

Zoning Board of Appeals
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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 – November 18, 2021

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Call to order at 6:04 PM by David Pereira, Chairman.

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

Guests: William McDonough, Neal Hingorany, Jim Doehler, Richard Weller, Manuel Barbosa, Gale Smith, Christine Ashman.

The meeting was held at the Town Offices, 148 Peck Street, Rehoboth, MA.

GENERAL BUSINESS

The Reserve at Spring Hill — Phases 4 and 5 — Discussion and vote. For the Spring Hill Realty Development Company, Neal Hingorany presented the Master Plan document showing phase lines, Revision 4, Fall 2021. He reviewed changes to the line between Phases four and five related to functional requirements for construction that have emerged. The Company is requesting approval of those detail changes and approval to move forward with Phases 4 and 5. Almost all homes in Phase 4 have been sold, and the company wishes to begin to sell homes in Phase 5. Discussion brought out the ongoing monitoring by Andy Glines of Fuss & O'Neil and the Board's wishes to continue hearing how the punch lists from that process are being accomplished. Discussion by Board members brought out a preference to approve new Phases one by one. John Scanlon moved approval of the detail changes to the Master Plan and of Phase Four; R. Panofsky seconded; and the motion carried by roll-call vote: D. Pereira, aye; J. Scanlon, aye; R. Panofsky, aye; A. Oliveira, aye; and R. Barrett, abstaining. The Board will welcome considering Phase 5 at the December meeting.

PUBLIC HEARINGS AND MEETINGS

File #822 – Weller – 144 Davis Street – Variance. The request is to be allowed to build a garage addition closer than the required 25-foot setback from a side lot boundary. There is no garage now, and a small shed will be taken down. The property is approved non-conforming with small lot size, short frontage, and the house actually touching one property line to the other side. This hearing is continued from the previous meeting; it is

already open.

Richard Weller, home owner, attended to present revised plans. Mr. Weller offered a signed letter from one abutter, Steve Noons, offering no objection to the proposal. No abutters attended in person. The proposed 28 foot by 34 foot design combines functions for tools and shed-storage as well as a two-car garage. It cannot be built over a septic drain line or the septic system. The Board considered the drawings, and discussion followed as to constraints determining the location. D. Pereira and J. Scanlon explained the conditions for approving variances, that all three conditions must be met, for soil, topography, and other difficulties caused by the terrain, definite hardship to the owner, and nothing violating the public good. Alternative designs were proposed for consideration, involving locating the new structure close to or contacting the house, changing its footprint to being more rectangular, and relocating the drain-line to the septic tank. Other alternatives were discussed involving moving the proposed building away from the boundary and closer to the front boundary limit as well as changing its shape. To give the homeowner the opportunity to present revised plans that will stay within the setback lines, and with the homeowner's consent, A. Oliveira moved to continue the meeting, R. Panofsky seconded, and the motion carried unanimously by roll call vote: D. Pereira, aye; J. Scanlon, aye; R. Panofsky, aye; A. Oliveira, aye; R. Barrett, aye.

File #823 – Barbosa – 46 Locust Street – Special Permit. The request is to be allowed to tear down a dilapidated home and build a new one on substantially the same footprint, on an approved non-conforming small-size lot. In its October 2020 meeting the ZBA considered and denied a request from a previous owner to build a house of a different design. D. Pereira voted to open the meeting; A. Oliveira seconded; the motion carried unanimously on a roll call vote: D. Pereira, aye; J. Scanlon, aye; R. Panofsky, aye; A. Oliveira, aye; R. Barrett, aye.

Mr. Barbosa reviewed the plans for the Board. The new building uses a similar, somewhat larger footprint in the same location, is built down so a full basement area is mostly underground, and presents a single story and sloped roof. The appearance is reminiscent of the older building that will be removed. The Board mentioned that another consideration had been the presence of an endangered animal species; the person presenting that concern last time was invited on the abutters list but did not attend.

Abutter Gale Smith, 73 Summer Street, spoke to raise specific questions about design and approvals, and closed by saying she had no objections to the plan. Abutter Christine Ashman "loves the design." She raised questions about approvals for the septic system, water run-off, and driveway placement, as well as issues for building demolition and possible lead and asbestos contamination. William McDonough, Zoning Officer, explained to both that such many matters come up for later permitting in the process of approvals that can occur after ZBA approval; it is not the province of the ZBA to consider them.

A. Oliveira moved to close the hearing; J. Scanlon seconded; and the motion passed unanimously on a roll-call vote: D. Pereira, aye; J. Scanlon, aye; R. Panofsky, aye; A. Oliveira, aye; R. Barrett, aye. Discussion emphasized the new design's being acceptable to abutters and responsive to the concerns raised in the previous ZBA hearing. A. Oliveira moved to approve the Special Permit; R. Panofsky seconded; and the motion

passed unanimously on a roll-call vote: D. Pereira, aye; J. Scanlon, aye; R. Panofsky, aye; A. Oliveira, aye; R. Barrett, aye.

MINUTES

On a motion by R. Panofsky and seconded by J. Scanlon, the minutes of October 21, 2021, were approved as distributed by email and with the date of the meeting corrected, on a unanimous roll call vote: D. Pereira, aye; J. Scanlon, aye; R. Panofsky, aye; A. Oliveira, aye; R. Barrett, aye.

NEXT MEETING

The next meeting of the Board is scheduled for Thursday, December 16, 6:00 PM.

ADJOURNMENT

The Board voted to adjourn at 7:10 by roll call vote: D. Pereira, aye; J. Scanlon, aye; R. Panofsky, aye; aye; R. Oliveira, aye, R. Barrett, aye.

Respectfully submitted by Richard Panofsky, Clerk



David Pereira, Chairman



John Scanlon, Vice-Chairman