
DEPARTMENT: PLANNING

TITLE: New Subdivision Streets – Final Subdivision Approval Prior to Street Paving

Minutes reference date: 2021 May 25

Revision date:

PURPOSE:

To provide developers of new subdivisions, where new streets are to be constructed and conveyed to the Town, the option to receive final subdivision approval prior to completing the asphalt driving surface as required by the Subdivision Bylaw, subject to the conditions set out in this policy.

POLICY:

1. Alternative to Complete Construction

This policy shall only apply where all requirements as set out in the Amherst Subdivision Bylaw for the extension of streets and services have been completed, except the supply and installation of an asphalt driving surface in accordance with the Amherst Subdivision Bylaw. As an alternative to the completion of the asphalt driving surface before acceptance of a public street, the Developer may, before approval of the final subdivision plan is given, enter into a written agreement with the Town in accordance with this policy.

2. Contents of Agreement

Where an agreement is entered into between the Developer and the Town, the agreement shall contain provisions satisfactory to the Town with respect to any or all of the following:

- a) the time within which the supply and installation of an asphalt driving surface shall be completed;
- b) the requirements for the Developer's engineer to confirm compliance with Subdivision Bylaw specifications;
- c) the acceptance of any streets and services by the Town;
- d) any other matter related to the requirements of the Amherst Subdivision Bylaw, Municipal Planning Strategy and Land Use By-law relative to the subdivision and servicing of land; and
- e) cost estimates provided by the Developer.

3. Performance Surety

Where a Developer proposes to complete the supply and installation of an asphalt driving surface after receiving final subdivision approval, the following shall be required:

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- a) the Developer shall post a performance surety, satisfactory to the Town, in the amount of one hundred and twenty-five percent (125%) of the estimated cost to complete the asphalt driving surface and any other requirement of the Amherst Subdivision Bylaw;
 - b) the Developer shall submit to the Development Officer for approval, an estimate of costs to complete the supply and installation of the asphalt driving surface provided by a recognized asphalt paving company and the Development Officer may revise the estimate if it is, in the opinion of the Town inadequate, and the decision of the Town shall be final;
 - c) the performance surety shall be posted before approval of any final plan of subdivision is given by the Development Officer;
 - d) the performance surety shall be in favour of the Town and may be in the form of cash, certified cheque or letter of credit or bond issued by a bank, surety or guarantee company licensed by the Province of Nova Scotia and conditional on the execution and completion of the agreement in accordance with terms of the agreement and the requirements of the Amherst Subdivision Bylaw and it shall not be subject to cancellation, termination or expiration during the period of time for completion of the work;
 - e) where the performance surety is paid in cash or by certified cheque, the cheque will be cashed and all monies paid in cash will be held by the Town and returned without interest to the Developer upon confirmation by the Town that the work meets the Town's specifications;
 - f) where installation of the asphalt driving surface is not completed by the date stipulated in the agreement, the Town shall, at its sole discretion, grant an extension, or complete the asphalt driving surface and the Developer shall forfeit the performance surety.

4. Authority

The Chief Administrative Officer may enter into the surety agreement on behalf of the Town and may grant an extension to such an agreement where the CAO determines it to be in the best interest of the Town.