

Please Note: A Public Hearing re Proposed Amendments to the Lunenburg Municipal Industrial Zone Secondary Planning Strategy & Land Use By-law will be held at 8:30 a.m. on Tuesday, August 28, 2018.

AGENDA
MUNICIPAL COUNCIL

Bridgewater, NS

Tuesday, August 28, 2018 – 9:00 a.m.

Time & Page

1. CALL TO ORDER
2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION: (Nil)
3. PUBLIC INPUT (15 Minutes)
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES – July 24, 2018
6. BUSINESS ARISING FROM MINUTES (Nil)
7. AWARDING OF TENDERS/RFPs:
 - 7.1 Award of Tender #2018-05-013 On Site Sewage Disposal Project Group 13.....1-3
 - 7.2 Award of Tender #2018-05-014 On Site Sewage Disposal Project Group 14.....4-6
 - 7.3 Award of Tender #2018-05-015 On Site Sewage Disposal Project Group 15.....7-9
8. PRESENTATIONS/SCHEDULED TIMES
 - 8.1 Sub-Division By-Law Review & Recommendation10-183 9:15 a.m.
9. CONSIDERATION OF CORRESPONDENCE (Nil)
10. RECOMMENDATIONS FROM COMMITTEES & BOARDS
 - 10.1 Police Advisory Board
 - 10.1.1 Speed Trailer..... 184
11. STAFF REPORTS
 - 11.1 Recreation Department
 - 11.1.1 River Ridge Commons Budget – Information Update 185-186
 - 11.2 Planning Department
 - 11.2.1 Building Inspection Contract with TOL187-193
 - 11.3 Administration Department
 - 11.3.1 Lumberjacks Funding Request194-202
12. MAYOR’S/DEPUTY MAYOR’S/COUNCILLORS’ MATTERS
 - 12.1 Update - Deputy Mayor
 - 12.2 Update - Mayor
13. IN CAMERA
 - 13.1 Contract Negotiations re LCLC under Section 22(2)(e) of the MGA
14. ADJOURNMENT



Municipality of the District of Lunenburg

MEMORANDUM

REPORT TO: Council

SUBMITTED BY: Maria Butts, LaHave River Project Manager

DATE: August 28, 2018

RE: Tender Award: On-Site Sewage Disposal System Installations for LaHave River Properties. Project Group #13

RECOMMENDATIONS

Authorize staff to award tender 2018-05-013 to Town and Country Property Improvement in the amount of \$61,739.40 plus HST.

EXECUTIVE SUMMARY

Two bids were received and accepted for *Tender 2018-05-013 On-Site Sewage Disposal System Installations for LaHave River Properties. Project Group #13.*

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 2018-05-013 is a bundle of five traditional on-site septic 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 an 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 135 applications for replacement from property owners within the WWMD.

Over the past number of 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 2018-05-013.

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 2018-05-013 was posted on Monday, July 26, 2018 and closed on Monday, Aug 9, 2018.

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

Funding	Total Bid (w/o HST)
Provincial/Federal Grants	2/3
Property Owner	1/3
Tenderers	
Town and Country Property Improvement Ltd	\$61,739.40
Dennis Lively Construction and Backhoe Services Ltd	\$91,200.00

Table 1: Accepted Bids for Tender 2018-05-013

Under the scope of work for this tender, 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 2018-05-013: Lowest bid was submitted by Town and Country Property Improvement Ltd of Cookville, NS.

Tender Award Recommendation

Tender: 2018-05-013 On-Site Sewage Disposal System Installation for LaHave River Properties. Project Group #13.

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

Closing Date: August 9, 2018

Funding	Total Bid (w/o HST)
Provincial/Federal Grants	2/3
Property Owner	1/3
Tenderers	
Town and Country Property Improvement LTD	\$61,739.40
Dennis Lively Construction and Backhoe Services Ltd	\$91,200.00

Table 1: Accepted Bids for Tender 2018-05-013

Tender Award Recommendation:

Council award Tender 2018-05-013 to Town and Country Property Improvement Ltd for the cost of \$61,739.40 plus HST.



Municipality of the District of Lunenburg

MEMORANDUM

REPORT TO: Council

SUBMITTED BY: Maria Butts, LaHave River Project Coordinator

DATE: August 28, 2018

RE: Tender Award: On-Site Sewage Disposal System Installations for LaHave River Properties. Project Group #14

RECOMMENDATIONS

Authorize staff to award tender 2018-05-014 to Dennis Lively Construction and Backhoe Services Ltd in the amount of \$77,600.00 plus HST.

EXECUTIVE SUMMARY

Three bids were received for *Tender 2018-05-014 On-Site Sewage Disposal System Installations for LaHave River Properties. Project Group #14.*

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 2018-05-014 is a bundle of five traditional on-site septic 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 135 applications for replacement from property owners within the WWMD.

Over the past number of 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 2018-05-014.

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 2018-05-014 was posted on Tuesday, August 7, 2018 and closed on Tuesday, August 21, 2018.

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

Funding	Total Bid (w/o HST)
Provincial/Federal Grants	2/3
Property Owner	1/3
Tenderers	
Town and Country Property Improvement Ltd	\$82,638.15
William Gerhardt Property Improvement	\$43,900.00
Dennis Lively Construction and Backhoe Services Ltd	\$77,600.00

Table 1: Accepted Bids for Tender 2018-05-014

Under the scope of work for this tender, 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 2018-05-014: Three bids were submitted. The recommendation being made is to award the tender to Dennis Lively Construction and Backhoe Services Ltd of Beaver Bank, NS.

Tender Award Recommendation

Tender: 2018-05-014 On-Site Sewage Disposal System Installation for LaHave River Properties. Project Group #14.

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

Closing Date: August 21, 2018

Funding	Total Bid (w/o HST)
Provincial/Federal Grants	2/3
Property Owner	1/3
Tenderers	
Town and Country Property Improvement Ltd	\$82,638.15
William Gerhardt Property Improvement	\$43,900.00
Dennis Lively Construction and Backhoe Services Ltd	\$77,600.00

Table 1: Bids Submitted for Tender 2018-05-014

Tender Award Recommendation:

Council award Tender 2018-05-014 to Dennis Lively Construction and Backhoe Services Ltd for the cost of \$77,600.00 plus HST.



Municipality of the District of Lunenburg

MEMORANDUM

REPORT TO: Council

SUBMITTED BY: Maria Butts, LaHave River Project Coordinator

DATE: August 28, 2018

RE: Tender Award: On-Site Sewage Disposal System Installations for LaHave River Properties. Project Group #15

RECOMMENDATIONS

Authorize staff to award tender 2018-05-015 to Dennis Lively Construction and Backhoe Services Ltd in the amount of \$166,500.00 plus HST.

EXECUTIVE SUMMARY

Three bids were received for *Tender 2018-05-015 On-Site Sewage Disposal System Installations for LaHave River Properties. Project Group #15.*

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 2018-05-015 is a bundle of five alternative treatment units (ATU's).

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 135 applications for replacement from property owners within the WWMD.

Over the past number of 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 2018-05-015.

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 2018-05-015 was posted on Tuesday August 7, 2018 and closed on Tuesday, August 21, 2018.

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

Funding	Total Bid (w/o HST)
Provincial/Federal Grants	2/3
Property Owner	1/3
Tenderers	
Town and Country Property Improvement Ltd	\$176,377.10
William Gerhardt Property Improvement	\$75,180.00
Dennis Lively Construction and Backhoe Services Ltd	\$166,500.00

Table 1: Bids Submitted for Tender 2018-05-015

Under the scope of work for this tender, 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 2018-05-015: Three bids were submitted. The recommendation being made is to award the tender to Dennis Lively Construction and Backhoe Services Ltd of Beaver Bank, NS.

Tender Award Recommendation

Tender: 2018-05-015 On-Site Sewage Disposal System Installation for LaHave River Properties. Project Group #15.

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

Closing Date: August 21, 2018

Funding	Total Bid (w/o HST)
Provincial/Federal Grants	2/3
Property Owner	1/3
Tenderers	
Town and Country Property Improvement Ltd	\$176,377.10
William Gerhardt Property Improvement	\$75,180.00
Dennis Lively Construction and Backhoe Services Ltd	\$166,500.00

Table 1: Bids Received for Tender 2018-05-015

Tender Award Recommendation:

Council award Tender 2018-05-015 to Dennis Lively Construction and Backhoe Services Ltd for the cost of \$166,500.00 plus HST.



Municipality of the District of Lunenburg

REQUEST FOR DECISION

REPORT TO: Council

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

DATE: August 22, 2018

RE: Draft Municipal Planning Strategy and Draft Subdivision By-law

ORIGIN: Council

RECOMMENDATION

Staff recommends that Council give notice of their intention to adopt the draft Municipal the Planning Strategy, the draft Subdivision By-law and policies attached as schedules to the Subdivision By-law.

Motion

That Council conduct first reading of the Municipal Planning Strategy and Subdivision By-law and hereby gives notice of their intention to:

- **repeal the Municipal Planning Strategy, approved by Council effective on May 4, 1999, and amendments thereto;**
- **adopt the draft Municipal Planning Strategy, dated August 28, 2018,**
- **repeal the Subdivision By-law approved by Council on May 4, 1999 and amendments thereto;**
- **adopt the draft Subdivision By-law and accompanying policies MDL-78 to 88, dated August 28, 2018;**

Further, that Council hold a Public Hearing regarding the proposed planning documents on _____ [or after Sept 20th] _____, 2018; and,

that Council direct staff to hold a public information meeting prior to the date of the Public Hearing.

Background

At the June 12, 2018 Council meeting, Council decided to bring together a group of stakeholders to discuss solutions to the outstanding issues with the Subdivision By-law review, being:

1. Aggregate amount and aggregate type;
2. Professional Engineer certifying that the private road was constructed as per the design;
3. Flag Lots;
4. Public Open Spaces.

Two open house style events were held (July 10 & 12, 2018.) A table for each of the above noted topics was setup and stakeholders were asked to select a seat at a table to discuss one of the table topics. Stakeholders could move around to any of the table topics through-out the evening. Staff and/or contracted Engineers were at each table to answer questions and facilitate discussion.

As a result of the stakeholder feedback our consultants have summarized the issues and have provided their recommendations. Our contracted Engineers worked with staff and our Planning consultant to revise the draft Municipal Planning Strategy and Subdivision By-law.

Attached to this memo are the following documents

1. Report from Upland Planning + Design regarding “Updates to the Municipal Planning Strategy and Subdivision By-law”
2. Engineer Reports
 - a. Evan Teasdale, P.Eng., CPHD, Design Point Engineering & Surveying Ltd. Regarding: “Subdivision By-Law Review – Public Consultation Summary and Recommendations”
 - b. Vince C. Goreham, Ph.D., P.Eng, Harbourside Geotechnical Consultants regarding: “SUBDIVISION BYLAW REVIEW, MUNICIPALITY OF THE DISTRICT OF LUNENBURG, NOVA SCOTIA.”
3. DRAFT Municipal Planning Strategy, dated August 28, 2018
4. DRAFT Subdivision By-law, and accompanying policies MDL-78 to 88, dated August 28, 2018.
5. Road Standard Comparison Chart: Existing Standards vs Proposed Standards

Process

The process to adopt the proposed Municipal Planning Strategy and Subdivision By-law requires Council to conduct first reading of the documents. Upon first reading of the documents Council must advertise their intention to adopt the draft documents and hold a public hearing. The notice of a public hearing must appear 14 day before the public hearing and be advertised at least once a week for two successive weeks. Prior to the public hearing it's Council's policy (MDL-66) when conducting planning document reviews to hold a public information session prior to holding a public hearing. The purpose of the public information session is to inform the

public on what is being proposed in the draft documents. After the public information session Council can hold a public hearing.

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 before deciding to adopt the documents. After the close of the public hearing Council, if they deem it advisable, can conduct second reading and adopt the 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.

Once Council publishes notice of their intention to adopt the proposed subdivision by-law a 150-day clock starts. During the 150-day period, any completed subdivision proposal applications received that are inconsistent with the proposed subdivision by-law will be refused.

Upon Council conducting second reading, the documents are sent to the Provincial Director of Planning to determine if they are subject to Minister's approval. Once the municipality hears back from the Provincial Planning Director that the Minister's approval is not required a notice will be published stating that the documents are effective.

Public Hearing

When setting a date and time for a public hearing it's important to select a date that as many members of Council are available to attend. If Council members are not present during a planning public hearing they're not permitted to vote on the matter. A vote to adopt a planning document **requires a majority vote of the maximum number of members that may be elected to Council**. Therefore, absentee Council members have the same effect as a nay vote on the motion to adopt a planning document.

Alternatives

1. Request further information from staff and/or consultants;
2. Refer the documents back to the Planning Advisory Committee for further review;
3. Make changes to the draft documents before conducting first reading.

Memorandum

Report To: Council
Submitted By: Ian Watson, Planner, UPLAND Planning + Design
Date: August 28, 2018
Re: Updates to the Municipal Planning Strategy and Subdivision By-law

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 last drafts of the Municipal Planning Strategy and Subdivision By-law at its May 24, 2018 meeting. PAC voted against a proposal to recommend the May 24 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.

PAC 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.

Council Consultation

Council met on June 12, 2018, to discuss PAC's recommendation and to review the May 24 draft documents. Council determined additional public consultation was necessary before making decisions on some key topics. As a result, Council hosted public workshops on July 10 and 12, 2018. The workshops were structured with multiple tables, each representing one of the key topic areas (flag lots, public open space, private road design and certification). Attendees were invited to visit any of the tables that aligned with their interest areas and to speak with other attendees, speak with subject matter experts assigned to each table, and provide their thoughts and feedback on the applicable topic.

These consultation workshops were well attended and resulted in informative and productive discussions around all of the highlighted topics. The feedback from these workshops is summarized in other staff reports/presentations. Staff used the feedback to help craft the next drafts of the Municipal Planning Strategy and Subdivision By-law, presented here today.

