



In case of reply please quote the date of this Letter and the following No: 2013-03003-SA00002

ST. THOMAS PARISH COUNCIL

MORANT BAY, ST. THOMAS,
JAMAICA, W. I.
TEL: 982-2227, 982-2276
982-9449, 982-2562
FAX: 982-2249

Email: stthomaspc@cwjamaica.com

September 12, 2013

Domingo Martin
c/o Frantom Development Company Limited
19 Red Hills Road
Kingston 10


Dear Sir:

Re: Subdivision application- Lands part of Creighton Hall, Botany Bay St. Thomas

The Saint Thomas Parish Council at the Physical Planning Meeting on September 10, 2013 gave final approval to the captioned subdivision.

I enclosed certified copies of the approved plan, approved conditions and the resolution. Kindly affix your signature to the copy of the attached letter and return to this office

Yours truly

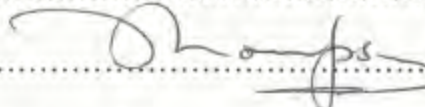

.....
Jumaane Robinson (Mr.)
Director of Planning
For Secretary/Manager


.....
Secretary/Manager
Parish Council-St. Thomas

I hereby accept the above-mentioned documents

Accepted by

Name : Noel H. Thompson.....

Signature: .....

Date : Sept 12, 2013.....

RESOLUTION TO ISSUE FINAL APPROVAL - SUBDIVISION

WHEREAS the subdivision applications have been filed with the Saint Thomas Parish Council under section 5 (1) of the Local Improvement Act for:

1. Lands part of Creighton Hall, Botany Bay - Domingo Martin c/o Frantom Development Company Limited

AND WHEREAS the said lands are described in the maps prepared by Commissioned Land Surveyors, which maps or plans, have been signed by the property owner and contains the required particulars concerning them,

AND WHEREAS the Council had sought, obtained & accepted the advice of Government Town Planner and the Chief Technical Director, Ministry of Transport, Works and Housing on the applications and draft conditions,

AND WHEREAS conditions of approval have been accepted in writing by the applicant,

AND WHEREAS in accordance with section 8 (10) of the Local Improvement Act, the Saint Thomas Parish Council sanctioned the subdivision of the lands in the Parish of Saint Thomas.

AND WHEREAS that the Honorable Minister of Health and Environment having confirmed the Council's decision under the section 8(5) of the Local Improvement Act,


BE IT RESOLVED that the Saint Thomas Parish Council issues final approval to the above said subdivisions,

BE IT FURTHER RESOLVED that the Common Seal of the Council is hereby affixed.

Ludlow Mathison

The Chairman of the said Council
and


.....


.....

and


.....

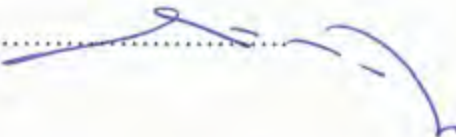

.....

Two Councillors of the said Council
and


.....

Suzette Hemmings-Bryan

Acting Secretary of the Council
In the presence of the:-


.....


.....

Justice of the Peace
for the Parish of St. Thomas

September 10, 2013

Date

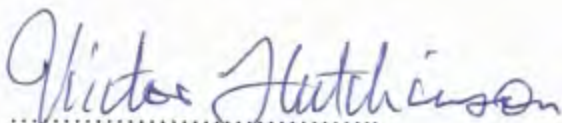
I, the undersigned Mrs. Suezette Hemmings-Bryan, Acting Secretary of the Parish Council of St. Thomas **DO HEREBY CERTIFY** in accordance with the requirements of **Section 126** of the Registration of Titles Act that this map is a true copy of one of the maps deposited with said Council under the provisions of the Local Improvements Act for the Subdivision of lands part of **Creighton Hall, Botany Bay** in the Parish of St. Thomas for **Domingo Martin c/o Frantom Development Company Limited** and in respect of which the Resolution (a copy whereof is attached hereto) was made and passed by the said Council at its meeting held on **September 10, 2013**

