

**TOWN OF BERWICK  
SUBDIVISION BYLAW**

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**SUBDIVISION BYLAW FOR THE**  
**TOWN OF BERWICK**

**PART 1: TITLE**

This Bylaw may be cited as the Subdivision Bylaw for the Town of Berwick.

**PART 2: INTERPRETATION**

In this Bylaw the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural and words used in the plural number shall include the singular. All other words shall carry their customary meaning except those defined hereinafter.

## **PART 3:      DEFINITIONS**

### **3.1**      In this Bylaw:

- (a)      ***Area of Land*** means any existing lot or parcel as described by its boundaries.
- (b)      ***Agreement*** means a legal contract entered into between the subdivider and Council relating to the provisions of services as outlined in this Bylaw.
- (c)      ***Board*** means the Nova Scotia Utility and Review Board.
- (d)      ***Clerk*** means the Town Clerk of the Town of Berwick.
- (e)      ***Council*** means the Town Council of the Town of Berwick.
- (f)      ***Cul-de-sac*** means a street having only one entrance/exit.
- (g)      ***Department of the Environment*** means the Department of the Environment for the Province of Nova Scotia.
- (h)      ***Department of Transportation and Public Works*** means the Nova Scotia Department of Transportation and Public Works.
- (i)      ***Development Officer*** means the Development Officer appointed by Council to administer the provisions of this Bylaw.
- (j)      ***Director*** means the Provincial Director of Planning.
- (k)      ***Frontage*** means lot frontage as defined by the Land Use Bylaw for the Town of Berwick.
- (l)      ***LUB*** means the Land Use Bylaw for the Town of Berwick.
- (m)      ***Minister*** means the Minister of Service Nova Scotia and Municipal Relations.
- (n)      ***MGA*** means the Municipal Government Act, chapter 18 of the Statutes of Nova Scotia, 1998 (c.18., SNS, 1998).
- (o)      ***MPS*** means the Municipal Planning Strategy for the Town of Berwick.
- (p)      ***Town*** means the Town of Berwick.
- (q)      ***Town Engineer*** means the Engineer licensed to practice Professional Engineering in Nova Scotia and appointed by the Town.
- (r)      ***Town of Berwick Municipal Services Specification Manual*** is a manual containing design and construction specification for Town services adopted by resolution of Council.
- (s)      ***Professional Engineer*** means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- (t)      ***Province*** means Her Majesty the Queen in the right of the Province of Nova Scotia.

- (u) **Public Street or Highway** includes any street or road owned and maintained by a Town or the Province;
  - (i) **Town public street** means any street or highway owned and maintained by the Town.
  - (ii) **Provincial public street** means any street or highway owned and maintained by the Department of Transportation and Public Works of the Province, excluding designated controlled access highways pursuant to **Section 20** of the Public Highways Act.
- (v) **Public Sewer System** means any sewer system which is owned by the Town of Berwick.
- (w) **Public Storm Drainage System** means any drainage system whether above or below ground constructed to collect, control and transport storm water from the area of land being subdivided to a point of discharge and owned and maintained by the Town of Berwick.
- (x) **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.
- (y) **Road Right-of Way** means an area of land that is legally described in a registered deed for the provision of providing access and egress on which there is a public street or private road.
- (z) **Road Surface Width** means an area of land on which vehicles travel and includes the side shoulder where vehicles are allowed to stop.
- (aa) **Sanitary Sewer System** means any sewer system which is owned by the Town of Berwick.
- (bb) **Serviced Area** means an area serviced by a public sewer system and/or public water system.
- (cc) **Standard Specifications for Town Services** means Standard Specifications for Town Services, latest edition as published by the Nova Scotia Roadbuilders Association and the Nova Scotia Consulting Engineers Association, a joint committee on contract documents.
- (dd) **Subdivider** means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with the owner(s) written consent.
- (ee) **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.
- (ff) **Surveyor** means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.
- (gg) **Travel Surface Width** means an area of land on which vehicles travel.

## **PART 4: LOT SIZE AND ACCESS**

### **4.1 ROAD FRONTAGE**

All lots shall abut a public street or highway right-of-way.

### **4.2 AREA AND FRONTAGE**

**4.2.1** All lots shall meet the requirements for minimum lot area and minimum lot frontage for their respective zones and intended use as set forth in the Berwick Land Use Bylaw.

### **4.3 LAND USE BYLAW**

**Sections 4.2, 4.4, 4.5 and 4.7** are inoperative and do not apply unless the Land Use Bylaw permits development on any lot created pursuant to these sections and the Town Planning Strategy provides for both the subdivision and development of such lots.

### **4.4 10% VARIANCE**

**4.4.1** Notwithstanding **Sections 4.2.1 and 4.3**, the Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with **Section 279** of the **MGA**, provided all other requirements of this Bylaw are met.

**4.4.2** **Subsection 4.4.1** shall not vary the dimension for frontage below 6 metres (19.7 feet) or the minimum dimension for area in the case of lots serviced by an on-site sewage disposal system.

### **4.5 BOUNDARY ALTERATIONS**

**4.5.1** Notwithstanding **Sections 4.1, 4.2, and 4.3**, 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 lot:
  - (i) meets the frontage requirements of **Section 4.2**, or any applicable dimensions for minimum lot frontage contained in any applicable Land Use Bylaw, or
  - (ii) has not had its frontage, if any, reduced, and
- (c) each lot:
  - (i) meets the lot area requirements of **Section 4.2** or any applicable dimensions for minimum lot area contained in any applicable Land Use Bylaw, or
  - (iii) has not had its area reduced.