Summary of Proposed Changes

The August 28 drafts of the Subdivision By-law and Municipal Planning Strategy contain a wide range of changes. These have evolved considerably over the past ten 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 August 28 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.
- Allowing extensions to Existing Private Designed Roads, and only requiring them to be upgraded to modern standards if the extensions serve more than 18 lots.
- Requiring the Private Designed Road to be constructed as designed, with certification provided by the developer’s Professional Engineer.
- 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.
- NEW WITH THIS DRAFT: Providing developers with three different options for the thickness and material used for Private Designed Roads. These options allow developers to choose between spending more site-specific effort on the design (and potentially requiring less road material), or picking a “one-size-fits-all” standard that simplifies design but may require more material:
 1. Designed by a Professional Engineer, based on site-specific conditions, to accommodate a Category 1 motor vehicle with an axle weight of 18,000 kg and a spread range of 2.4 m to 3.0 m.
 2. Use a “flat rate” 200 mm (8 in) base course and 100 mm (4 in) surface course.
 3. Use table values based on the type of subgrade, ranging from 100 mm (4 in) of surface course in areas with bedrock up to 200 mm (8 in) of base course + 100 mm (4 in) of surface course in areas with silt or clay.
- NEW WITH THIS DRAFT: Clarify that the base course can consist of “hard and durable” crushed or screened pit run gravel or rock, meeting specific screen sizes.

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 August 28 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 August 28 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 August 28 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 typically wide enough to provide a right-of-way for a Private Designed Road. The cutoff date for creating an “area of land” will be set to the date the Subdivision By-law amendments are adopted by Council. This will provide protection for subdividers who are currently invested in subdivision designs that depend on flag lots.

Public Open Space

NEW THIS DRAFT: The current Subdivision By-law requires subdividers to provide 2% cash for public open space purposes. However, PAC and Council have heard throughout this project that, in some instances, it may better serve the public interest to accept land for public purposes if it provides access to waterways. As a result, the August 28 draft documents allow dedication of land subject to the following conditions:

- Accepting land is at the discretion of Council
- The land must be at least 5% (by area) of the subdivision
- The land must have at least 6 metres of frontage on a lake, river, or ocean
- The land must have at least 6 metres of frontage on a Public Road

- The land must be usable (a definition of “usable” has been added)

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. Council has also heard directly from interested parties through the hosting of two public workshops. The drafts as presented represent a balancing act of all the various goals of the project and the diverse viewpoints shared at public engagement events.

August 20, 2018

Municipality of the District of Lunenburg

210 Aberdeen Road

Bridgewater, NS

B4V 4G8

Attention: Stephen Pace, P.Eng., MBA
Director, Engineering and Public Works

RE: Subdivision By-Law Review – Public Consultation Summary and Recommendations
DesignPoint Project #: 18-099

Mr. Pace,

At your request, we recently attended two (2) public consultation sessions to provide technical engineering support in relation to proposed Subdivision By-Law amendments. These public consultation sessions were initiated by Municipal Council in response to concerns raised by the Municipal Planning Advisory Committee (PAC), local resident community groups, local developers and contractors, as well as Municipal Service Providers (e.g. solid waste collection) and emergency service personnel (e.g. fire, police, and ambulance), who have vested interests in the design, construction, and maintenance requirements of roads specified in the proposed by-law. The following briefing letter provides an account of our observations and offers some technical recommendations for the Municipality to consider when drafting the proposed amendments.

Background and Context

The existing Subdivision By-Law, originally adopted in 1999, governs the requirements for subdivision and consolidation of land; and, in effect, establishes design criteria for new land development projects. This by-law also includes the technical engineering design requirements for new streets and services. In particular, 'Schedule H' of the current by-law dictates engineering design and construction standards for municipal public roads. In this schedule, private roads are also required to follow the same technical criteria as public roads.

Through recent initiatives by the Municipality to amend and update the subdivision regulations, which involved a variety of stakeholders, including Municipal Staff, Councilors, their hired consultant (Upland Planning, and ABLE Engineering), as well as public developers, residents, and emergency services personnel. Through discussions held at the general PAC meetings, most technical issues and proposed amendments were debated and resolved, with the exception of four (4) categories that required further discussion, and hence prompted the independent Public Consultation Sessions. The following four (4) broad categories were discussed at these consultation sessions:

1. Open Space Criteria
2. Flag Lot Criteria
3. Road Structure (Aggregate) Requirements
4. Road Engineering (Design and Certification) Requirements

DesignPoint Staff were tasked with facilitating and participating in the discussions regarding the requirements for Engineering Certification.

Observations – Stakeholder Input

The topic of ‘Road Engineering’ was a broad category that encompassed a variety of input. The ‘round table’ discussion format engaged participation from a large group of stakeholders, including local residents, developers, contractors, service providers, and emergency services; each group providing a different perspective on what they envision from the regulations. Engaging participation from these different perspectives offered some unique insight and provided for compelling discussions around the table.

Development Community

The prevailing perspective expressed by the development community (i.e. local land developers) was a concern that the increased costs that would be incurred if more stringent engineering design and certification requirements are made mandatory. Multiple developers stated that to have an engineer certify the construction would result in unnecessary cost increases with little benefit to end users. Stating cost as the primary deterrent, developers claim that the economics of development projects become less viable, which could (in their opinion) stall development within the region.

Local Residents

Residents of private roads offer a much different perspective than developers. There were multiple examples presented of roads that were built to sub-standard conditions, and some cases where the road was not constructed within the Right-of-Way (ROW) depicted on legal survey plans and described in property deeds. Homeowners who live on private roads often inherit the long-term maintenance burden of the road. And if that road is constructed poorly, it may require premature or more frequent maintenance. In effect, without defined engineering standards, it is possible for developers to construct roads of a lesser quality to save on initial capital investment, which can significantly increase the long-term life-cycle maintenance costs of the road, borne by the residents.

Emergency Services Personnel

Safety is paramount. There were multiple examples presented where emergency services could not access a property. Ensuring emergency services personnel can access a property is a critical component of road design. Representatives from police, fire services, and ambulance services all shared examples of vehicles getting stuck or damaged trying to respond to a call. Siting inadequate road width, geometry (horizontal and vertical), and surface conditions as major impediments.

Municipal Services

Private roads, in general, are not serviced by Municipal operations (such as grading or snow clearing). However, most do receive solid waste collection. A representative from the solid waste resource group stated that they need to use a custom smaller collection truck to service many private roads that are inaccessible to the larger trucks.

Key Design Criteria

It is understood that the fundamental design criteria for roadway width and geometry (horizontal and vertical) have been agreed to via the PAC. The values set as baseline design requirements are based largely on well-established principles developed by the Transportation Association of Canada (TAC), the National Building Code of Canada (NBCC), and other similar regulatory bodies. To provide context, the following table outlines a few representative design values specified by similar local Municipalities or other Jurisdictions Having Authority:

Criteria*	Halifax Regional Municipality (HRM)	Transportation Association of Canada (TAC)	National Building Code of Canada (NBCC)	Existing MODL Schedule H	Proposed MODL Schedule H
Posted Speed Limit (km/h)	50	N/A	N/A	N/A	30
Design Speed (km/h)	40	50	N/A	50	40
Max. Gradient (%)	10**	7	N/A	10	12
Finished Top Width (m)	10.4	N/A	6	8.6	6.6
Minimum Horizontal Curve Radius (m)	20	100	12	90	60
Minimum Vertical Sag Curve (k-value, w/o street lights)	7	13	1.875	(refers to TAC)	7
Minimum Vertical Crest Curve (k-value)	4	7	1.875	(refers to TAC)	4

*Note: For comparison purposes, this table illustrates the design criteria for a local rural street, which would generally align with the classification of “Low Volume Rural” (LVR) road in Schedule H.

**Note: Up to 12% may be permitted for exceptional circumstances.

Design Implementation

As illustrated in the table above, the geometric design criteria proposed in the current draft amendments (May 24, 2018 PAC) are generally consistent with best practices used in other jurisdictions and are not significantly different from existing MODL requirements. Therefore, the incremental cost difference between existing design criteria and proposed criteria should not be significant. The fundamental issue at hand appears to be the requirement to construct and certify the road as designed.

Current practice is that developers are required to *design* a road in accordance with Schedule H. However, there is currently no regulatory requirement for the developer to *inspect or certify* the private road *construction*.

As presented above, developers claim that their cost to certify road construction can be significant. However, as the local residents have demonstrated, there can also be a significant cost to the end user if a road is not constructed as it was designed.

From a policy perspective, it seems counter-intuitive and counter-productive to exhaust so much time regulating the design of roads, only to have developers build something that may be completely different, with no approval ramifications or need for inspection and certification.

From a professional engineering perspective, the act of designing a road for use by the general public (whether that road is owned by a Public entity or a private entity) is defined as an Engineering function under the provincial Engineering Act.

The Engineering Act states:

“10 This Act shall not apply to any person:

(c) while applying engineering to a project on his own property for the sole use of his domestic establishment, or elsewhere to a project of a value not exceeding five thousand dollars, where in either case that engineering in the opinion of the Council does not involve safety of other persons”

Therefore, by definition, if the road is intended to be used by any person other than the individual property owner, for anything other than domestic use (of which, emergency access/egress would qualify), then the design of that road is a function of Professional Engineering; and as such, can only be performed by a licensed Professional Member of the Association. This means that constructing a road that is not consistent with the approved engineered design is, in effect, designing a different road (whether in terms of geometry or structure). This is a function of Professional Engineering and is illegal to practice without a license.

Recommendations

Format of Regulation

Balancing the objectives and needs of developers, emergency services, and residents can be a challenge. It is important to understand cost implications of the imposed standards, but to also consider the long-term maintenance costs of lesser initial construction standards.

Based on previous jurisdictional review and best practices policies there are three (3) general strategies that the Municipality could implement to control construction quality:

1. Impose a stringent “catch-all” criteria: this would impose a conservative design standard to all development scenarios. By default, this option would need to be a conservative design so that it would cover all conceivable conditions.
2. Allow for “site specific” Engineering: this would allow for flexibility in design criteria and would put the onus of the design engineer to specify appropriate criteria.
3. Adopt a “hybrid” standard: this would establish a conservative baseline minimum standard, but with the flexibility to allow for a design engineer to propose appropriate alternatives.

Each of these options comes with pros and cons, and each have cost implications (both in terms of initial capital investment, and long-term maintenance costs). The first, for example, may produce a quality-built road but could potentially increase construction costs by ‘overdesigning’ the standard as is often the case with ‘pre-engineered’ solutions. The second leaves the design completely open to the designer’s discretion, which could result in ‘value engineering’, but if not properly executed may result in ‘overdesigning’ for the sake of the

perceived notion of reducing liability. The third is a hybrid solution intended to provide the baseline minimum while allowing flexibility for the designer to perform ‘value engineering’ calculations to optimize design criteria and propose an alternative that may be less than the set minimum, provided the alternative is an appropriate solution.

It is recommended to structure the proposed amendments and standards as a hybrid solution; setting minimum design criteria but allowing for ‘value engineering’ optimization to vary standards if deemed appropriate by the design engineer.

Maintenance Requirements

The economics of road construction carry two (2) key cost considerations (among others): initial capital investment, and long-term life-cycle costs. Although the relationship is not linear in nature, generally speaking, a low quality built road may have a lower initial cost to construct but may cause long-term maintenance issues and costs. Conversely, a road built to extremely high standards would cost much more to construct initially but does not necessarily result in zero long-term maintenance. As such, it is critical to consider both initial and long-term cost implications when establishing standards.

All roads, regardless of surface finishing, will inevitably require long-term maintenance. It is important to note that engineers design roads with the understanding that the performance of the road depends on the maintenance program structure; and there are no long-term liability implications on the engineer due to failure to perform regular maintenance following construction certification. Engineering certification is not a product or workmanship ‘warranty’, but rather is an assurance that the road has been constructed in general accordance with specifications.

It is recommended that the Municipality undertake the development of a “Private Road Maintenance” by-law that would regulate long-term operation and maintenance of private roads such that they continue to perform as originally designed and constructed.

Engineering Certification

Residents rely on private roads throughout the municipality for safe access and egress. It is absolutely imperative that all roads be *constructed* in accordance with safe standards. As stated above, the design of a road (whether privately owned or owned by a public entity) is a Professional Engineering function, and therefore must be overseen by a licensed professional. And considering the enormous public safety implications, the construction of that road must be certified by a professional engineer to ensure it is constructed in general accordance with their design requirements.

The certification process does not necessarily need to be overly complex. In fact, if a road is built in accordance with general specifications, it could be a simple standard form, similar to the Nova Scotia Building Code Schedule ‘A’ forms.

It is recommended that the Municipality impose the requirement for developers to have a professional engineer certify that the construction of their road is generally compliant with the design conditions.

It is further suggested that this certification should be obtained prior to lot approval or parcel registration. It is possible to structure the regulations in such a way that would grant final *design* approval, which would enable developers to construct the roads and lots; however, the creation (i.e. registration) of the lots within the provincial Land Registry Office would be withheld until the developer satisfies one of the following options:

1. The final approved plan would be sent to the provincial Land Registry Office upon construction completion and the developer has submitted the final engineering certification; or,
2. The final approved plan would be sent to the provincial Land Registry Office if the developer submits a bond or security in the amount of the engineer-estimated construction costs, or other such mechanisms, in order to create lots prior to receiving certification. The bond would be released upon receipt of final engineering certification. This option would allow the developer to construct the roads, create the lots, and potentially sell the lots prior to certification, while the Municipality holds the bond as assurance that the road would ultimately receive final engineering certification.

Closing

This letter is intended to provide a summary of our observations from the two (2) Public Consultation Sessions and to provide technical guidance for the structure of potential amendments.

I trust this letter satisfies your current requirements. If you have any questions or concerns, or should you require any further information, please feel free to contact the undersigned at your earliest convenience.