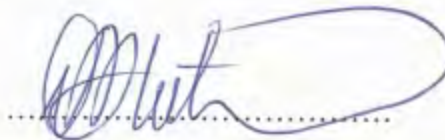

Secretary/Manager
St. Thomas Parish Council

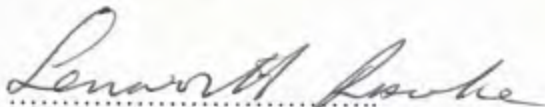
THE COMMON SEAL OF THE ST. THOMAS PARISH COUNCIL was hereon to affixed at Morant Bay in pursuance of Resolution passed at a meeting of the said Council held on **September 10, 2013** in the presence of:-

Ludlow Mathison
the Chairman of the said Council
and



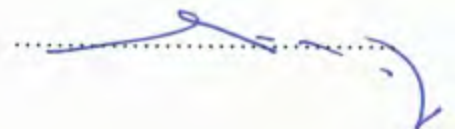

and





two Councillors of the said Council
and



Suezette Hemmings-Bryan
Acting Secretary of the Council
In the Presence of the:-




Justice of the Peace
for the Parish of St. Thomas

September 10, 2013
Date



MEMORANDUM OF APPROVAL
LAND PART OF CREIGHTON HALL, BOTANY BAY FOR
FRANTOM DEVELOPMENT CO.LTD C/O DOMINGO MARTIN

1. There being no breach of existing covenants or supportable objections.
Reasons: To ensure and safeguard existing rights
2. No development of this land shall take place except in accordance with the permission herein granted and in accordance with the provisions of the Parish Councils' Building (Saint Thomas) By-Laws, 1949.
3. Lot nos. 1 – 41 shall be used for residential purposes, lot no. 42 shall be used for commercial purpose, lots no 43, 44A and 44B shall be used as open space, two (2) reserved roads and three (3) storm drain easements, Sections 1 & 2 shall be reserved for road widening; this shall be endorsed on the respective titles.
4. No building other than one private dwelling house with appropriate outbuildings thereto shall be erected on lot nos. 1 – 41. This shall be endorsed on the respective titles.
5. The incorporation within the scheme of usable lands for the non-residential needs of this subdivision as indicated on plan as open space lots 43 and 44A and 44B. Such land shall be landscaped and otherwise developed and transferred to all the residential lot owners (in common ownership) and their titles being so endorsed.
Reason: to ensure provision and maintenance of space for non-residential needs of the lot owners of the subdivision.
6. The developer shall provide to the Local Planning Authority detail drawings of development plans for open space at lot 43. Development/construction works shall be completed and passed by the Superintendent, Roads and Works prior to the issuances of certificates on completion.
7. Any residential building to be constructed on lots 1 – 41 shall not exceed 30 habitable rooms per acre or the prevailing density defined by the Saint Thomas Parish Council.
8. No building erected on any of the lots 1 – 41 within the subdivision shall be used for the purpose of a shop, school, chapel or church and no trade, business, profession, education or public religious worship whatsoever shall be carried out upon these lots, or any part thereof.
9. No building erected on lot 42 within the subdivision shall be used for the purpose of a school, chapel or church and public religious worship whatsoever shall be carried out upon this lot, or any part thereof.
10. The registered proprietors and/or occupiers of these lots shall not at any time permit or suffer any garbage to remain or be burnt on these lots otherwise than in accordance with the requirements of the Public Health Authority.
11. These lots and/or any building thereon shall not be used for any unlawful purposes or any purpose which shall or might be or become a source of annoyance or objection to any person for the time being to the benefit of this covenant and no nuisance shall be created or permitted on these lots.
12. All lots in the development shall at all times be kept clean and free from undergrowth to the satisfaction of the Medical Officer (Health) by the owner

SECRETARY/MANAGER
ST. THOMAS PARISH COUNCIL

12/9/13



or occupier thereof.

13. Construction of any building within the subdivision shall be submitted to the Local Planning Authority (Saint Thomas Parish Council) in the form of an application with detailed drawings indicating layout plans, the form(s) and type of development, phasing and details of each and every building being constructed for approval before any such development is started.

