



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, 2 December, 2020, at 8:45 AM held Virtually via Webex**

**PRESENT:** Denis de Frias  
Paul McDonald  
Dolores Vazquez  
Dalton Burgess  
Alice Lightbourne (Chair)

Malik Richards  
Jamal Albuoy  
Wendy Dunne  
Cheryl Packwood

Cynthia Millett  
Wayne Dill (Deputy Chair)  
Cyniqua Anderson  
David Astwood

**APOLOGIES:** Victoria Pereira (Director)

**ISSUES AND ACTIONS FROM PREVIOUS MEETING:**

**APPLICATIONS:**

**1. PLAN-0411-20**

**Applicant:** Jim & Nicola Paugh

**Location:** 54 Knapton Estates Road  
Smiths, BM HS01

**Description of Proposal:** Proposed Addition and Internal Conversion to Create Second Dwelling Unit, Interior Renovations to Existing Unit, Build And Extend Steps To Existing Pool Deck, Demolish Existing Steps, Install Pool Barrier Fence and Gate (4 ft. Max Height) And Proposed Excavation (3 ft. Max Depth), New Concrete Slab with Pergola Above, Relocate Existing Pit.

**Planner:** Malik Richards

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

The Board sought clarification on the reason for the objection submitted by the Estates Section of the Ministry of Public Works.

The technical officer confirmed that the only reason given is that part of the proposed development lies within the 15 foot setback to the Nature Reserve.

**The Board resolved to approve the application, as received September 18, 2020 subject to the following conditions:**

1. 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.
2. 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.
3. In the interests of visual amenity, existing vegetation shown to be retained on the approved plan shall be protected by 4 feet high fencing 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. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.

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**2. PLAN-0289-20**

**Applicant:** Robert Landau

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

**Description of Proposal:** Retroactive grading, installation of 4'-0" Bermuda stone walls to define pathways and creation of plateaus for ancillary structures and landscaping.

Proposed pavilion, gazebo, installation of 6'-0" high entrance pillars with 7'-0" gates, replacement 7'-0" iron gates, paved pathways, steps, maximum 4'-0" high Bermuda stone walls, grading, landscaping in conjunction with a Conservation Management Plan, septic tank, soakaways and storm water management where the paths meet the public road.

**Planner:** Dolores B. Vazquez

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

The Board sought clarification as to whether the retroactive nature of the application is the only recommended reason for refusal.

The technical officer confirmed that this is the case and that the Department would have supported the application had it not been retroactive.

**The Board resolved to refuse the application, as received May 07, 2020, for the following reason:**

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.

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**ANY OTHER BUSINESS:**

  
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Chairman of the Development Applications Board

3 December 2020  
Date