



JANEGA ENGINEERING

CONSULTING ENGINEERS AND
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January 10, 2018

Warden Betty Anne MacQuarrie
Municipality of the County of Inverness
375 Main St, PO Box 179
Port Hood, NS
B0E 2W0

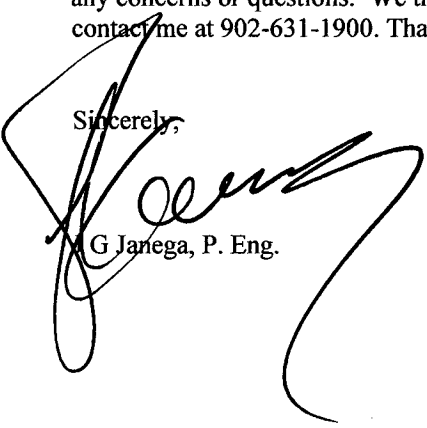
Re: Request for Presentation at Council Meeting regarding Subdivision Review

Dear Warden

I look forward to the opportunity to present and address some of the concerns regarding the above referenced topic. This issue has been raised on a number of occasions and as a matter of fact I personally made a similar presentation to previous council more than 10 years ago. In general, I would like to speak of the situation pertaining to **crossing of railways for land development**.

In advance I would like to thank yourself, council and staff for allowing me to make this presentation. I have included photo copy of rules and regulations from all affected levels of government along with mapping and photos. All will be included and explained in the verbal portion of my presentation. I would only be too happy to address any concerns or questions. We trust the above is satisfactory at this time but should you have any questions please contact me at 902-631-1900. Thank You

Sincerely,



J. G. Janega, P. Eng.

Environmental Requirements and Regulations

On-site Sewage Disposal Systems Standard

Established by the Minister of Environment

May 2017



NOVA SCOTIA

2.6 DETERMINATION OF SYSTEM USAGE

A subdivider, or applicant to construct or install a system, is required to specify the extent, volume, and type of usage to which the system will be subjected.

This information will be used by a qualified person or the department to select or design an on-site system. The size of the system may dictate the lot size at subdivision stage, which would be in addition to the minimum lot size requirements set out in Section 7 of the *On-site Sewage Disposal Systems Regulations*, shown in **Table 2.4**.

For single-unit dwellings, the minimum information required is the number of bedrooms, the expected maximum occupancy of the dwelling, and whether allowance should be made for high water use fixtures.

The minimum flow on which planning, selection or design of a residential on-site system can be based is 1000 L/day. The recommended flows to be used for system design are shown in **Table 2.3** below.

TABLE 2.3
DAILY FLOWS

Dwelling Type	Average Daily Flow (L/day)
3 bedroom home	1000
3 bedroom home with high water use fixtures	1200
4 bedroom home	1350
4 bedroom home with high water use fixtures	1500

These are average flows. It should be recognized that if they are exceeded for more than short periods, the results may be a malfunction of the on-site disposal field.

For system selection as determined by a level 2 Qualified Person (Section 4), an average daily flow of 1000 L/day is to be used for a single 3 bedroom home. For a 3 bedroom home with high water use fixtures, or for any 4 bedroom home, an average daily flow of 1500 L/day is to be used with the exception that a daily flow of 1350 L/day may be used when selecting a C3 or mound system for a 4 bedroom home without high water use.

A garbage grinder will increase the amount of solids to be removed and stored by a septic tank. Where a garbage grinder may be installed, the volume of the septic tank should be increased by 20%.

Estimated flows and loads or systems serving multi-unit residential or non-residential units will depend on additional information to be provided by the applicant and assessed by the designer (QP 1).

2.7 MINIMUM LOT AREA AND WIDTH REQUIREMENTS

For a lot **proposed** for subdivision, intending to utilize an on-site sewage disposal system, the minimum lot areas and widths in **Table 2.4** apply. For systems with greater than 1500 L per day flow, larger lot areas and lot widths may be required. These requirements do not apply to existing lots not involved in a subdivision proposal.

The lot width, for purposes of **Table 2.4**, is the minimum width of a lot measured from the centre of the proposed or existing system to the boundaries of the lot as illustrated by **Figure 2.B**.

The minimum area and width of the lot will depend on:

- the depth of permeable soil
- the maximum expected daily flow rate
- whether the lot is a waterfront lot as defined by the Regulations
- whether an inspector considers that an adverse effect may be created

TABLE 2.4

MINIMUM LOT SIZE REQUIREMENTS FOR DEVELOPMENT UTILIZING ON-SITE SEWAGE DISPOSAL SYSTEMS⁽¹⁾

Depth of Permeable soil (mm)	Minimum Lot Area (m ²)	Minimum Lot Width (m)
0 - 149	9000	76
150 - 299	6800	60
300 to 600	4500	53
Deeper than 600 on a waterfront lot ⁽²⁾	3716	45
601 - 899	3150	37
900 and deeper	2700	37

- (1) For systems with a daily flow greater than 1500 L/day, larger lot areas and widths may be required.
- (2) A waterfront lot is a lot that contains or is proposed to contain a system in which a portion of the system is or will be located within 60 m of a surface watercourse or marine water body.

TABLE 2.5 (A)

**MINIMUM HORIZONTAL CLEARANCE DISTANCES¹
REQUIRED IN *ON-SITE SEWAGE DISPOSAL SYSTEM REGULATIONS***

FROM	TO	DISTANCE (Metres)
System including disposal field ⁶ , septic tank and pump or siphon chamber, holding tank or privy	All lot boundaries	3
	Downslope lot boundary	9
	Drilled well with at least 6.1 m casing ²	15.2
	Dug well ^{2,3} or any other domestic water supply	30.5
System including disposal field ⁶ , holding tank or privy but excluding septic tank, pump or siphon chamber	Cistern or any other contained water supply ⁸	8
	Surface watercourse ⁴ , wetland ⁵ or marine water body	30.5
	Downslope ditch or drain that flows intermittently or any artificially created water body, other than an interceptor ditch	15
	Municipal or private water distribution system ⁹	6
	Foundation drainage system	6
Septic tank, pump or siphon chamber and effluent pipe	Cistern or any other contained water supply ⁸	5
	Surface watercourse ⁴ or marine water body	15.2
	Wetland ⁵	30.5
	Municipal or private water distribution system ⁹	3
	Foundation drainage system	1.5

TABLE 2.5 (B)

**MINIMUM HORIZONTAL CLEARANCE DISTANCES¹
THAT SHOULD BE MAINTAINED WHERE POSSIBLE**

FROM	TO	DISTANCE (Metres)
Disposal Field ⁶	Downslope boundary on a lot with a depth of permeable soils of: 300 to 600 mm	15
	150 to 299 mm	25
	0 to 149 mm	30
	Downslope sudden increase in slope on a lot with a depth of permeable soils of: 601 mm and deeper	5
	300 to 600 mm	10
	150 to 299 mm	15
	0 to 149 mm	20
	Wells down slope	100 ⁷
	Downslope Foundation	20
	Right of way	6

The following statements refer to Tables 2.5 (A) and 2.5 (B):

1. An inspector may require greater distances if adverse effects may be created, and shall provide reasons in writing.
2. See **Table 2.5 (B)** and note 7.
3. A dug well includes a drilled well with less than 6.1 m. of well casing
4. Surface watercourse means a watercourse as defined in the *Environment Act*, excluding groundwater and includes the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not.
5. Wetland means a wetland as defined in the *Environment Act*, and includes land commonly referred to as a marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soil, hydrophytic vegetation, and biological activities adapted to wet conditions.
6. Separation from the disposal field should be measured from the nearest edge of the trench. Ensure separation distances, especially to boundaries, incorporate the buffer and buffer taper.

