



GOVERNMENT OF BERMUDA

Department of Planning

*Dame Lois Browne-Evans Building, 58 Court Street, Hamilton HM 12, Bermuda
Phone: (441) 295-5151 Fax: (441) 295-4100*

Development Applications Board Minutes

Minutes of a meeting held on Wednesday, 1 September, 2021 at 8:45 AM virtually via WebEx.

PRESENT:

Board Members:

Alice Lightbourne (Chair)
Wayne Dill (Deputy Chair)
N. Garon Dowling (Corporation of St. George)
Josonne Smith (Bermuda Fire and Rescue Service)
Dalton Burgess
Denis de Frias
Wendy Dunne
Calvin Thomas
Shabion Postlethwaite

Technical Officers:

Paul McDonald (Acting Senior Planner)
Dolores Vazquez (Planner)
Malik Richards (Acting Assistant Planner)

APOLOGIES:

David Astwood

MATTERS ARISING AND ACTIONS FROM PREVIOUS MEETING:

None

APPLICATIONS:

Sandys

1. P0090-21

Applicant: Jay Jay Soares

Location: 2 Ely's Harbour
Sandys, SB01

Description of Proposal: Proposed Renovations to Existing 1 Bedroom Apartment, Revisions to Pool, Spa, and Grotto, Pool Decks with Associated Retaining Walls 8 ft. Max Height, Creation of Addition Basement GFA (Storage and Pump Room), Additions and Internal Renovations, New Roofs and Shed Roofs for Addition (2 Units Total)

Date Received: February 18, 2021

Planner: Nathan D. Frick

Discussion: The technical officer presented the application with a recommendation to approve. Two Board members (Mr. de Frias and the representative of the Bermuda Fire and Rescue Service) did not participate in the assessment of this application due to late attendance.

No questions or comments were posed by the Board.

The Board resolved to approve the application, subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.
2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of the approved building operations an amendment to the building permit B0652/14 must be made and approved.
3. A Construction Environmental Management Plan (CEMP) containing details of policy ENV.9 of The Bermuda Plan 2018 Planning Statement must be submitted to the Department of Planning for review and approval prior to the submission of a building permit application.
4. The hereby approved Conservation Management Plan shall be substantially implemented prior to the issuance of a Certificate of Completion and Occupancy. A request for inspection of the (plantings/works undertaken) shall be made in writing to the Department of Environment and Natural Resources and copied to the Department of Planning. Approval of the inspection will be required prior to the issuance of a Certificate of Completion and Occupancy. If any trees or shrubs shown on approved plans are removed, die or become seriously diseased or damaged, they shall be replaced by trees and shrubs of similar size and species to those originally required to be planted.
5. The submission of a building permit application shall include all details associated with the swimming pool backwash pit together with provision of a carbon filter or such other measures to demonstrate removal of chlorine. Any plans for new cesspits or water abstraction must also be detailed. All details must be accompanied by written approval from the Department of Environment and Natural Resources and the installation of such measures as may be approved shall be agreed by that Department prior to the issuance of a Certification of Completion and Occupancy.

Southampton

2. P0186-21

Applicant: Westend Properties Limited

Location: 101 South Road
Southampton, SN02

Description of Proposal: Proposed Demolition of the Existing Tennis Courts, Tennis Office, and Beach Restaurant, Construction of Swimming Pool, Six Cabanas and Plunge Pools, Beach Grille Restaurant and Covered Verandah, Ancillary buildings (Including Restroom Buildings, Change Room Huts, and Pool Equipment Building) and Upgrades to Associated Landscaping, Arrivals Area, and Parking at Fairmont Southampton Facilities.

Date Received: April 22, 2021

Planner: Paul McDonald

Discussion: The technical officer presented the application with a recommendation to allow the appeal and approve the application subject to 8 conditions, omitting Conditions 6 and 10 of the approval of the Director of Planning.

The Board queried the location of the existing restaurant.

The technical officer advised that the existing restaurant is in a similar location to that currently proposed, access arrangement would remain unchanged and any additional parking could be accommodated in the wider Fairmont Southampton Princess site.

