

PLANNING BOARD  
148 Peck Street  
Rehoboth, MA 02769  
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Christopher Cooper, Chairman  
Robert Moitozo, Vice Chair  
Edward Bertozzi  
Tomas Ennis  
William Costa Sr.  
Michael Costa  
Michael Costello  
Leeann Bradley – Town Planner

**Meeting Minutes  
January 3, 2018  
Town Offices  
148 Peck Street  
Rehoboth, MA 02769  
7:00 PM**

RECEIVED  
18 FEB 22 AM 8:25  
OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

Present: Christopher Cooper, Robert Moitozo, Tomas Ennis, Michael Costa

Town Planner – Leeann Bradley

Absent: Edward Bertozzi, William Costa Sr., Michael Costello

Mr. Cooper began the meeting with the Pledge at 7:05p.m.

Form A

1. David Rustemeyer – 198 Anawan Street – 17-17A - Ms. Rachel Smith was present on behalf of the applicant. She began by stating Mr. Rustemeyer owns 2 different houses on Anawan Street. 198 Anawan has a substantial amount of land with it. The applicant wants to sell the house. He wants to divide off some of the excess land. The house will be left with 3.33 acres with over 200' of frontage. He will retain the extra 14.19 acres which right now is an unbuildable parcel.

Mr. Moitozo motioned to endorse the Form A.

Mr. Michael Costa seconded the motion. Motion passed.

Public Hearings

New Business

Eastwood Estates II – Heritage Realty Enterprises, LLC – 17-01B - Mr. Rob Davis from Insite Engineering was present on behalf of the applicant. He began by stating he was before the board in December with a preliminary sub-division plan for Eastwood Estates Phase II. Mr. Cooper stated the boards major concern at the time was what is currently designated as Lot 12 as the lot with 2 duplexes on it and reducing the lot size. He added this does not make it more non-conforming. He noted they asked town counsel for their opinion and added that one way around this was to get a variance from zoning stating this was okay in terms of its overall nonconformity. Jay Tallerman got back to the Planning Board stating he wonders if there is a way to re-do the sub-division and split the duplex lots into two with each lot having a frontage on a way. Mr. Cooper was aware this came up at the last meeting and he is hoping to discuss it again.

Mr. Davis stated they had considered this option and he was eager to discuss it with the board again in hopes of coming to an agreement. He noted it is an existing situation with the two

duplexes. There are two existing nonconforming structures. He does not know how it got that way. Mr. Davis considered extending Colonial Way putting aside the fact that there will be a lot of concerned abutters who have lived on a dead end street for 25 years. Extending Colonial Way will cause concerns with some of the residents. He looked at the geometry of it and the length of the road is about 2,500'. The maximum length of a dead end road with 3 acre lots is 2,000' and they are already exceeding that. Put aside impact on wetlands and the abutters and they determined this was an alternative they discarded early on. He wants to remain in keeping with the neighborhood with 3 acre lot sizes. He wants to keep the dead end road exclusively coming in from the Pine Street side and not touch the cul-de-sac on Colonial Way.

Mr. Moitozo stated Mr. Davis will have to get a variance from the Zoning Board of Appeals because it exacerbates the nonconforming lots and the Planning Board can't authorize it. Mr. Davis understood and added they have already put forth an application to the Zoning Board of Appeals to review the situation. He is looking for the boards feeling on approving this preliminary sub-division plan conditionally subject to an acceptable ruling from The Zoning Board of Appeals. Mr. Ennis motioned to conditionally endorse the Form B subject to a variance from zoning on the current nonconforming lots.

Mr. Moitozo seconded the motion for discussion. Motion passed.

Mr. Davis noted to Ms. Bradley that at the last meeting they had a discussion regarding the property as registered land. This means they have to go through the land court process and that the plans may look a little different in terms of lot numbering and verbiage. He noted that his hands are tied in terms of that process. Once a Form C or another similar plan is approved by the planning board they will then take it to the land court in Boston.

#### Old Business

#### Minutes

1. October 4, 2017

Mr. Michael Costa motioned to approve the above minutes.

Mr. Ennis seconded the motion. Motion passed.

#### Invoices

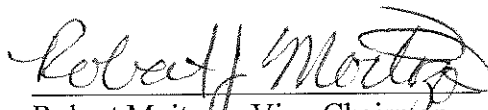
#### Adjournment

Mr. Moitozo motioned to adjourn at 7:30pm

Mr. Ennis seconded the motion. Motion passed.

Respectfully Submitted

  
Christopher Cooper, Chairman

  
Robert Moitozo, Vice-Chairman