Many thanks,

A handwritten signature in blue ink, appearing to read "Evan Teasdale".

Evan Teasdale, P.Eng., CPHD | Project Engineer | Principal

DesignPoint Engineering & Surveying Ltd.

July 20, 2018
File No: 183065

Attention: Stephen W. Pace, MBA, P.Eng.

Municipality of the District of Lunenburg
210 Aberdeen Road,
Bridgewater, NS
B4V 4G8

SUBJECT: SUBDIVISION BYLAW REVIEW, MUNICIPALITY OF THE DISTRICT OF LUNENBURG, NOVA SCOTIA

Dear Mr. Pace,

Introduction

At your request, a representative of Harbourside Geotechnical Consultants (Harbourside) attended Subdivision Bylaw Review meetings in the Municipality of the District of Lunenburg on July 10 and July 12, 2018. These meetings were open to the community and allowed an opportunity for stakeholders to provide comments with regards to a number of topics related to subdivision design and construction. These meetings were prompted by recently proposed changes to the by-law to update the engineering specifications which resulted in a relatively high-level of feedback from the community.

The events were drop-in style with round table discussions regarding four topics being held concurrently. Harbourside were tasked with providing technical support and guidance to the table discussing the topic of aggregate. Other topics of discussion included: the requirement for a professional engineer to certify that the private road was constructed as per the design, flag lots, and open spaces.

The proposed specification requires that private designed roads be built to one of the two following road design classes: Rural Laneway (RLW) and Low Volume Rural Road (LVR).

A private designed road is classified as a rural laneway provided no more than 18 lots access or front on the private designed road, all other private designed roads are classified as low volume roads.

The initial draft of the subdivision by-law included requirements for private designed roads to have a roadbed comprised of the following:

- Surface Course - Gravel Type I 100 mm
- Road Bed / Base Course - Gravel Type II 200 mm

It should be noted that these proposed thicknesses are the same as those in the current by-law which was approved by council in 1999. However, the current by-law does not provide any mechanism for inspection to enforce the design requirements and ensure the designed thicknesses are constructed. As such, the topic of construction certification was designated to another table during the meetings but the conversation at the “aggregate” table often drifted into this topic.

The most recent draft of the subdivision by-law removes this prescriptive requirement in favour of requiring the design to be completed by an engineer, licensed to practice in Nova Scotia, and hired by the developer. The draft also includes a statement indicating that the road must be able

to accommodate a Category 1 motor vehicle with an axle weight of 18 000 kg and spread range of 2.4 to 3.0 m.

Stakeholder Input

The meetings were attended by various stakeholders including developers, contractors, surveyors, engineers, and homeowners as well as representatives from waste management, police, and fire services.

- Members of the development community overwhelmingly expressed concerns about the increased costs of development if the proposed standards were adopted and enforced. The assertion generally being that developers are motivated by market forces to build a good product; if the roads are of poor quality than the lots would not sell. The potential for the additional expenses compelled by the proposed standards to slow development in the region was also discussed.

The developers at the meetings cited many examples of roads, designed and built under the current by-law that they have assessed to be in good condition after years of use. Oftentimes these roads were constructed with site materials such as pit-run gravel, and the as-built road structure was often thinner than those proposed in the initial draft of the proposed by-law. It was stated that roads in relatively poor condition were due to substandard maintenance programs.

Some developers also had concerns about being able to contract an engineer who would design a gravel road due to the inherent long-term liability balanced against the lack of control this engineer has over the maintenance of the road. However, in Harbourside's experience, all roads require some level of maintenance and engineers can (and do) design roads with the understanding (explicit or implicit) that routine maintenance will be required to keep the road in an acceptable condition.

- Several contractors provided comments about the existing state of practice. Their comments indicated that the aggregate quality and thicknesses vary substantially between developments and the road conditions and maintenance requirements of the roads within the developments vary accordingly. Over the last few years many of the roads constructed have been comprised of:
 - A surface course comprised of about 50 to 75 mm of Gravel Type 1 or similar material.
 - A base course of material about 200 to 250 mm thick which consists of pit run gravel, gravel type II, or 200-mm minus "surge" rock.

However, other roads were constructed with a much thinner road structure when budget concerns limited the thickness.

- Homeowners, including representatives from several road associations provided a range of comments. Some were satisfied with the condition of the roads, but the majority were concerned about roads that were not built to any construction standard and were not meeting their expectations. The majority of homeowners who spoke at the meeting were concerned with the condition of private roads used to access their residences. Many expressed concerns that they were paying road association fees, typically ranging from about \$150 to \$650 per annum, and still had roads that did not meet their expectations.

Some homeowners expressed concerns that if emergency vehicles could not access their residences that they may struggle to find appropriate insurance on their residence, although there were no stated examples of this in the municipality to date.

- Representatives from waste collection, ambulance services, and the volunteer fire service expressed concerns about the condition of many roads with regards to their ability to support vehicle loads. The representatives from the fire service reported that their largest trucks weight about 20 500 kg (45 000 lb) and are not able to access some locations in an emergency situation. Representatives from the ambulance services stated that their ambulance has been stuck in the past due to the condition of the road.

The representative from waste management discussed issues regarding the accessibility of many private roads and stated that have been considering the option of obtaining a purpose-build custom lightweight truck that would be able to access many private roads that are now deemed inaccessible. The representative also stated that of the 622 private roads in MODL, 153 are inaccessible seasonally or year-round.

Some stakeholders were concerned about the use of slate (commonly referred to as “shale” during the meetings) and its potential environmental effects. Slate of the Halifax Formation, which is common throughout the area, is known to be sulphide-bearing and can lead to the acidification of water courses along with other environmental concerns.

Design Requirements

Numerous factors are known to affect aggregate-surfaced roads during their design life. Some of these factors are:

- Loading characteristics including number of passes and axle loading
- Surface and base aggregate characteristics (stiffness, strength, gradation)
- Surface and subsurface drainage
- Freeze-thaw susceptibility of subgrade and aggregate
- Seasonal variations in temperature and weather
- Subgrade properties

Due the variable nature of the factors above, any prescriptive specification that defines minimum values to be used will inevitably result in some areas that are overdesigned (i.e. more robust and expensive than required for the expected performance level) and some areas that are underdesigned (i.e. less robust than required for the expected performance level and leading premature failure and increased maintenance costs).

Aggregate-surfaced roads may be designed with the methods presented by the American Association of State Highway and Transportation Officials (AASHTO) Guide for Design of Pavement Structures (AASHTO 1993). This design includes numerous factors including:

- Predicted future traffic over the design period considering the anticipated axle weight and distribution as well as seasonal variations in traffic.
- Subgrade stiffness including seasonal variability related to winter (frozen), spring thaw (roadbed saturated), spring/fall (roadbed wet), and summer (roadbed dry) conditions.
- Surface course and road bed stiffness.
- Design serviceability loss, rutting depth, and aggregate loss.

Even the most well-designed roads require regular maintenance to keep in a serviceable condition. Maintaining the road geometry (e.g. crown) and drainage will reduce the demands on the road structure. If the drainage is poor the condition of the road, regardless of the road design and construction, will deteriorate. Maintaining a crowned surface, a sloping shoulder,

and appropriate ditching and drainage are integral parts of aggregate-surfaced road design and maintenance.

Rutting is bound to occur in aggregate-surfaced roads, however if the rut is too deep, then it may become difficult to drive on the road surface due to channels developing within the wheel paths. Typical values of the allowable rut depth for aggregate-surfaced roads are between 25 and 50 mm.

It is also inevitable that gravel roads will lose some of the surface aggregate over time due to several factors including: traffic movement (worse in areas of acceleration or braking), erosion, and precipitation. As a result, the structure of the road becomes thinner and the load-carrying capacity of the road is reduced. While this can be accounted for in design, with an amount that will be lost during the design period, the minimum thickness of the aggregate is typically maintained by adding additional gravel as part of a maintenance program.

Maintenance should generally be planned after spring thaw, a period where the road will be most susceptible to damage. When an aggregate-surfaced road is designed and maintained properly it serves regular low-volume traffic well and should support occasional busses, delivery trucks, waste pickup vehicles, and emergency vehicles. However, relatively heavy loads will still damage the road and this damage will need to be repaired. It would be uneconomical and impractical to design a typical low-volume private road to take repeated heavy loading without consideration for repair and maintenance.

Therefore, regular maintenance of aggregate-surfaced roads is vital to their performance and a regular maintenance program is required. Routine maintenance generally includes regrading the road and adding additional surface material. The frequency of regrading and material addition depend on numerous factors including the amount of traffic, the size of vehicles travelling the road, and the time of year in which they travel. These factors also have an effect on the depth to which the road needs to be repaired.

Roads that are not appropriately maintained can deteriorate relatively quickly even if they are properly designed. Road owners, including those property owners that will be part of a road association, should be made aware of these maintenance requirements.

Discussion and Recommendations

With a land area of more than 1750 km², the ground conditions throughout the municipality can vary significantly. Furthermore, there is a wide range of types of developments in the municipality. Some private roads service relatively large subdivisions comprised of full-time residents that see relatively high levels of traffic and some roads are long roads leading to “cottage-type” developments that may only be occupied during a few weeks of the year and may only be subject to a few dozen vehicle passes each year. Roads built in these two conditions need to be built to different standards to maintain the same level of performance and may also have varying levels of performance expectations.

Primary Recommendation

Ideally, design of each road reflects these changing factors, therefore, we are recommending that the current proposed by-law, which requires that the road be designed by an engineer hired by the developer, be maintained. The road design requirements should include that:

- The road be designed by a professional engineer licensed to practice in Nova Scotia.
- The road be designed using the AASHTO '93 Method or similar method approved by the Municipality.
- That the road must be able to accommodate a Category 1 motor vehicle with an axle weight of 18 000 kg and a spread range of 2.4 to 3.0 m.

Inspection throughout construction is an important factor in road performance. To confirm that the roads are being constructed as designed, and thus will perform as designed, we believe the requirements for inspection in the current draft of the specification are appropriate. That is to say, Clause 6.6 of “Schedule H” should remain as written:

“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 standards of this bylaw, or as modified in writing by the Municipal Engineer”

Other Alternatives

If a more prescriptive standard is preferred, it should be adopted with the understanding that, by its nature, will lead to some roads being overdesigned and some roads being underdesigned. This effect can be limited by using a hybrid model where there is a prescriptive road structure based on the subgrade as assessed by a qualified geotechnical engineer. A similar approach has been adopted by some other municipalities, for instance the Halifax Regional Municipality uses this approach in their design standards.

If such a standard is desired, it could be based on the following framework:

Rural Laneway (Up to 18 Lots)				
Subgrade Type				
Material	Bedrock	Granular Till	Silt/Clay (Case 1)	Silt/Clay (Case 2)
Surface Course	100 mm	100 mm	100 mm	Engineered Design
Base Course	-	100 mm	150 mm	Recommended

Low-Volume Road (19 Lots or More)				
Subgrade Type				
Material	Bedrock	Granular Till	Silt/Clay (Case 1)	Silt/Clay (Case 2)
Surface Course	150 mm	100 mm	100 mm	Engineered Design
Base Course	-	150 mm	200 mm	Recommended

The subgrade types may be defined as follows:

Granular Till – Material with less than 35 percent passing a 75 µm sieve

Silt/Clay (Case 1) – Material with more than 35 percent passing a 75 µm sieve and below the optimum water content

Silt/Clay (Case 2) – Material with more than 35 percent passing a 75 µm sieve and above the optimum water content

The surface course material should consist of material meeting the requirements of NSTIR Gravel Type 1 or NSTIR Gravel Type 1S. The characteristics of the surface course are important because a surface course made with an improper gradation or material may result in:

- A loose surface that is hard to compact and prone to corrugation under traffic.
- A road with poor drainage characteristics that results in free water and the development of ruts and potholes.
- A material that is slippery and unstable when wet and dusty when dry.

The base course shall be crushed or screened pit run gravel or rock. It shall consist of well-graded hard and durable material and shall be well-graded. It shall have the following gradation:

<u>Sieve Size</u>	<u>Percent Passing</u>
112 mm	100 percent
14 mm	30 to 70 percent
80 µm	0 to 10 percent

NSTIR Type II Gravel is an example of an acceptable base course material. Specific site conditions, such as wet site conditions, may require the use of geosynthetics or additional rock fill to support construction of the road.

If prescriptive specifications are adopted, we recommend keeping the option of having an engineer design a road outside of the prescribed structures in the by-law. This may allow the use of non-standard materials and site materials, as well as thinner road structures, which may provide value to the road owner, while maintaining the expected level of performance.

A further simplification of the requirements could be adopted (i.e. 100 mm of surface course and 150 to 200 mm of base course). This simplification would offer the advantages of having a specification that is easier to understand and would not require an assessment of the site conditions. These benefits would have to be weighed against the implications of having a road structure that is more frequently underdesigned or overdesigned for the conditions.

Slate would generally not to be expected to meet the “hard and durable” requirements for use in the surface or base course, but could still be used as part of an engineered design. When used, appropriate consideration should be given to its potential environmental impact and all work should be in accordance with all applicable environmental regulations including the “Sulphide Bearing Material Disposal Regulations’ made under Section 66 of the Environment Act.

We trust this is the information you require at this time, should you have any questions, or require anything further please contact us at your convenience.