**4.5.2** Where the proposed lot is not surveyed, the Final Plan of Subdivision prepared pursuant to **Subsection 4.5.1** 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 10.12.1(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 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 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 are subject to a field survey”.

#### **4.6 ENCROACHMENTS**

**4.6.1** Notwithstanding the lot area and frontage requirements of **Section 4.2** and **4.3**, 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.

#### **4.7 LOT SHAPES**

**4.7.1** Wherever possible, side lot lines shall be substantially at right angles to a public street.

**4.7.2** Wherever appropriate, the rear lot lines of a series of adjoining lots shall be continuous, rather than being stepped or jagged.

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

#### **4.8 INTERSECTIONS**

There shall not be more than four (4) public street approaches in an intersection.

#### **4.9 ADJACENT ACCESS**

A right-of-way for a public street shown on a plan of subdivision submitted for approval shall, if reasonably feasible, extend to adjacent properties at a maximum of every 400 metres (1312 feet) along the boundary of the adjacent properties.

#### **4.10 RIGHT-OF-WAY SHOWN**

Where public streets are required by any Section of this Bylaw, 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.

## **PART 5: PUBLIC STREET**

### **5.1 APPROVAL OF STREETS**

The Town Engineer shall approve all Town public streets and highways shown on plan of subdivision prior to final approval being given by the Development Officer pursuant to **Section 280** of the **MGA**.

### **5.2 PUBLIC STREET REQUIREMENTS**

#### **5.2.1 Requirements**

All proposed Town public streets or highways within the Town shown on a final plan of subdivision shall be constructed, in addition to the following requirements, in accordance with the **Municipal Services Specification Manual of the Town of Berwick** and the deed conveying title of such public streets or public highways to the Town be accepted by the Town prior to the endorsement of approval on a final plan of subdivision by the Development Officer:

- (i) the minimum width of a proposed street shown on a plan of subdivision shall be 20 meters (66 feet) or such lesser width, not less than 15 meters (50 feet) as determined by the Town Engineer and in accordance to the **Municipal Services Specification Manual of the Town of Berwick**.
- (ii) 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 Town and/or the Department of Transportation and Public Works. This does not apply to proposed lots which have an existing access to a public street.

#### **5.2.2 Agreement Alternative**

As an alternative to the complete construction and acceptance requirements for Town Public Streets, and the subdivider may enter into a written agreement with the Town pursuant to the requirements of **Sections 5.2.1, 5.2.3, 5.3 and 5.4**.

#### **5.2.3 Agreement Provisions**

Agreements entered into between a subdivider and the Town in accordance with **Section 5.2.2** shall contain reasonable provisions with respect to any or all of the following:

- (i) the time within which any Town Public Street construction shall be commenced and completed; and
- (ii) the phasing of any street construction; and
- (iii) the acceptance of any street by the Town; and
- (iv) the provision and acceptance of easements and rights-of-way; and
- (v) any other matter related to the requirements for street construction.

### **5.3 BONDING FOR STREET COMPLETION**

Where a subdivider proposes to complete construction of any Town Public Street after receiving approval of any final plan of subdivision the following shall be required:

- (i) the subdivider shall post a performance bond in the amount of one hundred and twenty (120) percent of the estimated cost to complete the street; and
- (ii) the subdivider shall submit to the Development Officer for approval an estimate of costs to complete the construction of the street and the Development Officer may revise the estimate if it is, in the opinion of the Town Engineer, inadequate. Such estimates shall include all construction related costs including, but not limited to, professional engineering contract management and site supervision and inspection of all construction and work; and
- (iii) the performance bond shall be posted before endorsement of approval of any final plan of subdivision being given; and
- (iv) the performance bond and the maintenance bond referred to in **5.3 and 5.4** shall be in the favour of the Town and may be in the form of cash, certified cheque or letter of credit or bond issued by a surety or guarantee company licensed by the Province of Nova Scotia and conditional on the execution and completion of the agreement in accordance with the terms of the agreement and the requirements of this Bylaw and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work.

#### **5.4 STREET ACCEPTANCE REQUIREMENTS**

Following completion of any Town Public Street and prior to acceptance by the Town of any street, the subdivider shall:

- (i) post a maintenance bond in the amount of ten (10) percent of the actual cost of construction of the street for a period of twelve (12) months; and
- (ii) provide “as-built”, reproducible engineering design drawings for the street including plan and profile of streets drawn to the required scale and certified by a professional engineer; and
- (iii) provide four (4) copies of the final plan of subdivision showing the Town Public Street and all drainage right-of-way outlined in red, road reserves outlined in yellow and easements outlined in green; and
- (iv) provide legal conveyance of ownership of the right-of-way for the Town Public Street, road reserve and easement to the Town. This conveyance shall be in the form of a warranty deed and the subdivider shall, through his legal counsel, certify that all property to be conveyed is free from all encumbrances; and
- (v) be responsible for all registration and other costs associated with the requirements of this section.

#### **5.5 DISTANCE BETWEEN INTERSECTIONS**

The distance between public street or highway intersections, a combination thereof shall not be less than 61 metres (200 feet) measured from the nearest rights-of-way, or such greater distance as may be required by the Department of Transportation and Public Works and/or the Town to meet their specifications.

#### **5.6 MAXIMUM FOUR APPROACHES**

There shall not be more than four public street or highway approaches or any thereof in an intersection.

