



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, 15 September, 2021 at 8:45 AM virtually via WebEx.**

**PRESENT:**

**Board Members:**

Alice Lightbourne (Chair)  
Wayne Dill (Deputy Chair)  
N. Garon Dowling (Corp. of St. Geo)  
Josonne Smith (Bermuda Fire and Rescue Service)  
David Astwood  
Wendy Dunne  
Shabion Postlethwaite

**Technical Officers:**

Paul McDonald (Acting Senior Planner)  
Dolores Vazquez (Planner)  
Tamsyn Doran (Planner)  
Yolanda Bashir-Paige (Assistant Planner)

**APOLOGIES:**

Denis de Frias  
Calvin Thomas

**MATTERS ARISING AND ACTIONS FROM PREVIOUS MEETING:**

None

**APPLICATIONS:**

***Southampton***

**1. P0148-21**

**Applicant:** Lydia J Kloetzli Caletti  
**Location:** 109 Harbour View Drive  
Southampton, SN02

**Description of Proposal:** Proposed Solar PV Installation 54 Panels x 365 Watts Each Total Capacity 19.71 kWh (970sq.ft.) in Open Space Reserve

**Date Received:** March 30, 2021

**Planner:** Yolanda Bashir-Paige

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

The Board queried whether the applicant gave consideration to the alternatives suggested by the Department.

The technical officer confirmed that the applicant did not wish to pursue any such alternatives.

**The Board resolved to refuse the application for the following reason(s):**

1. The proposed development fails to conform to the provisions of the Development and Planning (Application Procedure) Rules, 1997, in that insufficient information has been submitted to enable a proper assessment of the proposal to be undertaken, contrary to Policy APC.3, Chapter 5 of the Draft Bermuda Plan 2018. Specifically, elevations, a survey inclusive of grade details, site sections and a Conservation Management Plan have not been submitted.
2. The application does not comply with Policy OSR.3, Chapter 18 of the Draft Bermuda Plan 2018 in that the proposal is not a form of development associated with the open use of the land and would detract from the visual amenity of the surrounding area.
3. The application does not comply with Policies ZON.4, Chapter 3 or UTL.2, Chapter 13 of the Draft Bermuda Plan 2018 in that ample Residential 2 developable area (existing roof and at grade lawn area) exists on the site where the panels could easily be accommodated without encroachment into the Open Space Reserve zone and the application has not demonstrated that all reasonable steps have been taken to identify alternative locations outside of the Conservation Zone.

**Paget**

**2. P0178-21**

**Applicant:** Rui Dacosta

**Location:** Vacant Lot West of 3, 5, 7, 9 & 11 Paget Close, Paget

**Description of Proposal:** Proposed New Two Storey, Three Bedroom House with One Bedroom Apartment and Carport (2 Units Total).

**Date Received:** April 20, 2021

**Planner:** Dolores B. Vazquez

**Discussion:** The technical officer presented the application with a recommendation to refuse. The representative of the Bermuda Fire and Rescue Service did not participate in the consideration of this application due to late attendance. No questions or comments were posed by the Board.

**The Board resolved to refuse the application for the following reason(s):**

1. The proposed development of this lot is contrary to registered plan of subdivision S2430 reserving this lot as a natural area, a material consideration for the Board under policy DAB.2 of the Draft Bermuda Plan 2018.

**3. P0342-21**

**Applicant:** Brincadeira Trust

**Location:** 5 Mission Heights  
Paget, PG06

**Description of Proposal:** Proposed Agricultural Storage Shed.

**Date Received:** August 13, 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 reason(s):**

1. Policy AGR.4, Chapter 21 of the Bermuda Plan 2018 Planning Statement is not met in that the development can easily be sited within the development area beyond the boundaries of the Agricultural Reserve.
2. Policy ZON.15 (2), Chapter 3 of the Bermuda Plan 2018 Planning Statement is not met in that the provisions of the Section 34 Agreement, associated with the lot, are not met. Alternative locations, to accommodate all development, exist outside of the Agricultural Reserve within the lot which could easily accommodate a structure without encroachment. As such the proposal does not maintain, preserve or enhance the agricultural integrity of the land.
3. Policy ZON.5, Chapter 3 of the Bermuda Plan 2018 Planning Statement is not met in that development can easily be sited outside of the Woodland Reserve in order to protect, preserve and carefully manage the conservation area.
4. Policy AGR.9, Chapter 21 of the Bermuda Plan 2018 Planning Statement is not met in that adequate access is already afforded to the site at the eastern end which could comfortably provide access to a structure if sited in a more appropriate location, negating the need for the existing unauthorized access and further encroachment into the conservation area.
5. Policy ZON.9 (3), Chapter 3 of the Bermuda Plan 2018 Planning Statement is not met in that the development area does not impose an exceptional limitation on the size of the residential development. Further, the location and siting have not been designed to have the least impact on the conservation area and to retain good quality soil but rather we must assume will use the existing unauthorized dedicated access which removes even more agricultural land from the site.

***Pembroke***

**4. P0332-21**

**Applicant:** Gov o Bermuda

**Location:** 56 St. John's Road  
Pembroke, BM HM07

**Description of Proposal:** Proposed New Pedestrian Gate, Storage Rooms, Pit and New Changing Rooms and Installation of 288 Panels x 405 Watts - Total Capacity 116.6kW Ground Mounted Solar Panel Array, Transformer, Pump and Electrical Panel Rooms, 2 Above Grade Water Tanks

**Date Received:** August 03, 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. The building permit application must include the septic tank with sand filter details in accordance with policy WAT.2.

4. In the interest of visual amenity, the hereby approved buildings shall be rendered and painted, with razor channel anti-climb security spikes mounded on the roofs, and completed prior to the issuance of a Certificate of Completion and Occupancy.

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### **Smiths**

**5. P0128-21**

**Applicant:** Ministry of Public Works Attn: Austin Kelly

**Location:** 86 South Road  
Smiths, HS01

**Description of Proposal:** Coastal Protection Works.

**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 interests of visual amenity, existing vegetation at the top of the cliff shown to be retained on the approved plans shall be protected prior to the commencement of building operations. Any vegetation which is removed or damaged during the course of excavation or construction, shall require the submission of a landscaping plan, via an Application for Revision, showing details of the size, species and number of new plantings to be installed to replace any damaged or destroyed vegetation.
  4. As shown on the hereby approved plan, irregularly placed and stacked sandbags shall be used as formwork and local aggregates shall be used in the concrete mix with the surface being power washed after the initial cure time to remove the cement on the surface and expose the natural aggregates and sand.
  5. A Construction Methodology Plan (CMP) containing details of the delineation of any required staging and storage areas within the Park/beach environment along with potential impacts on the Park/beach/inshore water environments with proposed mitigation measures (including silt production management and mitigation), shall be submitted to the Hydrogeologist for the Department of Environment and Natural Resources for approval prior to the submission of a building permit. The approved CMP shall be submitted with a building permit application and must be adhered to during the course of construction.
  6. A total of 10 Longtail nests shall be installed on the site prior to the issuance of a Certificate of Completion and Occupancy. The exact location of installation shall be determined on site and confirmed, in writing, by the Terrestrial Conservation Officer from the Department of Environment and Natural Resources.
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**ANY OTHER BUSINESS:**

None



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Chairman of the Development Applications Board

15 September 2021  
Date