Transportation Requirements and Regulations

Specifications for Subdivision Roads in Urban and Rural Areas



**Department of
Transportation
and Communications**

Effective May 25, 1989

The intent of these specifications is to insure the design and construction of the subdivision in such a manner as to permit the Department of Transportation and Communications to list and maintain the roads therein.

I N D E X

- DIVISION 1 - DEFINITION OF TERMS
- DIVISION 2 - GENERAL DESIGN SPECIFICATIONS
- DIVISION 3 - GENERAL CONSTRUCTION SPECIFICATIONS
- DIVISION 4 - CONSTRUCTION SPECIFICATIONS FOR ROADS
WITHOUT ASPHALT CONCRETE PAVING AND NOT
SERVICED WITH AN UNDERGROUND STORM
SEWER SYSTEM
- DIVISION 5 - PAVING CONSTRUCTION SPECIFICATIONS FOR
ROADS NOT SERVICED WITH AN UNDERGROUND
STORM SEWER SYSTEM
- DIVISION 6 - PAVING CONSTRUCTION SPECIFICATIONS FOR
ROADS SERVICED WITH AN UNDERGROUND STORM
SEWER SYSTEM
- DIVISION 7 - VARIATIONS
- DIVISION 8 - LISTING PROCEDURES

SUBDIVISION ROAD SPECIFICATIONS

DIVISION 1

DEFINITION OF TERMS

Whenever in any part of these Specifications, the following words or expressions or pronouns used in their stead are used, the intent and meaning shall be interpreted as follows:

Department, and Department of Transportation and Communications. The Department of Transportation and Communications of the Province of Nova Scotia.

Municipality. The Municipality in which the Subdivision is located.

Subdivision. The division of any area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels.

Engineer. The Chief Engineer of the Department of Transportation and Communications of the Province of Nova Scotia acting directly or through an assistant or representatives, duly authorized by the Chief Engineer, and acting only within the scope of the particular duties assigned to him or within the scope of the authority vested in him.

Highways. The whole right-of-way which is reserved for use in constructing the roadway and its appurtenances the boundaries being determined by the Department's Engineer.

Arterial. A road intended to move a relatively large volume of traffic at medium to high speeds used where traffic movement is the primary consideration and land access secondary.

Collector. a road intended to collect traffic from local streets and move it to the arterials, used where traffic movement and land access are of equal importance.

Local. A road which has the main function of providing land access.

Standard Specification. The current edition of the Standard Specification of the Province of Nova Scotia Department of Transportation and Communications. The directions, provisions and requirements as supplemented by special provisions as may be necessary pertain to the design, method and manner of performing the work, or the quantities and qualities of materials to be furnished.

Roadway. The portion of highway included between the outside lines of gutters, or side ditches; including all the appertaining structures, and all slopes, ditches, channels, waterways, etc. necessary for proper drainage and protection.

Roadbed. That portion of the roadway extending from shoulder line to shoulder line, in other words, the subgrade and shoulders considered as a unit.

Subgrade. That portion of the roadbed upon which the base course is to be placed.

Base Course. The crushed rock or aggregate which is placed immediately upon the subgrade.

Surfacing. The crushed rock or aggregate which is placed immediately upon the base course.

Approval. The approval of the Engineer. The Engineer's decision will be final and binding in matters of design and construction.

Inspections. Field inspection by the Engineer at various stages of construction.

Professional Engineer. A Professional Engineer who is a member of the Association of Professional Engineers of Nova Scotia.

DESIGN: "THE FUNCTION OF LOCATING ROADS AND BUILDING LOTS RELATIVE TO TOPOGRAPHICAL FEATURES, CONSTITUTES THE PRACTICE OF ENGINEERING AS DEFINED BY THE ENGINEERING PROFESSION ACT OF NOVA SCOTIA. THEREFORE, THE DESIGN OF SUBDIVISIONS AND THEIR SERVICES WHEN SUBMITTED TO THE DEPARTMENT MUST BE OVER THE SEAL OF A PROFESSIONAL ENGINEER."

DIVISION 2

GENERAL DESIGN SPECIFICATIONS

- 2.1 General: These specifications are to cover the more common aspects of design encountered in subdivision development. In cases where these specifications need to be expanded or additional specifications are required, the "Geometric Design Standards for Canadian Roads and Streets" as published by Roads and Transportation Association of Canada and currently accepted by the Department shall be used as a guide. In general, a design speed of 50 km/hr. will be used; however, in certain circumstances, higher design speeds may be required.
- 2.2 Prior to detailed lot and roadway layout in the field the developer shall submit a function scheme showing the proposed layout, approximate grades, drainage patterns and property boundaries to the Engineer. Cross sections may also be required. At this early stage the entrance to the subdivision will be checked by the Engineer for proper sight distance. The developer may engage the services of a Professional Engineer in this preliminary design.
- 2.3 The minimum right-of-way width will normally be 20m. In most cases this right-of-way will be sufficient. However, in certain instances, the Department may require a greater width of right-of-way to facilitate traffic, construction and/or maintenance requirements.
- 2.4 Any property susceptible to damage as a result of construction must be within the right-of-way. All slopes (either in cuts or fills), which will not be eventually eliminated by changes in lot elevations, must be included within the right-of-way.
- 2.5 An acceptable Right-of-way access to adjacent property must be provided and deeded to the Department of Transportation and Communications. These access roads must not be more than 400m apart or as Municipal regulations stipulate, whichever is more stringent. These access roads will be located along the boundary in such a manner as to not prejudice development of adjacent land.

- 2.6 Where subdivision roads meet existing classes of provincial highways, the minimum distance between these intersections shall be:

Provincial Local Roads	100m
Provincial Collector Roads	150m
Provincial Arterial Roads	300m

and shall be located in such a manner as to satisfy sight distance requirements.

Within the subdivision the minimum distance between intersections of local roads will be 75m measured centre line to centre line.

In general, offset intersections, including pedestrian sidewalks and bike ways shall be no less than 50m apart, measured centre line to centre line.

