "Standard Specifications for Municipal Services".
- (3) In the case where the Developer proposes to substitute an equivalent product or procedure departing from these specifications a description of the proposed substitute with sufficient supporting documentation shall be submitted to the Municipality for approval.
- (4) All engineering work under this By-Law must be undertaken and stamped by a Registered Professional Engineer of the Province of Nova Scotia.

- (5) The Developer shall comply with the *Environment Act*, the *Municipal Government Act*, *Waster and Wastewater Facilities and Drinking Water Supplies Regulations*, and with *Municipal By-Laws and Policies*. The Developer shall obtain an approval to construct and operate a sewerage system from Nova Scotia Environment. The Developer shall obtain approval to construct, modify, and operate (as applicable) from Nova Scotia Environment to establish or extend a public water system.
- ~~(5) The Developer shall be responsible for obtaining a permit to construct a sewerage system from the Department of Environment and Labour and for obtaining approval from the Department of Health to establish or extend a public water system. [amended November 12, 2003]~~
- (6) The Developer shall notify the Municipality of work or tests to be started a minimum of two (2) working days in advance of such work being started. Work or tests completed without prior notice shall not be accepted by the Municipality.
- (7) Upon completion of construction the Developer shall complete all deficiencies within thirty (30) days of notification from the Municipality. Deficiencies or work not rectified shall be completed under the direction of the Municipality on a cost plus basis. The cost of such work shall be deducted from the Developer's bonds or securities posted under the subdivision By-Laws.
- (8) These standards may be varied by the Municipal Engineer in exceptional circumstances and in accordance with accepted Engineering Practice.

2. The following abbreviations shall be used in these specifications:

- (1) A.S.T.M. means American Society for Testing Materials.
- (2) CSA means Canadian Standards Association.
- (3) AWWA means American Waterworks Association.
- (4) ASA means American Standards Association.

## SANITARY SEWERS - CONNECTING TO AN EXISTING WASTEWATER SYSTEM

3. The drainage area may be determined from contour plans and shall include all other areas ~~thatwhich~~ may become tributary.
4.
  - (1) The design of all sanitary sewers shall be based on the Peak ~~WetDry~~ Weather Flow.
  - (23) Average daily sewage flow shall be 340 L/cap.d (~~75 Lppd/cap~~). **If a home is serviced by an on-site well, the average daily sewage flow shall be 225 L/cap.d.**
  - (34) The peaking factor shall be determined by the Harmon Formula.
  - (45) Design flow calculations shall be submitted to the Municipal Engineer for review.
- ~~5. The minimum size of sanitary sewer main shall be 200 mm (8 inches) diameter.~~
56. Pipe slopes shall be selected so that sanitary sewer velocities shall not be less than 0.76 m/sec (~~2.5 ft/sec~~) nor greater than 4.56 m/sec (~~15 ft/sec~~).
67.
  - (1) A minimum of 75 mm (~~3 inches~~) clearance is required between the outside of pipes at all sewer pipe crossings.
  - (2) A minimum of ~~0.3 m (1 foot)~~ **450 mm** clearance in vertical and horizontal direction is required between sewer pipes and water pipes **crossings without sleeving**.
  - (3) Sanitary sewer forcemains and watermains shall be installed in separate trenches **and be 1.0m apart except at crossings, where clause 7(2) of this schedule applies.**
78.
  - (1) Sanitary sewers shall be located, wherever possible, either within, or close to the hard shoulder of the road. No sanitary sewer shall be installed in a location such that in the event of repairs having to be carried out, both road lanes would have to be closed.
  - (2) ~~Manholes shall be spaced a maximum of 90 m (300 feet) apart and shall be located at every change of grade, alignment, size or material of the sewers.~~ **Manholes shall be located at every intersection of mains, change of grade, alignment change greater than pipe specified limits for curves, size, or material of the sewers and shall not be greater than 90 m apart, or as approved by the Municipal Engineer.**

89. Gravity sanitary sewer pipe, joints, fittings, and service saddles shall be of the following material and shall be manufactured to the "Standard Specifications for Municipal Services" ~~conform to one of the following specifications~~, or as otherwise approved:

- (1) Pipe
  - a. Reinforced concrete pipe to A.S.T.M. Specifications c-76.
  - b. Polyvinyl chloride pipe to CSA B182.1-M and CSA B182.2-m.
  - c. **Polyethylene pipe to CSA B182.6-06 - Profile Polyethylene Sewer Pipe and Fittings for Leak- Proof Sewers.**
- (2) Pipe Joints, Fittings, and Services Saddles
  - a. **Joints and fittings shall be as specified in the "Standard Specifications for Municipal Services".**
  - b. **On existing concrete mains, a PVC saddle shall be used.**
  - ~~a. All pipe joints shall be made of approved rubber or equivalent.~~

409. (1) Standard precast concrete manholes shall be used ~~wherever possible~~ **within the public right of way** complete with frame and cover, IMP R10. The manhole cover is to include a 50 mm ~~(2-inch)~~ high manhole riser as manufactured by IMP. The manhole cover is to be grouted to the manhole chimney.

(2) All changes of direction in sewer pipe greater than 60 degrees inside a manhole requires a 150 mm ~~(6-inch)~~ drop.

(3) A vertical drop pipe shall be provided at manholes, where the vertical distance between the invert of the outlet and the invert of the inlet pipe is ~~0.9 m (3 feet)~~ **600 mm** or more. However, drop manholes should be avoided and used only when it is not economically feasible to **increase the slope of** ~~steepen~~ the incoming sewer.

~~(4) Manholes shall be provided with ladders constructed of galvanized steel.~~

~~(5)~~(4) Precast concrete manholes shall be 1 m ~~(39 inches)~~ diameter minimum, with the top diameter minimum of 0.7 m ~~(27 inches)~~. The 0.7 m ~~(27 inches)~~ diameter manhole chimney shall be a maximum of 0.6 m ~~(24 inches)~~-high.

~~(6)~~(5) Asphalt-topped roads shall have manhole covers placed flush with finish grade. Gravel-topped roads shall have manhole covers placed 25 mm ~~(1-inch)~~ below finish grade.

- (6) All manholes shall be wrapped in watertight material.

#### BUILDING SEWERS

- 10+. (1) Building sewer "laterals" shall be connected to the main with tees, saddles or approved equivalent **as per the "Standard Specifications for Municipal Services"**. Breaking into a street sewer ~~or connecting directly into a manhole~~ shall not be permitted. **Connecting to a manhole or wetwell shall only be considered under exceptional circumstances.**
- (2) Separate and independent sewer laterals shall be provided for every single **familyunit** house, each unit in a semi-detached, each apartment building or other building.
- (3) Laterals shall ~~have a minimum grade of 2%~~**be constructed as per the terms and conditions of the Municipality's "Sewer Work Permit"**. Laterals shall be PVC SDR 28 **or match the material of the main where new systems are being constructed concurrently.**
- (4) Place bell-end or coupling at the property line end of the lateral.
- (5) Place laterals perpendicular to the main, wherever possible.
- (6) Laterals shall be 100 mm (~~4 inch~~) diameter for single **familyunit** houses and sized accordingly for apartments, restaurants, factories and such, **with a minimum non-residential lateral diameter of 150 mm.**

#### PRESSURE SEWERS

112. Pressure sewer pipes or forcemains shall conform to the following specifications.
- (1) Polyvinyl Chloride pipe to CSA 137.3-M. Minimum SDR 26. Minimum diameter ~~75 mm (3 inches)~~ **50 mm.**
- (2) The forcemain shall be connected into a specially designed manhole properly benched and channelled. The drop between the inverts of the forcemain outlet and the outgoing pipe shall be a maximum of ~~0.45 m (18 inches)~~ **450 mm (18 inches).**

#### PUMPING STATIONS

123. (1) The minimum diameter of any pumping station **wetwells** shall be 1.8 m (~~6 feet~~). The pumping station structure shall be designed for external earth and water pressure and for uplift caused by floatation.
- (2) Pumping stations shall be complete with galvanized ladders and landings.
- (3) Pumping stations shall **be capable of automatic switch-over.** ~~have 100% stand-by capacity with automatic switch-over.~~
- (4) **Wetwells shall be designed so that confined space entry is not required to conduct maintenance and repairs of the equipment inside the wetwell.**
- (5) **All wetwells shall have a safety grate installed.**

#### **SANITARY SEWERS – NEW WASTEWATER FACILITIES**

13. (1) **Small diameter gravity sewers and septic tank effluent pump (STEP) pressure sewer connections are preferred. Vacuum systems shall not be considered.**
- (2) **Each building or, in the case of duplexes or townhomes, each unit, shall be connected to a septic tank. Grinder pumps shall not be considered.**
- (3) **The Municipality shall not be responsible for the maintenance of the septic tank.**
- (4) **The wastewater treatment plant design shall be of a low maintenance system as approved by the Municipal Engineer.**
- (5) **Supervisory control and data acquisition (SCADA) systems as approved by the Municipal Engineer shall be installed.**

#### **SEWER TESTING**

14. (1) The developer shall pay the cost of all tests which shall be carried out in the presence of the Municipal Engineer or ~~his~~ designate.
- (2) Sanitary sewers shall be tested as per "Standard Specifications for Municipal Services".

- (3) Pressure sewers shall be tested as per "Standard Specifications for Municipal Services".

## **PUBLIC DRINKING WATER SERVICES – WATERMAIN SERVICES EXTENSIONS**

**15. The Municipality shall only consider extensions to existing water transmission mains.**

**16. The water system shall conform to the standard of the water utility or service commission that operates the public drinking water supply.**

~~15. (1) The minimum diameter of water lines shall be 200 mm (8 inch). The *Municipality* may allow 150 mm (6 inch) diameter watermain if the length is less than 300 m (1,000 feet) and the main is looped.~~

~~(2) All water pipes shall have a minimum cover of 1.5 m (5 feet) and a maximum cover of 1.8 m (6 feet) in relation to the final finished street grade.~~

~~(3) All water pipe shall normally be laid in the same trench as sewer lines, at least 0.3 m (1 foot) above the top of the sewer line and 0.3 m (1 foot) clear of the side of the sewer line with the exception of Clause 7 (3).~~

~~(4) The watermain system shall have a fire hydrant or air release chamber at all high points. The air release chamber shall be at least 1 m (39 inches) in diameter and complete with air release valve.~~

~~(5) The watermain system shall have a fire hydrant or drain chamber at all low points. The drain chamber shall be at least 1 m (39 inches) in diameter and complete with 50 mm (2 inch) drain.~~

~~(6) Calculations for design peak flows for water demand in the area to be served shall be submitted to the Municipal Engineer for review.~~

~~(7) A minimum of 140 kPa (20 psi) residual water pressure must be maintained, at the Fire Flow of 32 litres/sec (420 igpm) plus peak water demand.~~

~~16. Water pipe shall be manufactured to conform to one of the following specifications:~~

~~(1) Pipe~~

- ~~\_\_\_\_\_ a. Polyvinyl chloride pipe Series 160 in accordance with CSA Standard B137.3 and ASTM D2241-65T.~~
- ~~\_\_\_\_\_ b. Polyvinyl chloride pipe AWWA C 900, class 150, to CSA B137.3, SDR18.~~

~~\_\_\_\_\_ (2) Pipe Joints~~

- ~~\_\_\_\_\_ a. Fittings for water pipe shall be joint, pressure rating 1,705 Kpa (250 psi), manufactured in accordance with ASA Specifications A21.10-1964 (AWWA C110-1964), and shall have cement mortar lining in accordance with ASA Specifications A21.4-1964 (AWWA C104-64).~~

~~WATER LATERAL SERVICES~~

- ~~17. (1) Separate and independent water laterals shall be provided for every single family house, each apartment building, each unit in a semi-detached, factory or similar building.~~
- ~~\_\_\_\_\_ (2) Service connections shall be complete with corporation main stops, approved service piping, and curb stop complete with drain, compression couplings, telescopic valve box with top marked "Water".~~
- ~~\_\_\_\_\_ (3) Service pipe shall be one of the following:  
\_\_\_\_\_ Type "K" soft copper pipe.  
\_\_\_\_\_ Polyethylene CSA Standard B137.1 for a 1,120 kPs (160 psi) working pressure.~~
- ~~\_\_\_\_\_ (4) Service pipe shall be 20 mm (3/4 inch) diameter for single family homes and sized accordingly for apartments, factories, etc.~~
- ~~\_\_\_\_\_ (5) Laterals shall be installed perpendicular to the main, wherever possible.~~

