



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 July, 2021 at 8:45 AM virtually via WebEx.

PRESENT:

Board Members:

Wayne Dill (Deputy Chair)
Patrick Cooper
N. Garon Dowling
David Astwood
Dalton Burgess
Denis de Frias
Shabion Postlethwaite

Technical Officers:

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

APOLOGIES:

Alice Lightbourne
Wendy Dunne
Calvin Thomas

MATTERS ARISING AND ACTIONS FROM PREVIOUS MEETING:

None

APPLICATIONS:

Sandys

1. P0277-21

Applicant: Argus Banks Ltd.

Location: 180 Somerset Road
Sandys, MA06

Description of Proposal: Proposed Retroactive Fueling Station Floating Dock – 60 ft. Long (537 sq. ft.) and Pylons.

Date Received: June 22, 2021

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 for the following reason:

1. The proposal cannot be supported under Section 20(2A) of the Development and Planning Act 1974 since the applicant has not demonstrated to the satisfaction of the Board he did not know, and could not reasonably be expected to have known, the development was in breach of planning controls.

Southampton

2. P0242-21

Applicant: Keita Swan

Location: 2 Monkey Hole Lane
Southampton, SB02

Description of Proposal: Proposed Additions and Alterations including Exterior Stairs, Car Port with Patio and Planter above as well as interior renovations.

Date Received: May 16, 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 the interests of visual amenity, the eastern boundary of the 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, die or become seriously diseased or damaged shall be replaced by trees and shrubs of similar size and species to those originally required to be planted. Similarly, any trees which are shown as being retained on approved plans and are removed or damaged during the course of excavation or construction, shall require the submission of a revised 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 trees.

St. George

3. P0257-21

Applicant: Ferry Reach Co.Ltd

Location: 69 Ferry Road
St. George's, GE01

Description of Proposal: Proposed Retroactive Application for Remove Windows/Door/Shutters and Install Timber Windows/Doors/Shutters and Internal Renovations to Unit N3 Listed Building

Date Received: May 21, 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 retroactive planning permission only. A separate application for a retroactive building permit must be made and approved.

Warwick

4. P0146-21

Applicant: Nautilus Trust

Location: 88 South Road
Warwick, WK08

Description of Proposal: Proposed 4 Storey 11 Unit Tourism Development with Associated Rock Cuts, Landscaping and Car Parking

Date Received: March 29, 2021

Planner: Paul McDonald

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 provide for the safe flow of traffic, access details shall conform to the requirements of Policy TPT.11, Chapter 12 of the Draft Bermuda Plan 2018 Planning Statement and shall ensure that, at the point of access onto the public road, sight lines for a minimum distance of 120 feet can be achieved in either direction from a point 8 feet back from the edge of the carriageway. The said measures shall be implemented prior to the issuance of a Certificate of Completion and Occupancy and retained thereafter.
4. In order to provide for the safe flow of traffic, the average gradient of the hereby approved driveway shall not exceed 1 in 6 and no part of the driveway or private road shall have a gradient exceeding 1 in 5, in accordance with Policy TPT.10, Chapter 12 of the Draft Bermuda Plan 2018 Planning Statement. The said measures shall be implemented prior to the issuance of a Certificate of Completion and Occupancy and retained thereafter.
5. The entire length of the access to the site, from South Road to the hereby approved car parking area, shall be provided with a continuous unobstructed width of at least 14 feet and parking and manoeuvring space for 15 cars and 15 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 and retained thereafter.
6. The submission of a building permit application shall include all details associated with the septic tanks which shall be a two compartment tank with treated effluent disposal via a sand filter. 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.

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 Permit.
 8. 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.
 9. In order to protect lands within the Coastal Reserve, protective fencing no less than 4 (four) feet in height shall be erected prior to the commencement of building operations along the boundary line of the Conservation Zone as shown on the hereby approved plan. All protective fencing shall be retained in place for the duration of building operations. For the avoidance of doubt, there shall be no storage of construction materials or equipment within the Conservation Area during the course of building operations.
5. **P0141-21**
Applicant: Nautilus Trust
Location: 88 South Road
 Warwick, WK08
Description of Proposal: Foreshore Revetment Works Including Repairs to Existing Cliff Face, Capping Slab, Saltwater Pool and Pump Room, 3 ft. High Chain link Fence with 4 ft. Self-Closing Gate, Handrails and New Pump Room.
Date Received: March 24, 2021
Planner: Paul McDonald

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

The Board raised concerns that no response has been received from Terrestrial Conservation given the nature of the proposed development within the Coastal Reserve. The technical officer advised that the Terrestrial Conservation Officer was consulted more than three months ago, a follow-up has been sent and it is the position of the Department that the application should be resolved in lieu of this response rather than allow the application to be delayed any further.

Four (4) Board members voted to approve the application and three (3) Board members voted to defer.

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 disposal of backwash or waste water from the swimming pool hereby approved which ensures that any nutrients and antiseptic agents in the water are not disposed of within 4 vertical feet of the high water mark, not discharged along the ground surface to the marine environment and not discharged such that they cause any other environmental impacts to the shore or marine environment. 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 Permit.

4. 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.
5. 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.
6. In order to maintain the stability of the proposed rock cut, a management plan for the prevention of the growth of invasive species within 15 feet of the top of the rock cut shall be submitted and approved prior to the issuance of a Certificate of Completion and Occupancy and implemented thereafter.

ANY OTHER BUSINESS:

Further to Item 5, the Department confirmed that it would raise the issue of lack of responses from Terrestrial Conservation with the Director of the Department of Environment and Natural Resources with the view to ensuring that consultation responses are received in a timely manner going forward.

 (ACTING)

Chairman of the Development Applications Board

Date