Sight distance requirements are as follows:

STOPPING SIGHT DISTANCES - IN METRES

TABLE I

POSITIVE GRADES

APPROACH SPEED km/h	0%	+1%	+2%	+3%	+4%	+5%	+6%	+7%	+8%	+9%	+10%
30	30	30	30	29	29	29	29	29	29	28	28
35	37	37	36	36	36	36	35	35	35	35	34
40	44	44	44	43	43	42	42	42	41	41	41
45	53	52	52	51	51	50	50	49	49	49	48
50	62	61	61	60	59	59	58	58	57	57	56
55	72	71	70	70	69	68	67	67	66	65	65
60	83	82	81	80	79	78	77	76	75	75	74
65	96	94	93	91	90	89	88	87	86	85	84
70	109	107	105	104	102	101	99	98	97	96	95
75	122	120	118	116	115	113	111	110	108	107	105
80	137	137	132	130	128	126	124	122	120	119	117
85	152	149	147	144	142	139	137	135	133	131	129
90	169	165	162	159	156	154	151	149	146	144	142
95	184	181	177	174	171	168	165	162	160	157	155
100	194	190	186	183	179	176	173	170	168	165	163
105	205	200	196	192	189	185	182	179	176	173	171
110	216	211	206	202	198	194	191	188	184	182	179
115	225	220	215	211	207	203	199	195	192	189	186
120	235	230	225	220	215	211	207	203	200	296	193
125	246	240	234	229	224	220	215	211	208	204	200
130	257	250	244	239	234	229	224	220	216	212	208

EYE HEIGHT = 1.05m

OBJECT HEIGHT = 150mm - FOR INTERSECTIONS, COMMERCIAL & INSTITUTIONAL LOTS
 = 600mm - RESIDENTIAL PROPERTIES

STOPPING SIGHT DISTANCES - IN METRES

TABLE II

NEGATIVE GRADES

APPROACH SPEED km/h	0%	-1%	-2%	-3%	-4%	-5%	-6%	-7%	-8%	-9%	-10%
30	30	30	30	31	31	32	32	32	33	33	34
35	37	37	38	38	39	39	39	40	40	41	42
40	44	45	45	46	46	47	47	48	49	50	50
45	53	53	54	55	55	56	57	58	59	60	61
50	62	63	64	65	66	67	68	69	70	71	73
55	72	73	74	75	77	78	79	81	82	84	86
60	83	85	86	87	89	91	92	94	96	98	101
65	96	97	99	101	103	105	107	109	112	114	117
70	109	111	113	115	118	120	123	126	129	133	136
75	122	125	127	130	133	136	139	143	146	151	155
80	137	140	142	146	149	153	156	161	165	170	176
85	152	155	159	163	166	171	175	180	185	191	198
90	169	173	176	181	185	190	195	201	208	214	222
95	184	189	193	198	203	208	214	221	228	235	244
100	194	198	203	208	214	219	226	233	240	248	257
105	205	209	214	220	226	232	239	247	255	264	274
110	216	221	226	232	239	246	253	261	270	280	291
115	225	231	237	243	250	258	266	275	285	296	308
120	235	241	248	255	262	270	279	289	300	312	325
125	246	252	259	267	275	284	293	304	316	329	343
130	257	264	271	279	288	298	308	320	332	347	362

EYE HEIGHT = 1.05m

OBJECT HEIGHT = 150mm - FOR INTERSECTIONS, COMMERCIAL & INSTITUTIONAL LOTS
 = 600mm - RESIDENTIAL PROPERTIES

No drainage is to be carried on, through or over private property, within the subdivision, other than by unconfined natural water course, by excavated ditch, or storm sewer. To ensure access to drainage systems, title to a tract of land of ample width shall be conveyed in fee simple absolute to the municipality or the Department of Transportation and Communication in the following cases:

- (a) Excavated ditches or storm sewers within the boundary of the subdivision.
- (b) Where a need is identified to accommodate future upstream drainage, title to a tract of land of ample width for drainage purposes shall be conveyed in fee simple absolute from the roadway to the upstream limits of the subdivision.

... and; may be required for excavated offtake ditches or storm sewers adjacent to and immediately downstream of the subdivision that are required to ensure proper functioning of the subdivision drainage system.

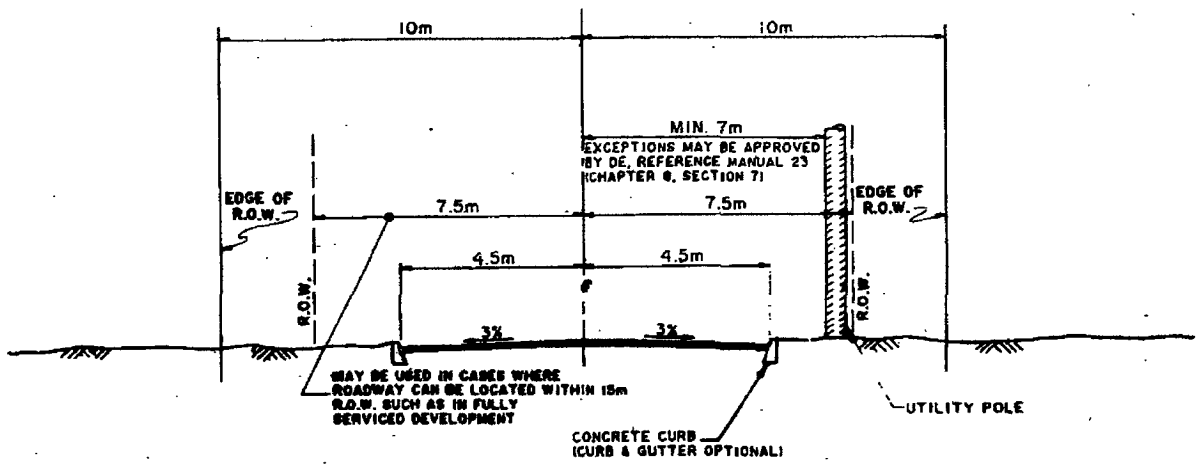
Land for drainage purposes will not normally be required for an unconfined natural water course.

A plan must be submitted to the Department showing upstream drainage that must be accommodated, the final drainage pattern within the subdivision and indicating the drainage pattern of subdivision runoff outside the subdivision as it affects abutting land. Where subdivision drainage flows from the subdivision onto abutting property other than in a natural water course, consent in writing of the owner(s) affected, must be filed with the Municipality or the Department of Transportation and Communications and recorded in the Registry of Deeds. Natural water courses shall not normally be carried in roadway ditches or storm sewers.

2.11 All intersecting roads must intersect at an angle of 70 to 90 degrees for a minimum distance of 30m from the intersection measured from the respective centre lines.