~~WATERMAIN TESTING, DISINFECTING, FLUSHING~~

- ~~18. Complete all testing, disinfecting and flushing as per "Standard Specifications for Municipal Services".~~

~~EARTHWORKS~~

- ~~19. (1) Bedding material shall be Class B as per Province of Nova Scotia Department of Transportation and Public Works Standard Specification.~~
- ~~(2) Backfill shall be selected material, maximum size 150 mm (6 inches).~~
- ~~(3) Compact bedding to 95% Standard Proctor.~~
- ~~(4) Compact backfill to 98% Standard Proctor.~~
- ~~(5) Maximum lifts for backfilling 0.3 m (1 foot).~~
- ~~(6) Proctor density tests, 1 test per type of backfill material (at Developer's expense). Test Results shall be submitted to the Municipal Engineer for review.~~
- ~~(7) Density test 1 per 30 m (100 feet) of service (at Developer's expense). Tests shall be repeated upon failure. The Municipal Engineer shall direct when and where the compaction tests shall be completed. Test results shall be submitted to the Municipal Engineer for review.~~
- ~~(8) Bedding material shall surround all service pipes and laterals a minimum of 150 mm (6 inches).~~

## ENGINEERING DRAWINGS

- 1720.** Engineering drawings shall include a plan, profile, cross sections, **right-of-way limits**, details and specifications, duly stamped and signed by a Registered Professional Engineer of the Province of Nova Scotia. **They should be drawn using a CAD drafting software. Survey and design shall reference UTM NAD83 Zone 20 coordinate system for ease and accuracy of transfer to the Municipality's GIS system (ESRI ArcGIS).**

## SCALE

- 1821.** The scale of drawings shall be:

- (1) Horizontal - 1:500. ~~(1 inch = 40 feet).~~
- (2) Vertical - 1:50. ~~(1 inch = 4 feet).~~

- (3) Cross sections and detail plans to be scaled as required to illustrate the subject.

## PLAN

**2219.** The engineering plan shall include, **but not be limited to**, the existing and proposed location and horizontal alignment of:

- (1) Sanitary sewers with lengths, sizes, types and all related appurtenances.
- (2) Water system with lengths, sizes, types and all related appurtenances.
- (3) Sanitary and water services for buildings to street line.
- (4) All other utilities.
- (5) Culverts.
- (6) All horizontal street line curves, the beginning of the curve, the end, the tangent distance, intersecting angle.
- (7) Power poles and all other utilities.
- (8) Road shoulders and ditches.
- (9) Cross references to the other plans including existing plans of any adjacent subdivision.
- (10) Property lines, right-of-ways, and easements.**

## PROFILE

**2023.** The profile shall include the existing and proposed vertical alignment of:

- (1) The centre line and street lines.
- (2) The sanitary sewer and appurtenances.

- (3) The water system and appurtenances.
- (4) The soil profile.
- (5) Underground utilities.
- (6) Culverts.

#### CROSS SECTION

**2421.** The cross section shall include:

- (1) Existing conditions.
- (2) Existing and proposed services.

#### DESIGN AND CONSTRUCTION DETAILS

**2522.** Design and construction details shall include, **but not be limited to**, the relevant products and execution procedures for:

- (1) Earthwork
  1. excavation
  2. backfilling (maximum lifts and compaction)
  3. side slopes
  4. dewatering
  5. gradation of materials
- (2) Water Services
  1. main
  2. lateral
  3. appurtenances
  4. hydrant
  5. installation
  6. testing
  7. chlorination and flushing

- (3) Sanitary Sewer
  - 1. main
  - 2. lateral
  - 3. appurtenances
  - 4. installation
  - 5. testing

#### LATERAL CARDS

- ~~2326.~~ (1) The Developer shall complete lateral cards for all services installed.
- (2) Blank lateral cards **formats** shall be obtained from the Municipal Office.
- (3) Lateral cards shall include all information relating to the lateral including, length, location, inverts, and lot features, i.e. power poles, culverts and property pins.

#### RECORD DRAWINGS

- ~~2724.~~ (1) The Developer shall complete Record Drawings (As-builts) that accurately reflect the construction system.
- ~~(2) Record information shall include a minimum of two (2) ties as well as all changes to items including, but not limited to manholes, chambers, valves, culverts, watermains and sewer specials, etc.~~
- ~~(3) Reproducible Record Drawings (films) shall be submitted to the Municipality at the completion of the project. (Sepias will not be accepted).~~
- (2) **Survey and design shall reference UTM NAD83 Zone 20 coordinate system for ease and accuracy of transfer to the Municipality's GIS system (ESRI ArcGIS).**
- (3) **Drawings are to be completed in AutoCAD. All data must be in AutoCAD format .dwg. Bind all raster images to the document.**
- (4) **As-built digital data submissions shall comply with the following specifications:**
  - 1. **All work shall be referenced using UTM NAD83 Zone 20 coordinate system.**
  - 2. **All coordinates and dimensions shall be supplied in metric units to an accuracy of ±50 mm.**

3. Real world coordinates shall be shown correctly with no front-end truncation of the coordinate values.
4. Data and text files shall be delivered in ASCII format (comma delimited).
5. ASCII files shall contain fields in the following order: Point, Northing, Easting, Elevation, Code, Size (mm). Example: 5271,4913409.875,382817.901,9.92000,SSP,200
6. If the data point indicates a pipe or fitting, then the size of the fitting shall be indicated in mm as well. See above.
7. The data point for all infrastructure of the same type shall receive the same Code as per the following Table:

<b>SEWER – Collection and Treatment Facilities</b>			
<b>Feature Code</b>	<b>Feature Description</b>	<b>Shape Type</b>	<b>Grouping</b>
<b>Pipes and Wires</b>			
SEL	Underground Electrical	Polyline	Electrical
SFM	Force Main	Polyline	Pressure Pipe
SG	Gravity Pipe	Polyline	Gravity Pipe
SL	Lateral	Polyline	Lateral
SELA	Underground Elec. - Abandoned	Polyline	Abandoned
SFMA	Force Main – Abandoned	Polyline	Abandoned
SGA	Gravity Pipe – Abandoned	Polyline	Abandoned
SLA	Lateral - Abandoned	Polyline	Abandoned
<b>Instruments and Fittings</b>			
SARV	Air Release Valve	Point/Block	Instruments & Fittings
SAOV	Automatically Operated Valve	Point/Block	Instruments & Fittings
SCAP	Cap/Blank Flange	Point/Block	Instruments & Fittings
SCO	Cleanout	Point/Block	Instruments & Fittings
SF	Fitting – coupling, bend, etc.	Point/Block	Instruments & Fittings
SI	Inlet	Point/Block	Instruments & Fittings
SO	Outlet	Point/Block	Instruments & Fittings
<b>Structures</b>			
SMH#	Manhole	Point/Block	Manholes
SPS#	Pumping Station	Point/Block	Pump Stations
SBG	Building	Point/Block	Structure
STK	Tank/Wetwell	Point/Block	Structure
STP	Treatment Plant	Point/Block	Treatment Plant

8. The code used for water systems shall conform to the standards of the operators of the water utility or service commission.

9. Digital record drawing files shall be delivered in a format compatible with AutoCAD. If drawing files contain images and/or externally referenced drawing files the use of AutoCAD 'Sheet Set' or 'ETRANSMIT' is required for assembling a usable CAD submittal package. Include any plot style files (STB or CTB) for plotting purposes.
10. Record drawing sheets shall also be submitted in PDF format. PDF files shall be submitted for each single drawing. Layer information shall be included in the final PDF files. The PDF file for each drawing shall be actual size (1:1) and not scaled to fit a page size.

**COMMISSIONING, OPERATING AND MAINTENANCE**

25. Commissioning records, standard operating procedures and a detailed maintenance plan shall be submitted to the Municipal Engineer for approval.

**EROSION AND SEDIMENTATION CONTROL**

2826. All work associated with the installation of water and sanitary services shall be shown on a separate plan and include allowances for work progression, the time of year (climate) the work that will be done, instructions for removal of erosion and sediment control materials where required, and in general should comply with the goals and direction in the Nova Scotia Environment's ~~comply with the Nova Scotia Department of Environment and Labour's~~ "Erosion and Sedimentation Control, Handbook for Construction Sites".

**Clerk's Annotation for Official Policy Book**

Date of Notice to Council Members

Date of Passage of Current Policy:

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of Intent to Consider Amendments:

Date of Passage of Amendments:

I certify that this "Policy MDL-\_\_\_\_" was adopted by Council as indicated above.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

Municipality of the District of Lunenburg  
POLICY

Title: Municipal Road Design and Construction Standards	
Policy No.	
Effective Date:	Amended Date:

SCHEDULE H

**MUNICIPAL ~~PUBLIC~~ ROAD DESIGN AND CONSTRUCTION STANDARDS**  
**[~~June 1, 2004~~ June XX, 2018]**

**1.0 GENERAL**

The following are the minimum road standards for ~~municipal proposed~~ **Public and Private Designed** Roads in the Municipality. In every case, roadway designs will be prepared by a qualified Professional Engineer licensed to practice in the Province of Nova Scotia **and holding valid errors and omissions insurance**. All roadway design drawings ~~and roadway construction~~ will be subject to approval by the Municipal Engineer. No roadway will be considered a ~~municipal public road~~ **Public Road or Private Designed Road** unless stamped engineered drawings, designed to standard, and related survey plans, are approved, and construction of the roadway is completed in accordance with such approved drawings.

Existing provincial public roadways transferred, by law, from the Province of Nova Scotia to the Municipality, will not be subject to these road standards.

Requirements in excess of the minimum standards may be necessary for certain roadways, subject to the Municipal Engineer's discretion.

Submitted drawings will include:

- (a) legal survey plans showing property boundaries, and proposed rights-of-way and easements;

- (b) topographic contour drawings, to minimum ~~2.1 m (6.56')~~ intervals, within the project area, and to minimum ~~5.2 m (16.40')~~ within the contributing drainage area outside the project area;
- (c) road and drainage design plans and profile drawings, with preferred metric scales at 1:100 or 1:250 – horizontal, and 1: 10 or 1: 25 – vertical, with each drawing stamped, signed and dated by the Professional Engineer responsible for its preparation; **and**
- (d) ~~and~~, all other details of structures, equipment and appurtenances, including manufacturer's and fabricator's shop drawings, and material and equipment test reports, necessary for the Municipal Engineer in his or her sole discretion to properly complete the review of the roadway project design and construction.

Submitted drawings will be clearly drawn and annotated, to scale, and include a title block with appropriate project information and location, and professional engineer and subdivision applicant identification. No drawing sheet in the drawing set will be larger than 1.0 m<sup>2</sup> (ANSI E size).

Drawing sets will be submitted in both paper form and electronic data, with electronic data in either the \*.dwg, \*.dxf or IGES file format, and will be on electronic data media that can be read by Municipality personal computer equipment.

In this Standard, regulatory dimensions ~~or~~ are stated in metric; ~~US customary units are provided for convenience only.~~ The use of metric (Systeme International – S.I.) units in engineering design submissions is ~~preferred~~ **required**; ~~however, use of U.S. customary units is acceptable.~~

## 2.0 TECHNICAL REFERENCES

The following technical references are noted in these Standards:

- 2.1 “Geometric Design Guide for Canadian Roads”, ~~September 1999~~ **June 2017**, latest revision, issued by the Transportation Association of Canada.