Respectfully submitted,

H a r b o u r s i d e
Geotechnical Consultants



Vince C. Goreham, Ph.D., P.Eng.
Principal, Geotechnical Engineer

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~~ **September 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~~ **September 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.~~

TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
	PART 1: OVERVIEW	1
1.0	Introduction	1
	1.1 Background	1
	1.2 Authority and Scope	3
2.0	Purpose and Structure	5
	2.1 Purpose	5
	2.2 Structure	5
3.0	Administration	6
	PART 2: LAND USE CONTROL	7
4.0	Powers and History	7
	4.1 Powers	7
	4.2 History	7
5.0	Intent and Method	8
	5.1 Intent	8
	5.2 Method	8
	PART 3: SUBDIVISION CONTROL	9
6.0	Powers and History	9
	6.1 Powers	9
	6.2 History	11
7.0	Intent and Method	13
	7.1 Intent	13
	7.2 Method	13
8.0	Procedure, Lot Size and Lot Access	16
	8.1 Provincial Subdivision Regulations	16
	8.2 Procedure and Information	16

	8.3	Lot Size	18
	8.4	Lot Access	20
9.0		Sewer Services	24
10.0		Water Services	26
11.0		Public Open Space	28
		PART 4: SECONDARY PLANNING STRATEGIES	30
12.0		Adoption of Secondary Planning Strategies	30
	12.1	Background	30
	12.2	Village of Hebbville	31
	12.3	Oakland	31
	12.4	Municipal Industrial Planning Area	31
	12.5	Municipal Council District 3 Riverport and District	32
	12.6	Princes Inlet and Area	32
	12.7	Blockhouse	33
	12.8	Osprey Village	33

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 cannot 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 11th 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 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 adoption 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 Schedule 'K' of 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 subdivider's 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 evaluate 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.**

Council also recognizes that some subdivisions may provide the opportunity to acquire waterfront land that was not necessarily considered and planned for through the Open Space Strategic Plan. Therefore, Council will consider proposals from subdividers for the contribution of at least 5% of the area of the subdivision lands in lieu of the cash dedication. Where accepted, open space lands must be usable and must include public access on a Public Road.

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.
- 11.0.4 **To consider proposals for usable land consisting of at least 5% of the subdivided lands, by area, in lieu of the cash dedication. Such lands shall include water access and shall include frontage on a Public Road.**

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 May 4, 1999 Municipal Council approved a Secondary Planning Strategy and Land Use By-law for the Lunenburg Municipal Industrial Planning Area. The Minister of Service Nova Scotia and Municipal Relations reviewed the Lunenburg Municipal Industrial Planning Area Secondary Planning Strategy and

Land Use By-law and deemed them not to require ministerial approval. On June 7, 1999 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.

~~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 Planning Area, as approved by **Municipal Council, effective June 7, 1999**, is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.~~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 Riverport and District plan area. The Minister of Service Nova Scotia and Municipal Relations reviewed the Riverport and District 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.

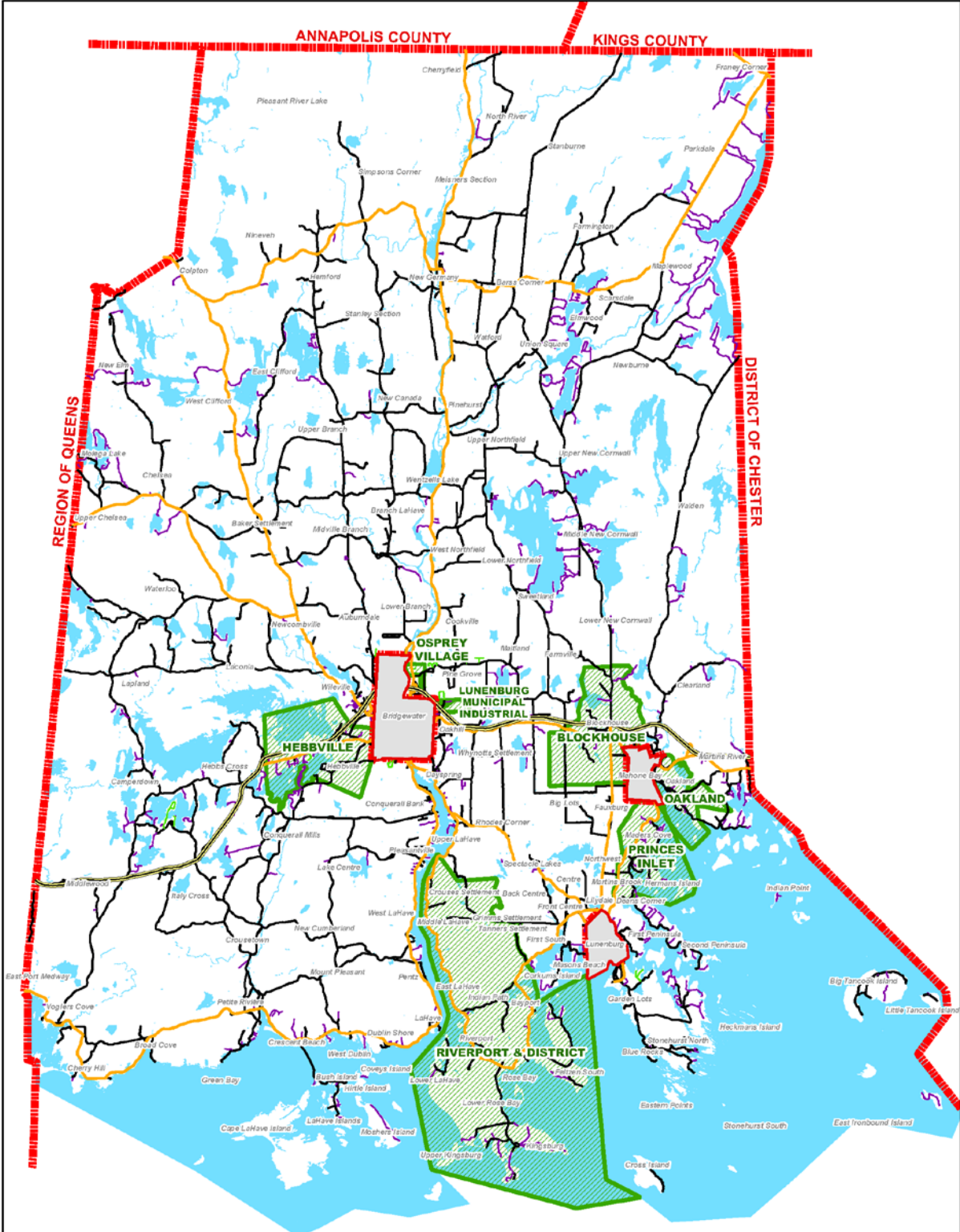
The Municipal Planning Strategy of the Municipality, approved by Council and effective on May 4, 1999, and amendments thereto, is hereby repealed and this Municipal Planning Strategy substituted.

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.~~

DRAFT

TABLE OF CONTENTS

Page No.

PART 1 AUTHORITY AND TITLE	1
PART 2 ADMINISTRATION	1
PART 3 INTERPRETATION.....	1
PART 4 DEFINITIONS	1
PART 5 LOT SIZE AND ACCESS	4
PART 6 DESIGNED ROADS	9
PART 7 WATER SUPPLY	11
PART 8 SANITARY SEWERS.....	11
PART 8A MUNICIPAL PUBLIC HIGHWAYS	10
PART 9 PUBLIC OPEN SPACE	11
PART 10 CONSTRUCTION OF SERVICES	12
PART 11 PRELIMINARY PLANS OF SUBDIVISION	14
PART 12 CONCEPT PLAN	17
PART 13 TENTATIVE PLAN PROCEDURES	20
PART 14 TENTATIVE PLAN REQUIREMENTS	22
PART 15 FINAL PLAN PROCEDURES	25
PART 16 FINAL PLAN REQUIREMENTS	28
PART 17 ENDORSEMENT AND FILING OF FINAL PLANS	32
PART 18 FINAL PLAN FEES	35

PART 19 PLAN REPEAL PROCEDURES.....	36
PART 20 REPEAL NOTICE.....	37
SCHEDULE "A" Subdivision Application Form	40
SCHEDULE "B" List of Existing Schedule "B" Roads	44
SCHEDULE "C" Minimum Lot Sizes Lots with Central Sewer	48
SCHEDULE "D" Subdivision Approval Notice Form	49
SCHEDULE "E" Application Form for Repeal of Subdivision	53
SCHEDULE "F" Repeal of Subdivision Notification Form	57
SCHEDULE "G" General Specifications and Design Requirements for Water and Sewer Systems	61
SCHEDULE "H" Municipal Road Design And Construction Standards	75
DRAWING "H-1" Cul-de-sac Bulb Type and 'P' type Standard	96
DRAWING "H-2" Turning Tee Standard	97
SCHEDULE "I" Stopping Sight Distance Chart	99
SCHEDULE "J" Standard Details for Public Roads and Private Designed Roads	103
SCHEDULE "J-1"	
SCHEDULE "K" Areas Where New Public Roads Are Permitted	109

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.
 - (cb) **COUNCIL** means the Council of the Municipality.
 - (de) **CENTRAL SEWER SYSTEM** means a system of pipes and associated facilities for the collection and disposal of sewage from more than one lot.
 - (ed) **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.
 - e) ~~**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 September ~~XX~~, 2018; and
 - (iii) was approved by the authority having jurisdiction for the approval of the road.
- (g) **EXISTING PRIVATE DESIGNED ROAD NETWORK** means a collection of Existing Private Designed Roads sharing a point or points of access to a Public Road.
- (h) **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.
- (if) **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.
- (jg) **LOT** means any parcel of land as defined by its boundaries.
- (kh) **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.
- (l) **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.
- (mi) **MUNICIPALITY** means the Municipality of the District of Lunenburg.

- (nj) **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.
- (ok) **MUNICIPAL GOVERNMENT ACT** means an “Act Respecting Municipal Government”, Chapter 18, Acts of 1998.
- (p) **PRIVATE DESIGNED ROAD** means any street or road that is not public where:
- i) the design, construction, and inspection conform 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 that is assignable and perpetual and has been clearly granted by deed, registered at the Land Registration Office for the Municipality.
- (qka) **PROPOSED LOT**, means any lot being proposed to be created by a plan of subdivision, including a remainder lot. ~~[added – November 12, 2003]~~
- (rl) **PROVINCE** means the Province of Nova Scotia.
- (s) **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*.~~
- (tp) **REGISTRY OF DEEDS** means the office of the Registrar of Deeds for the Municipality.
- (ue) **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.
- (vp) **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.

- (wq) **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.
- (xf) **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;
- (ys) **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.
- (z) **USABLE LAND** means land that:
 - (a) has a minimum contiguous area of 1,000 square metres, not including portions of the lands with dimensions less than 6 m in any direction;
 - (b) has a maximum slope of five per cent (5%);
 - (d) is free from wet or swampy areas, or areas covered by water;
 - (e) is not subject to any known environmental contamination;
 - (f) is not required as part of a stormwater treatment pond; and
 - (g) is not an electrical or gas transmission corridor.

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~~e~~) **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]~~

5.109 LOT SHAPES

5.109.1 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 September XX, 2018.

5.410 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.

5.421 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.

5.432 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.

5.443 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~~)

5.1615 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 only** 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(n)(ii),~~ An Existing Private Designed Road, or Existing Private Designed Road Network, may be extended and lots may be approved on the extension(s) provided:

- (a) any such extension is a Private Designed Road; and,
- (b) the extension along with any intervening Existing Private Designed Road(s) and Private Designed Roads provides access from the lots to a Public Road; and,
- (c) a right-of-way easement is provided for access over the Existing Private Designed Road(s) 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; and,
- (d) the total number of lots approved on all extensions to the Existing Private Designed Road or Existing Private Designed Road Network does not exceed 18.

6.3.2 For greater clarity, if a Subdivider desires to create more than 18 lots on an extension(s) to an Existing Private Designed Road or Existing Private Designed Road Network they may do so by upgrading the Existing Private Designed Road(s), or portions thereof, to meet the Low Volume Road (LVR) road requirements of 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 approved 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 approved by the Municipal Engineer; and

- (d) the construction of Private Designed Roads shall be inspected and certified 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 LAND DEDICATION

Notwithstanding Section 9.1, the subdivider may propose the dedication of land in lieu of the cash dedication. Acceptance of a land dedication shall be at the discretion of Council and, where accepted, the lands shall:

- (a) have an area of at least 5% of the land being subdivided;**
- (b) be usable land;**
- (c) have frontage on a Public Road of at least 6 metres; and**
- (d) include a minimum of 6 metres of water frontage on a lake, river, or ocean.**

9.23 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 ~~R~~oad approved as a separate lot;**
- (f) the creation of a separate lot for an Existing Private Designed Road; and**
- (g) 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 **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;
- ~~(i)~~ (ih) the location and Civic Address System name of existing ~~designed roads,~~ **Public Roads, Private Designed Roads, and** Schedule "B" Roads ~~and public highways~~ and the **provincial** public highway **authority** number;
- ~~(j)~~ (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}~~
- ~~(k)~~ (kj) general location and civic numbers of all main buildings;
- ~~(l)~~ (lk) general location of watercourses, and wetlands;
- ~~(m)~~ (ml) north point;
- ~~(n)~~ (nm) the scale to which the preliminary plan of subdivision is drawn; **and**
- ~~(o)~~ (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 Roads or Private Designed Roads**, 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:
 - ~~(i)~~ **(iA)** the words “Concept Plan” located in the title block;
 - ~~(ii)~~ **(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)~~ **(iiiC)** the proposed internal street system with connections to existing streets-;
 - ~~(iv)~~ **(iv)** ~~the proposed location of public open space,~~
 - ~~(v)~~ **(iv)** the location of municipal sewer and water available or to be available to the land proposed to be subdivided-;
 - ~~(vi)~~ **(v)** contours at maximum ~~21~~ metre intervals within the area of land being subdivided in the current phase;
 - ~~(vii)~~ **(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, whichever is less, extending from and surrounding the boundary of the area of land being subdivided in the current phase-;
 - ~~(viii)~~ **(vii)** the drainage patterns for the area of land being subdivided and **tributary** lands surrounding the area of land **being subdivided**, ~~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
 - ~~(ix)~~ **(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**

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

12.2.212.2 MUNICIPAL GOVERNMENT ACT

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

12.2.312.3 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 formations;
- (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 ~~Nova Scotia Environment~~ ~~the Department of Environment and Labour~~, 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 a **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 **Development Officer** 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;~~
 - (ii) 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.~~

15.8 PUBLIC OPEN SPACE CONTRIBUTION

Pursuant to Part 9, no approval of a final plan of subdivision may be given unless the subdivider has contributed the public open space dedication to the Municipality.