Reason: To ensure safe and satisfactory standards of development


14. The detailed plans for the commercial development on lot 42 shall be submitted to the National Works Agency through the Saint Thomas Parish Council for review and recommendation.
15. Sections 1 and 2 shall be reserved for improvement along the main and parochial roads respectively.
16. There shall be no development except landscaping within sections 1 and 2 reserved for road improvement.
17. No new building or any permanent structure shall be erected less than 12m and 6.1m from the property boundary along the main and parochial or proposed roads respectively.
18. The setback of 12m and 6.1m shall from the centre line of the main road and parochial or proposed roads respectively to the eave of any building.
19. All structures to be erected on lots 1,2,8,9,10,39 and 40-42 shall be a setback of a minimum of 3.1m from the drain easement. This shall be endorsed on the respective titles.
20. There shall be no vehicular ingress/egress point from lots 3 and lot 44A onto the parochial road.
21. There shall be no vehicular ingress/egress point from lot 43 onto the main road.
22. The vehicular ingress/egress from lot 3 shall be taken at the common boundary with lot 4.
23. The vehicular ingress/egress from lot 44A shall be taken along the proposed road #1 a minimum of 30m from the intersection with the parochial road.
24. The vehicular ingress/egress from lot 42 shall be taken at the common boundary with the drain easement parallel to lot 1.
25. The proposed roads shown on plans shall be kept and maintained by the owners of the lots and so endorsed on their titles to be held private; save and except if the developer wishes for the St. Thomas Parish Council to take over such reserved roads, drains and signage for maintenance under its parochial infrastructure network, the developer shall pay to the St. Thomas Parish Council, two (2) years maintenance fee as calculated by the Superintendent, Roads and Works. If at the end of the initial period of two (2) years, the Superintendent is dissatisfied with the maintenance of the works by the developer, the developer shall continue to maintain them for such additional period, as the Council shall decide, subject to report of the Superintendent – Roads and Works. And the developer shall carry out rehabilitation/corrective works as the Council shall decide, subject to report of the Superintendent – Roads and Works.

SECRETARY/MANAGER
ST. THOMAS PARISH COUNCIL

DATE 12/9/13



26. A stop sign, conforming to the specifications of the Road Traffic Regulations (National Works Agency standards attached) shall be erected at all internal road intersections within the subdivision, and the wording must be done in reflective material.
27. The turning radii at the main vehicular ingress/egress road intersection point from the subdivision shall be a minimum of 9m.
28. The gradient of 8.8% at the vehicle ingress/egress road intersection point into the subdivision shall be reduced to 5%.
29. The vehicular ingress/egress from lots 19 and 20 shall be taken along the proposed roads #2 a minimum of 20m from the intersection of proposed road #1.
30. No fence, hedge or other construction of any kind, tree or plant of a height of more than 1.37 metres above the lot boundary ground level shall be permitted within 5.48 metres of any road intersection or along any roadway or any adjoining boundary without the prior approval of the Local Planning Authority (Saint Thomas Parish Council).
31. The Local Planning Authority (Saint Thomas Parish Council) being satisfied with the means of access to the lots.
32. Any gates and doors in or upon any fence or opening on to any road and drain easement shall not open outwards.
33. The final surface dressing for the proposed roads #1 and #2 shall be Asphaltic Concrete and overall road construction shall conform to the approved detailed plans shown on **sheet no. PSL-07 A**.
34. The developer shall submit street names for each proposed roadway and street number for each lot for approval by the Saint Thomas Parish Council.
35. Surface drainage/storm water runoff shall be effectively intercepted and dispose of before reaching the main and parochial roads, to the satisfaction of the Chief Executive Officer, National Works Agency and the Superintendent, Roads & Works respectively.
36. A detailed surface drainage plan shall be submitted with detailed building plans for each lot illustrating the effective interception of roof and surface drainage/storm water runoff and disposal into dry well/absorption pits or storage tanks for approval by the St. Thomas Parish Council.
Reason: To Contribute to recharging of the aquifer or the harnessing of roof water for domestic and other use.
37. A 1200mm diameter culvert instead of the proposed 900mm diameter culvert shall be constructed across the main road.
38. The surface drainage infrastructure shall be constructed conforming to the approved detailed plan date stamped 4th April 2013 by the National Works Agency.
39. There shall be no deviation except for condition 38 from the approved drainage plan without the consent of the Chief Executive Officer, National Works Agency.
40. The developer shall consult with the Parish Manager, National Works Agency to identify and upgrade/repair where necessary the existing drainage system along the main road before the completion of the subdivision to the satisfaction of the Chief Executive Officer, National Works Agency.

SECRETARY/MANAGER . 
ST. THOMAS PARISH COUNCIL
DATE 12/9/13



Reason: To ensure that the existing drainage system can manage the expected increase storm water runoff from the proposed subdivision.