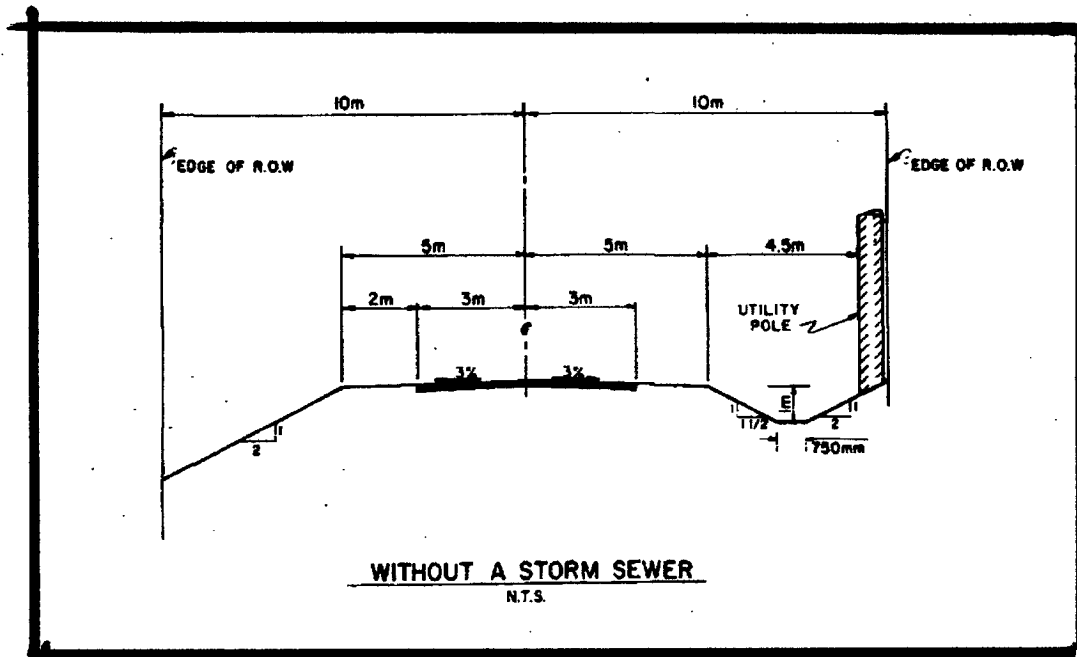
2.12 Straight or gently rolling grades with proper vertical curves are required to provide adequate stopping sight distance, as specified in the "Geometric Design Standards for Canadian Roads and Streets", depending upon the design speed. In all cases a profile will be required, showing proposed grades. In general a grade of 6% will be considered to be the maximum allowable, however, in difficult circumstances grades up to 8% may be approved. Grades in excess of 8% will only be approved in exceptional circumstances and with prior approval by the Department. The minimum grade shall be 0.5%. Grades at intersections shall not exceed 2% for at least 15m measured from the shoulder of the intersecting road.

2.13 Side slopes in cuts will be a minimum of 2:1 (horizontal to vertical) and 1:4 in rock cuts or as otherwise required. All embankment slopes will be 2:1 or as otherwise required should the material be less stable than normally experienced.



CONCRETE CURBS & STORM SEWER

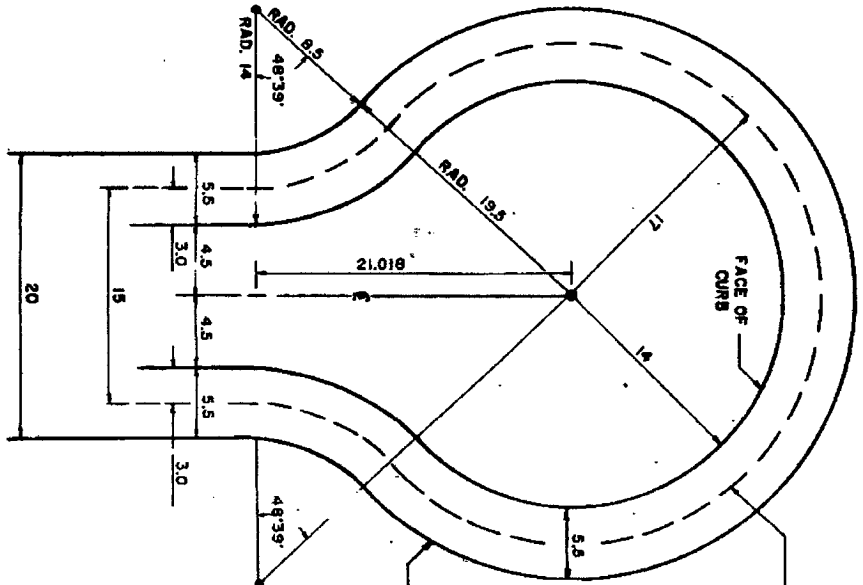
N.T.S.



WITHOUT A STORM SEWER

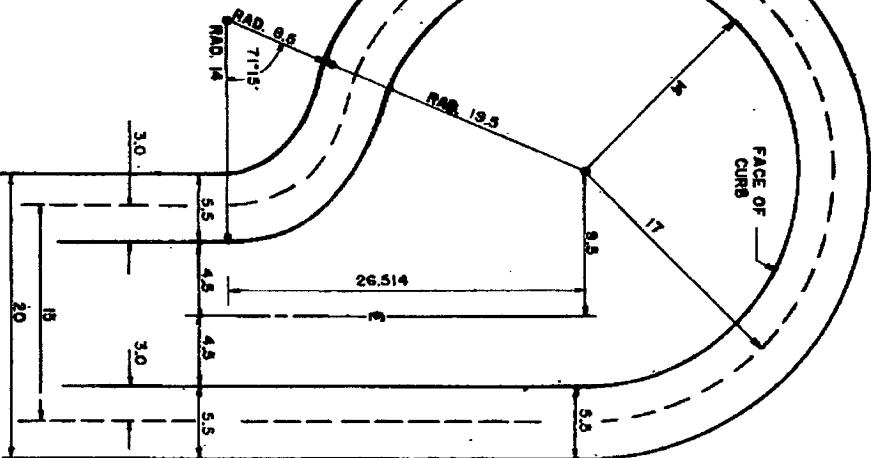
N.T.S.

PROVINCE OF NOVA SCOTIA DEPARTMENT OF TRANSPORTATION	
TYPICAL CROSS-SECTIONS SUBDIVISION ROADS	
Approved <i>Aug 12 1987</i> <i>Peter Boyd</i> Manager of Highway Eng'g	Approved <i>Aug 13 1987</i> <i>C. K. Leanta</i> Chief Engineer
Approved <i>Aug 12 1987</i> <i>E. W. MacIntosh</i> Director of Engineering	File No. H 87-71



MAY BE USED IN CASES WHERE ROADWAY CAN BE LOCATED WITHIN B.M. R.O.W. SUCH AS IN FULLY SERVICED DEVELOPMENT.

EDGE OF ROW



NOTE: ALL DIMENSIONS GIVEN ARE IN METRES
SCALE: 1:250

PROVINCE OF NOVA SCOTIA DEPARTMENT OF TRANSPORTATION CULS-DE-9AC	
APPROVED: <i>[Signature]</i> 1982	APPROVED: <i>[Signature]</i> 1982
DRAWN BY: <i>[Signature]</i> 1982	CHECKED BY: <i>[Signature]</i> 1982
FILE NO. H87-72	

Municipal Requirements and Regulations

Inverness County Subdivision By-Law

General Provisions

- A. Procedure
- B. Lot requirements
- C. Public Streets
- D. Private Roads
- E. Parkland Transfer
- F. Waiver from Survey Requirements of FINAL Plan of Subdivision

Preliminary Plans Of Subdivision (Optional First Step)

- A. Requirements
- B. Procedure

Tentative Plans Of Subdivision

- A. Requirements
- B. Procedure

Final Plans Of Subdivision

- A. Requirements
- B. Procedure

Repeal Of a Plan Of Subdivision

SHORT TITLE

1. This By-law may be cited as the "Consolidated Subdivision By-law" and shall apply to all lands within the Municipality of the County of Inverness.