## 5.7 CONTINUOUS FRONTAGE

Continuous street frontage shall not exceed 366 metres (1,200 feet) in growth areas, unless otherwise determined to not be feasible/desirable by the Development Officer.

## 5.8 CUL-DE-SAC

A cul-de-sac not exceeding 366 metres (1,200 feet) in length may be used in the development of land in Growth areas.

## 5.9 SUBDIVIDER'S REQUIREMENTS

- (a) Where **Sections 5.2** is applicable, the subdivider shall be responsible for the following:
  - (i) for complete geotechnical inspection(s) and testing prior to and during various stages of construction by the subdividers' consulting engineer; and
  - (ii) advise the Town Superintendent of Public Works of proposed test dates, sites and times; and
  - (iii) allow the Town Superintendent of Public Works to inspect the construction at any stage or to verify or confirm any required tests.
- (b) Within thirty (30) days of completion of construction, the subdivider shall provide to the Superintendent of Public Works the following:
  - (i) the reproducible record drawings of engineering design showing all the actual constructed systems including storm drainage; and
  - (ii) the results of all inspection test reports.

## 5.10 PUBLIC STREET SIGNAGE

All road signage, signals and markings will be in accordance with the **Uniform Traffic Control Devices for Canada Manual and the Municipal Services Specification Manual of the Town of Berwick**. All road signage will be placed in the right-of-way. No signage will be placed in the public right-of-way without the approval of the Department of Transportation or the Town Engineer.

- (i) Stop Signs  
Stop signs will be placed within all intersections. Intersections with equal traffic for all approaches may be designated as a four way stop, subject to approval by the Department of Transportation or the Town Engineer.
- (ii) Road Names  
All Provincial public street or highway names will be approved by the Department of Transportation and Public Works prior to final approval being given by the Development Officer.  
  
All Town public street names will be approved by the Council of the Town of Berwick
- (iii) Road Name Signage  
Road name signage will be placed for each road intersection by the subdivider and at the cost of the subdivider.
- (iv) Other Road Signage  
Other directional, speed rating and cautionary signage will be placed in the right-of-way, as warranted.

## **PART 6: SERVICE SYSTEMS**

### **6.1 SANITARY SEWER SYSTEM**

A subdivider who proposes to locate a subdivision in a serviced area or abuts existing services, shall provide a sanitary sewer system for the said subdivision, and shall connect the said sewer system to the existing public sewer system.

When a proposed subdivision is subject to the requirements of **subsection 6.2**, the subdivider shall design and install a central sanitary sewer system including collectors and laterals to the boundaries of the proposed lots, and any such system shall be designed by a professional engineer and shall comply with the specifications as set forth in the **Town of Berwick Municipal Services Specifications Manual**.

### **6.2 STORM WATER**

The subdivider shall install a storm drainage system properly designed, by a professional engineer licensed to practice in Nova Scotia, to remove any surface drainage that may enter the area being subdivided, be generated within the proposed subdivision, an adequate method of disposal of the waters so as not to negatively affect any down stream properties. All storm drainage systems shall be designed to the requirements of the **Town of Berwick Municipal Services Specifications Manual**. A storm sewer lateral shall be provided from the main to the lot limit.

### **6.3 UNDERGROUND WIRING AND POWER**

The subdivider who proposes to locate a subdivision in a serviced area or abuts to existing services, shall provide underground wiring and power for the said subdivision and shall connect the said power system to the existing distribution system.

When a proposed subdivision is subject to the requirements of subsections 6.1 (a), the subdivider shall design and install a power system including mains and laterals to the boundaries of the proposed lots and any such system shall be designed by a profession engineer and shall comply with the specifications as set forth in the Nova Scotia Power Corporation. Underground conduits shall also be provided for telephone and community antenna television (CATV).

### **6.4 STREETS, SIDEWALKS, AND CURBS**

A subdivider who proposes to locate a subdivision in a serviced area or abuts existing services shall provide a streets, sidewalks, and curb for the said subdivision. Connections to existing streets, sidewalks, and curbs will be in a manner consistent with good engineering practices.

### **6.5 NATURAL GAS**

A subdivider who proposes to locate a subdivision in a natural gas serviced area or abuts existing services shall provide a natural gas system for the said subdivision and shall connect the said natural gas system to the existing public gas system.

When a proposed subdivision is subject to the requirements of **subsection 6.2**, the subdivider shall design and install a central natural gas system, including collectors and laterals to the boundaries of the proposed lots, and any such system shall be designed by a professional Engineer, and shall comply with the specifications, as set forth in the Town of Berwick Specification Manual.

### **6.6 ALTERNATIVES**

As alternatives to **6.1** to **6.5**, the Council may, upon request by the subdivider, agree to install the required sewer system. In such cases, the subdivider shall supply to the Town, a certified cheque in an amount sufficient to cover 125% of the estimated cost of design and installation on the system(s) as determined by the Town.

- or -

- (a) A properly executed agreement obligating the subdivider to construct a central sanitary sewer system, pursuant to the requirements of this Bylaw
- (b) The said agreement shall set out commencement and completion dates for each project.

- (c) The subdivider shall agree and pay for engineering design specifications for each system compatible with the specifications in this Bylaw.
- (d) The agreement is to be accompanied by a bond of indemnity acceptable to Council, cash deposit or a certified cheque in the amount sufficient to cover 125% of the estimated costs of installation of the system(s) as determined by the Town.