41. The developer shall consult with the Superintendent, Roads & Works, St. Thomas Parish Council to identify and upgrade/repair where necessary the existing drainage system along lots 44A and 44B before the completion of the subdivision to the satisfaction of the Superintendent, Roads & Works, St. Thomas Parish Council.
42. The Parish Manager, National Works Agency and/or Superintendent, Roads & Works, Saint Thomas Parish Council shall be consulted to inspect and monitor the construction of the drainage infrastructure works at 25%, 50% and 75% intervals and on completion confirm approval in writing to the Chief Executive Officer, National Works Agency and Secretary/Manager, St. Thomas Parish Council.
43. The Parish Manager, National Works Agency and/or Superintendent, Roads & Works, Saint Thomas Parish Council and /or their respective representative(s) shall carryout scheduled or otherwise, periodic inspections of the infrastructural development of all site works.
44. The developer shall submit a copy of the tests carried out by the National Water Commission/Jamaica Fire Brigade on the water lines and hydrants within the development; these tests should cover the installation, testing and sterilization of the facilities.
45. The developer shall design and install a Fire Prevention/Water Supply System to serve the development. Such system shall include adequate storage distribution mains of not less than 100mm internal diameter and four (4) Pillar/Standard fire hydrants 91.34 meters apart, painted with two (2) coats of approved red paint (as indicated on plan approved by the Saint Thomas Parish Council).
46. The developer shall be responsible to make proper and adequate arrangements with the Jamaica Public Service Company Limited or any other utility company for the supply of electricity (a complete distribution system inclusive of street lighting) and other utilities to serve the lots on this subdivision scheme and shall duly and punctually pay all cost and expenses (if any) thereby occasioned.
47. A plan approved by the JPS Co. showing the number, type and location of streetlights shall be submitted to the Local Planning Authority and two years maintenance paid to the Council prior to the erection of the streetlights.
48. The under grounding of utility services and pipes within the scheme and wherever also soil and general condition permit, to the satisfaction of the Local Planning Authority.
49. The Council does not hold itself responsible to provide water service to the subdivision prior to the National Water Commission improving the existing water supply serving the area to adequately meet the anticipated demand.
50. The satisfaction of the Local Authority and/or the National Water Commission with respect to arrangements for infrastructure works, the source and supply of water for the subdivision/development.
51. The developer shall be responsible for the provision of adequate domestic water supply to the scheme.

SECRETARY/MANAGER
ST. THOMAS PARISH COUNCIL
12/7/13



52. On completion of development works and during the housing construction phase, the developer and lot owners shall ensure that all roadways are kept free of building construction materials at all times.
53. The developer shall cover construction material during transport to prevent the generation of fugitive dust.
54. The developer shall during the construction phase wet road surfaces and stockpiles of soil and marl to prevent the generation of fugitive dust.
55. The developer shall ensure that solid waste generated during the construction and operational phases of the development shall be disposed at the nearest approved dumpsite.
56. No waste (sullage water or effluent) disposal shall be permitted to be discharged from any lot into any storm water drain, or onto any road, or onto any part of adjoining lands.
57. The existing drainage feature (natural or man-made) flowing out or through the lands shall not be impeded or obstructed without the permission of relevant authorities.
58. The Road Authority/Local Planning Authority shall not under any circumstance be liable to the owner or occupier of the said land, for any damage occasioned by storm water flowing off any roadways. This shall be endorsed on the titles.
59. The site shall be graded where necessary, in a manner to minimize ponding. All forms of drainage through the site must be adequately captured to minimize the risk of flooding. Storm water generated on the property shall be directed to proper disposal sites where it will not affect adjacent communities.
60. Trees with a trunk diameter equal to or greater than twenty-five (25) centimetres at a height of one (1) metre from the ground shall be retained; any tree located on the road alignment or at an area to be occupied by building(s) may be removed and replanted at a suitable location.
61. The impacts of vegetative clearance and habitat removal must be mitigated by the selective removal of trees during construction activities.
62. Soil conservation measures must be employed during construction phase.
63. The developer shall minimize slope cuts on the relatively steeper slope gradient.
64. Where vulnerability to land erosion is identified terracing method is strongly recommended during the development of the affected lots.
65. There shall be no mass grading of the site.
66. When possible, cut slopes shall be protected by soil stabilization structures.
67. Properly designed earth retaining structures shall be used to protect slopes where loose and unstable slopes are encountered, however, they should not extend above 4 metres.
68. Deep cuts in excess of 3-4 metres should be avoided.
69. The setting out of road alignment and lot boundaries being subject to confirmation on the ground by the Local Authority and all pre-checked plans being adjusted accordingly.

