

Zoning Board of Appeals
148 Peck Street
Rehoboth, MA 02769
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David Pereira - Chairman
John Scanlon - Vice Chairman
Richard Panofsky - Clerk
Richard Barrett
Antonio Oliveira
Raymond Olivier, Assoc. Mbr.
Stephen Silva, Assoc. Mbr.

ZONING BOARD OF APPEALS MEETING
Meeting Minutes – January 16, 2020

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Call to order at 6:01 PM by Dave Pereira, Chairman

In attendance: Chairman David Pereira; John Scanlon, Vice Chairman; Richard Panofsky, Clerk; Antonio Oliveira; associate members Raymond Olivier and Stephen Silva. Absent: Richard Barrett.

Guest: Attorney Jay Talerman, Town Counsel

To accommodate late-comers for the hearing, the agenda was reordered to do housekeeping matters first.

FINDINGS

On a motion by J. Scanlon and seconded by R. Panofsky, the findings for the hearing of file #814, 65 Barney Avenue, 209 Anawan, from the December 19 meeting were approved unanimously as written.

GENERAL BUSINESS

Approval of the draft of the ZBA's 2019 Annual Report, prepared by Stacy Vilao, was moved by J. Scanlon with one correction, changing the word "consist" to "consists." Seconded by A. Oliveira, the motion was approved unanimously.

MINUTES

On a motion by J. Scanlon and seconded by A. Oliveira, the minutes of December 19, 2019 were approved unanimously with correction of the date and location of the next meeting.

INVOICES

Three invoices were considered, \$561.68 from Gatehouse Media for legal ads, Brook Street and 209 Anawan Street, \$654.85 from Gatehouse Media for legal ads, 65 Barney Street and 103 County Street, and \$985.70 from Fuss & O'Neil for The Reserve. They

were approved unanimously on a motion by J. Scanlon and a second by R. Panofsky.

CORRESPONDENCE

The Board has received a Plan Distribution Receipt, Form M, for Heron Estates. John Scanlon moved to sign and return the form and A. Oliveira seconded. The motion carried unanimously.

PUBLIC HEARINGS & MEETINGS

103 County Street — Morrell — File #813 — Variance. With an initial deadline of November 21, 2019, this file has been continued until February 20, 2020.

53 Water Street — Turcotte — File #815 — Special Permit. Request is for a special permit to park two work trucks with trailers during non-working hours, at the property, which is zoned Residential/Agricultural. S. Silva indicated he would not participate because of a family relationship with an abutter. The Chair ruled that R. Oliveira would vote in the absence of member Richard Barrett. At 6:15 pm, a motion was made by J. Scanlon to open the public hearing and seconded by A. Oliveira. A roll-call vote was taken: Oliveira, aye; Scanlon, aye; Pereira, aye; Panofsky, aye; Oliveira aye.

Attorney Luke Travis, 10 North Main Street, Fall River, MA 02720, and Mason Turcotte, 53 Water Street, presented the request. The appellant purchased the property as a single-family residence in 2018. He owns a landscaping company and seeks a special permit to park two work truck/trailers there during non-work hours. He uses one truck/trailer unit and the second is driven by his one employee, his father, who drives his personal vehicle there in the morning and leaves it while taking the truck and trailer out to work. He has prepared a parking area that is shaded from neighbors. Zoning Officer William McDonough informed Mr. Turcotte that this would require a variance. Attorney Travis cited a previous ZBA decision as essentially identical to this request, File #784, January 29, 2015, approving a special permit; hence, he felt that a special permit would be the appropriate request for Mr. Turcotte. He distributed a copy. Board members noted that the 2015 request was to store equipment and vehicles within an enclosed building.

Town Counsel Talerman advised that a special permit is likely not the correct remedy, and that a variance appears also not to be appropriate. A different approach could be to have Zoning Officer McDonough send a new letter and present the case as an appeal of his decision (the previous letter was issued too long ago to be appealed). Another complexity is caused by the location of the property in a ground water district, but that would not be for the ZBA to decide. Attorney Travis provided copies of the McDonough letter and previous case file.

No one was present who wished to speak in favor of the request.

Richard Lemanski, 47 Water Street, has his home next door and opposes the request. He provided a copy of a petition signed by thirteen individuals opposing the request. He provided copies of dated photographs showing parked trucks. He provided a copy of Mr. Turcotte's application for a home business license, marked as "office only – home occupation," and the check-list that requires a "no" answer to the question, "will commercial vehicles, equipment or materials be stored for anytime at the site." Given the historical and natural values of the property, the permit will harm his family's enjoyment of their home and will lower property values.

Leslie Lemanski, 47 Water Street, explained that the cleared parking area is not out of sight from their house. She testified to the harm to their quality of life and property.

Richard Andreozzi, 39 Water Street, spoke of his concern that approving this permit would open the door to expansion of activity at the property in the future as well as additional, similar ventures in the area. He requests, if the ZBA decides to issue the permit, that it be strictly delimited as to what can and cannot be done, size limits, no storage of materials or vehicle maintenance, and limiting noise. He opposes any permit lacking such strict limits.

Campbell and Debra McDonald, 62 Water Street, oppose the request. They predict an expansion of activity at the property in the future, are concerned at the meaning of "non-working hours," and cited problems likely from storing and maintaining smaller landscaping equipment and supplies.

Ronald LaFontaine, 35 Reed Street, opposes the request and cited the unattractive nature of the clearing as well as worry about the overhead power lines. He offered a photograph as evidence.

J. Scanlon moved and A. Oliviera seconded to continue the hearing to the ZBA meeting of March 19, 2020, keeping the file open. A roll-call vote was taken: Oliviera, aye; Scanlon, aye; Pereira, aye; Panofsky, aye; Oliviera aye.

NEXT MEETING

The next meeting of the Board is scheduled for Thursday, February 20, 2020, 6 PM at the Rehoboth Town Offices, 148 Peck Street, Rehoboth, MA 02769.

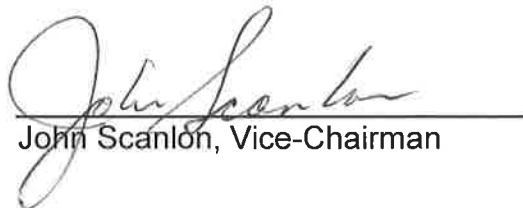
ADJOURNMENT

On a motion by J. Scanlon and seconded by A. Oliviera, the Board voted to adjourn at 7:10.

Respectfully submitted by Richard Panofsky, Clerk

A stylized, handwritten signature in dark ink, appearing to read 'David Pereira'.

David Pereira, Chairman

A handwritten signature in dark ink, appearing to read 'John Scanlon'.

John Scanlon, Vice-Chairman