

Rehoboth Zoning Board of Appeals Meeting
Meeting Minutes
Thursday, October 17, 2019 @ 6 PM
148 Peck Street, Rehoboth, MA 02769

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JOHN SCANLON, CLERK
REHOBOTH, MA

Call to order at 6:03 PM by Dave Pereira, Chairman

In attendance: Chairman Dave Pereira; John Scanlon, Vice Chairman; Richard Panofsky, Clerk; Antonio Oliveira; associate member Raymond Olivier

In the absence of regular member Richard Barrett, D. Pereira ruled that R. Olivier would vote.

The order of items was modified to accommodate starting times for the hearings and when guests could arrive.

GENERAL BUSINESS

On a motion by D. Pereira and seconded by J. Scanlon, it was approved unanimously to grant signature authority to D. Pereira and J. Scanlon in D. Pereira's absences.

INVOICES

An invoice from Fuss & O'Neil, \$268.75 for The Reserve on Spring Street, was approved unanimously on a motion by J. Scanlon and a second by A. Oliveira. An invoice from Fuss & O'Neil, \$2614.26 for The Reserve on Spring Street, was approved unanimously on a motion by J. Scanlon and a second by R. Olivier. An invoice from Bristol County Print Shop for \$18.00 for Stacy's business cards was approved unanimously on a motion from A. Oliveira seconded by J. Scanlon. An invoice from Schwaab Inc. for \$57.75 for a "received" stamp was approved unanimously on a motion from D. Pereira seconded by J. Scanlon.

MINUTES

On a motion by J. Scanlon and seconded by A. Oliveira, the minutes of August 15, 2019, were approved unanimously as written.

FINDINGS

R. Panofsky moved to accept as written the findings prepared September 10, 2019 for the August 15, 2019 hearing of File # 810, 65 Barney Avenue; A. Oliveira seconded. The motion passed unanimously.

PUBLIC HEARINGS & MEETINGS

File # 810 — 65 Barney Avenue — Almeida — Special Permit. This is our second hearing of this matter in a new filing requesting a special permit. The request was supported by a letter sent to the applicant by Zoning Officer William McDonough on August 27, 2019 which clarified that a special permit was needed because of a legal non-conforming business use of this residential/agricultural property.

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: Panofsky, aye; Scanlon, aye; Pereira, aye; Oliveira, aye; Olivier, aye.

Wendy Almeida was present and spoke on her own behalf. No others attended. Almeida is requesting the special permit as recommended by the Zoning Officer. The addition to the building improves her business but will not lead to any large expansions. It is not visible from the road. The Board noted article 6.1(d) of the Rehoboth Zoning Bylaws, "Pre-existing non-conforming buildings or uses may be extended, altered or changed, provided, that no such extension, alteration or change shall be permitted unless the Board of Appeals issues a special permit after a public hearing and a finding that such extension, alteration or change shall not be substantially more detrimental than the existing non-conforming use or building." Board members expressed appreciation for the intervention by the Zoning Officer.

A motion was made by J. Scanlon to close the public hearing and seconded by A. Olivera. A roll-call vote was taken: Panofsky, aye; Scanlon, aye; Pereira, aye; Olivera, aye; Olivier, aye.

J. Scanlon moved that the Board approve the special permit request, A. Oliveira seconded, and the motion passed unanimously.

File # 813 — 103 County Street — Morrell — Variance. This matter concerns a proposed building modification on a property zoned residential/agricultural with present buildings representing a legal non-conforming use.

At 6:30 a motion was made by J. Scanlon to open the public hearing and seconded by A. Oliveira. A roll-call vote was taken: Panofsky, aye; Scanlon, aye; Pereira, aye; Oliveira, aye; Olivier, aye.

P. Morrell was present and spoke on his own behalf. No others attended. Chair Pereira explained the difficulty of inadequate information in the papers filed. He read an email from the Zoning Officer: "Doesn't make sense. The garage is detached but, on the plans, they show that it will be attached to the house. No way it is in the same footprint. The lot is undersized so the structure is legal non-conforming, and at a minimum would need a special permit. Depending on the setbacks, a variance may not be needed. But I can't tell from the submission, it is very vague. I would require an "existing" plan along with a "proposed" plan, showing all dimensions. Also, I would require a certified site plan." Morrell indicated the plan may be changed to no longer have the remodeled garage attached to the main building. He expressed willingness to provide the additional information. Members of the Board stressed that anyone preparing to file ZBA requests should first consult the Zoning Officer.

A motion was made by J. Scanlon to close the public hearing and seconded by A. Olivera. A roll-call vote was taken: Panofsky, aye; Scanlon, aye; Pereira, aye; Olivera, aye; Olivier, aye.

J. Scanlon moved that the Board will continue the matter to a later meeting, keeping the file open. R. Panofsky seconded, and the motion passed unanimously. Discussion brought out a likelihood this would occur at the January 2020 meeting.

GENERAL BUSINESS, continued

On Call Contract — Fuss & O'Neil — The Reserve - phase 2. Andy Glines, Engineer for Fuss and O'Neil, outlined a report on an October 15, 2019, site visit to the Reserve at Spring Street. Daniel Roach, Conservation Agent, and ZBA Chair David Pereira accompanied him at this visit. A copy of the report was emailed to the board on October 16, 2019.

Important issues regarding stormwater control remain to be addressed. Water is flowing across a road and does not reach some of the installed drains. Some systems need to be rebuilt, others removed from where they are and rebuilt where they are needed. Chair Pereira stressed that a main issue concerns slow progress; and he mentioned the importance for this project to be done well as the first 40B being built in Rehoboth. Bill Fusco, Professional Engineer hired by the builder, explained reasons for the delay and also explained problems caused by differences in following the plans by the company preparing the sites and the company building the houses.

Mike Dias, MJD Construction, said that remediation can begin early November and would be completed promptly. Board members stressed the importance of promptness as well as better coordination between companies. Dias also observed that he had been unable to attend the site visit because it was announced without lead time. People involved committed to better scheduling and will implement means of better project coordination. Glines should join builders' representatives in a pre-walk through in early November.

NEXT MEETING

The next meeting of the Board is scheduled for Thursday, November 21, 2019 at 6 PM at the Counsel on Aging Building, 55 Bay State Rd., Rehoboth, MA 02769.

ADJOURNMENT

On a motion by J. Scanlon and seconded by D. Pereira, the board voted to adjourn at 6:50.

Respectfully submitted by Richard Panofsky, Clerk



David Pereira, Chairman



John Scanlon, Vice Chair