**7. TRANSFER OF OWNERSHIP**

Regardless of which of the above options is chosen by the subdivider, the ownership of any water and sewer system constructed pursuant to this Bylaw is to be assigned, free of encumbrances, from the subdivider of the Town, at no cost to the Town, and the subdivider shall be responsible for 100% of actual costs and shall, upon completion of the system(s), pay any cost over and above estimated costs. If actual costs are lower than the amount of the certified cheque or bond or deposit, the balance shall be refunded to the subdivider. The subdivider shall arrange and pay for and have assigned to the Town any necessary easements for the sewer system over adjoining properties.

**8. SUBDIVIDER'S REQUIREMENTS**

- (a) Where **sections 6.1 to 6.5** are applicable, the subdivider shall be responsible for the following:
  - (i) complete inspection(s) and testing of the installation of any such service(s) installation at various stages by the subdivider's Consulting Engineer; and
  - (ii) advise the Superintendent of Public Works of proposed test dates, sites, and times; and
  - (iii) allow the Superintendent of Public Works to inspect the installation at any stage or to verify or confirm any required tests.
- (b) Within thirty (30) days of completion of installation of any services, the subdivider shall provide to the Superintendent of Public Works the following:
  - (i) the reproducible record drawings of engineering design showing all the actual constructed systems including sanitary sewers, water systems, and storm drainage;
  - (ii) the results of all test reports;
  - (iii) deeds or assignments to the Town, free of encumbrances relating to infrastructure land, services and easements as required by the Town; and
  - (iv) a maintenance bond in a satisfactory form or certified cheque posted in favour of the Town in an amount of 10% of the actual costs of construction and installation of services. The bond shall be for a period of one(1) year and shall state that it is a guarantee against deficiencies in the construction and installation of services.

## **PART 7: PUBLIC OPEN SPACE**

### **7.1 USEABLE LAND**

For the purpose of Part 7, “Useable land” means land which:

- (a) has a minimum lot size of 929 square metres (10,000 sq. ft.) or 5% of total lot area of lands to be subdivided; and
- (b) has at least 6 metres (20 feet) frontage on a Public Street/Highway; and
- (c) is not subject to any easement for electrical power transmission lines; and
- (d) shall be certified, in a form acceptable to the Town, as being free of all encumbrances.
- (e) excepting that where Council deems a parcel to be of value to the Town for recreational, conservation, or like purposes subsections (b) and (c) may be waived at the discretion of Council and in such case the parcel shall be deemed to be “Useable land”.

### **7.2 5% REQUIRED**

Prior to endorsement of approval on the final plan of subdivision, the subdivider shall transfer to the Town; for park, playground and similar public purposes; an area of useable land of good and marketable title equal to five percent (5%) of the total area of the lots for which approval is requested and/or required as shown on the final plan of subdivision excluding streets, roads and the residue of land owned by the subdivider, and/or cash in lieu of equivalent value subject to the provisions of **Sections 7.5 and 7.6**.

### **7.3 WAIVER**

**Section 7.2** of this Bylaw does not apply where:

- (a) no new vacant lots are being created except the remainder lot; or
- (b) the subdivision is the consolidation of two or more lots; or
- (c) lot boundaries are changed but no new vacant lots are created; or
- (d) the subdivision creates no more than 2 lots and no approval under this Bylaw has been given since the adoption of this Bylaw in the area of land.
- (e) the subdivision of land zoned Commercial or Industrial in the Land Use By-law.

### **7.4 CASH IN LIEU**

Before endorsement of approval of the final plan of subdivision by the Development Officer, the subdivider shall pay a sum of money equal to 5% of the assessed value of the new lots created, exclusive of public streets and the remainder lot, if any. This shall only apply to residentially zoned land and subdivision of more than one lot. Cash-in-lieu is to be paid by cash or by certified cheque.

### **7.5 COMBINATION**

A subdivider may, in lieu of complying with **Section 7.2** or **7.4**, offer to the Council and the Council may accept, a combination of **7.2** or **7.4** or accept in-kind services, or combination thereof, that is equal to the value of the land being subdivided.

## **PART 8: PRELIMINARY PLANS OF SUBDIVISION (Optional First Step)**

### **8.1 PRELIMINARY PLAN**

The subdivider proposing to subdivide an area of land may submit to the Development Officer an application in the form specified in **Schedules "A" and "F"** of this Bylaw together with six (6) copies of the preliminary plan of subdivision drawn to scale shown in either metric or Imperial and shall show the following:

- (a) name of the owner of the area of land being subdivided;
- (b) if applicable, the book and page number of the deed to the area of the land as recorded in the name of the owner in the Registry of Deeds for the Town;
- (c) the name of all owners and parcel identifier (PID) of all properties abutting the area of land being subdivided;
- (d) the civic number of the main building on the area of land being subdivided;
- (e) a location plan showing the approximate distance between area of land being subdivided and the nearest prominent landmark;
- (f) the shape, dimensions and area of the lots being created;
- (g) each 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, and where available, the letter;
- (h) no duplication of lot identifiers;
- (i) the approximate location of railways;
- (j) the name of existing and proposed public streets (and the public street number), and private roads as issued by the civic addressing system;
- (k) 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;
- (l) the location of all main buildings within 10 metres (32.8 feet) of a property line;
- (m) the general location of watercourses and wet lands;
- (n) the north point;
- (o) the scale to which the preliminary plan of subdivision is drawn;
- (p) any other information necessary to determine whether this subdivision conforms to this Subdivision Bylaw.

