

Public Hearing

Monday, April 28, 2024

5:00 p.m. – 6:00 p.m.

Council Chambers



Agenda

Subdivision Bylaw amendments to Parts 3 and 7 regarding the requirements for primary and secondary services within a final plan of subdivision. The amendments were initiated by staff, therefore there is no applicant presentation for this Public Hearing.

1. Meeting Opening (Mayor)

2. Public Hearing

a. Staff Presentation – overview of proposal and process

- i. Council questions of clarification only

b. Public Comments

- i. In order of:
 - 1. Registered comments,
 - 2. Written comments (summary)
 - 3. Open comments from the floor
- ii. Public comment period concluded after last speaker

3. Meeting Adjourned

Public Hearings – Guide

Role of Council:

- Listen to the public.
- Not debate or challenge the comments offered by speaker.
- May ask questions of speaker, seeking clarification.
- Shall NOT enter into dialogue with public during a Public Hearing.
- Only Council members present for entire Public Hearing permitted to vote.
- Council may defer debate and decision until a later date.

Rules of Conduct:

- All comments/presentations shall be made from Speakers Desk and recorded.
- No applause or other expressions of emotion.
- No inappropriate language, outbursts or criticisms will be condoned.
- No signs are to be displayed.
- Debates between Council, speakers, staff or applicant are NOT permitted.

Presiding Officer

- Introduce panel (Council or Committee)
- State purpose of the hearing
- Outline Rules of Conduct

Staff

- Present matter being considered (summary of report and analysis)
- Council may ask staff questions of **clarification only**

Applicant (or Designate)

- Proposal presented / limited to 10 Minutes
- Council may ask questions of **clarification only**

Public

- Provide name and address of residence (If individual represents a group – they should indicate this)
- Comments limited to 5 minutes

Presiding Officer

- After last speaker: call three times for any others wishing to address Council applicant provided opportunity to briefly respond to points raised by speakers

At discretion of Presiding Officer, Council may take a recess every hour

Public Hearing, Monday, April 28, 2025

Application:

The purpose of this initiative is to propose two amendments to the Town Subdivision Bylaw to ensure that services (primarily roads, curbs, and gutters), required as part of a subdivision process, are turned over to the Town in an acceptable condition.

As it stands, installation and inspection of primary services must be completed prior to final subdivision approval (i.e. Town taking over the street). For multi-phase developments or those which occur over an extended timeline, this can result in damage to the road surface and gutters by heavy equipment which becomes the Town's responsibility to address after the road is taken over.

- The first proposed amendment seeks to delay the requirement for a street 'seal coat', the top 38mm layer of asphalt, by moving it to a secondary servicing item.
- The second amendment extends the duration of the maintenance bond to two years (currently one year) to help offset any maintenance required to the street over a greater period of time.



Public Hearing Proposed Subdivision Bylaw Amendments

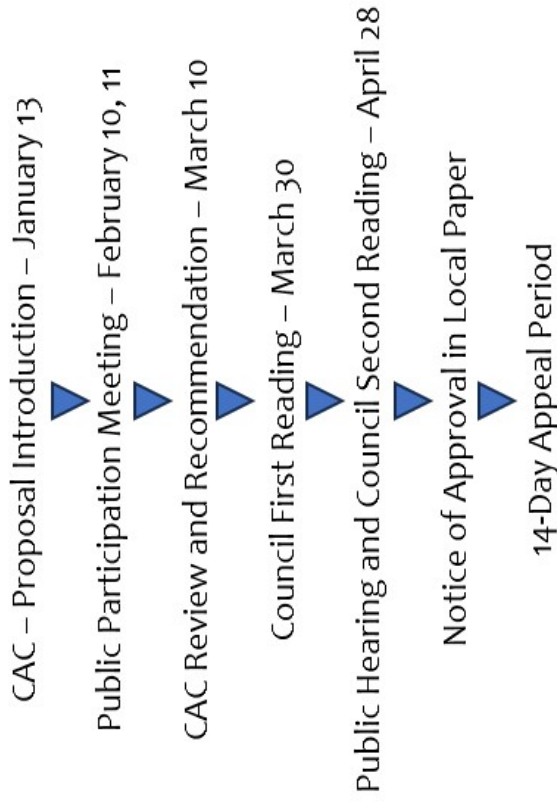
April 28, 2025



Subdivision Bylaw Amendment Report



Process Overview



Subdivision Bylaw Amendment Report



The subdivision bylaw is a regulatory framework that governs how land within town can be subdivided into smaller parcels (or consolidated into larger).