INTERPRETATION

2. In this By-law,

(a) "Act" means the Planning Act;

(b) "Area of land" means any lot or parcel as described by its boundaries. For the purposes of Section 19 "area of land" means:

(i) any lot or parcel described in a deed executed on or before August 6, 1984 less any subsequent conveyances prior to August 6, 1984, or

(ii) any lot or parcel shown on a FINAL plan of subdivision filed in the Registry of Deeds before August 6, 1984 or

(iii) any lot or parcel described in a deed executed on or subsequent to August 6, 1984, by means of Section 102(2) of the Act.

(c) "Central system" means a system of piping and plant for the collection, transportation and treatment of sewage or water of such design and installation as to satisfy the requirements of all

agencies concerned both Provincial and municipal.

(d) "Frontage" means

in an area not covered by a Land Use By-law

(i) the distance between the side lines of a lot measured along a public street or private road except in Section 18, or

(ii) where a lot is located on a curve on a public street or private road the distance may be measured along a line joining points on the side lines of the lot which points are eight metres (26.3 feet) from such street or private road; or

in an area covered by a Land Use By-law

(iii) the frontage measured as required in such By-laws;

(e) "Island" means an area of land completely surrounded by water at low tide;

(f) "Lot" means any parcel to be created by the filing of an approved final plan of subdivision;

(g) "Municipal engineer" means an engineer licensed to practise professional engineering in Nova Scotia and appointed by the municipality;

(h) "Municipality" means the Municipality of the County of Inverness;

(i) "Nova Scotia Land Surveyor" means a member licensed to practice in Nova Scotia who is in good standing with the Association of Nova Scotia Land Surveyors;

(j) "Private road" means any road which is not public shown on a plan of subdivision which

(i) extends to and has access to a public street and where not totally located within the area of land being subdivided, the private road shall have an easement for right-of-way and access which has been clearly surveyed and granted by deed, registered in the Registry of Deeds, and

(ii) includes any private road approved by the Department of Transportation and Communications and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Registry of Deeds;

(k) "Province" means Her Majesty the Queen in right of the Province of Nova Scotia;

(l) "Public street" includes any street or road owned and maintained by a municipality or the province; and

(i) "municipal public street" means any street or road owned and maintained by a

municipality,

(ii) "provincial public street" means any street or road owned and maintained by the Department of Transportation and Communications of the Province excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act,

(m) "Registry of Deeds" means the office of the Registrar of Deeds for the registration district in which the area of land being subdivided is located;

(n) "Right-of-way easement" means an easement for right-of-way and access, extending to and having access to a public street or highway, and where not totally located within the area of land proposed to be subdivided the right-of-way easement shall be clearly surveyed and granted by deed, registered in the Registry of Deeds for the County of Inverness:

(i) prior to August 6, 1984, having a minimum width of 3 metres (9.8 feet), or

(ii) subsequent to August 6, 1984, having a minimum width of 6 metres (19.7 feet);

(o) "Subdivider" means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent;

(p) "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.

GENERAL PROVISIONS

A - Procedure

3. Application for approval of a plan of subdivision shall be made to the Development Officer in the form specified in Schedule "A" of this By-law.

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

5. The Development Officer shall forward a copy of the subdivision plan to

(a) in areas not served by a central sewer, the Department of the Environment of the Province to determine compliance with the "Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems";

(b) in areas served by a central sewer, the authority having jurisdiction for central sewers;

(c) in areas served by a central water supply, the village commission or other authority having jurisdiction for water services;

(d) the authority having jurisdiction for public streets; and

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

6. Any agency which has been forwarded a copy of the plan of subdivision pursuant to Section 5 shall forward a written report of their assessments or recommendations to the Development Officer.

7. Approval of a plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Communications or of any other agency of the Province or the municipality unless the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province, including any applicable requirements for lot area and lot frontage contained in a Land Use By-law.

8. (1) At the time of application, the subdivider shall submit

(a) the fees contained in the Costs and Fees Act, and regulations made thereunder, for

(i) filing the endorsed FINAL plan of subdivision, certifying a copy of the plan and registering a notice of approval of the plan, or

(ii) registering a repeal of a plan of subdivision; and

(b) a processing fee of \$200.00 per plan plus \$25.00 per lot for each lot above five (5) for which approval is being requested on a FINAL plan of subdivision for review and approval of the subdivision, or for repeal of a plan of subdivision; or

(c) a processing fee of \$50.00 for review and approval of a TENTATIVE plan of subdivision.

(2) Where the Development Officer refuses, to approve a TENTATIVE or FINAL plan, or to repeal a FINAL PLAN of subdivision or where the applicant withdraws the application, the fees referred to in Clause (1)(a) and 50% of the fees referred to in Clauses 1(b) or 1(c), shall be returned to the subdivider.

9. The Development Officer shall forward a copy of the approved TENTATIVE plan of subdivision to the subdivider and the surveyor.

10. The Development Officer shall forward an endorsed copy of the FINAL plan of subdivision to the subdivider and the surveyor.

11. Where the Development Officer refuses to approve a TENTATIVE plan or FINAL plan of subdivision, the Development Officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to Section 5.

12. Where the Development Officer refuses to approve a TENTATIVE plan or FINAL plan of subdivision, the Development Officer shall notify the subdivider pursuant to Clause 105(3)(c) of the Act, give reasons for refusal, and advise the subdivider of the appeal provisions of Section 115 of the Act.

13. A FINAL PLAN of subdivision showing lots to be approved under circumstances described in Subsection 111(3) of the Act by special note on the plan should

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

B - Lot Requirements

14. All lots shall abut

- (a) a public street; or
- (b) a private road.

15. (1) Subject to Subsection (2) all lots for which approval is requested and the remainder lot, if any, shall meet the requirements for minimum lot area and minimum lot frontage contained in Schedule "B".

(2) Where an authorized person of the Department of the Environment of the Province has assessed the proposed lots shown on a FINAL plan of subdivision and approved such lots for the installation of on-site Sewage Disposal systems, such lots shall be deemed to meet the lot area requirements contained in Schedule "B".

16. Where a Land Use By-law is in effect

- (a) notwithstanding Section 15, all lots for which approval is being requested and the remainder lot, if any, shall meet the applicable requirements for minimum lot area and minimum lot frontage contained in such By-law; and
- (b) Clause 14(b), and Sections 17, 18, 19, and 22 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 allows for the subdivision and development of such lots.

17. (1) Notwithstanding the lot area and frontage requirements of this By-law, the Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with Section 107 of the Act provided all other requirements of this By-law are met.

(2) Subsection (1) shall not vary the dimension for frontage below 6 metres (19.7 feet) or the minimum requirement for area for a lot served by an on-site sewage disposal system.

18. (1) For the purposes of this Section, "water frontage" means the distance measured along the Ordinary High Water Mark as defined in the Nova Scotia Land Surveyors Regulations.

(2) Notwithstanding Section 14 and the lot frontage requirements of this By-law, the Development

(ii) has not had its frontage, if any, reduced; and

(c) each resulting lot

(i) meets the minimum requirement for lot area of this By-law or where a Land Use By-law is in effect, the Land Use By-law, or

(ii) has not had its area reduced.

(2) Where the proposed lot is not surveyed, the FINAL plan of subdivision prepared pursuant to Subsection(1) shall

(a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line;

(b) notwithstanding Clause 49(1)(b), other than the new boundaries which have been surveyed pursuant to Clause (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and

(c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the Land Surveyors Act and the regulations made thereunder:

NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of _____. The common boundary between the existing areas of land 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 Lot _____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey.