### **8.2 PROCEDURE**

**8.2.1** The Development Officer shall comply with the notification and approval provisions of the MGA.

**8.2.2** On-Site disposal systems will not be permitted unless given permission by the Town Engineer.

## **PART 9: TENTATIVE PLAN OF SUBDIVISION**

### **9.1 REQUIRED TO APPLY**

The subdivider proposing to subdivide an area of land shall submit to the Development Officer for approval an application in the form of **Schedules "A" and "F"** of this Bylaw together with twelve (12) copies of the tentative plan of the proposed subdivision meeting the requirements of **Section 9.8** of this Bylaw.

### **9.2 PUBLIC OPEN SPACE**

Where a transfer to the Town of land for Public Open Space is required by **Section 7.2**, the application for Tentative Approval shall be accompanied by or shall show on the Tentative Plan a proposal which satisfies the requirements of **Section 7.2**, and the Development Officer shall forward such proposal or plans to the Recreation Director.

### **9.3 REFERRAL**

When the Development Officer is satisfied that an application and tentative plan of subdivision are complete he/she shall, if applicable, forward a copy to the Department of Environment, Department of Transportation and any other agency of the Province or Town, the Development Officer deems necessary.

### **9.4 MUNICIPAL GOVERNMENT ACT**

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

### **9.5 APPROVAL NOT WITHHELD**

Approval of a tentative plan of subdivision may neither be refused nor withheld as a result of the assessment or recommendations made by the Department of Environment, the Department of Transportation or any other agency of the Province or the Town unless the tentative plan of subdivision is clearly contrary to a law of the Province or to a Regulation or Bylaw made pursuant to a law of the Province.

### **9.6 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 in the Registry of Deeds."

### **9.7 NOTIFICATION**

**9.7.1** Within ten (10) days of approving a tentative plan of subdivision, the Development Officer shall forward a copy of the approved tentative plan to the subdivider and notify in writing, where applicable, the Department of Transportation, Department of Environment, and any other agency of the Province or the Town, the Development Officer had requested to review the plan, of his decision to approve the tentative plan.

**9.7.2** Where the Development Officer refuses to approve a tentative plan of subdivision, he/she shall so notify the subdivider, advising the subdivider of the appeal provisions of the MGA.

## **9.8 TENTATIVE PLAN REQUIREMENTS**

### **9.8.1 PLAN CHARACTERISTICS**

Tentative plans of subdivision submitted to the Development Officer shall be shown in metric and/or imperial scale and 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.

### **9.8.2 PLAN CONTENTS**

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 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, and the parcel identifiers (PID), 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 the lots being created, including any remainder lands,
- (i) each 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 number,
- (j) no duplication of identifiers,
- (k) the boundaries of the lots being created shown by solid lines, and the vanishing boundaries of existing areas of land re-subdivided, consolidated or both, shown as broken lines,
- (l) general location and civic number of existing main buildings,
- (m) the location and name of existing private roads and existing public roads together with the public road authority number, if existing,
- (n) the width, location, and names of proposed public roads and/or proposed private roads,

- (o) the width and location of railroads and railroad right-of-ways,
- (p) the location of any watercourse, prominent rock formation, marsh, or swamp which might affect the layout or provision of public roads or private roads and services to the area where the subdivision is to be located,
- (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) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, and where a civic addressing system is in place, the civic number of the main building on the area of land being subdivided;
- (w) any other information which the Development Officer deems necessary to determine whether a tentative plan of subdivision conforms to this Subdivision Bylaw.

### **9.8.3 ADDITIONAL INFORMATION**

**9.8.3.1** In addition to meet the requirements of **subsection 9.8.1** and **9.8.2**, where the proposed lots front on a proposed public street or highway, 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 Surveyors Act** and the Regulations made thereunder; and
- (b) be accompanied by four (4) copies of a plan showing:
  - (i) contours at 2 metre (5 foot) intervals, and drainage patterns, and
  - (ii) the width and location of proposed public roads and private roads, and their intersections 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 centre line profiles and cross sections of the proposed public road stamped and signed by a registered Professional Engineer.

**9.8.3.2** 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 water courses, 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;

## **PART 10: FINAL PLAN OF SUBDIVISION**

### **10.1 REQUIRED TO APPLY**

The subdivider proposing to subdivide an area of land shall submit an application in the form specified in **Schedules "A" and "F"** of this Bylaw together with twelve (12) copies of the final plan of subdivision meeting the requirements of **Section 10.12.2** of this Bylaw.

### **10.2 MUNICIPAL GOVERNMENT ACT**

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

### **10.3 REFERRAL**

When the Development Officer is satisfied that an application and Final Plan of Subdivision are complete he/she shall, if applicable, forward a copy to the Department of Environment, Department of Transportation and Public Works and any other agency of the Province or Town the Development Officer deems necessary.

### **10.4 PUBLIC OPEN SPACE**

Where a transfer to the Town of land for Public Open Space is required by **Section 7.2**, the application for final approval shall be accompanied by or shall show on the Final Plan of Subdivision a proposal which satisfies the requirements of **Section 7.2**, and the Development Officer shall forward such proposal or plans to the Recreation Director.

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

Where buildings are shown on a plan of subdivision within 10 meters (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 Bylaw, asking them to identify any violation of the Land Use Bylaw of the National Building Code.