- 2.2 “Manual of Uniform Traffic Control Devices for Canada”, ~~March 1994~~ **January 2014**, latest revision, issued by the Transportation Association of Canada.
- 2.3 “Standard Specifications for Municipal Services”, ~~January 2003~~, **January 2017**, ~~4~~Latest revision, issued by the Joint Committee on Contract Documents of the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.
- 2.4 “Nova Scotia Department of Transportation Metric Standard Specification Book”, ~~January 1994~~, **February 1997**, ~~4~~Latest revision, issued by the Nova Scotia Department of Transportation ~~and Public Works and Infrastructure Renewal~~.
- 2.5 “Guidelines for Residential Subdivision Street Design”, recommended practice, 1997, Institute of Transportation Engineers.
- 2.6 “Erosion and Sedimentation Control Handbook for Construction Sites”, 1988, Nova Scotia Department of Environment and Labour.
- 2.7 “Canadian Highway Bridge Design Code”, CAN/CSA-S6-00, latest revision.
- 2.8 “Urban Hydrology for Small Watersheds, TR-55”, Technical Release 55, June 1986, United States Department of Agriculture, Natural Resources Conservation Service.
- 2.9 “Standards for Concrete Pipe”, CAN/CSA-A257-Series-M92, latest revision.
- 2.10 “Thermoplastic Pressure Piping Compendium”, CAN/CSA-B137-Series-02, latest revision.
- 2.11 “Corrugated Steel Pipe Products”, CAN/CSA-G401-01, latest revision.

### 3.0 ROAD CLASS DESIGNATION

Municipal ~~P~~**public R**oads ~~will~~ **shall** be designed **and built** according to one of the following road design classes:

- **Urban Streets - Laneways, Urban Local Undivided (ULU)**
- ~~- low volume rural road (LVR)~~
- **Rural Local Undivided Road (RLU)**
- **Rural Collector Undivided (RCU)**

**Private Designed Roads shall be designed and built according to one of the following road design classes: ~~and the right of way allowance shall be adequate to provide for an RLU design standard:~~**

- **Rural Laneway (RLW)**
- **Low Volume Rural Road (LVR)**

**3.1 Urban Streets - Laneways, Urban Local Undivided (ULU)**

**A developer may desire to build roads or streets that are more urban in nature. If the nature of the proposed development is to create a dense cluster of urban, centrally-serviced buildings and streets, then those Public Roads will be classified as Urban Local Undivided (ULU) and be expected to conform to Urban category standards issued by the Transportation Association of Canada (TAC).**

**3.12 Rural Laneway and Low Volume Rural Road – RLW & LVR**

~~Municipal roads will be classed as low volume rural roads where the Average Annual Daily Traffic count hereafter referred to as AADT is forecast to be less than 300 vehicles per day, and all traffic has an origin or destination along the roadway length (i.e. no through traffic).~~

**A Private Designed Road may be classed as Rural Laneway (RLW) provided no more than 18 lots access or front on the Private Designed Road. All other Private Designed Roads shall be classed as Low Volume Rural Roads (LVR).**

**3.23 Rural Local Undivided Road – RLU**

**Except where a Public Road is classed as Urban Local Undivided (ULU), Public Roads ~~Municipal roads~~ will be classed as ~~rural local undivided~~ Rural Local Undivided (RLU) roads where the AADT is forecast to be ~~less~~ fewer than 600 vehicles per day.**

**3.34 Rural Collector Undivided Road – RCU**

~~Municipal roads~~ Except where a Public Road is classed as Urban Local Undivided (ULU), Public Roads will be classed as ~~rural collector undivided~~ Rural Collector Undivided (RCU) roads where the AADT exceeds 600 vehicles or more per day. For RCU roads, special design requirements, specific to each case, if any, will be established, by the Municipal Engineer.

### 3.45 Average Annual Daily Traffic Estimation

At the Municipal Engineer's sole discretion, submission of road design trip generation calculations will be required in order to support the AADT forecast necessary to determine road classification. In any case, the Municipal Engineer will determine and approve the road classification.

### 3.56 Design Speed

Unless lower design speeds are specified by the Municipal Engineer, based upon the projected use of the roadway, **minimum** design speeds for road classes will be as follows:

RLW	40 km/hr
LVR	540 km/hr
RLU	750 km/hr
RCU	70 km/hr

## 4.0 ALIGNMENT CONTROLS

Alignments for roads classed as ULU shall be in accordance with the Urban category of the Geometric Design Guide for Canadian Roads.

Design controls for horizontal and vertical road alignment will be for the design speeds as per the assigned **rural** road classes in **Subsection 3.56 of this schedule**, and will be in accordance with the Geometric Design Guide for Canadian Roads **or as indicated in Table 4.1, below. Note that for the ranges of design speed, there are corresponding ranges of geometric design criteria. The allowance of a 40 km/hr design speed on rural roads shall only be permitted for Private Designed Roads.**

### 4.1 Road Alignment Parameters

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Table 4.1 Road Alignment Parameters

	RLW	LVR	RLU	RCU
Posted Speed Limit	30 km/h	30 km/h	70-50 km/h	70 km/h
Design Speed Range	40 km/h	40 km/h	70-50 km/h	80-70 km/h
Max Gradient	12 %	12 %	10 %	8 %
Horizontal Curve radius	40 m	60 m	190-90 m (with design speed)	250-190 m (with design speed)
Stopping Sight Distance	45 m	45 m	110-65 m (with design speed)	140-110 m (with design speed)
Vertical Sag Curve, k	7 m	7 m	25-11 m (with design speed)	30-25 m (with design speed)
Vertical Crest curve, k	4 m	4 m	22-7 m (with design speed)	35-22 m (with design speed)
Passing Sight	290 m	290 m	490-350 m	550-490 m

#### 4.1 Minimum Stopping Sight Distance

Minimum stopping sight distances will be:

- a) for 50 km/hr design speed 65m (213ft)
- b) for 70 km/hr design speed 110m (360ft)

Engineering plan drawings will indicate the start and end points, and turning radii for all horizontal curves.

Engineering profile drawings will indicate the start and end points for all vertical curves, slopes for all changes in direction and the K value for all crest and sag vertical curves.

Both plan and profile drawings will clearly show road length stations.

#### 4.2 Maximum Vertical Gradients

Maximum vertical gradients will be:

~~\_\_\_\_\_ for LVR \_\_\_\_\_ 10%~~

~~\_\_\_\_\_ for RLU & RCU 6%~~

#### 4.32 Intersections with Existing Roads

##### 4.32.1 Horizontal Approach

Roadway intersections with existing municipal roadways will have intersection angles at no less than 70 degrees and no greater than 110 degrees to the existing municipal roadway.

Roadway intersections with existing provincial roadways will be subject to the approval of the Nova Scotia Department of Transportation ~~and Public Works~~ **and Infrastructure Renewal**.

##### 4.32.2 Vertical Approach

Roadway gradient adjustments for intersections with existing municipal roadways will be designed in accordance with the Geometric Design Guide for Canadian Roads.

Roadway intersections with existing provincial roadways will be subject to the approval of the Nova Scotia Department of Transportation ~~and Public Works~~ **and Infrastructure Renewal**.

#### 4.43 Intersections for New Roads

New intersections will be designed in accordance with the Geometric Design Guide for Canadian Roads.

#### 4.54 Cul-de-Sac Design

Cul-de-sacs will be placed at the end of all dead-end streets **on Public Roads**. The geometric layout will be, at a minimum, as per attached drawing H – 1.

**Turning tees or cul-de-sacs will be placed at the end of all dead-end streets on Private Designed Roads. The geometric layout will be, at a minimum, as per attached drawings H – 1 or H – 2.**

All culs-de-sacs **and turning tees** will be constructed to applicable minimum road standards.

#### 4.65 Reserve Road Allowances

As required by this By-law, all subdivisions will provide for a reserve road allowance for future extension of the public road to the boundaries of an adjacent lot or watercourse, at minimum intervals of 400 metres (~~1,312.34'~~), as determined to be feasible at the sole discretion of the Municipal Engineer.

#### 4.76 Road and Driveway Layout

Road layout design will optimize use of materials and future maintenance without compromising safety, the surrounding natural environment, or the convenience of access to the properties served by the road network. The Municipal Engineer will review submitted designs and assess the life-cycle economy provided by such designs. Generally, the Municipal Engineer will approve a road layout design that will result in optimal future maintenance costs, and reduced environmental impact. Guidance in road layout design is available through several publications of the Transportation Association of Canada and the Institute of Transportation Engineers, including the technical documents referenced in Section 2 of this ~~Standard~~ **schedule**.

Residential driveway access design will conform to the recommendations contained in the “Guidelines for Residential Subdivision Street Design” **and the “Geometric Design Guide for Canadian Roads”**. Where the road traffic will consist of a mix of residential, commercial and/or industrial traffic volumes, the Municipal Engineer may, at ~~his or her~~ **their** sole opinion, specify other driveway design requirements.

**Proposed and existing (if applicable) driveway** locations will be shown on the submitted plan drawings.

## **5.0 CROSS-SECTION CONTROLS**

Cross-section controls refer to the cross-sectional geometry of the roadway. **Except where varied in this Section, all Public Roads and Private Designed Roads shall meet the cross-sectional geometry outlined in Schedule ‘J’ for the applicable road class, as determined by Section 3 of this Schedule.** ~~Roadways of LVR and RLU class are, at a minimum, to be gravel surfaced, minimum two-lane, with open drainage ditches for collection and disposal of~~

~~storm water. Roadways of RCU class will be surfaced with asphalt concrete, with minimum cross-section controls and drainage systems as determined by the Municipal Engineer at his or her sole discretion.~~

**5.1 Minimum Right-of-Way Width**

The minimum right-of-way width for all municipal Public Roads, **except public laneways in the ULU class of roads**, will be 20 m (~~65.62'~~), assuming maximum drainage ditch back slopes can be accommodated. Where the maximum drainage ditch back slopes cannot be accommodated, the right-of-way **width** shall be determined by the Municipal Engineer at ~~his or her~~**their** sole discretion. **The minimum right-of-way for public laneways in the ULU class of roads shall be the width of the road, as required by Schedule 'J' plus 3.6 m.**

**The minimum right-of-way width shall be 20 m for all Private Designed Roads except under exceptional circumstances, subject to discretion of the Municipal Engineer and in accordance with accepted engineering practice. Under no circumstances shall the right-of-way width be less than 15.2 m.**

Where a road right-of-way ~~concerned is~~ **was approved under a previous Subdivision By-law and is** less than 20 metres **wide** and the road is either a private road subject to a municipal takeover of ownership, **or a private road that is being upgraded to a Private Designed Road**, the Municipal Engineer may specify special engineering criteria regarding the placement of the road and drainage infrastructure within the confined right-of-way, without requiring widening of the right-of-way to the standard width.

~~5.2 Minimum Cross Section Criteria~~

<del>Road Class</del>	<del>Roadway</del>	<del>Cut side</del>	<del>Backslope</del>	<del>Fill side slope</del>
	<del>width, incl</del>	<del>slope, earth</del>	<del>earth,</del>	<del>earth,</del>
	<del>shoulder</del>	<del>run:rise</del>	<del>run:rise</del>	<del>run:rise</del>
<del>LVR</del>	<del>8.60m (28.21')</del>	<del>2:1</del>	<del>1:5:1</del>	<del>2:1</del>
<del>RLU</del>	<del>9.75m (32.00')</del>	<del>3:1</del>	<del>2:1</del>	<del>3:1</del>

~~RCU Minimum criteria to be determined by Municipal Engineer, but at least equal to RLU~~

**5.32 Guard Rails**

Guard rails will be placed where ~~prudent road safety engineering practice dictates, as determined at the sole discretion of the Municipal Engineer~~ **the drop from the road surface is greater than 3 m and the slope is less than 6:1 (H:V)**. If guard rails are placed, fill side slopes for RLU and RCU class can be reduced to 2:1. Where guard rails are placed, roadway width is to be increased by a minimum of 0.5 m (1'8"), adjacent the guard rail. Guard rail installation will be as per the Nova Scotia Department of Transportation ~~and Public Works~~ **and Infrastructure Renewal** Standard Specification Book.