21. (1) Notwithstanding the lot area and frontage requirements of this By-law, 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 area of land, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.

(2) Where a lot created pursuant to Subsection (1) is not surveyed, the provisions of Subsection 20(2) shall apply.

22. Notwithstanding the lot area requirements of this By-law, the Development Officer may approve a lot on a plan of subdivision which

(a) does not contain an on-site sewage disposal system or any part thereof; and

(b) which has a maximum area of 465 square metres (5005.3 square feet).

23. (1) For purposes of Subsection (2), "main building" is a building which is not an accessory building to another building on the area of land.

(2) Notwithstanding the lot area and frontage requirements of this By-law, where an area of land contains more than one main building built or placed on the land prior to August 6, 1984, 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 has minimum frontage of 6 metres (19.7 feet).

24. Where an area of land contains any buildings, the property shall be subdivided such as to retain the spatial separation distances required by the National Building Code.

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

26. There shall not be more than four public street or highway or private road approaches in an intersection.

27. Where a public street or highway or private road in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, a public street or highway or private road in the latter shall, if reasonably feasible, be laid out in prolongation of such public streets or highways or private roads, unless it would be in violation of this By-law.

28. Wherever possible, side lot lines shall be substantially at right angles to a Public street or highway or private road, or radial to a curved public street or highway or private road.

29. Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.

C - Public Streets

30. (1) All proposed public streets shall

(a) be shown on a FINAL plan of subdivision;

(b) be designed in accordance with "Specifications for Subdivision Roads in Urban and Rural Areas" prepared by the Department of Transportation and Communications of the Province, or specifications adopted by the municipality;

(c) have a minimum right-of-way width of 20 metres (65.6 feet);

(d) be constructed prior to endorsement in accordance with "Standard Specifications for Municipal Services" prepared by the Nova Scotia Road Builders Association (NSRBA) and the Nova Scotia Consulting Engineers Association (NSCEA) Joint Committee on

Contract Documents, or specifications adopted by the municipality; and

(e) be approved by the municipal engineer.

(2) The specifications referred to in Clauses 1(b), 1(c) and 1(d) may be varied in accordance with accepted engineering practise and the requirements of the Nova Scotia Planning Act.

(3) Construction of a proposed public street shall be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the Municipality and such inspections shall be committed to through the use of Letters of Undertaking, Schedule "F" and verified through the use of Certificates of Field Review, Schedule "G" before endorsement of approval of the FINAL plan.

(4) Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Nova Scotia Department of Transportation and Communications of the Province.

31. (1) All proposed lots which abut a public street shall have an access point to the public street which meets the stopping sight requirements of the Department of Transportation and Communications of the Province or requirements adopted by a municipality where the proposed lots abut a municipal public street.

(2) This section does not apply to proposed lots which have an existing access to a public street.

32. Where a plan of subdivision shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street is a public street.

D - Private Roads

33. (1) All proposed private roads shall

(a) be shown on a TENTATIVE or FINAL plan of subdivision;

(b) be designed by a professional engineer to meet the Municipal Service System requirements established under the Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association (NSRBA) and the Nova Scotia Consulting Engineers Association (NSCEA) Joint Committee on Contract Documents;

(c) have a minimum right-of-way width of 20 metres (65.6 feet); and

(d) be constructed in accordance with Section 34.

(2) The specifications referred to in Clauses 1(b), 1(c) and 1(d) may be varied in accordance with accepted engineering practise and the requirements of the Nova Scotia Planning Act.

(3) Construction of a proposed private road shall be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the Municipality

and such inspections shall be committed to through the use of Letters of Undertaking, Schedule "F" and verified through the use of Certificates of Field Review, Schedule "G" before endorsement of approval of the FINAL PLAN.

(4) The intersection of a private road with a public street shall be approved by the authority having jurisdiction over the public street.

(5) A private road shall be approved as a separate lot and is deemed to meet minimum lot area and lot frontage requirements of this By-law.

34. All proposed private roads shown on a FINAL plan shall be constructed in accordance with the following minimum requirements:

(1) Roots, stumps, moss, sod and all other organic material shall not be placed in roadway fills or allowed to remain under roadway fills, and

(2) Notwithstanding (1) above, an undisturbed natural ground surface may be allowed to remain under a roadway fill only where such surface is covered by at least 1.5 metres (4.9 feet) of non-organic fill, and

(3) the minimum road surface width, inclusive of shoulders, is 7.5 metres (24.6 feet), and

(4) the minimum width of the travelled surface is 5.5 metres (18 feet), and

(5) the travelled surface shall have a base course of crushed, screened or pit run gravel to a minimum thickness of 20 centimetres (8 inches), and may be paved in a manner acceptable to the Engineer, and

(6) the maximum road grade shall be eight (8) percent, except within 15 metres (49.2 feet) of the intersection with a public highway in which case the maximum grade shall be two (2) per cent, and

(7) ditches shall have a maximum road slope and a maximum backslope of fifty (50) percent, and

(8) culverts shall be constructed of steel concrete pipe or high density polyethylene double wall culvert, shall have a minimum diameter of 46 centimetres (18 inches), shall be buried a minimum of 46 centimetres (18 inches) below the road surface, and shall be placed substantially at right angles to the road centreline, and

(9) all bridges shall be certified by a Professional Engineer as having been constructed to current Canadian Standards Association specifications, and

(10) the minimum road surface width required under (3) shall be located entirely within the right-of-way, and

(11) provision shall be made for surface drainage of the right-of-way through the use of culverts, ditches, and natural watercourses of appropriate capacity, and the Subdivider is responsible for the effects of any downstream flow onto other properties, and

(12) all road construction shall be carried out in accordance with procedures contained in the Erosion and Sedimentation Control Handbook as updated from time to time by the Nova Scotia Department of the Environment.

E - Parkland Transfers

35. (1) Before endorsement of approval on a FINAL plan of subdivision by the Development Officer, the subdivider shall reserve and convey to the municipality free of encumbrances, for park, playground or similar public purposes an area of usable land, equal to five (5) percent of the area of the new lots created on the FINAL plan of subdivision exclusive of public or private streets or a sum of money equal to five (5) percent of the assessed value of the new lots created.

(2) Notwithstanding Subsection (1), where five (5) percent of the subdivided area is less than the minimum lot required for park, playground and similar public purposes as set out in a Land Use By-law or in Schedule "B", the Clerk shall accept, a sum of money equal to five (5) percent of the assessed value of the new lots created, before endorsement of the FINAL PLAN of subdivision by the Development Officer.

36. In the alternative to Section 35 before endorsement of approval of the FINAL plan of subdivision a subdivider may offer to the Municipality, and at Council's option the Clerk may accept an amount of usable land clearly surveyed and granted by deed in the Registry of Deeds of equivalent value to that required under Section 35, outside the area of land being subdivided and within the boundaries of the Municipality.

37. At the option of the Municipality, a combination of land and cash may be accepted by the Clerk on behalf of the Municipality provided that its combined value is equivalent in value to that required under Section 35.