### **10.6 CONSTRUCTION AGREEMENT REQUIRED**

No approval of a Final Plan may be given unless the subdivider either has laid out and constructed the public road, and any other services required in accordance with the provisions of **Sections 5.1, 5.2, 5.3, 5.4** and **Part 6** or has entered into an agreement with the Town according **Sections 5.2, 5.3, 5.4** and **Part 6**

### **10.7 CONVEY PUBLIC OPEN SPACE**

No approval of a Final Plan of Subdivision may be given unless the subdivider has conveyed to the Town an area of land which satisfies the requirements of **Part 7**.

### **10.8 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 **clause 10.12.1(b)**.

### **10.9 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 the Department of Environment, Department of Transportation and Public Works or any other agency of the Province or the Town unless the Final Plan of Subdivision is clearly contrary to a law of the Province or to a regulation or bylaw made pursuant to a law of the Province.

## **10.10 BY-LAW VIOLATION**

Approval of a Final Plan of Subdivision may not be refused or withheld as a result of a violation of Land Use Bylaw or a Building Code Bylaw unless the proposed subdivision creates such a violation.

## **10.11 APPROVAL REFUSED**

Where a Development Officer refuses to approve a Final Plan of Subdivision, he shall so notify the subdivider, advising the subdivider of the appeal provisions under the MGA.

## **10.12 FINAL PLAN REQUIREMENTS**

### **10.12.1 PLAN CHARACTERISTICS**

Final Plans of Subdivision submitted to the Development Officer shall be shown in either Metric or 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 for which approval is requested have been surveyed in the manner required by the Nova Scotia Land Surveyors Act and the regulations made thereunder, except for a final plan of subdivision prepared pursuant to Subsection 4.6.2 of this Bylaw; 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 copies of the final version of any required engineering drawings referred to in **Section 5** and **6**.
- (e) in consultation with the Development Officer, the surveyor shall provide, if possible, the Town with a digital copy of the Final Plans of Subdivision for use in the Town's Geographical Information System. The digital file shall meet the **Town of Berwick's General Mapping Specifications** in the **Town of Berwick Municipal Services Specification Manual**.

### **10.12.2 PLAN CONTENTS**

Final Plan of subdivision shall show the following:

- (a) the words "**Final Plan of Subdivision**" located in the title block;
- (b) a clear space for stamping, having a minimum area of 225 square centimetres (36 square inches) with a minimum width of 10 centimetres (4 inches);
- (c) the name of the subdivision, if any, and the name of the owner(s) of the land;
- (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;
- (e) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;
- (f) the civic number of the main buildings on the area of land being subdivided;
- (g) the names of all owners or the lot identifiers of all properties abutting the proposed subdivision;

- (h) 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 being subdivided;
- (i) the shape, dimensions, and area of the lots being created;
- (j) each lot created identified by a number, except, 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 lots identified by the existing area of land identifier, where applicable, and the letter;
- (k) no duplication of lot identifiers;
- (l) 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;
- (m) the location of existing buildings within 3 meters (9.8) feet of a property boundary;
- (n) the location of existing public streets (and public street authority number), as issued by the civic addressing system;
- (o) proposed public streets and roads shall be surveyed;
- (p) the width and location of rail lines;
- (q) the location of any watercourses, wetlands, or prominent rock formations;
- (r) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (s) the north point;
- (t) where applicable, a notation stating the lots are serviced by a public sewer system;
- (u) the date on which the plan was drawn and the date of any revisions;
- (v) the scale to which the plan of subdivision is drawn;
- (w) where applicable, the shape, dimension, area and bearings of the boundaries of lots accepted by Council as Public Open Space under the provisions of **Part 7** of this Bylaw;
- (x) any other information which the Development Officer deems necessary to determine whether the final plan of subdivision conforms to this Bylaw.

#### **10.12.2 ADDITIONAL INFORMATION**

Where the plan of subdivision is to be forward to the Department of the Environment the following additional information is required:

- (a) the lot lay out 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 subject;

### 10.12.3 APPROVAL AFTER CONVEYANCE

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

- (a) identify such lots;
- (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.

### 10.13 ENDORSEMENT OF FILING OF FINAL PLANS

#### 10.13.1 ENDORSEMENT

When the requirements of the MGA and this Bylaw 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.

#### 10.13.2 PLAN TO SUBDIVIDER

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

#### 10.13.3 NOTIFICATION OF APPROVAL

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

- (a) the surveyor; and
- (b) the Assessment Department; and
- (c) the Registry of Deeds with a notice of approval in the form specified in **Schedule "B"** of this Bylaw; and
- (d) any other department or agency of the Province or the Town who had been requested to review the Final Plan of Subdivision.

#### 10.13.4 STAMPS

The following information shall be stamped or written and completed by the Development Officer on any Final Plan of Subdivision which is endorsed:

- (a) "Town of Berwick  
This Final Approval of Subdivision is approved for lot(s) \_\_\_\_\_  
Endorsed: \_\_\_\_\_ Development Officer  
Date: \_\_\_\_\_";
- (b) where applicable:
  - (i) " Lot(s) nos. \_\_\_\_\_ (is, are) suitable for the  
(lot(s) approved and/or remainder)  
Construction or installation of an on-site sewage disposal system for \_\_\_\_\_ and any conditions  
which apply are contained in a report dated \_\_\_\_\_ and available from the Department of the Environment";  
or

**(c) Public Roads**

The following streets and highways are owned and maintained by:

\_\_\_\_\_ Town of Berwick  
Street Name(s): \_\_\_\_\_

**(d) TOWN SUBDIVISION FILE NO:** \_\_\_\_\_

(e) Lot(s) \_\_\_\_\_ is/are in excess of 9000 meters squared. The lot(s) was/were not assessed for an on-site sewage disposal system and will require \_\_\_\_\_ approval of the Department of the Environment as stated in a letter dated \_\_\_\_\_.