The Board resolved to approve the application, subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.
2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved.
3. The submission of a building permit application shall include all details associated with the connection of this site to the main wastewater treatment plant and portable water system of the Fairmont Southampton Princess. All such details are subject to the written approval of the Department of Environment and Natural Resources and such facilities shall be fully installed prior to the issuance of a Certification of Completion and Occupancy.
4. Details of all borehole locations and specifications shall be to the design requirements of the Department of Environment and Natural Resources. Written approval from that Department shall be provided with the submission of a building permit application.
5. A Construction Environmental Management Plan (CEMP) addressing the details set out by policy ENV.9 of the Draft Bermuda Plan 2018 in addition to measures to prevent runoff to the marine environment shall be submitted to and approved, in writing, by the Department of Environmental and Natural Resources prior to the submission of a building permit application. A copy of the approval CEMP shall be submitted with an application for a building permit.
6. In the interests of visual amenity, the entire site subject of this application shall be landscaped in accordance with the hereby approved plans prior to the issuance of a Certificate of Completion and Occupancy. Any trees or shrubs shown on approved plans which are removed, which die or which become seriously diseased or damaged shall be replaced by trees and shrubs of similar size and species to those originally required to be planted.
7. The submission of a building permit application shall include all details associated with the swimming pool backwash pit together with provision of a carbon filter or such other measures to demonstrate removal of chlorine. All details must be accompanied by written approval from the Department of Environment and Natural Resources and the installation of such measures as may be approved shall be agreed by that Department prior to the issuance of a Certification of Completion and Occupancy.
8. Parking and manoeuvring space for at least 18 cars and 34 bicycles and the hereby approved shuttle pick-up / drop-off shall be established for use in accordance with the approved drawings and policies TPT.20 and TPT.22, Chapter 12 of the Draft Bermuda Plan 2018 prior to the issuance of a Certificate of Completion and Occupancy.

Warwick

3. **P0292-21**
Applicant: Anita Hewey

Location: 10 Swansville Drive
Warwick, WK07

Description of Proposal: Proposed Alterations and Addition on the Ground floor with a 2nd Storey Addition to Create a Two Bedroom Dwelling Unit (Two Units in Total) and Site Grading.

Date Received: June 22, 2021

Planner: Malik Richards

Discussion: The technical officer presented the application with a recommendation to approve. No questions or comments were posed by the Board.

The Board resolved to approve the application, subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.
2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved.
3. Parking and manoeuvring space for 2 cars and 2 cycles shall be established for use in accordance with Policies TPT.20 and TPT.22, Chapter 12 of the Draft Bermuda Plan 2018 Planning Statement, prior to the issuance of a Certificate of Completion and Occupancy.

Smiths

4. P0328-21

Applicant: James Martin

Location: 15 Idle Acres Road
Smiths, FL06

Description of Proposal: Proposed Additions and Renovations to the Existing House Outdoor Dining Space, with Stair Access, Retaining Wall 7ft. Max Height and Store Room Beneath.

Date Received: July 13, 2021

Planner: Malik Richards

Discussion: The technical officer presented the application with a recommendation to approve.

The Board raised concerns over the location of the proposed addition within a setback and consequent impacts on the privacy of the neighbouring property and noted that planting is unlikely to grow between the boundary and proposed addition due to insufficient natural light. The Board further queried whether the applicant has put forward any alternative location for the proposed development, noting that the host lot is of sufficient size to accommodate development outside of a setback.

Technical officers advised that the applicant has not put forward any alternatives, however the Department considers that the proposal would not pose any unacceptable impacts on the privacy of the neighbouring property, particularly given that there would be no overlooking of the amenity space of this neighbouring property.

One Board member voted to approve and seven Board members voted to defer the application to permit the applicant to reconsider the design in light of the concerns.

The Board resolved to defer the application for the following reason:

The Board has instructed the Department to suggest to the applicant to consider an alternative location for the proposal which would not be located within a setback.

Hamilton

5. P0181-21

Applicant: Bernard Yanovich and Gillian Pinchin

Location: Lot 2 Harrington Sound Road, Hamilton

Description of Proposal: New 2 Storey Detached Residential Dwelling with External Swimming Pool. 20 ft. Rock Cut with Stepped Retaining Wall (10 ft. Max Height) and Landscaping.

Date Received: April 21, 2021

Planner: Dolores B. Vazquez

Discussion: The technical officer presented the application with a recommendation to approve. No questions or comments were posed by the Board.