SECRETARY/MANAGER
ST. THOMAS PARISH COUNCIL
12/7/13



70. A statutory declaration from a Commissioned Land Surveyor along with a copy of the pre-checked diagram shall be submitted to the Local Planning Authority pursuant to this condition and shall be provided upon application for the release of titles/certificate of compliance.
71. The Developer shall be responsible to carry out the works of the subdivision to the satisfaction of the Superintendent of Roads & Works, St. Thomas Parish Council. Thereafter, the issuance of the Certificate of Compliance by the Superintendent of the Roads & Works, St. Thomas Parish Council.
72. The developer shall submit to the Local Planning Authority (Saint Thomas Parish Council) detailed drawings of development plans for Park/Open Space on lot no 43 for approval. Thereafter, the works shall be completed to the satisfaction of the Superintendent of Roads & Works, St. Thomas Parish Council, prior to the issuance of the Certificate of Compliance by the Superintendent of the Roads & Works, St. Thomas Parish Council.
73. The satisfaction of the Health Authorities with respect to the arrangements for and the construction of the sewage treatment and disposal system.
74. The method of sewage treatment and disposal should be to a tertiary level, and by way of Septic Tank or Bio-digester followed by evapotranspiration bed. This shall be endorsed on the title.
75. Implementation and maintenance of a comprehensive on site storm drainage infrastructure to the design specifications of the National Works Agency, specifically incorporation the under mentioned:
- Minimize the use of impermeable surfaces, incorporate gutters in habitable structure designs to collect runoff and retain as much as possible natural vegetation cover on the site.
 - Ensure post development storm water flows do not exceed predevelopment flows such that it does not cause nor exacerbate inundation of downstream properties and infrastructure.
 - Ensure the necessary drainage infrastructure is incorporated along the northern boundaries of Lots 29-35, this to prevent any possible flood impact from gully located northwest of the site.
76. Any structural development being undertaken should adhere to the design specifications as set out by the Local Planning Authority. This in order to minimize the risks associated with seismic occurrences and strong wind conditions associated with hurricanes.
77. There shall be no further subdivision of lots 1-41.
78. There shall be no further subdivision of lots 42 save and except as approved by the St. Thomas Parish Council.
79. Areas along the proposed roads that will be designated as green verges will be endorsed on the title as a covenant for the respective lot owners to maintain its frontage.
80. No sign or hoarding or other advertisement being erected on land except as specifically permitted by the Local Authority.
81. A water storage tank of a minimum capacity of 3,785 litres or 2 days supply, whichever is greater to satisfactorily supply the household shall be provided by the holder of each lot.

SECRETARY/MANAGER
ST. THOMAS PARISH COUNCIL
12/9/13



82. Garbage collection facility shall be constructed by individual lot owners at the front of their lots within the lot boundaries to be designated for solid wastes collection.
83. If and when the developer decides to hand over the roads, the titles of the roads shall be transferred free of cost to the St. Thomas Parish Council.
84. On completion of development works and during the housing construction phase, the developer and lot owners shall ensure that all roadways are kept free of building construction materials at all times.
85. All works and conditions on the subdivision shall be completed within 36 months of approval.
86. No additional condition will be attached to the development as long as there are no discoveries or actions that threaten human health and/or safety during implementation or the proposed development.
87. In consideration of the approval hereby granted by the Local Planning Authority (St. Thomas Parish Council), the developer hereby warrants to the Council that no title will be issued by him (or as the case may be) to any purchaser of any lot included in this subdivision, or included in any phase thereof, until the completion relating to the conditions of the approval of the said subdivision, or any phase thereof, or any particular condition or conditions hereafter specified in writing to the developer have been completed to the satisfaction of the St. Thomas Parish Council (Local Planning Authority), and such satisfaction evidenced by a certificate to that effect issued by the Council to the developer.

SECRETARY/MANAGER
ST. THOMAS PARISH COUNCIL
EL 12/7/13