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 ~~s~~ 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~~

~~16.2.316.3~~ **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~~
snowploughing 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 ~~P~~private ~~D~~esigned ~~R~~oad or a ~~P~~ublic ~~R~~oad~~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~~ection 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**
- (be)** 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.

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 8th 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 4th day of Mayr, A.D., 1999.

DATED at Bridgewater, Nova Scotia, this ____th day of May A.D., 1999.

.....

Douglas E. Quinn, C.A.O.

Municipality of the District of Lunenburg
POLICY

Title: Subdivision Application Form	
Policy No. MDL-78	
Effective Date:	Amended Date:

DRAFT

This policy forms Schedule “A” of the Subdivision By-law.

DRAFT

SCHEDULE "A"
Municipality of the District of Lunenburg
Application **Form** 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

DRAFT

Municipality of the District of Lunenburg POLICY

Title: List of Existing Private Schedule "B" Roads	
Policy No. MDL-79	
Effective Date:	Amended Date:

This policy forms Schedule "B" of the Subdivision By-law.

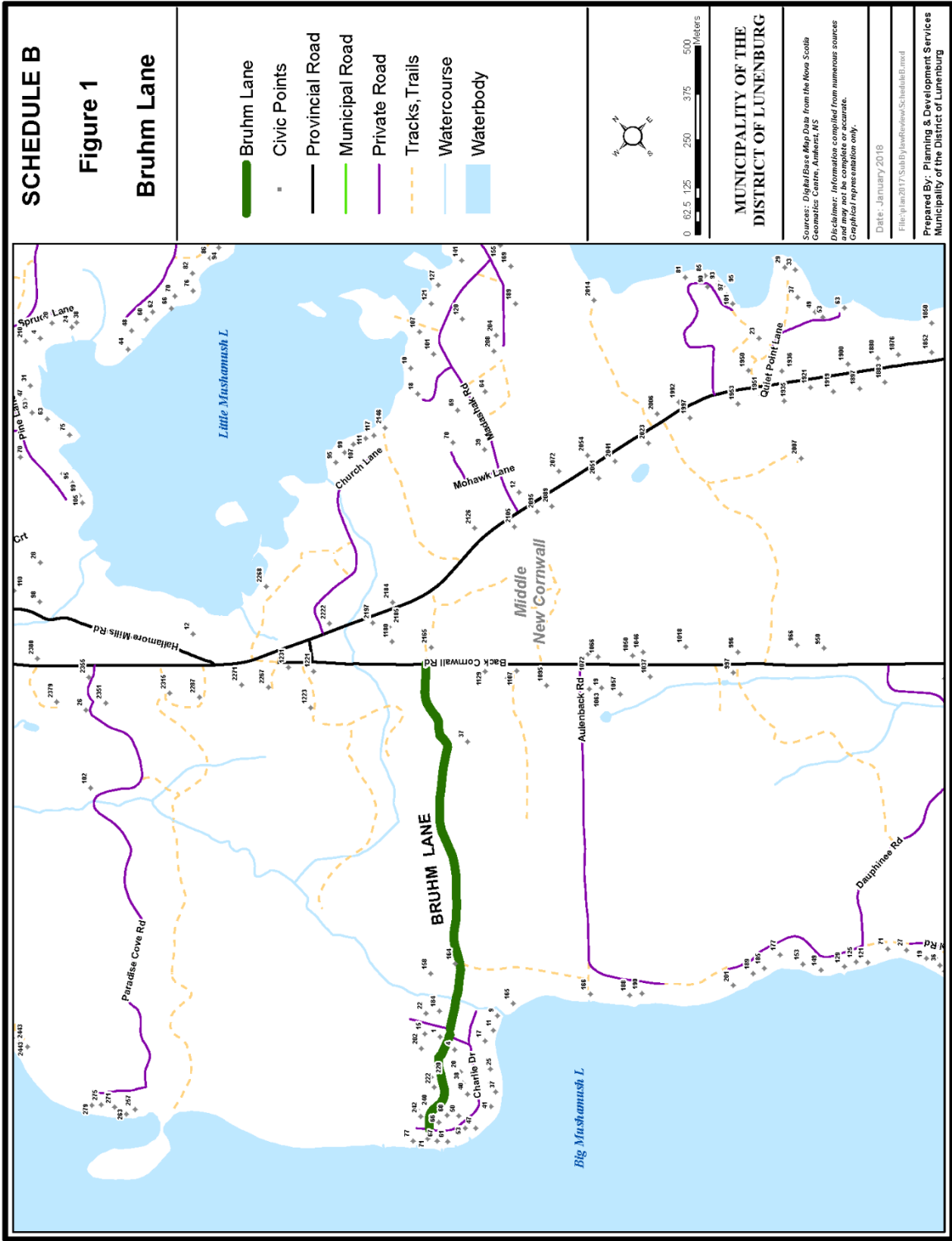
SCHEDULE "B"

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

DRAFT



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

DRAFT

Municipality of the District of Lunenburg POLICY

Title: Minimum Lot Sizes for Lots with Central Sewer	
Policy No. MDL-80	
Effective Date:	Amended Date:

The policy forms Schedule “C” of the Subdivision By-law.

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. MDL-81	
Effective Date:	Amended Date:

DRAFT

The policy forms Schedule “D” of the Subdivision By-law.

DRAFT

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

DRAFT

**Municipality of the District of Lunenburg
POLICY**

Title: Application Form for Repeal of Subdivision	
Policy No. MDL-82	
Effective Date:	Amended Date:

DRAFT

The policy forms Schedule “E” of the Subdivision By-law.

DRAFT

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

DRAFT

**Municipality of the District of Lunenburg
POLICY**

Title: Repeal of Subdivision Notification Form	
Policy No. MDL-83	
Effective Date:	Amended Date:

DRAFT

The policy forms Schedule “F” of the Subdivision By-law.

DRAFT

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

DRAFT

Municipality of the District of Lunenburg POLICY

Title: General Specifications and Design Requirements for Water and Sewer Systems	
Policy No. MDL-84	
Effective Date:	Amended Date:

The policy forms Schedule “G” of the Subdivision By-law.

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 Speeteek Ltd., Halifax, N.S.** The **wastewater system** design shall also ~~be in compliance~~ **comply** 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*, *Water 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 ~~that~~^{which} may become tributary.
4. (1) The design of all sanitary sewers shall be based on the Peak ~~Wet~~^{Dry} Weather Flow.
 - (2) 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.**
 - (3) The peaking factor shall be determined by the Harmon Formula.
 - (4) 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) **Drywells of** 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 systems and conventional gravity systems are permitted. Vacuum systems shall not be considered.**
 - (2) **For STEP systems, 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 STEP septic tanks.**
 - (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 and distribution 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 kPa (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 and CGVD 2013 coordinate systems 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:

SEWER – Collection and Treatment Facilities			
Feature Code	Feature Description	Shape Type	Grouping
Pipes and Wires			
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
Instruments and Fittings			
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
Structures			
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

26. 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:

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: Municipal Road Design and Construction Standards	
Policy No. MDL-85	
Effective Date:	Amended Date:

The policy forms Schedule “H”, “H-1”, and “H-2” of the Subdivision By-law.

SCHEDULE H

MUNICIPAL ~~PUBLIC ROAD DESIGN AND CONSTRUCTION STANDARDS~~ [~~June 1, 2004~~ September 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 ~~52 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 m² (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**, 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**, 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.
- 2.12 “Guide for Design of Pavement Structures”, AASHTO, latest revision.

3.0 ROAD CLASS DESIGNATION

Municipal ~~P~~ublic ~~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 ~~lessfewer~~ 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

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 ~~Standards~~ 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) dDriveway 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

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

~~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 and Private Designed 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.

Notwithstanding the above, the base gravel course for Private Designed Roads may consist of hard and durable crushed or screened pit run gravel or rock with the following gradation:

<u>Sieve Size</u>	<u>Percent Passing</u>
112 mm	100 percent
14 mm	30 to 70 percent
80 µm	0 to 10 percent

The minimum thickness of the base gravel course of Public Roads and Private Designed Roads 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.

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 and Private Designed Roads shall consist of Type 1 or Type 1S material and/or asphalt. Type 1 and Type 1S 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 minimum thickness of the surface course of Public Roads and Private Designed Roads 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 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.

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 by-law, 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 by-law, 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 Municipal Council prior to final approval being given by the Development Officer.~~ **All Municipal Public Road and Private Designed Road names shall be subject to approval by the Civic Address Coordinator prior to final approval being given by the Development Officer.**

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.

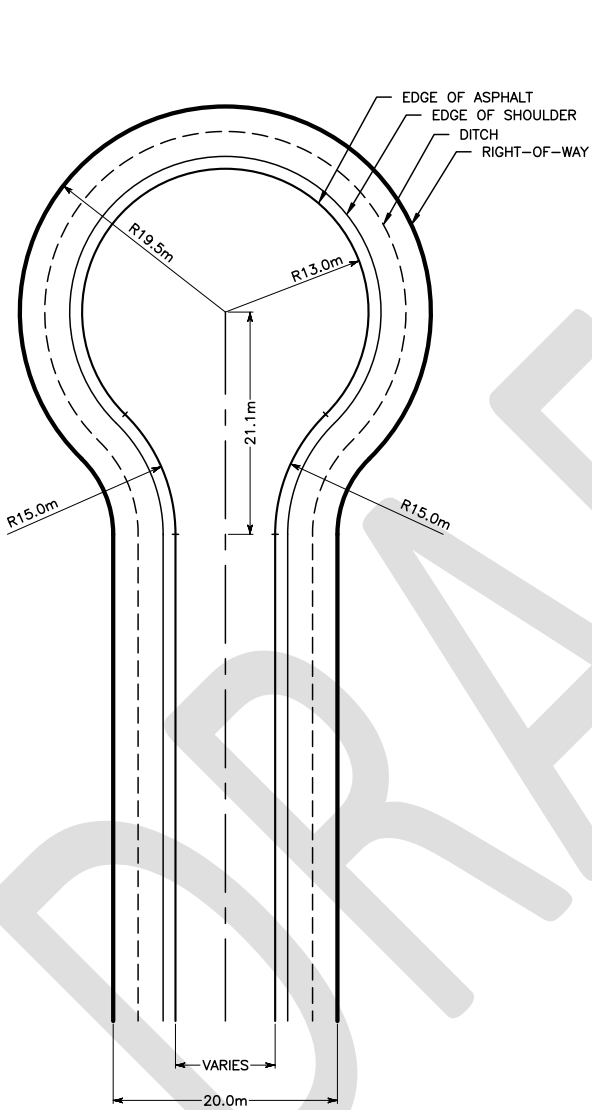
Street name signs will generally consist of all the letters of the primary street name, with the letters made from 100 mm (4") black vinyl marking stock, applied to extruded aluminum plate covered with white, high-intensity grade reflective vinyl material. All letters will be capitalized.

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.

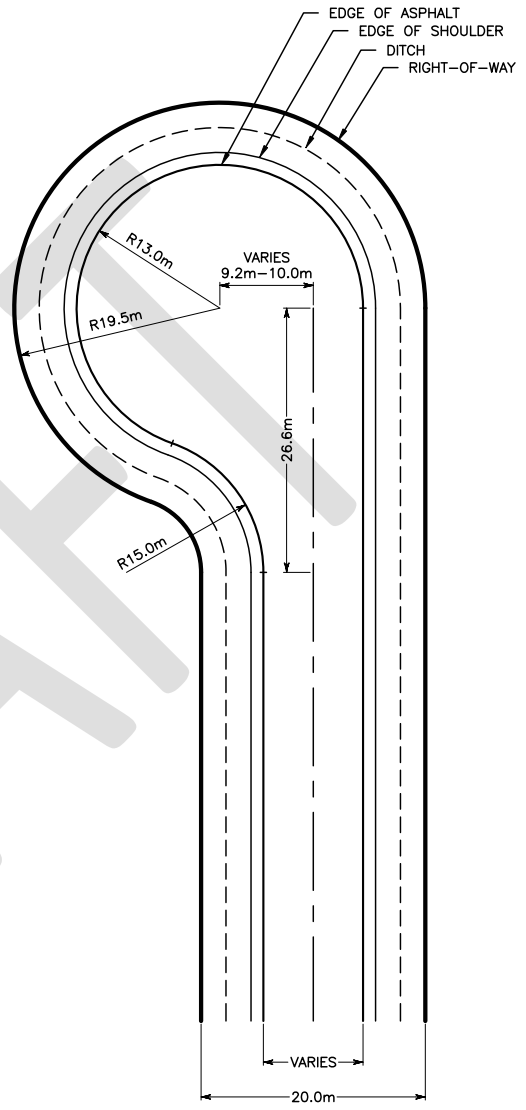
8.6.2 Posts

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 m² (7.27 ft²), with approval of the assembly design and construction subject to approval by the Municipal Engineer.