The Board resolved to approve the application, subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.
2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved.
3. Prior to the submission of a building permit application an Excavation Management Plan must be submitted for review and approval to the Department of Environment and Natural Resources (DENR) given the site's location within a Cave Protection Area, which shall include:
 - details of exploration/investigative work e.g. drilling work (if any);
 - a method statement developed to minimize the risk of damaging caves during excavations;
 - a cave response plan detailing how all work shall stop in the area of the cave with commitment that Department of Planning and DENR shall be informed via email within ½ hour of exposing any cave; and
 - details of how said statement / plans of the excavation management plan shall be communicated to all contractors/ subcontractors to indicate their understanding and adherence to the method statement an response plan.

A copy of the Excavation Management Plan with confirmation of approval in writing from DENR must be submitted with the building permit application and must be adhered to during the course of construction.
4. The Department of Environment and Natural Resources shall be notified at least 1 week before any excavation will take place so that it can arrange site visits.
5. All excavations for the development shall be inspected by a Public Officer from the Planning Department and/or DENR-PCS once they have reached their maximum depth. Once the excavation has reached its full extent, no building formwork, setting rebar, or pouring concrete must take place until after the inspection. If the inspection reveals evidence of a cave, additional investigations or protective measures may be required, which may delay further work in the excavation.
6. A Construction Environmental Management Plan (CEMP) must be submitted to the Department of Planning and Department of Environment & Natural Resources Pollution Control section for review and approval prior to the submission of a building permit application and call include:
 - Use of silt screens or naturally created soakaways to capture any construction debris before it leaves the site (i.e. to sea or road)
 - a monitoring program during construction to ensure any off-site migration of dust, silt and other materials is minimized
 - traffic mitigation and safety measures

7. The building permit drawings must illustrate the swimming pool backwash water discharged to a dedicated backwash pit via an activated carbon filter or other method approved by DENR-PC with sign off included with the building permit application. For the avoidance of doubt, the Building Permit application drawings must illustrate a septic tank system with sand filter soakaway, as per Section 3 (3) (h) of the Tucker's Point Resort Residential Development (Hamilton and St. George's Parishes) Special Development Order 2011.

8. If during construction a previously undetected cave is discovered, the applicant shall cease all construction operations and immediately contact the Department of Planning to re-evaluate building options and agree on a suitable course of action. Construction operations shall not recommence until the approved option has been agreed in writing.

9. In order to provide for the continued safe flow of traffic, access details shall conform to the requirements of Policy TPT.10, TPT.11 & TPT.25(c) Chapter 11 of the Bermuda Plan 2008 Planning Statement. The applicant shall ensure that landscaping is maintained within the sightline cones to ensure it does not obstruct sightlines.

10. The hereby approved Conservation Management Plan shall be substantially implemented prior to the issuance of a Certificate of Completion and Occupancy. A request for inspection of the (plantings/works undertaken) shall be made in writing to the Department of Environment and Natural Resources and copied to the Department of Planning. Approval of the inspection will be required prior to the issuance of a Certificate of Completion and Occupancy. If any trees or shrubs shown on approved plans are removed, die or become seriously diseased or damaged, they shall be replaced by trees and shrubs of similar size and species to those originally required to be planted.

11. In the interest of visual amenity, there shall be no deposition or storage of excavated material on site and all excess unused material shall be removed from the site during the course of building operations and prior to the issuance of a Certificate of Completion and Occupancy.

12. In the interest of visual amenity, the hereby approved wall(s) shall be faced with Bermuda stone and completed prior to the issuance of a Certificate of Completion and Occupancy.

13. The building permit application must provide proof the applicant has permitted the Terrestrial Conservation section of the Department of Environment and Natural Resources access to the property prior to clearing to collect Snowberry seeds and/or cuttings as agreed between the parties.

6. PLAN-0561-20

Applicant: Sean & Melissa Moore

Location: 18 South Road
Hamilton, BM HS02

Description of Proposal: Proposed New Detached Single Family Dwelling with Swimming Pool

Date Received: June 10, 2021

Planner: Tamsyn Doran

Discussion: The technical officer presented the application with a recommendation to approve. No questions or comments were posed by the Board.

