

## **Cape Breton Regional Municipality**

### **Special Council Meeting Minutes**

October 16, 2025

1:32 p.m. at City Hall Council Chambers

### **Council**

Mayor Cecil P. Clarke

Councillor Gordon MacDonald

Councillor Earlene MacMullin

Councillor Esmond "Blue" Marshall

Councillor Steve Gillespie

Deputy Mayor Eldon MacDonald (Arrived at 1:51 p.m.)

Councillor Steve Parsons

Councillor Steven MacNeil

Councillor Dave MacKeigan

Councillor Darren O'Quinn

### **Staff**

Demetri Kachafanas, KC, Chief Administrative Officer

Christa Dicks, Municipal Clerk / Director of Corporate Information Services

Robert Sampson, KC, Solicitor

Wayne MacDonald, P.Eng., Chief Engineer / Director of Strategic Partnerships

Tyson Simms, Director of Planning and Development

Karen Neville, Senior Planner

Toni Delorenzo, Principal Secretary, Mayor's Office

Sean Tobin, Chief of Staff

Jenna MacQueen, Communications Advisor

Spencer Merrill, Information Technology Technician

Yuecong Cao, Administrative Assistant, Clerk's Office

Kelly McDonald, Recording Secretary

### **Absent**

Councillor Glenn Paruch (Regrets)

Councillor Paul Nickituk (Leave of absence)

Councillor Kim Sheppard-Campbell

The following does not represent a word for word record of the proceedings of this meeting. The agenda, reports, supporting documents, information items circulated, and video (if available) are online at [www.cbrm.ns.ca](http://www.cbrm.ns.ca).

**Mayor Cecil P. Clarke called the meeting to order.**

**Land Acknowledgement**

**Roll Call**

**1. Approval of Agenda**

**Motion**

Moved by Councillor Parsons, seconded by Councillor Marshall, to approve the October 16, 2025, special council agenda as presented.

**Motion Carried**

**2. Appeal of Site Plan Approval at PID 15467129 (Nicholson Avenue, New Waterford)**

Karen Neville, Senior Planner, provided a presentation titled, "Appeal of Site Plan Approval PID 15467129 (Nicholson Avenue, New Waterford)". The presentation included topics such as legislative authority, the project, grounds for appeal, building and development permit requirements, and staff recommendation. Mayor Clarke outlined the appeals hearing process. Discussion took place regarding storm water, criteria requirements, a stop work order, building design, application timelines, and land ownership. Mayor Clarke asked if anyone within the required notification radius of the site development was present to speak.

Several property owners expressed concerns about damage caused by contractors during site preparation for the proposed development, while noting they support the development of a long term care facility. Issues included property line encroachment, removal of fencing, destruction of

trees and landscaping, and water damage to neighboring properties.

Speakers emphasized the lack of communication and accountability from contractors, noting that these problems have caused stress and safety concerns, including an unsecured excavation site. Residents requested that Council place the site plan approval on hold until damages are addressed and a copy of the site plan is provided for review by their engineers and legal representatives.

Mayor called three times if anyone within the required notification radius of the site development was present to speak, no speakers came forth.

A Point of Information was raised by Councillor Gillespie asking whether Council is permitted to ask questions of the residents who spoke.

Mayor Clarke clarified that Council questions should be directed to staff. If Council wishes to ask questions of residents, unanimous consent of Council would be required.

Council and staff discussed work completed after the stop work order and stormwater concerns. Staff explained that limited work was permitted to secure an unsafe wall for safety reasons. Removal of vegetation was not authorized by CBRM and would be considered a civil matter. Engineering staff confirmed the site plan meets stormwater requirements and advised the developer that removed stormwater infrastructure must reinstate the infrastructure. Councillors expressed concern about ongoing work without permits and potential water damage to neighboring properties. Staff clarified that land clearing does not require a permit, but structural work does. Council noted the importance of developers staying within property boundaries and taking remedial actions. The Mayor emphasized that the focus of the hearing is the site plan, with remedial measures to follow. Staff

provided clarification on several matters related to the site plan appeal. It was noted that approval of the site plan does not authorize immediate construction, as engineering requirements must first be satisfied. Staff emphasized that issues raised regarding property damage are civil matters outside the municipality's authority, and Council cannot use its processes to resolve such disputes. Questions were addressed regarding stormwater inspections, enforcement of stop-work orders, and penalties for non-compliance. Staff confirmed that inspections occur routinely, fines have been issued for violations, and penalties can include doubling permit costs. Council also discussed jurisdictional limits concerning federal property referenced in the appeal.

Mayor asked if the applicant or applicant's representative is present to speak.

The Project Manager for Maple Hill Manor spoke regarding the site grading plan and reinstatement of infrastructure that was mistakenly removed.

A Point of Order was raised by Councillor Gordon MacDonald requesting that discussion remain focused on the site plan for the development rather than on civil matters.

The following motion was then put forward:

**Motion**

Moved by Councillor Gordon MacDonald, seconded by Councillor O'Quinn, to uphold the site plan approval granted by the Development Officer to allow for the development of a long term care facility at PID 15467129 (Nicholson Avenue, New Waterford).

**Motion Carried**

**Meeting adjourned at 2:56 p.m.**

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**Cecil P. Clarke**

**Mayor**

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**Christa Dicks**

**Municipal Clerk**

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