

Zoning Board of Appeals
148 Peck Street
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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 – December 19, 2019

Call to order at 6:00 PM by Dave Pereira, Chairman

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

Guest: Attorney Jay Talerman, Town Counsel

GENERAL BUSINESS

The Reserve @ Spring Hill — Discussion — Phase II. Jim Doehler attended for The Reserve. He indicated the project has engineering approval to move into Phase II. On a motion by J. Scanlon and seconded by A. Oliveira to approve, the vote was unanimous.

2 Brook Street — Pavao Construction — discussion. William O'Brien, 46 Plain Street, addressed the board complaining that the noises early each day have not ceased. Chairman Pereira explained that our ruling as a board does not become official until it is filed, an action that can be anticipated shortly after this meeting. Attorney Talerman explained the meaning of our ruling and suggested possible future actions if the issues continue. The ZBA interprets zoning regulations and issues but other officials and procedures enforce the findings. Both parties will be sent copies of the findings when filed.

PUBLIC HEARINGS & MEETINGS

209 Anawan Street — Randall Tripp and Andrea Porter — File #811 — Special Permit. Request is for a special permit for the business use of a parking lot making spaces available for a fee. At 6:20 pm, a motion was made by A. Oliveira to open the public hearing and seconded by R. Barrett. A roll-call vote was taken: Panofsky, aye; Barrett, aye; Pereira, aye; Scanlon, aye; Oliveira, aye.

Attorney Matthew Aspden, 1026 County Street, Somerset, MA 02726, spoke for the appellants. The business is mattress sales from the tractor-trailers while they are parked in various locations in the area. Appellants seek the permit so as to park the tractors and trailers at their home-business site overnight and on weekends. Mr. Aspden disagrees with the outcome of a previous ZBA request to overturn a cease and desist ruling by the Zoning Officer concerning parking of tractor trailers on this business-zoned

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property, which supported the Zoning Officer. He believes the advice of Town Counsel, given about that appeal, is also liable to alternative interpretations. He distributed photos of other businesses along the route.

Randall Tripp, 209 Anawan Street, claimed that the trailers are always parked empty. They plan to build a garage to enclose the parked vehicles and distributed a drawing. They would pay the parking charge to themselves. Tripp and Porter live at 209 Anawan Street.

Matthew Sousa, an Abutter, spoke against awarding the permit. Sometimes four tractor-trailers are parked there, and it is "not pretty"; Sousa distributed a photograph showing the parked tractors and trailers. Other neighbors do not have tractor-trailers in their businesses.

At 6:35 pm, a motion was made by A. Oliveira to close the public hearing and seconded by J. Scanlon. A roll-call vote was taken: Panofsky, aye; Barrett, aye; Pereira, aye; Scanlon, aye; Oliveira, aye.

Attorney Talerma advised that there is an issue that a business is permitted in this zone as a "secondary use," and the regulations do not allow for more than one such secondary use. Discussion brought out that a normal interpretation of a parking lot business use would involve cars and be accessed by people outside the business owners.

J. Scanlon moved to deny the permit; A. Oliveira seconded. The motion passed unanimously: Panofsky, aye; Barrett, aye; Pereira, aye; Scanlon, aye; Oliveira, aye.

J. Scanlon called a 5 minute recess. The meeting reopened at 6:50 pm.

MINUTES

Minutes were acted on from the previous meeting and for a some long-past meetings that had never been written up or approved. On a motion by J. Scanlon and seconded by A. Oliveira, the minutes of November 21, 2019; February 21, 2008; June 19, 2008; August 21, 2008; and June 18, 2009 were approved unanimously as written.

FINDINGS

A draft of findings for the November 21 hearing of file #814, 65 Barney Avenue, was considered. R. Panofsky moved rewording one statement in the Findings, F7, to read that the Zoning Officer found the use to be permitted, so as not to endorse specific agreement by the ZBA that the precise uses we heard about are permitted ones. Discussion brought out that the findings are a list of all the points raised and considered. The motion failed for lack of a second. Then, on a motion by J. Scanlon and seconded by A. Oliveira, the findings for the hearing of file #814, 65 Barney Avenue, from the November 21 meeting were approved unanimously as written.

INVOICES

An invoice of \$645.84 from Gatehouse Media for legal ads was approved unanimously on a motion by J. Scanlon and a second by R. Panofsky. An invoice from Fuss & O'Neil for \$985.70 for The Reserve was approved unanimously on a motion from J. Scanlon and a second by A. Oliveira.

NEXT MEETING

The next meeting of the Board is scheduled for Thursday, January ¹⁶~~15~~, 6 PM at the
Counsel on Aging Building, 55 Bay State Rd., Rehoboth, MA 02769.

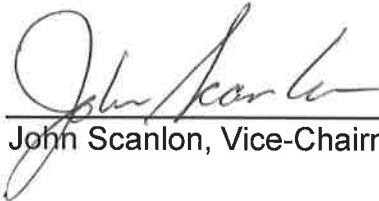
TOWN HALL, PELK ST.
ADJOURNMENT

On a motion by A. Oliviera and seconded by J. Scanlon, the board voted to adjourn at 7:05.

Respectfully submitted by Richard Panofsky, Clerk



David Pereira, Chairman



John Scanlon, Vice-Chairman