#### 5.43 Rock Slopes

Back slopes in rock are maximum 1:4 for all road classes. Fill side slopes in rock are 1.5:1 with guard rail for all classes. Without guard rail, fill side slopes in rock are the same as for earth fill slopes as per road class.

#### 5.54 Roadway Surface Slope

Generally, the roadway surface is to be crowned in the centre, with a 3% slope towards each drainage ditch, for gravel-surfaced roads, and a 2% slope towards each roadside drainage structure for asphalt concrete surfaced roads. Exceptions can occur where superelevations are required to accommodate turning radii or intersection alignment, or where hydraulic analysis indicates a greater crown slope is required.

#### 5.65 Design for Wide-Turning Vehicles

Where it is expected that wide-turning vehicles (trucks) may be occasionally encountered on the road, adjustments to roadway width, particularly at turns, may be required, in conformance with the Geometric Design Guide for Canadian Roads.

#### 5.76 Retaining Walls

Other than undisturbed, or otherwise stable, naturally-occurring rock faces, all exposed vertical cuts of soil in the road right-of-way will be stabilized and prevented from failure by a retaining wall, of sufficient height and strength, where a cut slope conforming to the requirements of ~~Subsection 5.2~~ **Schedule 'J'** is uneconomic. The design and the construction inspection of retaining walls will be prepared by and directed through a Professional Engineer, licensed in the province of Nova Scotia, and competent in the field of

~~structural-geotechnical~~ engineering. The design will be subject to the review and approval of the Municipal Engineer, ~~in his or her~~ **at their** sole discretion.

## 6.0 ROADBED CONSTRUCTION

### 6.1 Earthwork, Grubbing, Excavation, Compacted Fills, Retaining Structures

Preparation of road sub-grade and related works will be as per the Standard Specifications for Municipal Services. The Municipal Engineer may request geotechnical test reports regarding the bearing capacity of the in'situ subgrade material, as well as other relevant geotechnical information, at the Engineer's sole discretion.

### 6.2 Base Gravel Course

**The base gravel course of all Public Roads shall consist of Type 2 material placed and compacted to approved grade, as per the Standard Specifications for Municipal Services. The material shall meet the specification of the Nova Scotia Department of Transportation and Infrastructure Renewal, as per the Standard Specification Manual, and shall meet the sulphide content limits of the Sulphide-Bearing Material Disposal Regulations of Nova Scotia Environment. The minimum thickness of the base gravel course shall be as outlined in Schedule 'J' for the applicable road class, as determined by Section 3 of this Schedule. The required thickness of the base course may be reduced at the discretion of the Municipal Engineer where a site-specific road bed design has been provided by a Professional Engineer licensed to practice in Nova Scotia.**

**The base gravel course of all Private Designed Roads shall be of a material and thickness as specified by a Professional Engineer licensed to practice in Nova Scotia and hired at the Developer's expense.**

~~For RLW road class:~~

~~————— A minimum of 200 mm (8") of Type 2 material will be placed and compacted to approved grade, as per the Standard Specifications for Municipal Services. The material will meet the specification of the Nova Scotia Department of Transportation and Infrastructure Renewal, as per the Standard Specification Manual, and will meet the sulphide content limits of the Sulphide Bearing Material Disposal Regulations of Nova Scotia Environment. These numbers may vary at the discretion of the Municipal Engineer~~

~~where a site-specific design for the road bed has been prepared by an engineer licensed to practice in Nova Scotia.~~

~~For LVR and RLU RCU road classes:~~

~~————— A minimum of 3200 mm (8") of Type 2 Nova Scotia Department of Transportation and Public Works Class "E" material will be placed and compacted to approved grade, as per the Standard Specifications for Municipal Services. The material will meet the specification of the Nova Scotia Department of Transportation and Public Works and Infrastructure Renewal, as per the Standard Specification Book Manual, and will meet the sulphide content limits of the Sulphide Bearing Material Disposal Regulations of the Nova Scotia Department of Environment and Labour Nova Scotia Environment. These numbers may vary at the discretion of the Municipal Engineer where a site-specific design for the road bed has been prepared by an engineer licensed to practice in Nova Scotia.~~

~~For RCU road class:~~

~~————— The minimum base gravel course specification will be determined at the sole discretion of the Municipal Engineer, but in all cases will at least equal that of the LVR and RLU roads classes.~~

### 6.3 Surface Course

The surface course of all Public Roads shall consist of Type 1 material and/or asphalt to a minimum thickness as outlined in Schedule 'J' for the applicable road class, as determined by Section 3 of this Schedule. Type 1 material, where used, shall be compacted to approved grade and shall meet the specification of the Nova Scotia Department of Transportation and Infrastructure Renewal, as per the Standard Specification Manual, and shall meet the sulphide content limits of the Sulphide-Bearing Material Disposal Regulations of Nova Scotia Environment. Asphalt material and construction specification shall be as per the Nova Scotia Department of Transportation and Infrastructure Renewal Standard Specification Book, and the Standard Specifications for Municipal Services. The required thickness of the surface course may be reduced at the discretion of the Municipal Engineer where a site-specific road bed design has been provided by a Professional Engineer licensed to practice in Nova Scotia.

The surface gravel or asphalt course of all Private Designed Roads shall be of a material and thickness as specified by a Professional Engineer licensed to practice in Nova Scotia and hired at the Developer's expense.

For ~~RLWLVR~~, and RLU road classes:

~~————— A minimum of 100 mm (8") of Type 1 material will be placed and compacted to approved grade, as per the Standard Specifications for Municipal Services. The material will meet the specification of the Nova Scotia Department of Transportation and Infrastructure Renewal, as per the Standard Specification Manual, and will meet the sulphide content limits of the Sulphide Bearing Material Disposal Regulations of Nova Scotia Environment. These numbers may vary at the discretion of the Municipal Engineer where a site specific design for the road bed has been prepared by an engineer licensed to practice in Nova Scotia.~~

For LVR road class:

~~LVR class roads shall be finished with a surface course of either a minimum of 100 mm of Type 1 material placed and compacted to approved grade, as per the Standard Specifications for Municipal Services, or 75 mm of Type B asphalt concrete. Type 1 material, where used, will meet the specification of the Nova Scotia Department of Transportation and Infrastructure Renewal, as per the Standard Specification Manual, and will meet the sulphide content limits of the Sulphide Bearing Material Disposal Regulations of Nova Scotia Environment. Asphalt material and construction specification will be as per the Nova Scotia Department of Transportation and Infrastructure Renewal Standard Specification Book, and the Standard Specifications for Municipal Services. These numbers may vary at the discretion of the Municipal Engineer where a site specific design for the road bed has been prepared by an engineer licensed to practice in Nova Scotia.~~

For RLU road class:

~~————— RLU class roads will be overlain by an asphalt concrete pavement surface of a minimum thickness of 75 mm of a Type B asphalt concrete. Required thicknesses and composition of the asphalt concrete pavement may be greater than minimum as determined at the sole discretion of the Municipal Engineer based on a geotechnical report as provided by the developer. Material and construction specification will be as per the Nova Scotia Department of Transportation and Public Works and Infrastructure Renewal Standard Specification Book, and the Standard Specifications for Municipal Services.~~

For RCU road class:

~~———— The minimum top gravel course specification will be determined at the sole discretion the Municipal Engineer, but in all cases will at least equal that of the LVR and RLU roads classes.~~

~~———— RCU class roads will be overlain with a surface course of 150 mm of Type 1 material placed and compacted to approved grade, as per the Standard Specifications for Municipal Services, and meeting the specification of the Nova Scotia Department of Transportation and Infrastructure Renewal, as per the Standard Specification Manual, and meeting the sulphide content limits of the Sulphide Bearing Material Disposal Regulations of Nova Scotia Environment. This will be overlain by an asphalt concrete pavement surface of a minimum thickness of 100 mm (4") of which 603 mm (2.5") will consist of a Type B base course asphalt concrete, and 3740 mm (1.5") will consist of a Type C surface course asphalt. Required thicknesses and composition of the asphalt concrete pavement may be greater than minimum as determined at the sole discretion of the Municipal Engineer based on a geotechnical report as provided by the developer. Material and construction specification will be as per the Nova Scotia Department of Transportation and Public Works and Infrastructure Renewal Standard Specification Book, and the Standard Specifications for Municipal Services.~~

#### 6.4 Erosion Control and Prevention

Minimum erosion control and prevention measures will be as per the Standard Specifications for Municipal Services, and the Erosion and Sedimentation Control Handbook for Construction Sites, **latest edition, or as per an approved design drawing submitted as part of the design, and sealed by a Professional Engineer licensed to Practice in the Province of Nova Scotia.**

#### 6.5 Municipal **Public Road** Inspections and Approval of Construction

Municipal **Public Road** inspections will occur, at a minimum, by appointment;

- i) prior to construction;
- ii) after clearing and grubbing;
- iii) during placement of drainage culverts and structures;
- iv) after placement of base gravel;
- v) after placement of surface gravel; and,
- vi) during placement of asphalt concrete pavement (where required).

Municipal inspections are not a substitute for the proponent's on-going quality control of the construction of the roadway. All proponents of roadway development and construction will require continuous, independent quality control inspection of the construction of the proposed works under the direct supervision of a named professional engineer, licensed to practice in the Province of Nova Scotia, and competent in the field of civil engineering.

Municipal Engineer's approval will be given only for construction in accordance with approved plans.

**Prior to Municipal acceptance and takeover of the road the Municipal Engineer must be in receipt of and have approved a certification by the design engineer, and their geotechnical and materials engineering consultants, stating that the road was constructed to the approved design and standards of this bylaw, or as modified in writing by the Municipal Engineer.** No final approval of the constructed works will be given unless complete record drawings and satisfactory test results, **at identified points of inspection** have been submitted to and approved by, the Municipal Engineer.

#### 6.6 Private Designed Road Inspection and Approval of Construction

**Prior to Municipal approval for the creation and development of lots fronting on a Private Designed Road, the Municipal Engineer must be in receipt of and have approved a certification by the design engineer, and their geotechnical and materials engineering consultants, stating that the road was constructed to the approved design and standards of this bylaw, or as modified in writing by the Municipal Engineer.** ~~No final approval of the constructed works will be given unless complete record drawings and satisfactory test results, have been submitted to and approved by, the Municipal Engineer.~~

## 7.0 STORM WATER DRAINAGE

### 7.1 General

~~All lands serviced by the proposed roadway system will be serviced by a drainage system. Which will consist of such open ditches and closed conduits as required to collect and remove storm water from at least a one in 25-10 year storm event, for LVR and RLU class roads, and at least a 1 in 100 year storm event for RCU class roads. The Municipal Engineer may specify a greater return period storm event where infrastructure and/or property are at greater risk of damage due to flooding, or due to the critical service nature of the affected infrastructure and/or property. Rainfall intensity curves to be used for specified return periods will~~

~~be based on the most recent Environment Canada trending data available for Shearwater, Nova Scotia, adjusted for local meteorological conditions. The Culvert Sizing program sponsored by Nova Scotia Environment is not an acceptable substitute for this engineering work, and is not applicable to any culvert sizing in the Municipality. Only a Professional Engineer shall size culverts under a public or private designed road.~~

**All lands serviced by the proposed roadway system shall be serviced by a drainage system. This shall consist of such open ditches and closed conduits as required to collect and remove storm water from at least a 1 in 5 year storm event for urban areas and urban class roads and streets that have storm sewers; a one in 10 year storm event for RLW, LVR, and RLU class roads; and at least a 1 in 100 year storm event for RCU class roads. The Municipal Engineer may specify a greater return period storm event where infrastructure and/or property are at greater risk of damage due to flooding, or due to the critical service nature of the affected infrastructure and/or property. Rainfall intensity curves to be used for specified return periods will be based on the most recent Environment Canada trending data available for Shearwater, Nova Scotia, adjusted for local meteorological conditions. The Culvert Sizing program sponsored by Nova Scotia Environment is not an acceptable substitute for this engineering work, and is not applicable to any culvert sizing in the Municipality. Only a Professional Engineer shall size culverts under a Public or Private Designed Road.**

All ditches and conduits will be placed in the municipal road right-of-way, or a storm utility easement, identified as such in the submitted plans. Storm utility easements are to be a minimum of 9.144 m (30'), unless otherwise approved by the Municipal Engineer. In any case, easements must be of sufficient width to permit safe and efficient public works maintenance operations within the easement.

