



GOVERNMENT OF BERMUDA

Department of Planning

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Development Applications Board Minutes

Minutes of a meeting held on Wednesday, 26 May, 2021 at 8:45 AM virtually via WebEx.

PRESENT:

Board Members:

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

Technical Officers:

Paul McDonald (Acting Senior Planning Officer)
Yolanda Bashir-Paige (Assistant Planner)
Nathan Frick (Assistant Planner)

APOLOGIES:

Denis deFrias

MATTERS ARISING AND ACTIONS FROM PREVIOUS MEETING:

The Acting Senior Planning Officer welcomed the new representative of the Corporation of St. George, Mr. Dowling, and advised the Board of the Minister's decision to approve the appeal relating to the St. Regis Resort which was presented at the last Board meeting.

APPLICATIONS:

Sandys

1. PLAN-0558-20

Applicant: 2 CIAP Trust

Location: 144 Somerset Road
Sandys, BM MA06

Description of Proposal: Proposed Ancillary Building (Shed/Storage Building) 16 ft. x 20 ft.
Interior Dimensions. (Listed Building)

Date Received: February 02, 2021

Planner: Yolanda Bashir-Paige

Discussion: The technical officer presented the application with a recommendation to approve. The representative of the Corporation of Hamilton did not participate in the determination of this application due

to late arrival.

The Board made reference to the concerns raised by the Agriculture Resources Board (the "ARB") and echoed such concerns in respect of the intended use of the proposed structure and its impact on the Agricultural Reserve.

Technical officers advised of the Department's position that the concerns raised by the ARB did not warrant refusal of planning permission given that approval had previously been granted for similar structure in this location and the slab on which the proposed structure would be erected has been in place for several years. Technical officers further advised that an additional condition can be added requiring the use of the structure to be for agricultural purposes only.

A Board member made reference to a similar application was for a container to support an agriculture use in another location and that the same concerns were raised. However, it was noted that, in this case, only a temporary approval was granted whereas the current application proposes a permanent use.

The Board raised concerns that the proposed structure would be used as a residential garage rather than for the storage of items related to agriculture and requested clarification of the remit of the Board to challenge the intended use of development against that claimed by the applicant.

Technical officers advised that the Board may reasonably question the validity of the proposed use, however applications must be assessed based on what is proposed by the applicant and, in this particular case, the imposition of a condition requiring the structure to be for agriculture use only can be reasonably imposed and enforced. Technical officers further reiterated the Department's position that, due to the existence of the slab on which the structure would be mounted, there would be minimal further impact on the use of the Agricultural Reserve.

Three (3) Board members voted against the recommendation of the Department and the remaining four (4) agreed to grant planning permission, subject to the imposition of an additional condition relating to the use of the structure as per Condition 6 below.

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 entire site subject of this application shall be landscaped in accordance with the hereby approved plans (Sheet Number L1) 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.
4. In order to protect lands within the Agricultural Reserve Conservation Area, 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 Area as shown on the hereby approved plan. All protective fencing shall be retained in place during the period 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. In order to ensure that the proposed development is of an appropriate scale, no part of the hereby approved building shall exceed 12 feet above final grade.
6. For the avoidance of doubt, the hereby approved shed/storage ancillary building shall be used for the storage of agriculture-related items only and shall not be used as a residential garage without the prior express permission of the Board.

St. George

2. PLAN-0542-20

Applicant: Paul Cripps

Location: Lot 10A Shell Point Road, St. George

Description of Proposal: Proposed New Two Storey, 1 Bedroom Boathouse. Existing Steps from Main Road to Remain and Existing Dock To Be Reconfigured

Date Received: December 09, 2020

Planner: Nathan D. Frick

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 reasons:

1. The proposal is considered to be in conflict with policies COR.4, COR.6 and COR.8 of the Draft Bermuda Plan 2018 given that the proposed recreational cottage is located in the Coastal Reserve.
2. The proposal is considered to be in conflict with condition of approval no. 5 for S0084/02, which states that the approved lot was created for the purposes of waterfront access only to the principle lot now #21 Shell Point Road.

ANY OTHER BUSINESS:

None



Chairman of the Development Applications Board

Date 27 May 2021