



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, 4 August, 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
Shabion Postlethwaite

Technical Officers:

Paul McDonald (Acting Senior Planner)
Dolores Vazquez (Planner)
Tamsyn Doran (Planner)

APOLOGIES:

Denis de Frias
Josonne Smith (Bermuda Fire and Rescue Service)

MATTERS ARISING AND ACTIONS FROM PREVIOUS MEETING:

None

APPLICATIONS:

City of Hamilton

1. P0025-21

Applicant: William Frith Ltd.

Location: 57 Front Street
City of Hamilton, BM HM11

Description of Proposal: Proposed Mixed Use 7 Storey Development to Include Retail, Commercial, and Residential Spaces with Parking in Basement. 13 New Residential Units (Four Studio, Six 1 Bedroom, One 2 Bed and Two 3 Bed)

Date Received: April 28, 2021

Planner: Tamsyn Doran

Discussion: The technical officer presented the application with a recommendation to refuse. One Board

member, Ms. Postlethwaite, did not participate in the determination of this application due to late attendance.

The Board member representing the Corporation of Hamilton queried the first reason for refusal in respect of whether the Department would be likely to support the proposal if a Traffic Impact Statement had been submitted and confirmed the Corporation's position that it does not support development requiring vehicles to traverse the sidewalk along Front Street.

The technical officer advised that the Department would reconsider but not necessarily support the highway and pedestrian impacts of the proposal upon submission of a Traffic Impact Statement.

The Board resolved to refuse the application for the following reasons:

1. The proposed development fails to conform to the provisions of the Development and Planning (Application Procedure) Rules 1997 and Policies GEN.21: Section 2, TPT.1: Section 3.3, DEV.1: Section 3.6 and RES.2: Section 3.8 of the City of Hamilton Plan 2015 in that insufficient information has been submitted to enable a proper assessment of the proposal to be undertaken. Specifically, a Traffic Impact Statement has not been submitted to demonstrate that the frequency of traffic movements in and out of the site will not be detrimental to the pedestrian environment or cause road safety and congestion issues within the Front Street sidewalk and roadway.
2. The proposed development fails to conform to the provisions of the Development and Planning (Application Procedure) Rules, 1997, in that insufficient information has been submitted to enable a proper assessment of the proposal to be undertaken contrary to Policies GEN.21: Section 2, DSN.5 and DSN.8: Section 3.10 and HDR.7: Section 4.1 of the City of Hamilton Plan 2015. Specifically, neither a topographical survey nor sections have been submitted to demonstrate that the proposal would not detract from the Cathedral's visual dominance (maximum permitted height of 138 O.D.) and with regards to the extended storeys which must not project beyond a line drawn at 30 degrees from the height of the proposed building to the road frontage below (Front Street).
3. The application does not comply with Policies RES.4, RES.5, RES.6, RES.7 and RES.8: Section 3.8 of the City of Hamilton Plan 2015 it that neither private outdoor space nor communal space has been provided for the residential units.

Smiths

2. P0238-21

Applicant: Frank Amaral

Location: Vacant foreshore lot, north of 74 Harrington Sound Road

Description of Proposal: Proposed Rock Cut 5 Feet 5 inches Maximum to Form New Concrete Deck with Associated Seawall 2 foot 8 inches Max, New Steps Down from Harrington Sound Road, Roadside Fence 36 inches High with Gate and Columns at 4 feet Max Height.

Date Received: May 13, 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 planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved.

3. The hereby approved Conservation Management Plan shall be substantially implemented prior to the issuance of a Certificate of Completion and Occupancy. A request for inspection of the plantings/works undertaken shall be made in writing to the Department of Environment and Natural Resources and copied to the Department of Planning. Approval of the inspection will be required prior to the issuance of a Certificate of Completion and Occupancy. If any trees or shrubs shown on approved plans are removed, die or become seriously diseased or damaged, they 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, the hereby approved wall 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.
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.

Southampton

3. P0162-21

Applicant: Frankie Richard Bailey

Location: 69 Middle Road
Southampton, SB04

Description of Proposal: Proposed Vehicle Maintenance Workshop.

Date Received: April 09, 2021

Planner: Dolores B. Vazquez

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

The Board queried whether a condition can be included prohibiting parking outside of the lot boundary.

The technical officer advised that a condition can be added requiring all vehicles to be repaired or visiting the site to be stored or parked only within the site.

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. An Environmental Management Plan must be submitted to the Department of Environment and Natural Resources Pollution Control section for review and approval prior to the submission of a building permit application and included with the application package. It should include at a minimum:
 1. Water management: a. disposal of sewage and b. rain water run-off and disposal
 2. Waste oil/fuel/chemical management a. types of waste produced (e.g. oil, fuel, solvents); b. storage facilities for waste oil/fuel/solvents; and c. Arrangements for disposal of waste oil/fuel/solvents.
 3. List of any controlled plant as defined under the Clean Air Act 1991 (e.g. electricity generators, spray paint facilities).
4. 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.

5. In the interest of visual amenity, the hereby approved 3'-0" Bermuda stone wall abutting the Railway Trail shall completed prior to the issuance of a Certificate of Completion and Occupancy.
6. Parking and manoeuvring space for 5 cars and 5 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.
7. In order to avoid the discharge of surface water onto the estate road, provision shall be made for the control and disposal of storm water within the curtilage of the application site. Such measures shall be provided prior to the issuance of a Certificate of Completion and Occupancy
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, 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.
9. For the avoidance of doubt, the building is not approved for use as a spray/paint shop.
10. For the avoidance of doubt, no parking or storage of vehicles of any type is permitted on either Cedar Hurst Place or the Railway Trail.

Warwick

4. BREV0288-21

Applicant: Word of Life Club

Location: 9 Grace Island

Description of Proposal: Proposal to Replace Existing Tents with Block Cabins, Replace 2 Containers and Construct Block Storage Shed, Replace Existing Canvas Pavilion Roof with Pitch Roof and Construct New Water Tank – Revision to include redesign of waterslide and steps to the 2 storey cabin

Date Received: July 20, 2021

Planner: Dolores Vazquez

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

The Board queried whether any floatation devices would be provided at water level.

The technical officer advised that this matter falls outside of the scope of planning considerations.

The Board queried whether any remediation will be required if the slide falls into disrepair or if the slide would be required to be removed if it becomes redundant.

The technical officer advised that a condition can be added to this effect and a further condition will be added in respect of the colour of the slide.

The Board requested clarification on the means of access from the water.

The technical officer advised that there are existing steps which are to be used adjacent to the proposed slide.

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

1. The colour of the slide must be neutral (green or grey), details of which shall be submitted to and approved by the Department of Planning prior to the issuance of a building permit.
2. A maintenance and decommissioning plan must be submitted with the building permit application, addressing when and how the slide will be maintained and removed after it has reached the end of its useful lifespan.

ANY OTHER BUSINESS:

None



Chairman of the Development Applications Board

Date 5 August 2021