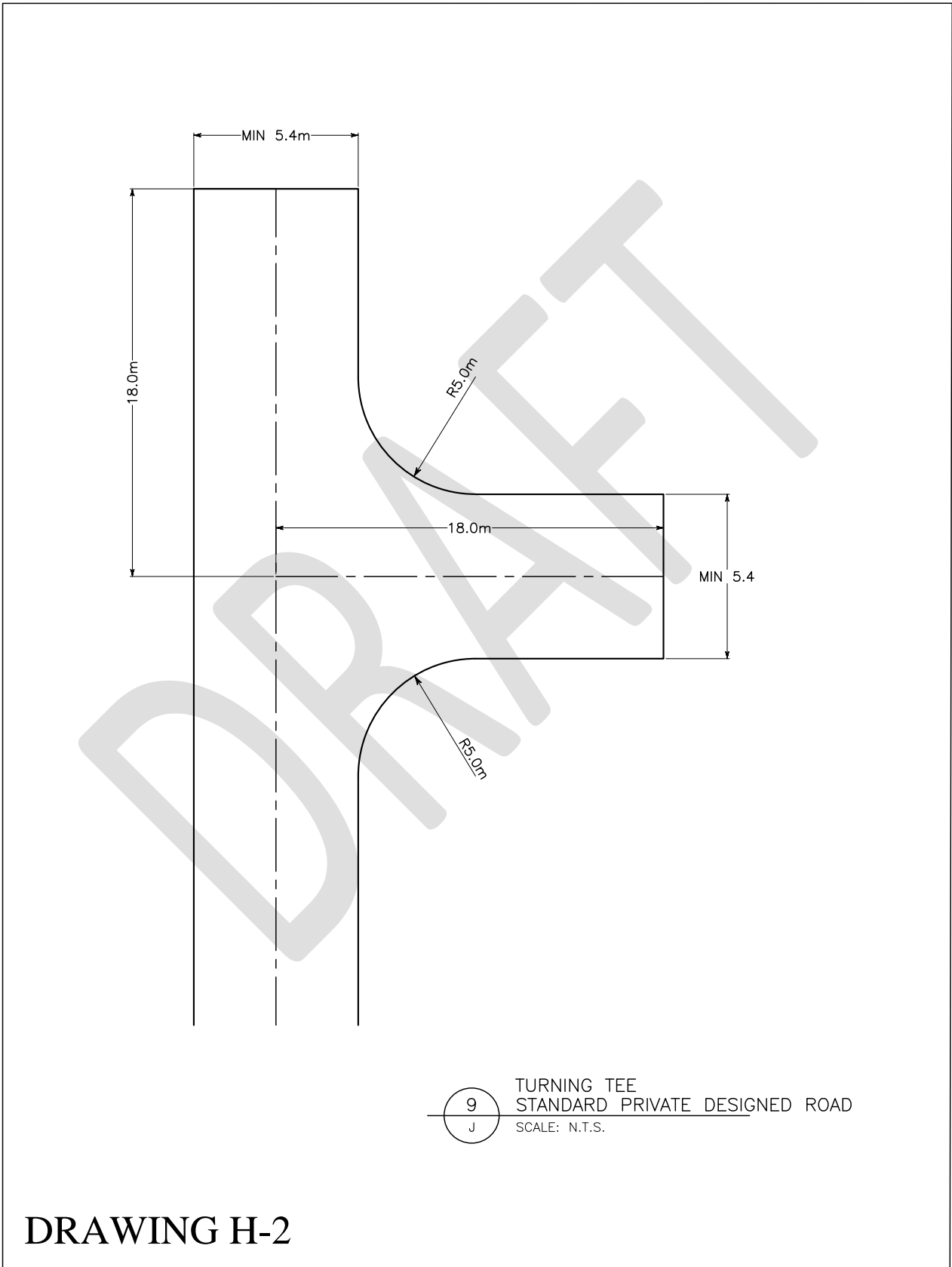


7 SYMMETRICAL CUL-DE-SAC
J SCALE: N.T.S.



8 OFFSET CUL-DE-SAC
J SCALE: N.T.S.

DRAWING H-1



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

DRAFT

Municipality of the District of Lunenburg
POLICY

Title: Stopping Sight Distance Chart	
Policy No. MDL-86	
Effective Date:	Amended Date:

DRAFT

The policy forms Schedule ‘T’ of the Subdivision By-law.

DRAFT

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

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

DRAFT

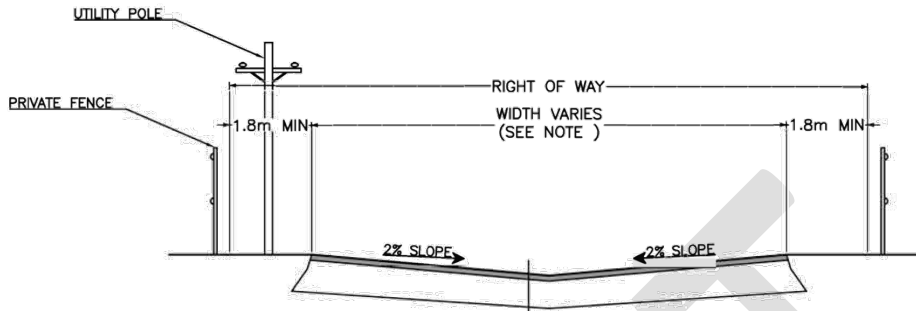
**Municipality of the District of Lunenburg
POLICY**

Title: Standard Details for Public Roads and Private Designed Roads	
Policy No. MDL-87	
Effective Date:	Amended Date:

The policy forms Schedule “J” and “J-1” of the Subdivision By-law.

SCHEDULE J

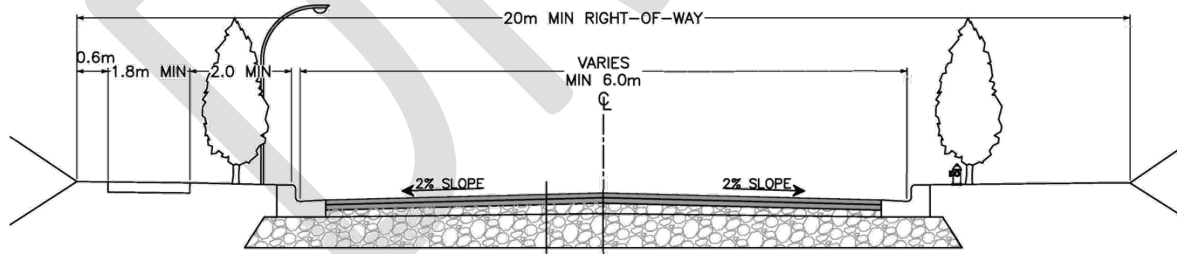
STANDARD DETAILS FOR PUBLIC ROADS AND PRIVATE DESIGNED ROADS



- NOTE:**
1. FOR RESIDENTIAL LANE WAYS MINIMUM WIDTH 4.8m
 2. FOR COMMERCIAL LANE WAYS MINIMUM WIDTH 6.0m

75mm ASPHALT
MIX TYPE B-HF
100mm TYPE 1/1S
200mm TYPE 2

TYPICAL PUBLIC LANEWAY (ULU)
CROSS SECTION
SCALE: N.T.S.

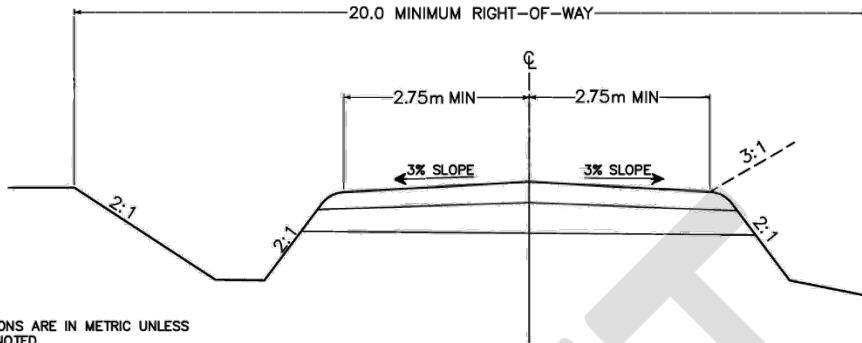


40mm ASPHALT
MIX TYPE C-HF
60mm ASPHALT
MIX TYPE B-HF
100mm TYPE 1/1S
200mm TYPE 2

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.

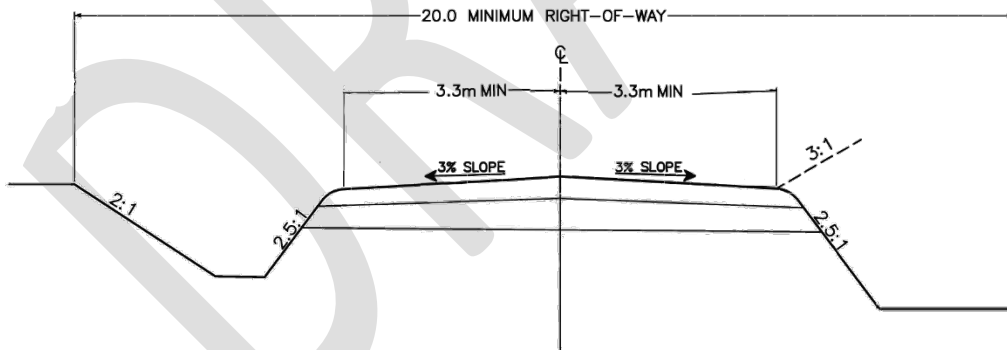


NOTES:

1. ALL DIMENSIONS ARE IN METRIC UNLESS OTHERWISE NOTED.
2. ADDITIONAL SLOPE STABILIZATION MAY BE REQUIRED AS PER GEOTECHNICAL REPORT.
3. DITCHES, WHERE NEEDED, SHALL BE OF A DEPTH AND WIDTH AS SPECIFIED BY AN ENGINEER LICENSED TO PRACTICE IN NOVA SCOTIA.
4. FOR ALL PRIVATE DESIGNED ROAD SECTIONS THE THICKNESS OF THE GRAVEL BASE AND SURFACE COURSE SHALL BE AS SPECIFIED IN SCHEDULE J-1

3
J

TYPICAL PRIVATE DESIGNED RURAL LANEWAY (RLW)
20m ROW, 5.5m GRAVELED TRAVEL LANE
SCALE: N.T.S.

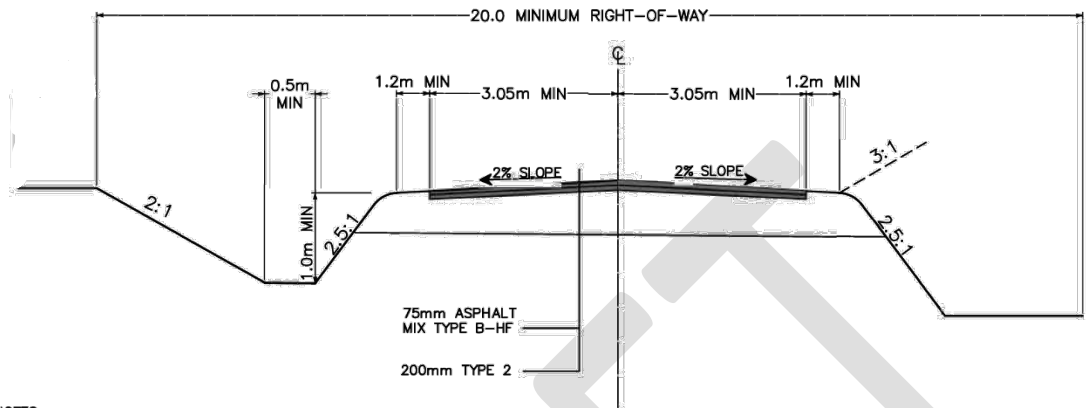


NOTES:

1. ALL DIMENSIONS ARE IN METRIC UNLESS OTHERWISE NOTED.
2. ADDITIONAL SLOPE STABILIZATION MAY BE REQUIRED AS PER GEOTECHNICAL REPORT.
3. DITCHES, WHERE NEEDED, SHALL BE OF A DEPTH AND WIDTH AS SPECIFIED BY AN ENGINEER LICENSED TO PRACTICE IN NOVA SCOTIA.
4. FOR ALL PRIVATE DESIGNED ROAD SECTIONS THE THICKNESS OF THE GRAVEL BASE AND SURFACE COURSE SHALL BE AS SPECIFIED IN SCHEDULE J-1

4
J

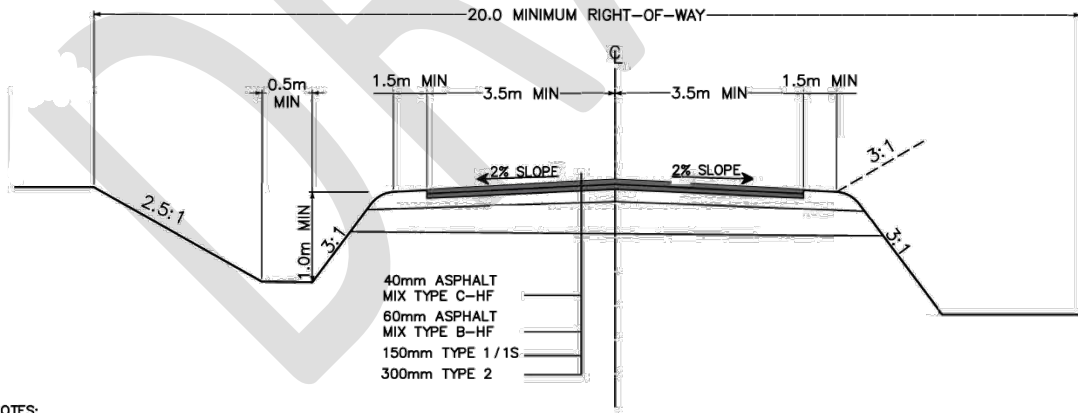
TYPICAL PRIVATE DESIGNED ROAD (LVR)
20m ROW, 6.6m GRAVELED TRAVEL LANE
SCALE: N.T.S.



- NOTES:
1. ALL DIMENSIONS ARE IN METRIC UNLESS OTHERWISE NOTED.
 2. ADDITIONAL SLOPE STABILIZATION MAY BE REQUIRED AS PER GEOTECHNICAL REPORT.
 3. 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.

5
J

TYPICAL PUBLIC ROAD (RLU)
20m ROW, 6.1m 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.

6
J

TYPICAL PUBLIC ROAD (RCU)
20m ROW, 7m PAVED TRAVEL LANE
SCALE: N.T.S.