38. Following the completion of parkland transfers under Sections 35, 36 or 37, the Municipality shall forward a letter of acceptance to the Development Officer.

39. The requirements of Sections 35, 36 or 37, are waived when the applicant is requesting approval for the consolidation or re-subdivision of existing lots; or the subdivision of an existing area of land, to a maximum of five(5) lots.

F - Waiver from Survey Requirements of FINAL Plan of Subdivision

40. (1) Notwithstanding Clauses 49(1)(b) and 45(2)(j) the Development Officer may approve a FINAL plan of subdivision where:

(a) all other requirements of this By-law are met, and

(b) the plan shows only lots having a minimum area of 4 hectares (9.8 acres) including the remainder lot, if any, and

(c) the plan is prepared, stamped and signed by a member in good standing of the

Association of Nova Scotia Land Surveyors but is not certified in accordance with the Land Surveyors Act and the Regulations made thereunder;

(2) The FINAL plan of subdivision submitted to the Development Officer for approval pursuant to Subsection (1) shall have the following affixed thereto immediately above the title block:

"The boundaries shown on this plan are a graphic representation only and do not represent the accurate shape or position of lot boundaries. The accurate locations of all boundaries shown are subject to a field survey prepared in accordance with Land Surveyors Act and the Regulations made thereunder."

PRELIMINARY PLANS OF SUBDIVISION (Optional First Step)

A - Requirements

41. (1) The subdivider proposing to subdivide an area of land may submit to the Development Officer four copies of the PRELIMINARY plan of subdivision drawn to scale showing

- (a) the name of the owner of the area of land being subdivided;
- (b) the names of all owners of all properties abutting the area of land being subdivided;
- (c) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;
- (d) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
- (e) the shape, dimensions, and area of the lots being created;
- (f) each proposed lot identified by a number except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available, and the letter;
- (g) no duplication of lot identifiers;
- (h) the approximate location of railways;
- (i) the approximate location of any easements or any rights-of-way;
- (j) the location of existing and proposed public streets and private roads;
- (k) the name of existing and proposed public streets (and the public street number)

TENTATIVE PLANS OF SUBDIVISION

A - Requirements

43. The subdivider proposing to subdivide an area of land shall submit to the Development Officer eight (8) copies of the TENTATIVE plan of the proposed subdivision meeting the requirements of Section 45 of this By-law.

44. Notwithstanding Section 43, the Development Officer may waive the requirement that TENTATIVE application and plan of subdivision be submitted where

(a) lots abut an existing public street or an existing private road, except where lots are created without frontage pursuant to Sections 18, 19, or 20;

(b) a central water or sewer system is not being installed; and

(c) all lots to be served by on-site sewage disposal systems

(i) are 9290 square metres (100,000 square feet) or more in area;

(ii) have been evaluated by an authorized person of the Department of the Environment and the Development Officer has been informed in writing by the authorized person that the information already provided by the subdivider is satisfactory; or

(iii) do not require an assessment by virtue of the exception contained in Clause 2(1)(c) of the "Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems".

45. (1) TENTATIVE plans of subdivision submitted to the Development Officer shall be

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

(b) based on a description of the area of land to be subdivided, including a survey of the perimeter of the lot to be subdivided; and

(c) folded to approximately 20x30 cm (8x12 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.

(2) 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 square inches) with a minimum width of 8 centimetres (3 inches);
- (d) the 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) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID number) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;
- (g) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;
- (h) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
- (i) 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;
- (j) the approximate shape, dimensions, and area of the lots being created; based on a survey of the perimeter of the lot to be subdivided;
- (k) each lot being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
- (l) no duplication of lot identifiers;
- (m) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (n) the approximate location of existing buildings within 10 metres(32.8 feet) of a property boundary; based on a survey of the perimeter of the lot to be subdivided;
- (o) the location of existing and proposed public streets and private roads;
- (p) the name of existing and proposed public streets (and the public street number) and private roads as issued by the civic addressing system;
- (q) the width and location of railroads;

(r) the location of any watercourse, prominent rock formation, marsh, or swamp which might affect the layout or provision of public streets or private roads and services to the area where the subdivision is to be located;

(s) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;

(t) where applicable, a notation stating the lots are serviced by a public sewer and/or water system;

(u) the north point;

(v) the date on which the plan of subdivision was drawn and the date of any revisions;

(w) the scale to which the plan of subdivision is drawn;

(x) any other information necessary to determine whether or not the plan of subdivision conforms to this By-law.

(3) Where the plan of subdivision is to be forwarded to the Department of the Environment the following additional information is required:

(a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;

(b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;

(c) the surface slopes and directions;

(d) an explanation of the extent, volume and type of usage to which the system will be subjected;

(e) if required by the On-Site Sewage Disposal Systems Regulations, 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, except where the assessment report is to be prepared by the Department of the Environment; and

(f) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.

(4) In addition to meeting the requirements of Subsections (1) (2) and (3), where the proposed lots front on a proposed public street or proposed private road, a tentative plan of subdivision shall

(a) show 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 Land Surveyors Act and the regulations made thereunder;

(b) except for private roads, be accompanied by four copies of a plan showing

(i) contours at 2 metre (5 foot) intervals, and drainage patterns,

(ii) the width and location of proposed public streets or highways and their intersection with existing public roads, and

(iii) the location of existing and proposed central sewer and water systems and proposed connections thereto; and

(c) be accompanied by two (2) copies of centerline profiles of proposed public streets.

B - Procedure

46. The procedure for processing TENTATIVE plans of subdivision is contained in The GENERAL PROVISIONS.

47. The following information shall be stamped or written and completed by the Development Officer 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 years of the date of the approval of the TENTATIVE plan.";

(b) the date of the approval of the TENTATIVE plan; and

(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 filed in the Registry of Deeds."

FINAL PLANS OF SUBDIVISION

A - Requirements

48. The subdivider proposing to subdivide an area of land shall submit twelve (12) copies of the FINAL plan of subdivision meeting the requirements of Section 49 of this By-law to the Development Officer for approval.

49. (1) FINAL plans of subdivision submitted to the Development Officer shall be

(a) drawn to a scale or scales sufficient for clarity of all particulars of the FINAL plan of

subdivision;

(b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested have been surveyed in the manner required by the Land Surveyors Act and the regulations made thereunder, except for a FINAL plan of subdivision prepared pursuant to Subsection 20(2) of this By-law; and

(c) folded to approximately 20x30 centimetres (8x12 inches) 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.

(2) FINAL plans of subdivision shall meet the plan content requirements of Subsection 45(2) except that

(a) Clause 45(2)(b) does not apply,

(b) proposed streets and roads shall be surveyed, and

(c) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary shall be shown.

B - Procedure

50. The procedure for processing a FINAL plan of subdivision is contained in the GENERAL PROVISIONS.

51. The following information shall be stamped or written and completed by the Development Officer 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
(Lot(s) approved and/or remainder)
construction or installation of an on-site sewage disposal system for
_____ and any
(proposed use)

conditions which apply are contained in a report dated _____ and
available from the Department of the Environment, or;

(ii) IMPORTANT NOTICE

_____ (has, have) been created for a
(Lot(s) approved and/or remainder)
purpose which does not require an on-site sewage disposal system and will not be
eligible for a permit to install a system unless the requirements of the Department of

the Environment are met.