7.2 ~~Nova Scotia Department of Environment and Labour~~ **Nova Scotia Environment** Approval; Other Agency Approvals

Design and construction of all storm water drainage systems will be in compliance with the Storm Drainage Works Approval issued by ~~the~~ Nova Scotia ~~Department of the~~ Environment ~~and Labour~~. No construction will take place unless such approval is received in compliance with the Activities Designation Regulations of ~~the~~ Nova Scotia ~~Department of~~ Environment ~~and Labour~~.

Depending on the nature of the works proposed, approvals may also be required from other public agencies and public and private utilities, including, but not limited to, the Nova Scotia Department of Transportation

~~and Public Works and Infrastructure Renewal~~, the Nova Scotia Department of Natural Resources, Fisheries and Oceans Canada, the Canadian Coast Guard (Navigable Waters Protection Act section), Nova Scotia Power Inc., **applicable telecommunications companies**~~Aliant Telecom~~ and other municipal units. The obtention of these approvals is the responsibility of the subdivision applicant. No construction will take place unless all necessary approvals have been received.

### 7.3 Acceptable Drainage Structures

~~The type and placement of culverts, conduits and drainage ditches will be clearly shown on all engineering drawings. Acceptable culvert and conduit materials include concrete Class III pipe to CAN/CSA A257 Series M92, PVC and HDPE pipe, complete with smooth interior surface and ribbed exterior, to CAN/CSA B137 Series 02, and corrosion resistant corrugated metal pipe, to CAN/CSA G401-01, where same will be placed in soil conditions that will not promote accelerated corrosion. Other culvert and conduit structures are acceptable pending Municipal Engineer's approval of their appropriate structural and hydraulic characteristics, and their life cycle economic maintenance.~~

**The type and placement of culverts, conduits and drainage ditches will be clearly shown on all engineering drawings. Acceptable culvert and conduit materials include concrete Class III pipe to CAN/CSA-A257 Series-M92, PVC and HDPE pipe, complete with smooth interior surface and ribbed exterior, to CAN/CSA-B137 Series-02. Other culvert and conduit structures may be acceptable pending Municipal Engineer's approval of their appropriate structural and hydraulic characteristics, and their life-cycle economic maintenance.**

### 7.4 Structural Design

All culvert and conduit structures will be of sufficient design and strength to resist soil, hydraulic, earthquake, temperature, traffic and other environmental loads reasonably anticipated to be imposed upon them.

Structural design calculations and drawings will be submitted for the Municipal Engineer's approval for all drainage structures spanning in excess of 1.5 m (4.92') at their greatest cross-sectional extent (i.e. distance between supports or maximum distance between structure sidewalls). Such calculations and drawings will be prepared by a Professional Engineer, licensed in the Province of Nova Scotia, and competent in the field of structural engineering. A geotechnical report regarding the soil conditions in the location of the proposed

drainage structure(s) will be submitted upon request of the Municipal Engineer. Such geotechnical report will be prepared by a Professional Engineer, licensed in the Province of Nova Scotia, and competent in the field of geotechnical engineering.

Drainage structures with a span greater than 2.5 m (~~8.20'~~) and subject to traffic or pedestrian loading will be designed and constructed in accordance with the Canadian Highway Bridge Design Code, CAN/CSA – S6-00. Such design and construction inspection and supervision, will be prepared by and directed through a Professional Engineer, licensed in the Province of Nova Scotia, and competent in the field of structural engineering.

## 7.5 Hydrology and Hydraulic Design

Hydraulic calculations can be based on the Rational Method, where the contributing drainage area for the designed drainage system is estimated to be 40 hectares or less (~~98.84 acres~~), or storm water detention is not required. Otherwise, flow calculations must be developed from storm water management modeling using TR-55 hydrologic methods, or another equivalent method recognized in civil engineering practice. **Empirical methods such as that used by the Nova Scotia Environment Culvert Sizing protocols are not acceptable.**

Hydraulic calculations and designs will include complete topographical information regarding structure inverts, crowns, head water and tail water elevations and, where applicable, backwater elevations, throughout the proposed system.

All drainage culverts, conduits and other structures will be constructed with headwalls and tail walls of approved design, and of stable and durable material, including stone, concrete, pressure-treated wood cribbing, and pre-manufactured plastic and metal assemblies. Where appropriate, security screening at culvert openings may be specified at the sole discretion the Municipal Engineer.

All culverts and drainage structures with a span greater than 1.5 m (~~4.92'~~) will include bevelled edge entries, smooth inlet transition and smooth interior surface throughout the flow length.

Hydraulic calculations and designs will be prepared by, and the construction inspection of structures directed through, a Professional Engineer, licensed in the Province of Nova Scotia, and competent in the field of civil engineering.

Hydraulic calculations will be submitted for review and approval by the Municipal Engineer.

#### 7.6 Watercourse Alterations, Detention Pond Design and Storm Water Disposal

All necessary watercourse alteration permits and approvals required from ~~the Nova Scotia Department of the Environment and Labour~~ **Nova Scotia Environment**, and all other relevant agencies and departments, will be obtained prior to construction and presented to the Municipal Engineer.

All detention pond designs will clearly state the pond dimensions, the volume of water retained during the specified return storm period, the minimum freeboard available at the specified return storm period, the location of the outfall, the anticipated flow and impact on the receiving watercourse and the security features of the structure to prevent unauthorized access.

All storm water drainage systems will drain to a public watercourse with flow and water quality in compliance with the approval issued by ~~the Nova Scotia Department of the Environment and Labour~~ **Nova Scotia Environment**.

No storm water drainage system will be acceptable to the Municipal Engineer where, in his or her sole opinion the disposal location of collected storm water negatively impacts the receiving environment or can create property damage.

#### 7.7 Construction Methods

Installation of culverts, conduits and ditches, and related appurtenances will be at a minimum as per the Standard Specifications for Municipal Services. Other requirements shall be as determined at the sole discretion of the Municipal Engineer.

#### 7.8 Stormwater Management

**Wherever possible, roadside ditches shall be vegetated and designed to capture, treat, and infiltrate stormwater runoff as it moves downstream.**

### **8.0 ROAD SIGNAGE**

All road signage, signals and markings will be in accordance with the **Manual of Uniform Traffic Control Devices** for Canada manual and the Nova Scotia Traffic Signs Regulations. All road signage will be placed in the right-of-way, subject to approval by the Municipal Engineer. No signage will be placed in the municipal right-of-way without the prior approval of the Municipal Engineer.

#### 8.1 Stop Signs

Stop signs will be placed within 5 m (~~16'~~) of all intersections, at the minor leg approaches. Intersections with equal traffic for all approaches may be designated as a four way stop, subject to approval by the Municipal Engineer.

#### 8.2 Traffic Signals

If traffic volumes indicate electrified traffic signals are necessary, a traffic signal warrant will be submitted for approval by the Municipal Engineer.

#### 8.3 Road Names

All municipal Public Road names ~~will be approved by~~ **shall be subject to approval of** Municipal Council prior to final approval being given by the Development Officer.

**All Private Designed Road names shall be subject to approval by the Civic Address Coordinator.**

#### 8.4 Road Name Signage

~~Road name signage will be placed for each road intersection.~~

**All Public Roads and Private Design Roads are required to have road name signage placed on each road intersection.**

#### 8.5 Other Road Signage

Other directional, speed rating and cautionary signage will be placed in the right-of-way, as warranted, in the sole discretion of the Municipal Engineer. Information or advertising signage will be placed in the

right-of-way only with the approval of the Municipal Engineer, and only to such specifications, and terms and conditions, as directed.

## 8.6 Signage Material

### 8.6.1 Signs

Signs will be made of plate or extruded anodized aluminum, with high-intensity grade reflective vinyl markings. Signage will be securely fixed to posts.

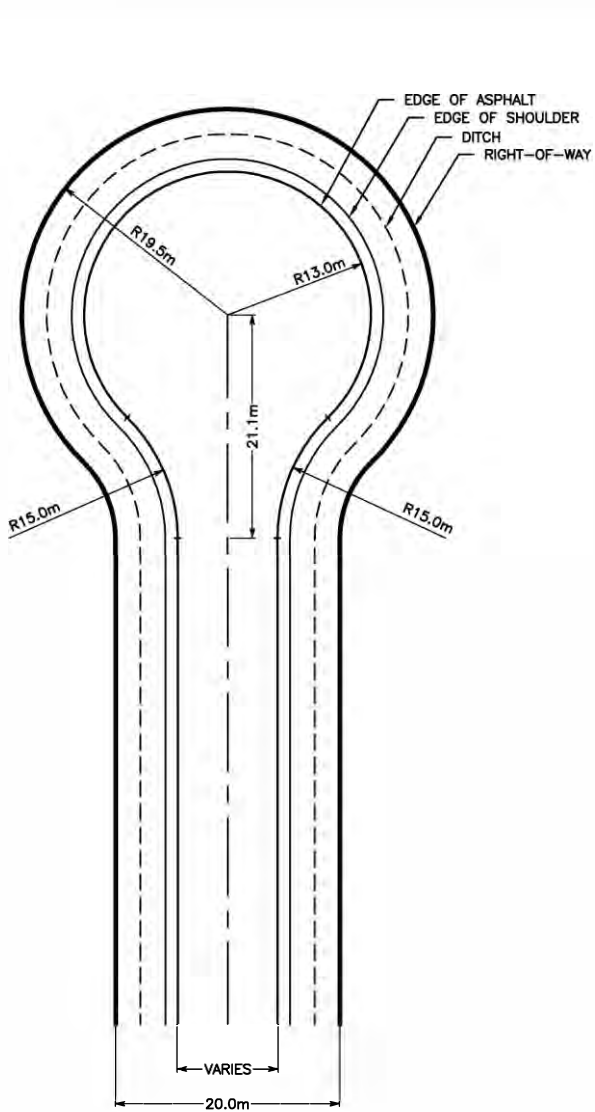
Street name signs will generally consist of all the letters of the primary street name, with the letters made from 100 mm (4") black vinyl marking stock, applied to extruded aluminum plate covered with white, high-intensity grade reflective vinyl material. All letters will be capitalized.

Other highway signage will generally be made from highway sign grade aluminum plate with high-intensity vinyl reflective markings. Minimum size of sign will conform to the Uniform Traffic Control Devices for Canada manual, and the Nova Scotia Traffic Signs Regulations.

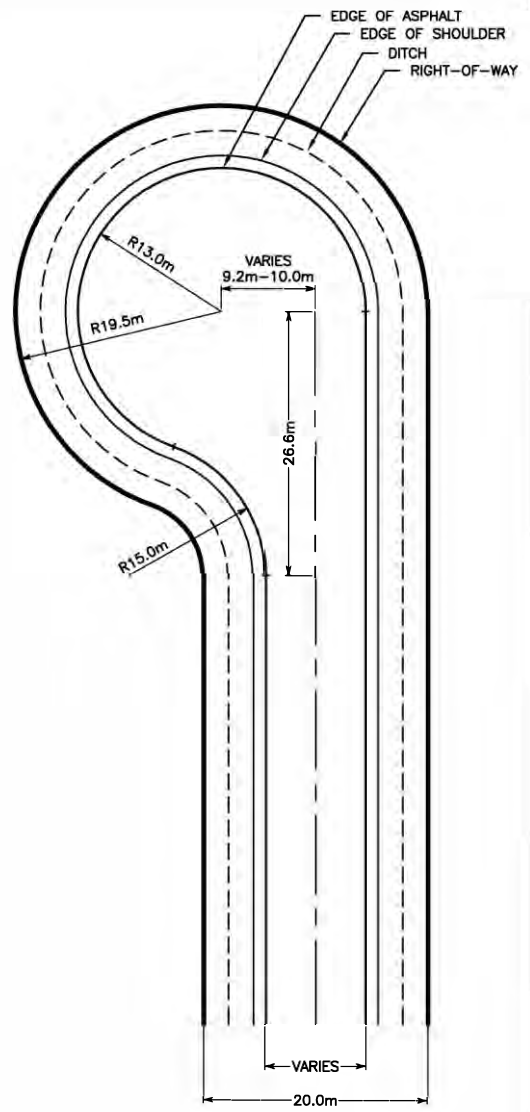
### 8.6.2 Posts

Generally, roadside marking posts will be of galvanized, perforated steel, of nominal 51 mm X 51 mm members; including galvanized steel post anchors and sleeves. Posts will be placed a minimum of 600 mm (23.6") in firm ground and in all cases will be designed and constructed to securely hold all signs and signals upright, and resist loading due to wind, snow, temperature and other environmental factors. All sign anchors and fasteners will be of galvanized steel or anodized aluminum.

