



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, 26 February, 2020, at 8:45 am at the 5th Floor, Dame Lois Browne-Evans Building, 58 Court Street, Hamilton HM 12.

PRESENT: Alice Lightbourne (Chairman)
Wayne Dill (Deputy Chairman)
Dexter Johnston
Wendy Dunne
Denis de Frias
Patrick Cooper
Chief Fire Office - Josonne Smith
Cheryl Packwood
Cyniqua Anderson
Cynthia Millett
David Astwood

APOLOGIES: Dalton Burgess

ITEMS FOR DISCUSSION:

APPLICATIONS:

1. *Ministry of Works & Engineering (Estates)*
6 Victoria Road
Town of St. George, BM GE 03
Proposed Installation of Steel Water Storage Tank (40ft Diameter, 110,000 gal) on Concrete Base with Ancillary Pipework and Pump Housing, New 6 Metre High Stepped Rock Cut.

P0247/19 Type: **Final Approval** Decision: **Approved**
Planner: Paul McDonald

Discussion: The technical officer presented the application. The following questions were posed by the Board with corresponding responses from technical officers.

1) Question: Was the World Heritage Site Committee (WHSC) consulted?
Answer: Yes the Department did consult with the WHSC but did not receive a response.

2) Question: What is the timeframe for the new tank to be constructed?
Answer: The new tank will be completed prior to the hotel being issued a Certificate of Completion and Occupancy.

3)Question: How far is the new tank from the historic fort?

Answer: Approx. 30-40 feet away.

4)Question: Will all existing tanks be retained and used as well?

Answer: Yes this has been confirmed by the applicant.

5)Question: Has a condition been included relating to the removal of excavated material from the site?

Answer: No, however such a condition can be added.

Action: Condition 4 has been added (see decision letter).

6)Question: Can a condition be added related the requirements for an archeological assessment if excavation reveals any findings?

Answer: Yes such a condition can be added.

Action: Condition 5 has been added (see decision letter).

The decision of the Board was made by a vote of ten (10) to approve and one (1) to refuse.

The Board RESOLVED:

To approve the application, as received July 25, 2019, 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 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.
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. Should any archaeological features be discovered at any time, all work must cease until an Archaeological Assessment and Management Plan (if necessary) carried out by an accredited archeologist has been submitted and approved by the Department of Planning.

2. *Argus Banks Ltd.*

180 Somerset Road

Sandys, BM MA06

Proposed Floating Dock Systems to Expand Existing Marina (15 Berths Total), New Fueling Dock, Alterations to Existing Rock Cuts Associated with New Parking Area, Alterations to Existing Access onto Somerset Road (Final Application). (Listed Building)

PLAN-0035-19

Type: **In-Principle Approval**

Decision: **Approved**

Planner: Tamsyn Doran

Discussion: The technical officer presented the application. The Board posed the following questions with corresponding responses provided by the technical officers:

1)Question: As this area is frequently used by boaters passing under the bridge, how will marine traffic be

managed?

Answer: Management of marine traffic does not fall under Planning's remit. This would be managed by the Department of Marine and Ports / Marine police.

2) Question: Where is the guest parking for the residential units proposed?

Answer: As only 2 residential units exist on the site, only 2 cars and 2 bike parking spaces are required to be provided, which will be required by condition to be allocated and delineated in paint such that they are reserved for residential use only.

3) Question: Where is the Protected Cedar tree?

Answer: The Protected Cedar is near the redesigned access. A planter has been created around the tree as per the recommendation of the Terrestrial Conservation Officer of the Department of Environment and Natural Resources.

