

Rehoboth Zoning Board of Appeals Meeting
Meeting Minutes
Thursday, August 15, 2019 @ 6 PM
55 Bay State Road, Rehoboth, MA 02769

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

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

In the absence of regular member Antonio Oliveira, Chair Pereira ruled that R. Olivier would vote.

GENERAL BUSINESS

1. On Call Contract — Fuss & O'Neil — review and sign. Reviewed and discussed a proposed new fee schedule proposed by Fuss & O'Neil. Motion to approve and recommend it to the Selectmen, made by J. Scanlon and seconded by R. Panofsky, passed unanimously.
2. Planning Board Form M's for 28 Smith Street and 11 Linden Lane. Form M's were received and are noted for the record.

PUBLIC HEARINGS & MEETINGS

File # 810 — Almeida — 65 Barney Avenue — Variance. This meeting considered an application for a variance at 65 Barney Avenue, Rehoboth, MA, which is zoned residential/agricultural.

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

Wendy Almeida was present and spoke on her own behalf. No others attended. The applicant stated she was told by the Zoning Officer she would need a variance to put an addition on the structure at 65 Barney Avenue. The Board asked if she lived at 65 Barney Avenue; she replied she did not. The Board asked if she employed others there; she stated she did. The Board discussed with her the type of variance she was seeking; she wasn't quite sure. After a close look at the plans, the Board determined that it wouldn't require a setback variance. This led members to conclude it must be a change of use variance that is sought, since the applicant was operating a business with several employees at a non-home-owner-occupied structure at 65 Barney Avenue. The Board noted article 7.3 of the Rehoboth Zoning Bylaws, "Variances," "No variance may be authorized for a use or activity not otherwise permitted in the district where the land is located."

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

J. Scanlon moved that the Board deny the variance request, R. Olivier seconded, and the motion passed unanimously.

In informal discussion, members of the Board suggested the applicant could consider applying to have the zoning classification changed for the property in question.

MINUTES

On a motion by J. Scanlon and seconded by R. Barrett, the minutes of July 18, 2019, were approved unanimously as written. On a motion by J. Scanlon and seconded by R. Panofsky, a typo in the minutes of June 20, 2019, was corrected by unanimous vote: the date of the meeting approved in Item F is May 23, not May 16 as written.

INVOICES

An invoice from Fuss & O'Neil, \$1036.32 for The Reserve on Spring Street, was approved unanimously on a motion by J. Scanlon and second by R. Olivier.

NEXT MEETING

The next meeting of the Board is scheduled for Thursday, October 17, 6 PM at the Counsel on Aging Building, 55 Bay State Rd., Rehoboth, MA 02769. We will skip having a regular meeting in September.

ADJOURNMENT

On a motion by R. Panofsky and seconded by J. Scanlon, the board voted to adjourn at 6:35.

Respectfully submitted by Richard Panofsky, Clerk

 10/17/2019

David Pereira, Chairman

 10/17/19

John Scanlon, Vice Chair