There will be special structural requirements for sign assemblies that have an exposed sign area of greater than 0.675 m<sup>2</sup> (7.27 ft<sup>2</sup>), with approval of the assembly design and construction subject to approval by the Municipal Engineer.

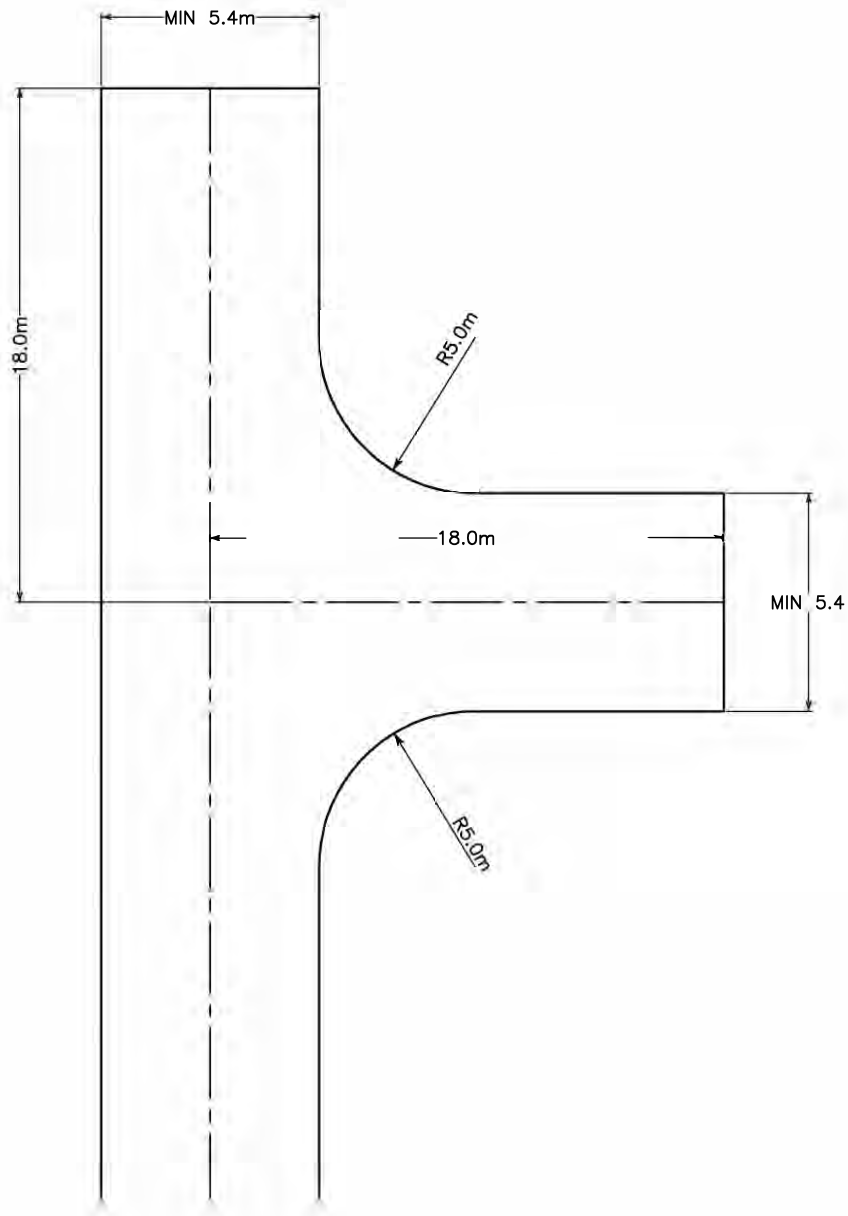


8 SYMMETRICAL CUL-DE-SAC  
J SCALE: N.T.S.



9 OFFSET CUL-DE-SAC  
J SCALE: N.T.S.

DRAWING H - 1



10  
J

TURNING TEE  
STANDARD PRIVATE DESIGNED ROAD  
SCALE: N.T.S.

DRAWING H – 2

**Clerk's Annotation for Official Policy Book**

Date of Notice to Council Members

Date of Passage of Current Policy:

Date of Notice to Council Members  
of Intent to Consider Amendments:

Date of Passage of Amendments:

I certify that this "*Policy MDL-\_\_\_\_*" was adopted by Council as indicated above.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

Municipality of the District of Lunenburg  
POLICY

Title: Stopping Sight Distance Chart	
Policy No.	
Effective Date:	Amended Date:

**SCHEDULE "T"**  
**STOPPING SIGHT DISTANCE CHART**

STOPPING SIGHT DISTANCES								
LOT NO.	SPEED ZONE	DISTANCE FROM LOT CORNER LEFT/RIGHT	LEFT		RIGHT		PASS OR FAIL	COMMENTS
			GRADE	DISTANCE	GRADE	DISTANCE		

**Clerk's Annotation for Official Policy Book**

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Municipal Clerk

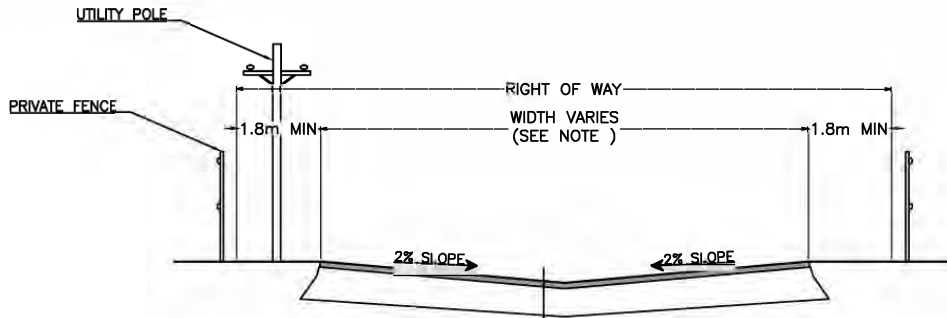
\_\_\_\_\_  
Date

Municipality of the District of Lunenburg  
POLICY

Title: Standard Details for Public Roads and Private Designed Roads	
Policy No.	
Effective Date:	Amended Date:

**SCHEDULE J**

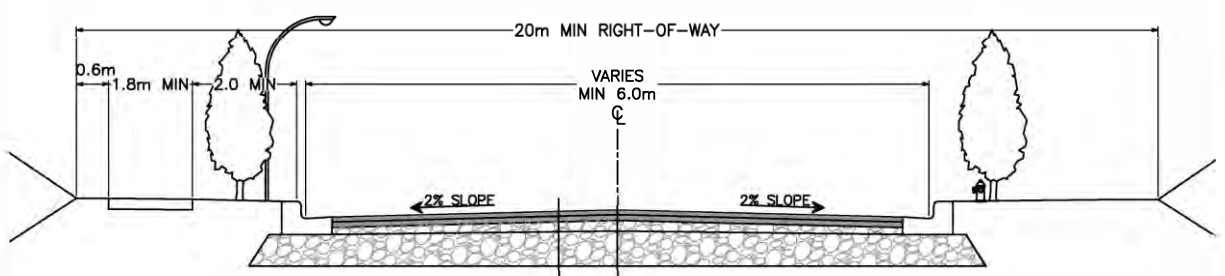
**STANDARD DETAILS FOR PUBLIC ROADS AND PRIVATE DESIGNED ROADS**



**NOTE:**  
 1. FOR RESIDENTIAL LANEWAYS  
 MINIMUM WIDTH 4.8m  
 2. FOR COMMERCIAL LANEWAYS  
 MINIMUM WIDTH 6.0m

75mm ASPHALT  
 MIX TYPE B-HF  
 100mm TYPE 1  
 200mm TYPE 2

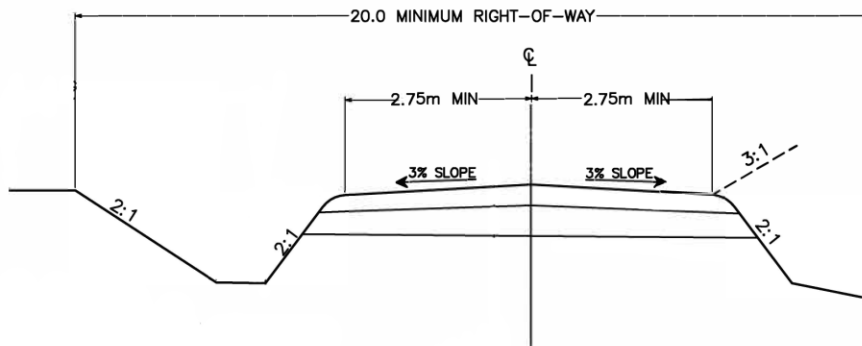
1  
 J  
 TYPICAL PUBLIC LANEWAY (ULU)  
 CROSS SECTION  
 SCALE: N.T.S.



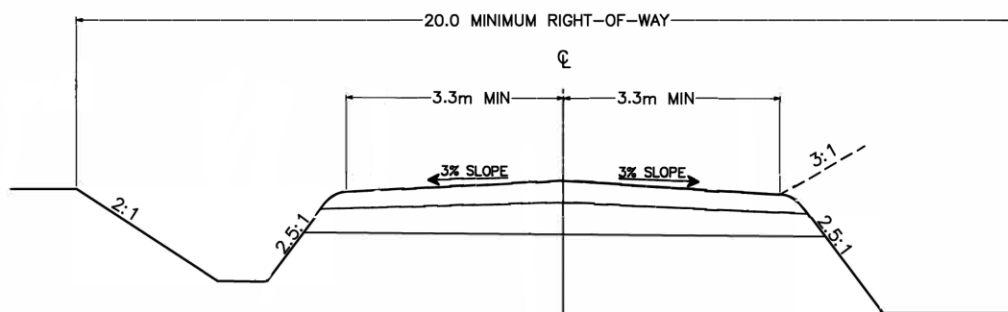
40mm ASPHALT  
 MIX TYPE C-HF  
 60mm ASPHALT  
 MIX TYPE B-HF  
 100mm TYPE 1  
 200mm TYPE 2

2  
 J  
 TYPICAL URBAN LOCAL (ULU)  
 CROSS SECTION  
 20m ROW, 6m PAVED TRAVEL LANE  
 SCALE: N.T.S.

**NOTE:**  
 FOR ALL ROAD SECTIONS THE THICKNESS OF THE GRAVEL BASE AND SURFACE COURSE FOR THE ROAD SHALL BE AS PER THE MINIMUM DIMENSIONS SHOWN IN THE ROAD SECTIONS, EXCEPT WHERE A SITE SPECIFIC DESIGN FOR A ROAD BED HAS BEEN PROVIDED BY AN PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE PROVINCE OF NOVA SCOTIA.



TYPICAL PRIVATE DESIGNED ROAD  
RURAL LANEWAY (RLW)  
20m ROW, 5.5m GRAVELED TRAVEL LANE  
SCALE: N.T.S.