(c) where there are public streets which are to be owned and maintained by the Province, the words "The following streets and highways are owned and maintained by the Department of Transportation and Communications of the Province of Nova Scotia: _____";

(d) where there are municipal public streets which are to be owned and maintained by the municipality, the words "The following streets and roads are owned and maintained by _____ (Name of Municipality)"; and

(e) a notation stating which lots abut a private road and that no provincial or municipal services shall be provided to these lots.

52. The Development Officer shall forward to the Registry of Deeds one(1) endorsed copy of the FINAL plan of subdivision and a notice of approval in the form specified in Schedule "C" of this By-law.

REPEAL OF A PLAN OF SUBDIVISION

53. Any person requesting the repeal of a plan of subdivision shall submit to the Development Officer an application in the form specified in Schedule "D" for a plan or an instrument.

54. The Development Officer shall comply with the notification and approval provisions of the Act which apply to the repeal of a plan of subdivision.

55. When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency who provided an assessment or recommendations on the original plan of subdivision.

56. Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, Land Use By-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the Registry of Deeds on the same day as the repeal is filed.

57. Sections 14 to 52 inclusive of this By-law do not apply to the repeal of a plan of subdivision.

58. A plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Communications or of any other agency of the Province or the municipality unless the repeal of the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

59. The Development Officer shall forward to the Registry of Deeds the repeal in the form specified in Schedule "E" for a plan or an instrument.

60. The Development Officer shall forward a copy of the repeal referred to in Section 59 to

(a) the subdivider,

(b) any agency who provided an assessment or recommendations on the original plan of subdivision,
and

(c) the surveyor.

61. Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall give notice of the refusal to all agencies which were forwarded the application for repeal pursuant to Section 55.

62. Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall notify the subdivider pursuant to Clause 105(3)(c) of the Act, give reasons for refusal, and advise the subdivider of the appeal provisions of Section 115 of the Act.

Conclusion and Recommendations

19. (1) Notwithstanding the lot frontage requirements of this By-law, the Development Officer may approve a FINAL plan of subdivision showing the subdivision of an existing area of land into two lots only, or one lot and a remainder lot for which no approval is requested, provided that each proposed lot and the remainder lot, if any:

(a) (i) has minimum lot frontage of 6 metres (19.7 feet), or

(ii) notwithstanding Section 14, is served by a right-of way easement as defined in Clause 2(n), and

(b) meets the lot area requirements contained in Schedule "B" of this By-law.

(2) Where an area of land cannot be subdivided in accordance with the provisions of this section because the access to it is required to cross a railway right-of-way and no easement for the right-of-way and access can be obtained from the railway if all other requirements of this section have been met, subdivision approval maybe granted, provided that the lot(s) created have access by a right-of-way easement as defined in Clause 2(n), except that with regard to that portion of the right-of-way easement which crosses the railway right-of way, a license for right-of-way and access from the railway shall be sufficient.

railway

Also found in: Thesaurus, Legal, Acronyms, Encyclopedia, Wikipedia.

Related to railway: Canadian Pacific Railway, IRCTC

rail·way (rāl'wā)

n.

1. A railroad, especially one operated over a limited area: *a commuter railway.*
2. A track providing a runway for wheeled equipment.

railway ('reil,wei) or railroad

n.

1. (Railways) a permanent track composed of a line of parallel metal rails fixed to sleepers, for transport of passengers and goods in trains
2. (Railways) any track on which the wheels of a vehicle may run: *a cable railway.*
3. (Railways) the entire equipment, rolling stock, buildings, property, and system of tracks used in such a transport system
4. (Railways) the organization responsible for operating a railway network
5. (Railways) (*modifier*) of, relating to, or used on a railway or railways: *a railway engine; a railway strike.*

rail·way ('reil,wei)

n.

1. a railroad using lightweight equipment or operating over short distances.
2. a line of rails forming a road for flanged-wheel equipment.
3. *Chiefly Brit.* railroad.

[1770–80]

railway

Main Line - The principal line of a railway (1841), it also has the meaning "affluent area of residence" (1930s), originally that of Philadelphia, from the "main line" of the Pennsylvania Railroad, which added local stops to a string of backwater towns west of the city in late 19th century that helped turn them into fashionable suburbs.

one-track mind - Is a reference to the railway.

railway - The word was first recorded in 1776, but the first actual railway opened nearly 50 years later, in 1825.

Cutline: Property owners on the coastal side of the Celtic Shores Trail are being prevented from subdividing property due to an outdated by-law.

Inverness County missing out on revenue from outdated subdivision bylaw
-by John Gillis

The Municipality of Inverness County is missing out on much needed economic development opportunities and potential tax revenue due to an outdated subdivision by-law that is impacting many who own property along the coast.

The Oran was alerted to this fact by engineer and former Port Hawkesbury town councillor and deputy mayor, Joe Janega.

Janega brought our attention to Clause 19 (2):

"Where an area of land cannot be subdivided in accordance with the provisions of this section because the access to it is required to cross a railway right-of-way and no easement for the right-of-way and access can be obtained from the railway, if all other requirements of this section have been met, subdivision approval maybe granted, provided that the lot(s) created have access by a right-of-way easement as defined in Clause 2(n), except that with regard to that portion of the right-of-way easement which crosses the railway right-of-way, a license for right-of-way and access from the railway shall be sufficient."

Janega says he brought the issue before Inverness County Council several years ago and was led to believe something was going to be done about it but that has never happened.

"I thought they were all on board with it but nothing was ever done about it. Nobody seems to be that excited about it. I think it's something we have to start looking at again. If you look at a map you'll see so many properties that are impacted by miles of abandoned railroad tracks. And they keep using the term 'railway' in the documentation. As far as I'm concerned, the act should be null and void,"said Janega.

This is especially true along the southern coast of Inverness County where Janega and others own property in Craigmore and Long Point. As most people know, the rail line is no longer active along this coast, having been replaced by the Celtic Shores Coastal Trail system.

Yet, it's this clause that prevents Janega from subdividing his property there.

"There are a lot of people who want to develop property on the coastal side of the former rail line and they're prevented from doing so," he added.

Janega said he discovered the problem about 10 years ago.

There are others too that would like to subdivide and can't.

"In Nova Scotia if you were to create a lot today in any subdivision it's based on depth of permeable soil, there's a chart for this. If you meet Department of Highways regulations as far as safe access off Route 19 and the lot would meet department of Environment standards based on the guidelines, it's ridiculous to say you can't do it. I have 20 acres and I want to give it to my children. It's the same issue all through Judique and Harbourview. I hope the councillors and MLA's read this. It's not just Inverness County either. This is the case in many areas across Nova Scotia," Janega added.

Terry King is a landowner with 17 acres of property in Long Point. He's had the same problem.

"I want to sell that property and I could've sold it a dozen times if I could subdivide it. It was a province-wide law made when the railway was in and now in this area at least, there is no railway," said King.

King said he has taken the issue to Eastern District Planning Commission and to Inverness MLA Allan MacMaster as well.

"We're losing out on development and tax dollars. It's obsolete for Inverness County. I'd like to see our municipal council take it to Halifax and have something done about it," King concluded.