SCHEDULE J-1

The base course and surface course of Private Designed Roads shall have a thickness determined by any one of the following three approaches:

- 1) Designed by a Professional Engineer licensed to practice in Nova Scotia based on site-specific conditions and using the AASHTO Guide for Design of Pavement Structures, or similar method as approved by the Municipal Engineer. The specified design shall be sufficient to accommodate a Category 1 motor vehicle with an axle weight of 18,000 kg and a spread range of 2.4 to 3.0 m.
- 2) A base course with a minimum thickness of 200 mm and a surface course with a minimum thickness of 100 mm.
- 3) A base course and surface course with thicknesses as specified in the following table in accordance with the subgrade type(s) present on-site, as determined by a Professional Engineer licensed to practice in Nova Scotia. Granular till shall be defined as material with less than 35 percent passing a 75 µm sieve, while silt/clay shall include those materials with more than 35 percent passing a 75 µm sieve.

Rural Laneway (RLW)

Material	Subgrade Type		
	Bedrock	Granular Till	Silt/Clay
Surface Course	100 mm	100 mm	100 mm
Base Course	-	100 mm	150 mm

Low Volume Rural Road (LVR)

Material	Subgrade Type		
	Bedrock	Granular Till	Silt/Clay
Surface Course	150 mm	100 mm	100 mm
Base Course	-	150 mm	200 mm

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

DRAFT

Municipality of the District of Lunenburg POLICY

Title: Areas Where New Public Roads Are Permitted	
Policy No. MDL-88	
Effective Date:	Amended Date:

The policy forms Schedule “K” of the Subdivision By-law.

SCHEDULE ‘K’

AREAS WHERE NEW PUBLIC ROADS ARE PERMITTED

None

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

	CURRENT By-law			PROPOSED By-law		Identified Municipal Road Standards			
	LVR	RLU	RCU	-----Private Road-----		-----No new Public Roads at this time-----			
	LVR	RLU	RCU	RLW (up to 18 lots) Profile 3	LVR Profile 4	ULU Profile 1 & 2	RLU Profile 6	RCU Profile 7	
Posted Speed Limit	-	-	-	30 km/h	30 km/h	** conform to Urban cat stds by TAC	70-50 km/h	70 km/h	
Design Speed Range	50 km/h	70 km/h	70 km/h	40 km/h	40 km/h	Geometric design for Canadian Roads	70-50 km/h	80-70 km/h	
Max Gradient	10 %	6 %	6 %	12 %	12 %		10 %	8 %	
Lane width	-	-	-				3.05 m (10')	3.5 m (11.5')	
Usable Shoulder Width	-	-	-				1.2 m (4')	1.5 m (5')	
Finished Top Width (no change since May 24th 2018)	8.6 m (28.2')	9.75m (32')	9.75m (32')	5.5 m (18')	6.6 m (21.6')	Laneway – varies Residential 4.8 m Commercial 6 m Urban local – min 6m varies (+3.6m)	8.5 m (27.8')	10.0 m (32.8')	
Side Slopes	2:1	3:1	3:1	2:1	2.5:1	Curb and gutter	2.5:1	3:1	
Back Slopes	1.5:1	2:1	2:1	2:1	2:1	Curb and gutter	2:1	2.5:1	
Min ROW Width*	20 m (66')	20 m (66')	20 m (66')	20 m (66')	20 m (66')	Laneway – varies (Road width +3.6m) Urb local – 20m(66')	20 m (66')	20 m (66')	
Horizontal Curve radius	90 m	190 m	190 m	40 m	60 m		190-90 m (with design speed)	250-190 m (with design speed)	
Stopping Sight Distance	65 m (213')	110m (360')	110 m	45 m (148')	45 m (148')		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	
Base Gravel Course (updated)	200 mm (8")	200 mm (8")	Discretion at least equal to LVR/RLU	Site specific design to accommodate a Cat 1 motor vehicle axle weight of 18,000 kg and spread range of 2.4 to 3.0 m OR 200 mm Type 2 OR Thickness based on Subgrade Type: Bedrock – 0 Granular Till – 100 mm Silt/Clay – 150 mm	Site specific design to accommodate a Cat 1 motor vehicle axle weight of 18,000 kg and spread range of 2.4 to 3.0 m OR 200 mm Type 2 OR Thickness based on Subgrade Type: Bedrock – 0 Granular Till – 150 mm Silt/Clay – 200 mm	200 mm Type 2 (8")	200 mm Type 2 (8")	300 mm Type 2 (12")	
Surface Course (updated)	100 mm (4")	100 mm (4")	Discretion at least equal to LVR/RLU	Site specific design to accommodate a Cat 1 motor vehicle axle weight of 18,000 kg and spread range of 2.4 to 3.0 m OR 100 mm Type 1/1S OR Thickness based on Subgrade Type: Bedrock – 100 mm Granular Till – 100 mm Silt/Clay – 100 mm	Site specific design to accommodate a Cat 1 motor vehicle axle weight of 18,000 kg and spread range of 2.4 to 3.0 m OR 100 mm Type 1/1S OR Thickness based on Subgrade Type: Bedrock – 150 mm Granular Till – 100 mm Silt/Clay – 100 mm	100 mm Type 1/1S (4")		150 mm Type 1/1S (6")	
Asphalt			63 mm Type B course 37 mm Type C surface			Laneway 75 mm Type B	UrbLoc 60 mm Type B 40 mm Type C	75 mm Type B (Required) 60 mm Type B 40 mm Type C (Required)	

August 9, 2018

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

Dear Mayor and Councillors:

The Police Advisory Board, in session on Tuesday, July 25, 2018, made the following recommendation to Council:

1. That Municipal Council permit the Municipality of the District of Chester the use of the speed trailer in areas of their municipality, once the proper insurance documents are prepared and signed, and with the provision that RCMP ensure proper working condition and data retrieval.

Respectfully submitted,

Chairman and Members
Police Advisory Board

/trb



Municipality of the District of Lunenburg

REQUEST FOR DECISION

REPORT TO: Council

SUBMITTED BY: Tissy Bolivar, Acting Director of Recreation Services

DATE: August 28, 2018

RE: River Ridge Common Budget Approval

RECOMMENDATION

That Council for the Municipality of the District of Lunenburg approve the spending of grant dollars awarded by the Province of Nova Scotia in the amount of \$43,000 for River Ridge Common.

EXECUTIVE SUMMARY

The River Ridge Common is a multi-year, phased development of various park components on a 115-acre property owned by MODL. It is divided by the South Shore Annapolis Valley Trail into 2 distinct parcels. The 15-acre Lower Park is a former gravel pit, situated between Highway 10 and the rail trail. The 100-acre Upper Park area is a former woodlot, to the north of the rail trail.

The work completed to date includes accessible trails in the upper park area, securing of the overall site with access gates and significant stockpiling of materials to be used for additional trails and features throughout the site. Development is proceeding as planned for 2018/19, which includes a natural playground, accessible trails, and landscape features in the lower park.

DISCUSSION

In the 2018-2019 budget, \$200,000 in capital funding was budgeted for River Ridge Common. Within this funding, \$150,000 was from gas tax, \$43,000 was from fundraising by the River Ridge Common Committee, and a projected \$7,000 from grants.

The Municipality applied for and received a Recreation Facility Development (RFD) Grant from the Province in the amount of \$50,000. This would bring our total project budget to \$243,000.

The approved capital budget was for \$200,000, however with the additional \$43,000 from the Province in grant funding, we are requesting to apply these funds to be used in this fiscal year towards an accessible trail from the parking lot to lower park and an OHV rest area.

BUDGET IMPLICATIONS

No budget implications

STRATEGIC PLAN

As per previous discussions, work at River Ridge Commons is led by the Open Space Strategic Plan.

WORK PLAN

The oversight of this project will continue to be through Municipal Staff, with direct project management by Snow Owl Consulting.

ALTERNATIVES

To apply the additional grant funding to the current capital budget, reducing the gas tax commitment for this fiscal year by \$43,000.

CONCLUSION

After budget deliberations, we received more funding towards this project through grants than anticipated. We have work that can be done to use this funding in this fiscal year.

Department: Recreation

Report Prepared By: Tissy Bolivar

Acting Director of Recreation Services

Date _____

Report Approved By: _____

Date _____

Reviewed By CAO: _____

Date _____



Municipality of the District of Lunenburg

REQUEST FOR DECISION

REPORT TO: Council

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

DATE: August 17, 2018

RE: Town of Lunenburg Building Inspection Agreement

ORIGIN: Staff

RECOMMENDATION

That Council agree to renew the current building services agreement with the Town of Lunenburg for a one-year term or until the regional building services agreement has been executed by all parties.

BACKGROUND

Starting in October 2016, the Municipality has been providing building inspection services to the Town of Lunenburg. The current agreement expires on September 1, 2018. The current agreement allows the agreement to be renewed in periods of one year each if mutually agreed by both parties.

As Council is aware MODL has recently agreed to enter into an agreement with 3 other municipalities (including the Town of Lunenburg) to provide regional building inspection services. However, as of the date of this report the Town of Lunenburg has not passed a motion to enter the regional building services agreement. The regional building services agreement is not effective until executed by all 4 parties.

DISCUSSION

Once the regional building services agreement is executed building services will be provided under the regional agreement. However, the current building services

agreement expires on September 1, 2018 and it's unlikely that the regional building services agreement will be executed by September 1, 2018. Therefore, to ensure there is no gap in building inspection service in the Town of Lunenburg Staff is recommending that MODL Council agree to renew the current building services agreement with the Town of Lunenburg for one year or until the regional building services agreement has been executed by all parties.

CONCLUSION

MODL has been able to provide building inspection services to the Town of Lunenburg with no increase in resources while maintaining our service levels. The Town of Lunenburg has asked MODL to renew the existing building services agreement, to prevent a gap in building services in the Town of Lunenburg, until the regional building services agreement has been executed.

individuals carrying out these services are qualified to do so and shall provide TOL with a copy of the Diploma of Qualifications, as issued by the Nova Scotia Building Code Training Certification Board, for all individuals providing said services.

2. The parties agree that the provision of services pursuant to this Agreement shall not constitute an employment contract between any individuals and the TOL carrying out the necessary services. MODL shall remain responsible for all wages, benefits, remittances and the like either required by federal or provincial law or as a term of any contract between the individuals providing the services and MODL.
3. MODL shall schedule all inspections pursuant to this Agreement. TOL shall thereafter provide MODL with administrative support, which MODL may periodically require regarding the provision of its services under this Agreement.
4. MODL shall bill TOL on a monthly basis for all services provided hereunder. Services shall be billed as follows:
 - a. the Staff member's hourly rate times 1.36;
 - b. plus a per kilometre rate billed at the MODL mileage rate;
 - c. plus the full cost of any other related expense that may arise as a result of providing the service; and,
 - d. Furthermore, in the event of any litigation arising from actions of MODL inspectors in the conduct of their duties on behalf of TOL, the TOL shall remain responsible for any costs arising from those inspectors necessary involvement in the litigation process.
5. MODL shall be responsible for carrying and maintaining adequate insurance coverage with respect to its responsibilities under this Agreement. This insurance coverage shall include, but not be limited to bodily harm including death, property damage, automobile coverage and any other general insurances necessary for MODL's role in carrying out the terms of this Agreement (including but not limited to, municipal and commercial general liability insurance). In particular, MODL shall also be responsible for errors and omissions (professional liability) coverage for building inspection services, and such coverage shall not contain any bodily injury or property damage exclusion. A minimum limit of \$5,000,000.00 must be maintained for errors and omissions (professional liability) insurance. A minimum general/municipal limit per occurrence of \$15,000,000.00 shall be maintained for Municipal/ Commercial General Liability insurance. MODL shall add TOL as an additional insured under MODL's Municipal Liability Insurance policy, and shall provide for 30 days' notice of cancellation or

material change detrimental to the certificate holder. MODL must also provide TOL with an updated certificate of insurance at least 10 days prior to expiry of any prior relevant certificate of insurance.

6. TOL shall be responsible for carrying and maintaining adequate insurance coverage with respect to its responsibilities under this Agreement. This insurance coverage shall include, but not be limited to bodily harm including death, property damage, automobile coverage and any other general insurances necessary for TOL's role in carrying out the terms of this Agreement (including but not limited to, municipal and commercial general liability insurance). In particular, TOL shall also be responsible for errors and omissions (professional liability) coverage for building inspection services, and such coverage shall not contain any bodily injury or property damage exclusion. A minimum limit of \$5,000,000.00 must be maintained for errors and omissions (professional liability) insurance. A minimum general/municipal limit per occurrence of \$15,000,000.00 shall be maintained for municipal/ commercial general liability insurance. TOL shall add MODL as an additional insured under TOL's Municipal Liability Insurance policy, and shall provide for 30 days' notice of cancellation or material change detrimental to the certificate holder. TOL must also provide MODL with an updated certificate of insurance at least 10 days prior to expiry of any prior relevant certificate of insurance.
7. TOL shall be responsible for retaining all building inspection documents, records, reports, and/or file notes prepared by any inspector providing building inspection services on its behalf.
8. MODL shall indemnify and hold harmless TOL and its Council, inspectors, agents and employees from all actions, claims, demands, losses, costs (including legal costs), damage, causes of action, negligence (excluding gross negligence), or any other legal consequence (including damages) arising from the course of MODL's actions, misconduct and/or violation of the provisions of this Agreement, arising from this contract or from statute.
9. TOL shall indemnify and hold harmless MODL and its inspectors, agents and employees from all actions, claims, demands, losses, costs (including legal costs), damage, causes of action, negligence (excluding gross negligence), or any other legal consequence (including damages) arising from the course of TOL's actions, misconduct and/or violation of the provisions of this Agreement, arising from this contract or from statute.