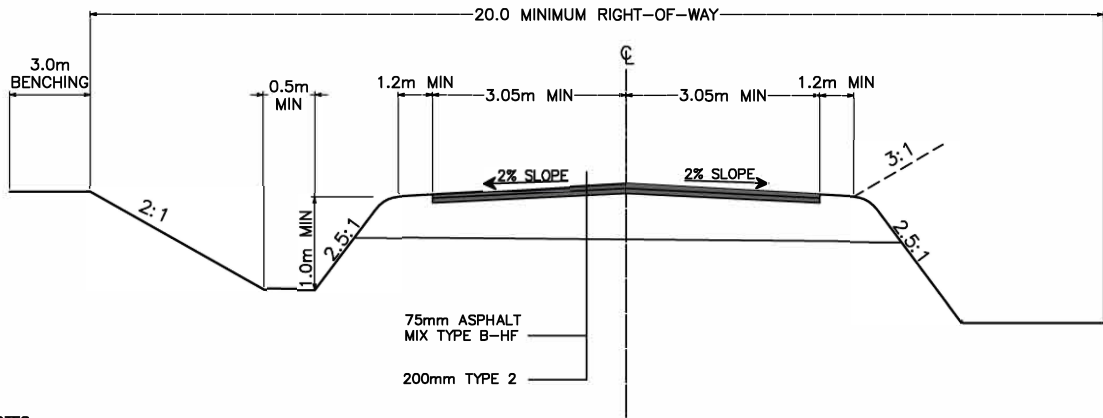


TYPICAL PRIVATE DESIGNED ROAD  
LOW VOLUME RURAL ROAD (LVR)  
20m ROW, 6.6m GRAVELED TRAVEL LANE  
SCALE: N.T.S.



NOTES:

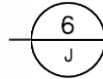
1. ALL DIMENSIONS ARE IN METRIC UNLESS OTHERWISE NOTED.
2. ADDITIONAL SLOPE STABILIZATION MAY BE REQUIRED AS PER GEOTECHNICAL REPORT
3. ROAD BED AND SURFACE COURSE SHALL BE SPECIFIED BY AN ENGINEER LICENSED TO PRACTICE IN NOVA SCOTIA AND SHALL ACCOMMODATE A CATEGORY 1 MOTOR VEHICLE WITH AN AXLE WEIGHT LIMIT OF 18,000 KG AND A SPREAD RANGE OF 2.4 TO 3.0 M.
4. DITCHES, WHERE NEEDED, SHALL BE OF A DEPTH AND WIDTH AS SPECIFIED BY AN ENGINEER LICENSED TO PRACTICE IN NOVA SCOTIA.



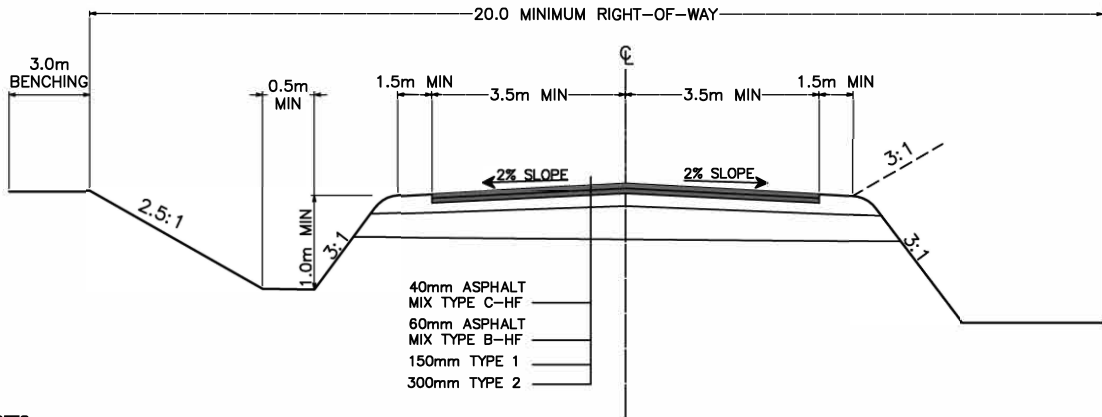
NOTES:

1. ALL DIMENSIONS ARE IN METRIC UNLESS OTHERWISE NOTED.
2. ADDITIONAL SLOPE STABILIZATION MAY BE REQUIRED AS PER GEOTECHNICAL REPORT.
3. SHOULDER INCLUDES 0.3m OF ROUNDING. MINIMUM 1.2m OF USEABLE SHOULDER.
4. FOR ALL ROAD SECTIONS THE THICKNESS OF THE GRAVEL BASE AND SURFACE COURSE FOR THE ROAD SHALL BE AS PER THE MINIMUM DIMENSIONS SHOWN IN THE ROAD SECTIONS, EXCEPT WHERE A SITE SPECIFIC DESIGN FOR A ROAD BED HAS BEEN PROVIDED BY AN PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE PROVINCE OF NOVA SCOTIA.

TYPICAL PUBLIC ROAD  
RURAL LOCAL UNDIVIDED (RLU)  
20m ROW, 7m PAVED TRAVEL LANE



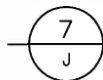
SCALE: N.T.S.



NOTES:

1. ALL DIMENSIONS ARE IN METRIC UNLESS OTHERWISE NOTED.
2. ADDITIONAL SLOPE STABILIZATION MAY BE REQUIRED AS PER GEOTECHNICAL REPORT.
3. SHOULDER INCLUDES 0.3m OF ROUNDING. MINIMUM 1.5m OF USEABLE SHOULDER.

TYPICAL PUBLIC ROAD  
RURAL COLLECTOR UNDIVIDED (RCU)  
20m ROW, 7m PAVED TRAVEL LANE



SCALE: N.T.S.

**Clerk's** Annotation for Official Policy Book

Date of Notice to Council Members

Date of Passage of Current Policy:

Date of Notice to Council Members  
of Intent to Consider Amendments:

Date of Passage of Amendments:

I **certify that this** "*Policy MDL-\_\_\_\_*" was adopted by Council as indicated above.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

Municipality of the District of Lunenburg  
POLICY

Title: Areas Where New Public Roads Are Permitted	
Policy No.	
Effective Date:	Amended Date:

**SCHEDULE 'K'**

**AREAS WHERE NEW PUBLIC ROADS ARE PERMITTED**

**None**

**Clerk's Annotation for Official Policy Book**

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Date of Notice to Council Members  
of Intent to Consider Amendments:

Date of Passage of Amendments:

I certify that this "Policy MDL- \_\_\_\_" was adopted by Council as indicated above.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

**The By-law Respecting the Subdivision of Land in the Municipality of the District of Lunenburg, approved by Council on May 4, 1999 and amendments thereto, is hereby repealed and this by-law substituted**

---

**Sherry Conrad, Municipal Clerk**

**I, Sherry Conrad, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the above is a true copy of the By-law Respecting the Subdivision of Land in the Municipality of the District of Lunenburg which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on [INSERT DATE].**

**DATED at Bridgewater, Nova Scotia, [INSERT DATE].**

.....  
**Sherry Conrad, Municipal Clerk**

The By-law Respecting the Subdivision of Land in the Municipality of the District of Lunenburg, approved by the Minister of Municipal Affairs and effective on the 8<sup>th</sup> day of October, 1993 and amendments thereto, is hereby repealed and this by-law substituted therefor.

\_\_\_\_\_  
Douglas E. Quinn, Chief Administrative Officer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
I, Douglas E. Quinn, Chief Administrative Officer of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of of the Municipality of the District of Lunenburg's Subdivision By-law which was duly passed by Council of the Municipality of the District of Lunenburg at a meeting duly held on the 4<sup>th</sup> day of May, A.D., 1999.

\_\_\_\_\_  
\_\_\_\_\_  
DATED at Bridgewater, Nova Scotia, this \_\_\_\_<sup>th</sup> day of May A.D., 1999.

\_\_\_\_\_  
.....  
\_\_\_\_\_  
Douglas E. Quinn, C.A.O.



# Municipality of the District of Lunenburg

June 5, 2018

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Finance Committee, in session on Tuesday, June 5, 2018, made the following  
recommendations to Council:

1. That Municipal Council approve \$250 for a Sponsorship Ad Grant for the Mahone Bay Founders Society's Home and Garden Tour on July 7 and 8, 2018, to be held in Mahone Bay and the Municipality of the District of Lunenburg.
2. That Municipal Council approve a \$250 grant from the National/Provincial Event Grant account for the Riverport Duathlon Classic sponsored by the Bridgewater Triathlon Club to be held in Riverport, September 30, 2018.
3. That Municipal Council rescind the Council motion of April 26, 2016 approving and authorizing the execution of the lease between the Municipality of the District of Lunenburg and Her Majesty the Queen in the Right of Canada (Minister of National Defence) for CEF/CES for the period ending October 31, 2019 as it was never finalized or executed by both parties.
4. That Municipal Council approves the new CEF/CES Lease for the period April 1, 2018 to March 31, 2024, as presented In Camera, between the Municipality of the District of Lunenburg and Her Majesty the Queen in the Right of Canada (Minister of National Defence); and further, that the Mayor and Clerk be authorized to execute same upon receipt from HMQ/DND.
5. That Municipal Council approves the conditional approval of the Connect to Innovate proposal as discussed In Camera.

Respectfully submitted,

Chairman and Members  
Audit & Finance Committee

/jp  
Attachments



## Municipality of the District of Lunenburg

210 Aberdeen Road Bridgewater Nova Scotia Canada B1V 1G8  
Phone: 902-543-8181 / Fax: 902-543-7123 / Web Site: [www.modl.ca](http://www.modl.ca)

### MEMORANDUM

TO: Finance Committee

FROM: Tissy Bolivar  
Acting Director of Recreation Services

DATE: May 15, 2018

RE: Mahone Bay Founders Society, Sponsorship Ad Grant  
c.c.

---

*It is recommended that the Finance Committee recommend that Council approve a Sponsorship Ad Grant of \$250 for the Mahone Bay Founders Society's Home and Garden Tour on July 7 & 8, 2018, to be held in Mahone Bay and MODL.*

#### **BACKGROUND**

MODL granted a sponsorship ad for this event in 2016 of \$250. The event includes sites in Oakland, Clearland and North West.

#### **BUDGET IMPLICATIONS**

Sufficient funds are available to meet this request.

---

Tissy Bolivar

/tb



## Municipality of the District of Lunenburg

210 Aberdeen Road Bridgewater Nova Scotia Canada B4V 4G8  
Phone: 902-543-8181 / Fax: 902-543-7123 / Web Site: [www.modl.ca](http://www.modl.ca)

### MEMORANDUM

TO: Finance Committee

FROM: Sandy Mair-Dodman  
Acting Recreation Program Coordinator

DATE: May 28, 2018

RE: Riverport Duathlon Classic, National/Provincial Event Grant  
c.c. Tissy Bolivar, Acting Director of Recreation Services

---

#### RECOMMENDATION

That the Finance Committee recommend to Municipal Council that \$250 from the National/Provincial Event Grant account be approved for the **Riverport Duathlon Classic** sponsored by the Bridgewater Triathlon Club to be held in Riverport, September 30, 2018.

#### Motion Required

#### BACKGROUND

The BTC has been active in MODL for many years. They have supported our PRO Kids program with donations for several years. They are promoting healthy active lifestyles. This grant provides named Partner Sponsor, logo on t-shirts, placement on their website, banner and signage.

#### BUDGET IMPLICATIONS

There are sufficient funds in the National/Provincial Event Grant account.

---

Sandy Mair-Dodman

/jr



## MEMORANDUM

REPORT TO: Municipality of the District of Lunenburg Council  
SUBMITTED BY: Trudy Payne & Alex Dumaresq, Deputy CAO  
DATE: June 12, 2018  
RE: Award Recommendation for Annual Generator Grant  
ORIGIN: Policy *MDL 53 Funding Electrical Connections for Community Generators.*

---

### RECOMMENDED MOTION

Move that Council award the 2018/19 Comfort Centre Generator Grants to the Dayspring Fire Department for \$7,000 and to the Riverport Fire Department for \$7,000.

### BACKGROUND

MODL has instituted a grant program to assist community centres and fire departments interested in acting as Comfort Centres during periods of power outage. Fire departments and other registered community organizations can apply to be a Comfort Centre and receive the grant to offset the cost of installing a generator.

