



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, 12 February, 2020, at 12:00 am at the 5th Floor, Dame Lois Browne-Evans Building, 58 Court Street, Hamilton HM 12.

PRESENT: Alice Lightbourne (Chairman)
Wayne Dill (Deputy Chairman)
Dexter Johnston
Wendy Dunne
Denis de Frias
Chief Fire Officer Jamal Albuoy
Cheryl Packwood
David Astwood

APOLOGIES: Dalton Burgess
Patrick Cooper
Cyniqua Anderson
Cynthia Millett

ITEMS FOR DISCUSSION:

An introduction was made by the Chair to the Board due to this being the first meeting of the DAB for 2020.

APPLICATIONS:

1. *BELCO*
60 South Road
Warwick, BM WK 08

Proposed Final Development Approval for Temporary Storage of Maximum 150 Sea Containers (110 x 40-0' and 40 x 20-0') for Temporary Period (1 April to 30 November 2019); Temporary Placement of Crane and 6'-7" high Temporary Security Fence.

P0072/19 Type: **Final Approval** Decision: **Approved**
Planner: Dolores B. Vazquez

Discussion: The technical officer presented the request to retain the fence, inclusive of foundation blocks, to secure the site.

A Board member asked whether all other components of the original approval had been removed. The technical officer confirmed in carrying out a site visit for a temporary use application on the same site all containers placed by BELCO have been removed and any machinery required to move the containers.

A Board member asked how long the fence would remain. The technical officer advised it would in all probability remain in place until such time as the intended use of the site was developed.

A Board member expressed concern the retention of the fence may be construed as permission to carry out unapproved uses on the site. The technical officer advised a condition can be added reconfirming restriction of use of the site.

The Board agreed the retention of the fence made sense in the interest of safety and the condition restricting use should be added.

The Board RESOLVED:

To approve the application, as received March 13, 2019, subject to the following conditions:

1. Condition of Approval number 5 of the Development Applications Board decision letter of 10 April 2019 has been amended to permit the fence and foundation blocks to remain on site.
2. For the avoidance of doubt, the permission granted to retain the fence does not in any way, shape or form, permit any use of the site which has not expressly been approved by the Development Applications Board.

2. *John Pacheco*

*62 King Street
City of Hamilton, BM HM 12*

Proposed New 3 Storey Office Building.

P0152/19 Type: **Final Approval** Decision: **Approved**
Planner: Paul McDonald

Discussion: The technical officer presented the details of the application to the Board.

The Board resolved to approve the application subject to the conditions set out in the Board report.

The Board RESOLVED:

To approve the application, as received May 13, 2019, 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 avoid the discharge of surface water onto King Street, provision shall be made for the control and disposal of storm water within the curtilage of the application site. Such measures shall be provided prior to the issuance of a Certificate of Completion and Occupancy.
4. Parking and manoeuvring space for six 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.
5. For the avoidance of doubt, planning permission is hereby granted specifically for the scope and extent of use described in the application submission, namely offices. Any alternative use or change in operational circumstances shall require express prior permission from the Development Applications Board.

3. *Gilbert Lopes*

*18 Grasmere Road
Pembroke, BM HM 05*

Proposal to Extend Existing Dock and Add Two (2) 25 ft. Long Finger Arms.
Retroactive Application for Boat Lift and Landscaping Works.

P0255/19 Type: **Final Approval** Decision: **Refused**
Planner: Dolores B. Vazquez

Discussion: The technical officer presented the details of the application to the Board.

The Board resolved to refuse planning permission for the reasons set out in the Board report.

The Board RESOLVED:

To refuse the application, as received July 30, 2019, for the following reasons:

(1) The applicant has failed to demonstrate to the satisfaction of the Board that he was not responsible for the breach of planning control or that, at the time the development was being so carried out, he did not know, and could not reasonably be expected to have known, that the development was in breach of planning control as required under Section 20 (2A) of the Development and Planning Act 1974.

(2) The proposal exceeds the prescribed maximum size and length of a floating dock under policy COA.9(c) of the Draft Bermuda Plan 2018.

(3) The application is not proposed as an alternative to a permanent solution, contrary to policy COA.9(f) of the Draft Bermuda Plan 2018.

4. *Gorhams Limited*
 62 St. John's Road
 Pembroke, BM HM07

New Access Road & Parking on Gorham's West Boundary to Include Strip of WSSC Property. New 8' High Wall with 8' Chain-link Fence on Top (Total Height 16') New Storm-water Management Infrastructure.

PLAN-0054-19 Type: **Final Approval** Decision: **Approved**
 Planner: Dolores B. Vazquez

Discussion: The technical officer presented the details of the application to the Board.

The Board queried whether the proposed spaces would be accessible from both St. John's Road and Cemetery Road. The technical officer confirmed that this would be the case.

The Board and technical officers noted that approval of this application would not affect the zoning of the lots but would improve the quality of the Recreation zoned land.

The Board RESOLVED:

To approve the application, as received September 18, 2019, 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. The proposed chain link fence shall be green plastic coated in accordance with policy DSN.31(d) of the Draft Bermuda Plan 2018.
5. In the interest 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.
6. Provision shall be made for the control and disposal of storm water within the curtilage of the application sites. Such measures shall be provided prior to the issuance of a Certificate of Completion and Occupancy.

5. *Generosa's*
 81 Front Street
 City of Hamilton, BM HM12

Proposed Outdoor Food Court Comprising Food Truck, Bar With Pergola and Retractable Awning, Tabled Seating, 3 Containers to Accommodate Prep Kitchen, Storage, Office and Restrooms Trailer, Utility Building, Max. 6' High Fencing, Lighting and Landscaping.

PLAN-0155-19 Type: **Final Approval** Decision: **Approved**
 Planner: Paul McDonald

Discussion: The technical officer presented the details of the application to the Board.

The Board sought clarification on whether the proposal would obstruct traffic along Front Street and the materials to be used for the proposed fencing and hard surfacing. The technical officer advised that all development would be contained wholly within the site, so would not affect the passage of traffic along Front Street, no details of the material of the proposed fencing along the front of the site had been provided, however this is limited to 4 feet in height, and the lot would be surfaced with concrete.

The Board queried whether any response had been received from Environmental Health. The technical officer advised that no response had been received, however Environmental Health would be consulted on the requisite building permit application where technical details would be assessed.

The Board noted its recognition that a reasonable investment was being made into the site and, in the circumstances, a three year temporary consent with the option for the applicant to apply to the Board for an extension is reasonable.

The Board RESOLVED:

To approve the application, as received December 12, 2019, 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 safeguard the amenity of the local area, the permission hereby granted shall be for a limited period only, expiring 3 (three) years from the date of the issuance of the Certificate of Completion and Occupancy. Upon expiration of the approval, all structures shall be removed and the land shall be restored to its former condition or landscaped in accordance with a scheme which is first approved by the Board, unless a further application is submitted and approval granted by the Board for an extension.
4. The development hereby approved shall not be brought into use until a City Permit has been obtained for the proposed sewer connection.



Chairman of the Development Applications Board

Date: 26 February 2020