Its purpose is to ensure that land subdivision is conducted in an orderly, fair, and sustainable manner, aligning with the Town's goals and long-term planning objectives.

The proposed amendments are specific to subdivision applications which result in the creation of Town-owned infrastructure.

Subdivision Bylaw Amendment Report

Key Terms



Primary Services include sanitary sewer, storm sewer, water system and hydrants, water service pipe to the street line and the street.

Secondary Services include concrete sidewalks, sodding, graded area between curb and side-walk, streetlights, sign standards with street name signs and walkways.

Final Plans of Subdivision - A final plan of subdivision legally divides a single parcel of land into multiple lots, establishing legal boundaries and ensuring proper servicing and compliance with municipal regulations. It's a legally binding document that is registered at the local land registration office.

It must be prepared by a licensed Nova Scotia Land Surveyor and requires assessments from various Departments or Agencies as determined by the Development Officer.

Two paths for when the development requires the installation of primary and secondary services to be turned over to the Town:

Option 1:

1. Developer designs and constructs all primary and secondary services;
2. Developer provides a 1-year maintenance bond (based on 10% of the installation cost);
3. Town inspects and accepts all services;
4. Developer provides deeds conveying title of all streets, walkways, easements, and dedicated parkland.
5. DO endorses and registers plan.

Subdivision Bylaw Amendment Report



Option 2:

1. Developer designs and constructs all primary services;
2. Town inspects and accepts all primary services;
3. Developer enters into a subdivision agreement which includes a 1-year maintenance bond (10% of the installation cost);
4. A secondary services completion date is specified in the subdivision agreement;
5. Developer provides a performance bond (120% of the estimated cost to install secondary services);
6. Developer provides deeds conveying title of all streets, walkways, easements, and dedicated parkland.
7. DO endorses and registers plan.

Subdivision Bylaw Amendment Report



For multi-phase developments or those which occur over an extended timeline, the period between the initial construction and ultimate turn-over to the Town may result in damage to the road surface, curbs, and gutters due to the presence of heavy equipment.

This damage then becomes the Town's cost and responsibility to repair.

Subdivision Bylaw Amendment Report



The proposed amendment seeks to delay the requirement for a street 'seal coat', the top 38mm layer of asphalt, by moving it to a secondary servicing item.

This means that when the Town takes over the road, it is in better overall condition.

Staff also recommends that the maintenance bond be extended to two years (currently one year) to help offset any maintenance required to the street over an extended period.

Subdivision Bylaw Amendment Report



PART 3 DEFINITIONS

- (m) Primary Service includes sanitary sewer, storm sewer, water system and hydrants, water service pipe to the street line and the street, **with the exception of the seal coat**, constructed to the Specifications Standards as described in Appendix B, Municipal Services Standards and Specification of this Bylaw.
- (q) Secondary Service includes concrete side-walks, sodding, graded area between curb and side-walk, **seal coat**, streetlights, sign standards with street name signs and walkways.

Subdivision Bylaw Amendment Report



PART 7 REQUIREMENTS FOR PRIMARY AND SECONDARY SERVICES

7.2. The Subdivider shall provide as a prerequisite for acceptance by the Town of primary and secondary services the following:

- a) a Maintenance Bond for 10% of actual costs for installation of primary and secondary services **for two years** from date of completion of primary and secondary services;

Subdivision Bylaw Amendment Report



- 7.3 As an alternative to 7.1 and 7.2, where primary and secondary services are to be installed by the subdivider, the Development Officer shall endorse the final plan of subdivision only when the following has taken place;
- d) the subdivider has supplied a **Two-Year** Maintenance Bond of 10% of actual cost for installation of primary services from date of substantial completion of primary services;