Council Annually awards up to \$14,000 to applicants. The amount awarded is determined at the discretion of Council to a maximum of 66% of eligible costs and cannot exceed \$8000 per project. In making the decision, Council must weigh the number of applications received, the size of the projects, and the strategic importance of the addition or upgrade of the Comfort Centres.

Council's policy also limits what expenses are eligible for funding. Eligible expenses include:

- Power transfer switches;
- Disconnect switches;
- Portable and fixed gasoline, propane, or diesel generators;
- Exterior mounted generator connections;
- Wiring conduit for the electrical connections to the generator;

For clarity the policy explicitly permits applications for upgrades and rebuilding of existing generator systems in Comfort Centres. Ineligible expenses include: General renovations to buildings; Pads for generators; Structures or buildings to house generators; and Projects already undertaken prior to application.

## 2018/19 APPLICATIONS

The annual deadline for applications is March 1<sup>st</sup>. Two applications were received for the 2018/19 budget year, from the Dayspring and Riverport Fire Departments. Both organizations are eligible to apply and submitted completed applications. Both organizations are also currently serving as Comfort Centres in their communities and are seeking funds to refurbish their back-up power systems. Given that the halls are currently serving as Comfort Centres, there is strategic value from an emergency preparedness perspective to continue to support the Fire Departments in maintaining the Centres.

A list of existing Comfort Centres who have confirmed they are currently in a position to provide service to their communities is attached as an appendix to the end of this report.

## RECOMMENDED AWARD AND OPTIONS

Due to the similar nature of the applications, staff are recommending half of the grant budget be allocated to each applicant:

2018/19 Grant Budget:		\$14,000	
	Project Budget	Max. grant by policy	Recommendation
Riverport	\$15,000	\$8,000	\$7,000
Dayspring	\$20,000	\$8,000	\$7,000
Recommended Total			\$14,000

Council does have some alternatives to this recommendation within the policy:

- MDL – 53 does permit Council to award less than the total amount allocated in the budget,
- If Council deems it advisable, MODL could also choose to award a larger amount to one of the projects, but only up to the maximum amount of \$8000.

## APPENDIX A: LISTING OF ACTIVE COMFORT CENTRES

The list below represents all Comfort Centres who have signed a Memorandum of Understanding with the Municipality to serve as a Comfort Centre *and* have confirmed that they continue to have the capability to open as a Comfort Centre. A review in the Spring of 2018 was completed to remove halls who had completed an MOU, but are no longer able to operate as a Comfort Centre.

It is possible that some halls are currently providing the services of a Comfort Centre, without having a current MOU in place between MODL and the organization. If Council members are aware of a community group currently providing comfort centre services in times of emergency or extended power outages, they are encouraged to forward contact information to Staff so that they can be added to the list.

In addition, there are some organizations who have applied for funds but who were not able to complete the work required to become a Comfort Centre with generator-supplied power. For example, the Riverport Community Centre in 2016/17 and the Bakers Settlement Hall Association in 2017/18 both were not able to complete their projects within the fiscal year, and all funds were returned to the municipality.

<b>MODL COMFORT CENTRES SUMMARY</b>	
<b>Organization</b>	<b>CAPABILITIES &amp; CAPACITY</b>
<b>Italy Cross Middlewood &amp; Dist. FD</b>	Generator: YES
<u>District 1</u>	Perpared to Open: YES
<b>Petite Riviere Fire Dept.</b>	Generator: YES
<u>District 1</u>	Perpared to Open: YES
<b>United Communities Fire Dept.</b>	Generator: YES
<u>District 1</u>	Perpared to Open: YES
<b>Conquerall Bank Fire Dept.</b>	Generator: YES
<u>District 2</u>	Perpared to Open: YES
<b>Pleasantville &amp; District Fire Dept.</b>	Generator: YES
<u>District 2</u>	Perpared to Open: YES
<b>Lapland &amp; District Fire Dept.</b>	Generator: YES
<u>District 3</u>	Perpared to Open: YES
<b>Midville Branch Fire Hall</b>	Generator: YES
<u>District 4</u>	Perpared to Open: YES
<b>Tri-District Fire Rescue</b>	Generator: YES
<u>District 4</u>	Perpared to Open: YES
<b>Hemford &amp; District Fire Department</b>	Generator: YES
<u>District 5</u>	Perpared to Open: YES
<b>North River Recreation Committee Society</b>	Generator: YES
<u>District 5</u>	Perpared to Open: YES
<b>Lun. Co. Ground Search &amp; Rescue</b>	Generator: YES
<u>District 6</u>	Perpared to Open: YES
<b>Oakhill Fire Hall</b>	Generator: YES
<u>District 6</u>	Perpared to Open: YES
<b>Northfield &amp; District Fire Department</b>	Generator: YES

<u>District 6</u>	Perpared to Open: YES
<b>Cornwall Fire Dept.</b>	Generator: YES
<u>District 7</u>	Perpared to Open: YES
<b>Walden Volunteer Fire Dept.</b>	Generator: YES
<u>District 7</u>	Perpared to Open: YES
<b>Blockhouse Fire Hall</b>	Generator: YES
<u>District 8</u>	Perpared to Open: YES
<b>Indian Point Fire Hall</b>	Generator: YES
District 8	Perpared to Open: YES
<b>Martin's River Volunteer Fire Dept. &amp; Aux.</b>	Generator: YES
<u>District 8</u>	Perpared to Open: YES
<b>Dayspring Fire Hall</b>	Generator: YES - applying for re-build
<u>District 9</u>	Perpared to Open: YES
<b>Riverport &amp; Distirct Fire Department</b>	Generator: YES - applying for re-build
<u>District 9</u>	Perpared to Open: YES
<b>St. Paul's United Church Hall</b>	Generator: YES
<u>District 10</u>	Perpared to Open: YES
<b>Little Tancook Activity Centre</b>	Generator: YES
<u>District 10</u>	Perpared to Open: YES



## Municipality of the District of Lunenburg

210 Aberdeen Road Bridgewater Nova Scotia Canada B4V 4G8  
Phone: 902-543-8181 / Fax: 902-543-7123 / Web Site: [www.modl.ca](http://www.modl.ca)

### MEMORANDUM

TO: Municipal Council

FROM: Tissy Bolivar  
Acting Director of Recreation Services

DATE: June 6, 2018

RE: Annual Operating and Major Recreation Capital Grants

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#### RECOMMENDED MOTION

*That Council approves the 2018-2019 Annual Operating Grant applications in the amount of \$51,500 and the Major Recreation Capital Grant applications in the amount of \$30,500, as presented, in which the total amount equals \$82,000. Of this, \$2,000 to be taken from the contingency fund, with the remaining \$80,000 from the allocated grant funds in the 2018-2019 budget.*

#### BACKGROUND

In the 2018-2019 fiscal year, the Municipality of the District of Lunenburg had \$66,432.50 in requests under the Major Recreation Capital Grant and \$99,700 in requests under the Annual Operating Grant, totalling \$166,132.50 in requests, with a total budget for the two grants of \$80,000. As with every year, there were more requests than funds available. After reviewing all the applications, it is being recommended that Council award \$82,000 as opposed to the \$80,000 budgeted to support the projects and volunteers that enhance our communities.

#### BUDGET IMPLICATIONS

\$80,000 was allocated in the 2018-2019 budget for the Annual Operating Grant and Major Recreation Capital Grant, combined. If the recommendation is approved, the impact to the budget would mean utilizing \$2,000 from the \$80,000 contingency fund.

---

Tissy Bolivar

/tb

## Annual Operating Grant 2018-2019

Organization	Requested 2018	Recommended 2018
Art Happening Bridgewater Society	\$ 5,000.00	\$ 1,500.00
Be the Peace Institute	\$ 1,200.00	\$ 1,000.00
Big Brothers Big Sisters of South Shore	\$ 5,000.00	\$ 2,000.00
Bluenose Coastal Action Foundation	\$ 5,000.00	\$ 4,000.00
Bridgewater Curling Club	\$ 3,000.00	\$ 1,500.00
Bridgewater Museum Commission - DesBrisay Museum	\$ 5,000.00	\$ 3,000.00
Emmanuel United Church	\$ 3,000.00	\$ -
Hinchinbrook Farm Society	\$ 4,000.00	\$ 2,500.00
LaHave Islands Marine Museum Society	\$ 1,500.00	\$ 1,500.00
Lunenburg & District Swimming Pool Society	\$ 3,000.00	\$ 1,500.00
Lunenburg Art Gallery	\$ 10,000.00	\$ 1,500.00
Lunenburg County 4-H Council	\$ 5,000.00	\$ 2,500.00
Mahone Bay and Area Swimming Pool	\$ 2,000.00	\$ 1,500.00
Mahone Bay Centre	\$ 17,500.00	\$ 12,000.00
Nova Scotia Crime Stoppers Lunenburg County	\$ 500.00	\$ 500.00
Nova Scotia Sea School	\$ 5,000.00	\$ 1,000.00
Nova Scotia SPCA	\$ 2,500.00	\$ 1,000.00
Parkdale-Maplewood Community Museum	\$ 2,000.00	\$ 1,500.00
Rossini Opera Festival Nova Scotia	\$ 2,500.00	\$ 1,000.00
Senior Wheels Association	\$ 3,000.00	\$ 2,500.00
Tancook Island Recreational Centre Assoc	\$ 1,500.00	\$ 1,000.00
The Society of St. Vincent DePaul	\$ 2,000.00	\$ 1,500.00
Upper Cornwall Community Hall	\$ 3,000.00	\$ 1,500.00
Victoria Order of Nurses (VON)	\$ 2,500.00	\$ 2,000.00
YMCA of Southwest Nova Scotia	\$ 5,000.00	\$ 2,000.00
	\$ 99,700.00	\$ 51,500.00

## Major Recreation Capital 2018-2019

Organization	Requested 2018	Recommended 2018
Bridgewater & Area Interchurch Food Bank	\$ 10,000.00	\$ 10,000.00
Bridgewater Curling Club	\$ 10,000.00	\$ 3,000.00
Bridgewater Elementary School Playground Committee	\$ 10,000.00	-
Broad Cove Community Association	\$ 23,432.50	\$ 9,500.00
Emmanuel United Church	\$ 3,000.00	\$ 3,000.00
Parkdale-Maplewood Community Museum	\$ 10,000.00	\$ 5,000.00
<b>TOTAL</b>	<b>\$ 66,432.50</b>	<b>\$ 30,500.00</b>

**Sherry Conrad**

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**Subject:** FW: Absence from Council

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**From:** Michael Ernst  
**Sent:** May 23, 2018 8:37 AM  
**To:** Carolyn Bolivar-Getson <[CBG@modl.ca](mailto:CBG@modl.ca)>  
**Cc:** Errol Knickle <[Errol.Knickle@modl.ca](mailto:Errol.Knickle@modl.ca)>; Reid Whynot <[Reid.Whynot@modl.ca](mailto:Reid.Whynot@modl.ca)>; Wade Carver <[Wade.Carver@modl.ca](mailto:Wade.Carver@modl.ca)>; Claudette Garland <[Claudette.Garland@modl.ca](mailto:Claudette.Garland@modl.ca)>; Cathy Moore <[Cathy.Moore@modl.ca](mailto:Cathy.Moore@modl.ca)>; John Veinot <[John.Veinot@modl.ca](mailto:John.Veinot@modl.ca)>; Lee Nauss <[Lee.Nauss@modl.ca](mailto:Lee.Nauss@modl.ca)>; Martin Bell <[Martin.Bell@modl.ca](mailto:Martin.Bell@modl.ca)>; Eric Hustvedt <[Eric.Hustvedt@modl.ca](mailto:Eric.Hustvedt@modl.ca)>; Kevin Malloy <[Kevin.Malloy@modl.ca](mailto:Kevin.Malloy@modl.ca)>  
**Subject:** Absence from Council

Good Morning

This is to inform Council that I would like to request a leave of absence from Friday June 8 to Monday July 2.

This will mean my non attendance meetings on June 12 (Council), June 19 (PSC) and June 26 (Council).

Please accept my apologies if any inconvenience is caused. While away I will be in contact by email.

Thank you,

Michael Ernst