10. MODL shall hereafter provide TOL, upon request, with any certificates of insurance which are required to be put in place under Section 5 of this Agreement.
11. TOL shall hereafter provide MODL, upon request, with any certificates of insurance which are required to be put in place under Section 6 of this Agreement.
12. Both MODL and TOL shall provide each other with thirty (30) days written notice of the cancellation, material change or expiry of any insurance policy as required under Sections 5 and 6 of this Agreement. Should either party not be satisfied with the insurance held by the other party they shall have the right to immediately terminate this Agreement notwithstanding section 13 hereof.
13. This Agreement may be terminated by MODL or TOL at any time upon providing 90 days written notice to the other party.
14. The term of this Agreement may be extended for additional renewal periods of one year each if mutually agreed by both parties. Amendments may be made to such renewal terms as required from time to time and mutually agreed to by the Parties.
15. This Agreement shall bind the parties, their successors and assigns. This Agreement is a contract for services and is not a joint venture or partnership between the parties hereto.
16. The laws of the Province of Nova Scotia shall govern both the application and interpretation of this Agreement.

~~16-17.~~ Unless terminated as per Clause 13, this agreement shall be in place until September 1, 2019 or until superseded by a regional building services agreement executed by both Parties.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED)
)
) Municipality of the District of Lunenburg
in the presence of)
) Per:
_____)
)
Witness)
) Per:
_____)
)
)
) Town of Lunenburg
)
) Per:
_____)
)
Witness)
)
) Per:
_____)



Municipality of the District of Lunenburg

REQUEST FOR DECISION

REPORT TO: Municipality of the District of Lunenburg Council

SUBMITTED BY: Trudy Payne, Acting Deputy CAO and Kevin Malloy, CAO

DATE: August 28, 2018

RE: Lumberjacks Corporate Sponsorship Request

RECOMMENDATION

To approve funding to purchase advertising from the South Shore Lumberjacks (3260405 Nova Scotia Limited) in the amount of \$5,000; \$2,500 to come from the Economic Development budget and \$2,500 from the Recreation Department budget; and direct staff to negotiate what advertising could be purchased for this amount.

EXECUTIVE SUMMARY

A request has been received from the South Shore Lumberjacks (3260405 Nova Scotia Limited) requesting the Municipality of the District of Lunenburg to sponsor the team in the amount of \$15,000 (information attached). Also attached is the registration information on the company. The South Shore Lumberjacks are not a not-for-profit organization. They are registered as a private business. Under the Municipal Government Act, section 57(2), a municipality does have authority to sponsor a private business. The Municipality, however, could consider purchasing advertising from the Lumberjacks. Options provided by the Lumberjacks include:

- . Rink Board Advertisements at the Lunenburg County Lifestyle Centre (LCLC)
- . Outer Wall Arena Sign Advertisements in the LCLC
- . On Ice Advertisement (at the time of the report the ice has already been put in at the LCLC so this option is no longer available)
- . 6 Season Ticket Packages

- . Designated Game Night Sponsor (Game of MODL's choice. This night would be dedicated to MODL to work with Lumberjacks staff to make the night as fun as possible for fans and MODL staff. This would include 40 additional tickets and a private area to use)
- . Lumberjacks' players would be available to attend any functions/events the MODL sees value in having them attend

In the information package attached the Lumberjacks state that in 2017-2018 they were able to attract corporate sponsorship in the amount of just over \$100,000. This was mainly due to the advertisement agreement they have with the LCLC. On average the attendance at the games have been steadily increasing. They are creating a better and bigger community presence by participating in a number of community events such as the Radio-thon's mental health awareness day and partnering with Tim Horton's and the LCLC to host multiple "Skate with the Jacks" in which all funds raised have been donated.

The Lumberjacks have also partnered with South Shore Minor Hockey with the "Toonie Draw" and the South Shore Minor Hockey Ice Sharks voted unanimously to rebrand their organization as the South Shore Minor Hockey Lumberjacks. The Bantam AAA Western Hurricanes will also become known as the Bantam AAA South Shore Lumberjacks starting this season.

Also attached is the Lumberjacks Economic Valuation Report for 2016. This outlines the direct, indirect, subjective and future operating benefits of having the team located at the LCLC.

If Council approves the \$5,000 for advertising it would be recommended to have staff negotiate rink board advertisements promoting economic development, PRO Kids and Tick Checks; season tickets packages as tickets could be provided to families that PRO Kids support and additional print advertising.

BUDGET IMPLICATIONS

Funds have not been allocated in the 2018-2019 budget. If Council decides to purchase advertising from the Lumberjacks the funds would need to come from the current budget. If Council decides to purchase advertising in the amount of \$5,000, \$2,500 could come from the Economic Development budget and \$2,500 from the Recreation Department budget. Any funds beyond \$5,000 would need to come from the contingency fund. \$80,000 has been budgeted in the contingency fund for this fiscal year and \$10,000 has been committed to the South Shore Food Project, leaving \$70,000 remaining. The purpose of the contingency fund is to be able to respond to any emergencies or things unforeseen that Council may need to or want to fund.

STRATEGIC PLAN

WORK PLAN

If funding is approved for advertising staff would need to contact the Lumberjacks to negotiate the advertising provided for the amount approved. If funding is not approved staff would need to notify the Lumberjacks of Council's decision.

ALTERNATIVES

- 1. To not purchase advertising
- 2. To purchase advertising between the range of \$5,001 - \$15,000.

CONCLUSION

Department: Administration	
Report Prepared By: Trudy Payne Acting Deputy CAO	Date ___August 22, 2018_____
Report Approved By: _____	Date _____
Reviewed By CAO: _____	Date _____



Corporate sponsorships this season have increased from 79,000 in 2016-17 to over 100,000 in 2017-18 and we expect this number to increase again for the upcoming 2018-19 season. This is due mainly to the advertisement agreement between the Lumberjacks and the Lunenburg County Lifestyle Center, as well as, our change in focus to a more customer service based selling strategy to work with our community partners to provide them value for their support.

As an example game day ticket giveaway to promote our local corporate and game day sponsors has been shared many times reaching many people. For example, our last game day promotion for the Town of Bridgewater was shared on social media by more than 380 people reaching a total of more than 16, 000 people in 48 hours. Another example at one of our games was a “Like and Share “ contest with Best Western as the sponsor. We were able to reach over 10,500 people in just over 24 hours resulting in increased likes and shares for their social media page. These are just one example of how we are working with our partners to help them grow and see value in working with us. Please see screen shot below.

Our average attendance has been steadily increasing in comparison to our previous two seasons, up approximately 150 people per game and we were very fortunate to average 1300 fans during our exciting playoff run and are working to make sure this trend continues for the 2018-19 season.

Participation in multiple community events such as the Viking Voyage for Bridgewater Jr. High, participation in Radio-thon’s mental health awareness day at the Bridgewater mall, multiple school skates with Bridgewater Elementary, ACES, Hebbville, and Centre Scolaire de la Rive Sud as well as Pancake Breakfast at Bridgewater Elementary.

Partnering with Tim Horton’s and the LCLC we have hosted multiple “Skate with the Jacks” and have donated all proceeds, plus many game tickets to Freeman House, and the Food Bank.

We have also had the students and residents from Verge House and Bonney Lee Farm attend our games providing them with tickets and Lumberjacks t-shirts.

Sponsored the Jumpstart program at Sportchek raising almost \$1000 dollars for local kids to get involved in hockey

Provided an education bursary to the two children of Shawn Crowe in the amount of \$2000

In partner with Mustangs and Hurricanes donated roughly \$1000 to the Rose Foundation in support of Cancer for Pink in the Rink.

Multiple clothing and ticket donations to school fairs or bizarres that have reached out to us

Provided financial sponsorship to Gary Wentzel tournament at LCLC and Bantam AAA provincials in Liverpool

Something we are very excited about is our new partnership with South Shore Minor Hockey. Building off of the "Toonie Draw" partnership, the board of the SSMH Ice Sharks have unanimously voted to re brand their organization as the SSMH Lumberjacks. Through this new partnership we have worked with SSMH to commit to taking on a much bigger role in the development of local minor hockey players. We will be much more involved in participating in practices, by assigning Lumberjack players and coaches to work directly with teams and fully committing to taking over development weekend.

We have also made another exciting agreement to take on the Bantam AAA Western Hurricanes as part of our organization who will also be known as the Bantam AAA South Shore Lumberjacks starting next season.

And finally, one of our proudest accomplishments this year, was the launch of our Jr. Lumberjacks spring hockey teams and clinics. During the months of April and May, the organization exceeded our own expectations for a first year program. Our goal with this initiative is to allow families to stay close to home and receive high end development, without having to leave the area, resulting in financial savings, increased player development and more ice time being used during a time when the ice is usually sitting vacant driving more money into the LCLC and more money being spent in our community.

Our spring program consisted approximately 126 kids ranging from 5-15 years old. We are confident that next year will be even bigger and better and have plans to continue growing and developing local young hockey players from the South Shore.

Once again the Lumberjacks organization would like to thank the Municipality of the District of Lunenburg for taking the time to consider our request for your support this upcoming season. We have taken many positive steps in the right direction to ensure financial sustainability and we hope you realize how important your \$15,000 sponsorship would be. We hope you will consider to support the Lumberjacks moving forward and make sure our many loyal and growing fan base have a team to rally around each year.


Post Details
✕

South Shore Lumberjacks Jr. A Hockey

Published by Ross Shatford [?] · 6 April · 🌐

⋮

GAME DAY....GAME 4..... We need your support tonight. Game is Sponsored by Best Western Plus Bridgewater Hotel & Convention Centre. Lets get a win tonight and start the CHARGE back. Like and share and we will draw for 2 tickets at NOON today.



Performance for your post

10,524 People Reached

607 Reactions, comments & shares ⓘ

298 Like	227 On post	71 On shares
2 Love	1 On post	1 On shares
85 Comments	77 On Post	8 On Shares
222 Shares	208 On Post	14 On Shares

911 Post Clicks

48 Photo views	0 Link clicks	863 Other Clicks ⓘ
--------------------------	-------------------------	------------------------------

Partnership Proposal with the Municipality of the District of Lunenburg

The South Shore Lumberjacks would like to provide the Municipality of the District of Lunenburg with a request for sponsorship for the upcoming 2018-2019-hockey season. The sustainability and future of Junior A hockey in the South Shore relies on the support of local businesses and municipal governments. As a not for profit, our organizations mission is to bring a competitive and exciting hockey team at an affordable cost for the people of the South Shore. The Lumberjacks have seen an increase in fan support this year increasing our average attendance each of the last two season, and just recently were averaging nearly 1300 fans during our playoff run, which is proof to us that junior hockey belongs here. I have attached our latest 2016-17 income tax statements and you will be encouraged by the fact that this 2017-18 season has been our most successful financially and we are that much closer to breaking even when compared to the statement we provided last year for the 2014-15 season. The Lumberjacks have plans for more initiatives in our community but need a solid foundation in order to continue toward the goal of sustainability, and receiving support from local council is a great way to get started.

What we would like to request is a sponsorship from the Municipality of the District of Lunenburg in the amount of \$15,000. In return, the Lumberjacks would provide the municipality with the following:

- Rink Board Advertisements in the LCLC
- Outer Wall Arena Sign Advertisements in the LCLC
- On Ice Advertisement
- In Game Mentions Over PA System advertising your support for local hockey
- 6 Season Ticket Packages
- Designated Game Night Sponsor (Game of your choice would be special night dedicated to MODL to work with Lumberjacks staff to make the night as fun as possible for fans and MODL staff. Includes 40 additional tickets and private area to use as you wish)
- Lumberjacks' players will be available for any functions or events that council sees value in having them attend

Thank you,

Kyle McAllister
Head Coach and General Manager
South Shore Lumberjacks Jr. A Hockey Club
506-471-0063

**3260405 NSL (South Shore Lumberjacks)
Income Statement 07/01/2016 to 06/30/2017**

REVENUE

Sales Revenue

Corporate Sponsorship	152,476.16
Gate revenue	55,031.39
Timberland	25,020.39
Player transfer fees	7,650.00
Hockey School	4,678.84
Celebrity Dinner	11,100.00
Net Sales	<u>255,956.78</u>

Other Revenue

Donations	500.00
Interest Revenue	9.56
Total Other Revenue	<u>509.56</u>

TOTAL REVENUE	<u>256,466.34</u>
----------------------	-------------------

EXPENSE

Cost of Goods Sold

Freight Expense	169.40
Total Cost of Goods Sold	<u>169.40</u>

General & Administrative Expenses

Hockey school expenses	585.00
Business Manager	4,200.05
Billets	45,726.00
Trainers	4,747.94
Assistant Coaches	584.04
Goaltender Coaching	650.00
Scouting	7,486.09
Accounting & Legal	136.30
Medical	-122.20
Advertising & Sponsorship	8,710.85
League fees	9,860.00
Ice Rental	31,382.79
Computer/Broadcast Equipment	388.37
Business Fees & Licenses	919.50
Security	2,745.50
Game Night	219.00
Stipends/Honoraria	4,000.00

Player transfer fees	16,862.58
Courier & Postage	72.44
Credit Card Charges	2,330.84
Equipment	37,696.27
Insurance	1,500.00
Interest & Bank Charges	4,708.77
Office Supplies	75.62
Lockerroom supplies	1,341.96
Cresting and Sewing	1,514.40
Signage	8,450.00
Locker room improvements	279.00
Miscellaneous Expenses	883.22
Off ice conditioning	17,026.67
Education	105.00
Repair & Maintenance	951.89
Telephone	234.78
Pre game food	8,360.12
Meals	9,654.40
Molega Bus Tours	52,973.58
Fuel	3,169.69
Accomodations	11,437.02
Ticketing Fees	-0.01
Travel other than bus	9,792.59
Apparel	10,541.75
Receptions & Entertainment	326.26
Donations	6,001.00
Total General & Admin. Expenses	<u>328,509.07</u>
TOTAL EXPENSE	<u>328,678.47</u>
NET INCOME	<u><u>-72,212.13</u></u>

Generated On: 06/04/2018