(f) The Town of Berwick Superintendent of Public Works has reviewed the subdivision submission in accordance to the Town of Berwick Subdivision Bylaw, Part 5.

\_\_\_\_\_  
Superintendent of Public Works                      Date

## **PART 11: FEES FOR THE FILING OF A FINAL PLAN OF SUBDIVISION**

(Refer to Town's Development Control and Planning Applications Fees Bylaw)

### **11.1 SUBDIVIDER PAYS**

The subdivider shall pay fees specified in the Development Control and Planning Applications Fees Bylaw, for filing the endorsed Final Plan of Subdivision, certifying a copy of the Plan, and registering a notice of approval of the Plan.

### **11.2 FEE TO REGISTRY**

The fee referred to in **Section 11.1** shall be paid at the time of application for approval of the Final Plan of Subdivision by cheque or money order made payable to the Registry of Deeds.

### **11.3 RETURN OF FEE**

Where the Final Plan of Subdivision does not receive endorsement of approval by the Development Officer, the subdivider shall be entitled to the returned cheque or money order referred to in **Section 11.1**.

### **11.4 TOWN OF BERWICK**

The subdivider shall submit an application fee as outlined in the Town's Development Control and Planning Applications Fees Bylaw.

## **PART 12: PLAN REPEAL PROCEDURE**

### **12.1 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 "C"** of this Bylaw.

### **12.2 MUNICIPAL GOVERNMENT ACT**

The Development Officer shall comply with the notification and approval provisions of the MGA which apply to the repeal of a Plan of Subdivision.

### **12.3 REFERRAL**

When the Development Officer is satisfied that an application is complete he/she shall forward a copy to the Department of Environment, Department of Transportation and any other agency of the Province or the Town which commented on the original Plan of Subdivision.

### **12.4 PROVISIONS NOT APPLICABLE**

The provisions of **Parts 4 to 11** of this By-law do not apply to the repeal of an approved Plan of Subdivision.

### **12.5 STRUCTURES**

Where buildings have been erected on the subject lands after the date of the subdivision approval which is sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any Building Code Regulation, Land Use Bylaw, or sewage disposal regulations unless a new Plan of Subdivision rectifying such violations is approved and filed in the Registry of Deeds on the same day as the repeal of the Plan of Subdivision is filed.

### **12.6 REPEAL NOT WITHHELD**

Repeal of an approved Plan of Subdivision may not be refused or withheld as a result of the assessment or recommendation made by the Department of Environment, Department of Transportation or any other agency of the Province or the Town unless the repeal is clearly contrary to a law of the Province or to a regulation or bylaw made pursuant to a law of the Province.

### **12.7 NOTICE**

When the requirements of the MGA and this Bylaw have been met, the Development Officer shall complete and sign a notice in the form specified in **Schedule "D"** of this Bylaw, register the notice at the Registry of Deeds, and forward the fees required by **Section 12.10** of this Bylaw.

### **12.8 NOTIFICATION**

The Development Officer shall forward a copy of the notice of the repeal of the Plan of Subdivision to:

- (a) the subdivider;
- (b) the surveyor;
- (c) the Department of Transportation;

- (d) the Department of Environment; and
- (e) the assessment office; and
- (f) any other department or agency of the Province or Town who reviewed the original application for subdivision approval.

**12.9 REFUSAL**

Where the Development Officer refuses to approve a plan of subdivision, the Development Officer shall notify the subdivider pursuant to the MGA, give reasons for refusal, and advise the subdivider of the appeal provisions of the MGA.

**12.10 FEES APPLICABLE**

The provisions of **Part 11** of this By-law apply to the repeal of an approved Plan of Subdivision as they do to the approval of a Final Plan of Subdivision.

**PART 13: APPLICATION PROCEDURES**

**13.1 REQUIRED TO APPLY**

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

**13.2 MUNICIPAL GOVERNMENT ACT**

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

**13.3 REFERRAL**

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

- (a) in areas served by a central sewer and public streets, the Superintendent of Public Works;
- (b) any other agency of the Town which the Development Officer deems necessary.

**TOWN OF BERWICK  
APPLICATION FOR SUBDIVISION APPROVAL**

**FOR OFFICE USE ONLY**

**File No:** \_\_\_\_\_

**SUBDIVISION RELATED INFORMATION**

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

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

Postal Code \_\_\_\_\_ Phone \_\_\_\_\_ Subdivision Name (if different from owner)

Documents To Be Returned To \_\_\_\_\_ Correspondence To Be Directed To

**LAND TO BE SUBDIVIDED**

Location \_\_\_\_\_ Town

Parcel Identifier \_\_\_\_\_ Community

Type of Application  Preliminary (Optional)  Tentative  Final

Registration and Processing Fee Attached  Yes  No

Type of Development Proposed Single Family  Other (Specify) \_\_\_\_\_

Approval Requested For Lot(s) #

Is there a remainder lot?  Yes  No

**WATER SERVICES**

	Existing	Proposed
Town System	<input type="radio"/>	<input type="radio"/>
Drilled Well	<input type="radio"/>	<input type="radio"/>
Dug Well	<input type="radio"/>	<input type="radio"/>
Other (Specify)	_____	

**SEWER SERVICES**

	Existing	Proposed
Town System	<input type="radio"/>	<input type="radio"/>
On-Site	<input type="radio"/>	<input type="radio"/>
Other (Specify)	_____	

**ACCESS**

	Existing	Proposed
Public Road	<input type="radio"/>	<input type="radio"/>
Other (Specify)	_____	

I certify that I am the owner or am acting with the owner's written consent.

