



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, 21 October, 2020, at 8:45 AM Virtually via WebEx.

PRESENT:

Board Members:

Alice Lightbourne (Chair)	Wayne Dill (Deputy Chair)
Jamal Albuoy (Bermuda Fire and Rescue Service)	Patrick Cooper (Corporation of Hamilton)
Denis de Frias	Wendy Dunne
Cynthia Millett	

Technical Officers:

Larry Williams (Assistant Director)	Paul McDonald (Acting Senior Planning Officer)
Dolores Vazquez (Planner)	Yolanda Bashir-Paige (Assistant Planner)
Matthew Trott (Assistant Planner)	

APOLOGIES:

Cheryl Packwood	David Astwood
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ISSUES AND ACTIONS FROM PREVIOUS MEETING: None

APPLICATIONS:

1. P0343/18

Applicant: Dina & Tahj Robinson

Location: 33 Spice Hill Road
Warwick, BM WK 03

Description of Proposal: Retroactive Application for a 4th and 5th Additional Dwelling Units (studios).

Planner: Yolanda Bashir-Paige

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, as received 24 September 2018, for the following reasons:

1. The application does not comply with Policy RSD.3(1), Chapters 27 of the Draft Bermuda Plan 2018 Planning Statement in that the retroactive proposal represents a non-conforming density.

2. The application does not comply with Policy DSN.15, Chapters 9 of the Draft Bermuda Plan 2018 Planning Statement in that the retroactive proposal results in the creation of undersized residential units.
3. The application does not comply with Policies TPT.20 and TPT.21, Chapter 12, of the Draft Bermuda Plan 2018 Planning Statement in that minimum parking requirements are not met and the applicant has failed to provide a 'ground in support' to justify the exercise of the Board's discretion for less parking.

2. PLAN-0186-20

Applicant: Nissan Trust

Location: 59 Cedar Hill
Warwick, BM WK06

Description of Proposal: Proposed 3 Bedroom Units (6 Units Total), Remove Existing Building, New Boundary Wall (5 ft. Max Height), New Driveway and Access Road, Rock Cuts (3 ft. Max Height) and New Pits.

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, as received 10 January 2020 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 shall include details of the approved wall bell-mouthed at the junction of Tribe Road No. 6 & Cedar Hill, to ensure sightlines are not obstructed to the east.
4. 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.
5. In the interest of visual amenity, the hereby approved walls 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.
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. Parking and manoeuvring space for 8 cars and 8 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.

3. PLAN-0387-20

Applicant: Clearwater Development Ltd.

Location: 90 South Road
Warwick, BM WK08

Description of Proposal: Proposed New 6 Unit Tourist Development with Pool and Pool Deck, Landscaping and 6 ft. Max Height Retaining Walls, Septic Tank, 2 Bore Holes, 8 ft. Max Depth Rock Cuts, 3 ft. Chain-Link Guardrail Fence, New Sumps, Trash Storage Room, Transformer Unit and Parking for 8 Additional Cars and 6 Additional Bikes.

Planner: Matthew L. Trott

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, as received 20 August 2020, 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 walls 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. 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.
5. 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.
6. The submission of a building permit application shall include all details associated with the septic tank which shall be a two compartment tank with treated effluent disposal via a sand filter or borehole. All details must be accompanied by written approval from the Department of Environmental Protection and the installation of the septic tank and sand filter/borehole shall be approved by that Department prior to the issuance of a Certification of Completion and Occupancy.

4. PLAN-0355-20

Applicant: Darren & Katrina Knights

Location: 17 Queen Street
City of Hamilton, BM HM11

Description of Proposal: Proposed Change of Use from Offices to Child Day Care Facility.

Planner: Dolores B. Vazquez

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, as received 09 July 2020, for the following reasons:

1. The proposal is in conflict with policy HRD(1) of the City of Hamilton Plan 2015 in that the Development Applications Board does not have the discretion to approved a non-retail use at ground floor level in the Historic and Retail District.
2. The proposal is in conflict with GEN.20(1)(b) of the City of Hamilton Plan 2015 in that the traffic generated by the proposal will likely result in vehicle congestion, parking or road safety problems on an already congested street.

5. PLAN-0394-20

Applicant: Lisa Richardson

Location: Vacant Site South of 44 Cut Road, St. Georges

Description of Proposal: Proposed 3 Bedroom Dwelling Unit (1 Unit Total).

Planner: Dolores B. Vazquez

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, as received 27 August 2020, for the following reasons:

1. In light of the outstanding zoning objection, the Development Applications Board considers the application premature and, as such, is in conflict with policy DAB.2(2)(a) of the Draft Bermuda Plan 2018.
2. The proposal is in conflict with Chapter 17: Coastal Reserve of the Draft Bermuda Plan 2018 which does not permit the erection of a new dwelling on a vacant lot of land zoned Coastal Reserve.

ANY OTHER BUSINESS:

Technical officers advised that a site visit is to be arranged to the ongoing St. Regis Hotel development next month and details of a date and time will be circulated to the Board in due course.



Chairman of the Development Applications Board

Date 22 October 2020