The Board RESOLVED:

To approve the application, as received September 03, 2019, 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. Prior to the issuance of a building permit, the applicant shall reach an agreement with the Ministry of Public Works - Public Lands and Buildings regarding the leasing of the foreshore area where encroachments are proposed. Either a copy of the executed lease, or a letter from the Ministry of Government Estates and Information Services outlining their agreement to lease, shall be provided with the submission of a building permit application.
4. Prior to the issuance of a Certificate of Completion and Occupancy, parking and manoeuvring space for 27 cars and 48 cycles shall be established for use, surfaced in asphalt and delineated in paint in accordance with the hereby approved plans and the criteria set out by Policies TPT.20 and TPT.22, Chapter 12 of the Draft Bermuda Plan 2018 Planning Statement. A total of 2 car and 2 cycle parking spaces shall be reserved for the existing residential units on the site, which shall be delineated with hatched yellow paint and include signage as shown on the hereby approved plans.
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. For the avoidance of doubt, the existing Bermuda Cedar (Protected Species) in proximity to Somerset Road shall be retained in place and protected by temporary fencing during construction, which shall remain in place until all construction works have ceased.
7. Prior to the issuance of a Certificate of Completion and Occupancy, provision shall be made for the control and disposal of storm water within the curtilage of the application site, in order to avoid the discharge of surface water onto the public road.
8. 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.

9. For the avoidance of doubt, planning permission is hereby granted specifically for the scope and extent of use described in the application submission. Any alternative use or change in operational circumstances shall require express prior permission from the Development Applications Board.

10. Prior to commencement all jetskis, boats and trash shall be removed from the south eastern corner of the site and disposed of at government facilities in preparation for the creation of a new formalized parking area as shown on the hereby approved plans.

3. Gilbert Lopes

Vacant Lot South of 70 Middle Road, Paget

Proposed 10 New Dwelling Units (1 Bedroom with 1 Bathroom) with Utility Enclosure Parking for 13 Cars and Bikes New Driveway and Entrance (10 Units Total).

PLAN-0050-19

Type: **Final Approval**

Decision: **Deferred**

Planner: Dolores B. Vazquez

Discussion: The technical officer presented the application. The Board posed the following questions with corresponding responses provided by the technical officers:

1) Question: Was the Bermuda Fire and Rescue Service (BFRS) consulted? If not, details relating to driveway width, turning radius, pit top weight capacity (as it is under the parking area) and linear distance from the parking area to the further corner of the structure will need to be provided for review.

Answer: We will have to check and confirm whether consultation took place. This may require slight modifications to the driveway, turnaround and parking alignment.

Action: It has been confirmed that consultation did not take place and the applicant was advised to liaise directly with the BFRS on 26 February 2020 to resolve any technical issues.

2) Question: Is the condition associated with a required Conservation Management Plan (CMP) the standard condition?

Answer: Yes the condition is the standard condition but the CMP is only required to deal with replanting tree canopies which will be removed to accommodate the new driveway through the Woodland Reserve. A further CMP must be submitted after the extent of the driveway has been cleared for construction and based on survey.

3) Question: How will the Railway Trail be protected during construction?

Answer: Encroachment into the Railway Trail should not occur since the applicant does not own it and temporary fencing is required to be installed along the Woodland Reserve zoning line as a condition of approval. However, the condition requiring a Construction Environmental Management Plan to be submitted can be amended to include a secondary fence along the boundary abutting the Railway Trail.

Action: The condition was amended as follows: "A Construction Environmental Management Plan (CEMP) containing all criteria of policy ENV.9 of the Draft Bermuda Plan 2018 Planning Statement must be submitted to the Department of Planning for review and approval prior to the submission of a building permit application. This shall include the erection of a 4'-0" high fence along the entire length of property's southern boundary where it abuts the Railway Trail to prevent trespass onto the Railway Trail during construction".

4) Question: What is the maximum number of units permitted on the site and could the applicant come back and apply for more and encroach into the Woodland Reserve.

Answer: A total of 11 could be approved on this lot applying the relevant policy and only 10 are proposed. Any further application for additional units/development would have to be accommodated within the development zone. Any application proposing additional dwelling units within the Opens Space Reserve would be recommended for refusal.

The Board deferred the application pending review of the application by the Bermuda Fire and Rescue Service. The Chair requested the process of BFRS review be reassessed to ensure they are consulted early in the process.

The Board RESOLVED:

To defer the application, as received September 16, 2019, for the following reason:

(1) The Board has requested that the applicant provide confirmation that the Bermuda Fire and Rescue Service has no objections to the proposal, including that vehicle turning movements can be accommodated on site.



Chairman of the Development Applications Board

Date: 11 March 2020