



GOVERNMENT OF BERMUDA

Department of Planning

*Dame Lois Browne-Evans Building, 58 Court Street, Hamilton HM 12, Bermuda
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Development Applications Board Minutes

Minutes of a meeting held on Wednesday, 23 June, 2021 at 8:45 AM virtually via WebEx.

PRESENT:

Board Members:

Alice Lightbourne (Chair)
Wayne Dill (Deputy Chair)
N. Garon Dowling
David Astwood
Denis de Frias
Wendy Dunne
Calvin Thomas
Shabion Postlethwaite

Technical Officers:

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

APOLOGIES:

None

MATTERS ARISING AND ACTIONS FROM PREVIOUS MEETING:

None

APPLICATIONS:

Devonshire

1. P0093-21

Applicant: Vanessa Conway

Location: 6 Hesitation Lane
Devonshire, DV03

Description of Proposal: Retroactive Excavation of Northern Bank and Erection of Retaining Wall (6 Foot high Max) with 4 ft. High Boundary Fence

Date Received: February 21, 2021

Planner: Tamsyn Doran

Discussion: The technical officer presented the application with a recommendation to refuse, the representative of the Corporation of St. George did not participate due to late arrival. No questions or

comments were posed by the Board.

The Board resolved to refuse the application 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 (as amended).

2. P0107-21

Applicant: Elaine Miskiewicz

Location: 9 Jackson Drive
Devonshire, BM DV06

Description of Proposal: Proposed New Swimming Pool, Pool House with Pergola & Deck and 4 ft. Enclosure, Relocate Existing Generator (In Principle).

Date Received: March 02, 2021

Planner: Nathan D. Frick

Discussion: The technical officer presented the application with a recommendation to approve; the representative of the Corporation of St. George did not participate due to late arrival.

The Board queried the location of the proposed pool and pool house relative to existing cedar trees. Technical officers advised that the proposed structures are not intended to extend as far as these trees, which would be retained.

The Board raised concerns that it would be bound by the currently submitted site plan when the final approval application is made. Technical officers advised that this drawing is strictly indicative at this stage and a further condition could be added to emphasise that the layout illustrated on this drawing has not been approved.

The Board queried procedural matters in respect of the subsequent final approval application. Technical officers advised that this would be subject to usual processes, however the Board may request that it be determined by the Board rather than the Director. The Board confirmed that it wishes the final approval application to be determined by the Board.

The Board resolved to approve the application, subject to the following conditions:

1. Notwithstanding the fact that this application seeks in principle approval only, those details relating to use, and the principle of a relaxation to the minimum setback to the Woodland Reserve Conservation Area, are hereby approved. The Board reserves for its final approval all details, defined as reserved matters, relating to site coverage building height, building design, design, external appearance of the building, parking provision, access and landscaping.
2. A Conservation Management Plan meeting the informational and qualitative standards of Policy ENV.8, Chapter 6 of the Draft Bermuda Plan 2018 Planning Statement shall be submitted for review and approval with an application for final approval. The Plan shall include a programme for implementation and ongoing maintenance and shall be substantially completed prior to issuance of a Certificate of Completion and Occupancy.
3. For the avoidance of doubt, a stamped topographical survey shall be submitted for review in tandem with an application for final approval.

3. S0022-21

Applicant: Chelsea Terceira
Location: 9 Watlington Lane North
 Devonshire, DV06

Description of Proposal: Boundary Adjustment to Decrease the Size of Lot A and Increase the Size of Lot B

Date Received: May 05, 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 is considered to be in conflict with policy RSD.3(1)(b) of the Draft Bermuda Plan 2018 given that the proposed boundary adjustment will result in the creation of an undersized lot which the Development Applications Board does not have discretion to approve.

Warwick**4. P0111-21**

Applicant: Luis Tomaz
Location: 13 Paddock Drive
 Warwick, WK04

Description of Proposal: Proposed 8 ft. x 5 ft. Pump Room and Stairs. Garage/Workshop, Remove Existing Wall, Porch, Additional Steps, New Entrance Roof, Wall (4 ft. Max height), Driveway (Brick & Concrete), Boundary wall (4 ft. Max Height), 3 ft. Wall, 4 ft. Walls around Concrete Pad with Gate for Trash Storage and Gas Canisters

Date Received: March 03, 2021

Planner: Yolanda Bashir-Paige

Discussion: The technical officer presented the application with a recommendation to approve; one Board member (Mr. Thomas) abstained due to a potential personal interest. 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 the approved building operations an amendment to the building permit B0349/07 must be made and approved.
3. In the interest of visual amenity, the hereby approved wall(s) 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. For the avoidance of doubt, the hereby approved garage shall not be used as a commercial garage without the prior express permission of the Board.

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.

ANY OTHER BUSINESS:

None



Chairman of the Development Applications Board

Date 24 June 2021