The Board resolved to approve the application, subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.

2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved.

3. In the interest of visual amenity, the hereby approved wall shall be faced with Bermuda stone or rendered and finished to give the appearance of Bermuda stone, and completed prior to the issuance of a Certificate of Completion and Occupancy.
4. Parking and manoeuvring space for 1 car and 1 cycle shall be established for use in accordance with Policies TPT.20 and TPT.22, Chapter 12 of the Bermuda Plan 2018 Planning Statement, prior to the issuance of a Certificate of Completion and Occupancy.
5. The driveway shall be surfaced in sand and gravel (self draining) as shown on the hereby approved plans.
6. Prior to the issuance of a Building Permit, the applicant shall enter into an agreement pursuant to Section 34 of the Development and Planning Act 1974 to adjust the zoning lines as shown on the hereby approved plans. A copy of the signed agreement endorsed by all parties shall be submitted for the file.
7. All staging and storage of materials shall occur within the staging area noted on the hereby approved Conservation Management Plan.
8. The hereby approved Conservation Management Plan shall be substantially implemented prior to the issuance of a Certificate of Completion and Occupancy. A request for inspection of the plantings/works undertaken shall be made in writing to the Department of Environment and Natural Resources and copied to the Department of Planning. Approval of the inspection will be required prior to the issuance of a Certificate of Completion and Occupancy. If any trees or shrubs shown on approved plans are removed, die or become seriously diseased or damaged, they shall be replaced by trees and shrubs of similar size and species to those originally required to be planted.

St. George

7. P0307-21

Applicant: Robert Landau

Location: 2 Glebe Hill
St. George's, HS02

Description of Proposal: New Artist Studio with Ground Level Landscape Maintenance Storage and Water Tank, Grading and Septic Tank

Date Received: July 19, 2021

Planner: Tamsyn Doran

Discussion: The technical officer presented the application with a recommendation to refuse. No questions or comments were posed by the Board.

The Board resolved to refuse the application for the following reasons:

1. The proposed development fails to conform to Policy ZON. 5, Chapter 3: Zoning Maps and Policy WDR.3, Chapter 20: Woodland Reserve of the Bermuda Plan 2018 in that the site has ample Residential 2 zoning to accommodate a reasonably sized accessory building which is not permitted within the Woodland Reserve zone.
2. The proposed development fails to conform to Policy RSD.26, Chapter 27: Residential of the Bermuda Plan 2018 in that the accessory building is 2 storeys, greater than 12 feet from grade to eave, does not appear ancillary to the principle residence on the site as viewed from Paynters Road and does not comply with criteria which warrant the use of the Board's discretion to approve a taller structure.

Town of St. George

8. P0269-21

Applicant: Samantha and Neil Moncrieff

Location: 32 Water Street
Town of St. George, GE05

Description of Proposal: Proposed Conversion of Lower Storage Area into Two Bedroom Apartment (3 Units Total), Pergola and Concrete Patio Addition to the Rear Garden Area, 6 ft. High White Wash Rendered Block Boundary Wall in Rear Garden with Wood Fence Screen Above. (Total Wall Height with Screen 8 ft. 6 in.), 18 in. High Planter Integrated Into Wall for Screening With Vegetation.

Date Received: June 17, 2021

Planner: Malik Richards

Discussion: The technical officer presented the application with a recommendation to approve. No questions or comments were posed by the Board.

The Board resolved to approve the application, subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.
2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved.
3. In order to ensure that the proposed development is of an appropriate scale, no part of the hereby approved wall including the wooden fence shall exceed 8 feet and 6 inches above final grade.
4. In the interest of visual amenity, the hereby approved wall(s) shall be faced with Bermuda stone or rendered and finished to give the appearance of Bermuda stone, and completed prior to the issuance of a Certificate of Completion and Occupancy.
5. In the interests of visual amenity, the boundary wall subject of this application shall be landscaped in accordance with the hereby approved plans prior to the issuance of a Certificate of Completion and Occupancy. Any trees or shrubs shown on approved plans which are removed, which die or which become seriously diseased or damaged shall be replaced by trees and shrubs of similar size and species to those originally required to be planted.

ANY OTHER BUSINESS:

None



Chairman of the Development Applications Board

2 September 2021
Date