Signature \_\_\_\_\_ Date

**NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION IN  
ACCORDANCE WITH SUBSECTIONS 285(3) AND 285(4) OF THE MUNICIPAL GOVERNMENT  
ACT**

Name of Owner(s)

Name of Subdivision \_\_\_\_\_

Location \_\_\_\_\_

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

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

Dated this \_\_\_\_ day of \_\_\_\_\_  
Development Officer  
\_\_\_\_\_, 200 \_\_\_\_

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

1. The availability of public sewer and water systems.
2. Information indicating whether or not the lots abut a public street.

APPLICATION FOR REPEAL OF A PLAN OF SUBDIVISION

File No. \_\_\_\_\_

APPLICANT RELATED INFORMATION

Name of Owner(s) \_\_\_\_\_ Phone \_\_\_\_\_  
Address of Land Owner(s) \_\_\_\_\_ Postal Code \_\_\_\_\_  
Documents To Be Returned To \_\_\_\_\_  
Correspondence To Be Directed To \_\_\_\_\_

INFORMATION RELATED TO THE APPROVED PLAN OF SUBDIVISION SOUGHT TO BE REPEALED

Name of applicant for subdivision approval \_\_\_\_\_  
Location \_\_\_\_\_ Town \_\_\_\_\_  
The Plan of Subdivision was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_,  
and is filed in the Registry of Deeds at \_\_\_\_\_ in the Town of  
the County of \_\_\_\_\_ as Plan # \_\_\_\_\_.

Lot(s) # \_\_\_\_\_ was/were approved.

o Registration fee submitted.

CERTIFICATION OF FACTS

(Reasons For Repeal)

(If more space required, attach additional sheet)

OWNER'S CERTIFICATE

I certify that the information in this application is true and complete, that I am applying for repeal of this Plan of Subdivision with the full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner/Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner/Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner/Agent

**REPEAL OF A PLAN OF SUBDIVISION PURSUANT TO  
SECTION 289 OF THE MUNICIPAL GOVERNMENT ACT**

Name of Owner(s)

Name of Subdivision

\_\_\_\_\_

Location

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

Date of Approval of the Plan of Subdivision

Being Plan # \_\_\_\_\_ at the registry of deeds.

**THIS PLAN OF SUBDIVISION IS REPEALED**

Dated at \_\_\_\_\_ in the  
Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

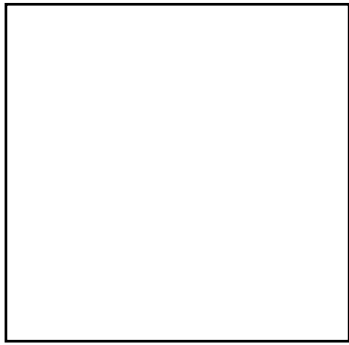
\_\_\_\_\_  
Development Officer

Public Open Space Evaluation

INSTRUCTIONS:

Each lot proposed for public Open Space shall be separately evaluated by inspecting the lot itself and all other available information about the lot. Evaluate each of the characteristics listed below. If the lot has the characteristic, enter the assigned value in the "score" column. If not, enter 0 in the "score" column. Add the scores in each section to get subtotals. Then add Section scores together to get a total score. To satisfy the definition of "useable land" the score must meet or exceed the minimum score for each Section, as well as the overall minimum score.

<u>SECTION</u>	<u>CHARACTERISTIC</u>	<u>ASSIGNED</u>
<u>SCORE</u>		<u>VALUE</u>
1. Grades	over 50% of lot area with 0-8% slopes	+1
	over 25% of lot area with over 8-12% slopes	0
	over 25% of lot area with 12%+ slopes	<u>-1</u>
	Minimum Score	0
2. Soil & Water	over 25% of the lot area with swamp or bog	-1
	over 25% of the lot area flood plain	-1
	over 25% of the lot area wetland	-1
	subject to damage by storm drainage	<u>-1</u>
	Minimum Score	0
3. Location	central to subdivision or adjacent to one or more approved lots	+1
	linked to other recreation lands	+1
	coastal, lake, river or perennial stream waterfrontage	<u>+1</u>
	Minimum Score	+1
4. OVERALL MINIMUM SCORE		+2



**Schedule "F"**

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# **Town of Berwick**

236 Commercial Street, P.O. Box 130, Berwick, NS B0P 1E0  
Phone (902) 538-8068 Fax (902) 538-3724  
e-mail: townclerk@town.berwick.ns.ca

**TOWN OF BERWICK  
ACKNOWLEDGEMENT OF SUBDIVISIONS PROVISIONS FORM**

I, the undersigned, \_\_\_\_\_ being the Applicant herein, do hereby confirm that I have been made aware of the provisions concerning public streets of the Town of Berwick Subdivision By-Law and I hereby acknowledge that I fully understand the impacts and legal effects of those provisions as they relate to the matter of my application.

DATED at \_\_\_\_\_, in the Town of Berwick in the Province of Nova Scotia,  
this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

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Applicant's Signature

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Development Officer's Signature