

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 – February 20, 2020**

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

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

The agenda was reordered to do housekeeping matters first, so the public hearing could begin at 6:15.

In the absence of regular member Richard Barrett, Chair Pereira declared Associate Member Steven Silva will vote.

**FINDINGS**

On a motion by J. Scanlon and seconded by R. Panofsky, the findings for the hearing of File #811 — 209 Anawan Street — Randall Tripp and Andrea Porter were approved as written, by voice vote: Oliviera, aye; Panofsky, aye; Scanlon, aye; Pereira, aye; Silva, aye.

**GENERAL BUSINESS**

The budget request for fiscal year 2021 is for \$3,125, including standard salary increase and an increase of \$50 for office supplies. A. Oliveira moved acceptance of the budget, S. Silva seconded, and the motion passed unanimously.

**PUBLIC HEARINGS & MEETING, PREVIOUS**

File #815 — 53 Water Street — Turcotte — Special Permit has been withdrawn by the requester. J. Scanlon moved closing the file; A. Oliviera seconded; the motion carried on a roll-call vote: Silva, aye; Scanlon, aye; Pereira, aye; Panofsky, aye; Oliviera, aye.

File #813 — 103 County Street — Morrell — Variance. With an initial deadline of November 21, 2019, this file had been continued until February 20, 2020. J. Scanlon moved continuation until March 19, 2020; R. Panofsky seconded; the motion carried unanimously.

## MINUTES

On a motion by J. Scanlon and seconded by A. Oliveira, the minutes of January 16, 2020 were approved unanimously as written.

## INVOICES

One invoice was considered, \$713.15 from Fuss & O'Neil for The Reserve. On a motion to approve by R. Panofsky and seconded by J. Scanlon, the motion carried unanimously.

## FUTURE BUSINESS

Chairman Pereira heard tonight from a representative of the Bliss Street 40B project that approvals have been received and the contractor intends to begin construction. Consideration of the ZBA's oversight roles will be taken up for action by the Board.

## PUBLIC HEARINGS & MEETINGS

File #816 — Oakhill Avenue — Robert Catenacci / One Thirty One Pleasant Street LLC, 487 Oakhill Avenue, Attleboro, MA 02703 — Variance. Request is for a variance of the Rehoboth residential/agricultural property frontage requirement. The property, entirely located within Rehoboth, is landlocked in Rehoboth. With access to the property through Attleboro, the request is to follow Attleboro's 50-foot frontage requirement rather than Rehoboth's. At 6:15 pm, a motion was made by J. Scanlon to open the public hearing and seconded by R. Panofsky. A roll-call vote was taken: Silva, aye; Scanlon, aye; Pereira, aye; Panofsky, aye; Oliviera, aye.

Robert Catenacci described the property and presented his case. The property complies with other Rehoboth zoning requirements. Access is planned from the south end of Nicholas Drive, a 50-foot wide Attleboro right-of-way. Mr. Catenacci said that he consulted Zoning Officer William McDonough, who stated that Attleboro's 50-foot frontage requirement would apply. The issue was raised at a recent request for a septic permit, and Mr. Catenacci said that McDonough suggested he should now apply for the present variance. Questions from Board members brought out that Mr. McDonough's approval had never been presented in writing. McDonough was not in attendance at the meeting to validate the claim. R. Panofsky asked about the placement of the mailbox and how postal trucks and other vehicles would turn around at the end of Nicholas Drive. J. Scanlon cited the limited functions that are permitted for consideration of a variance.

Abutters were asked if they wished to speak. A good number of Attleboro residents asked to speak. They showed copies of a communication on Rehoboth letterhead informing them of the hearing; however, the official list of Rehoboth property owner abutters that Rehoboth had contacted had only 10 names. Mr. Catenacci said that he had sent copies of our notification letter to various Attleboro property owners without permission from Rehoboth officials. Chair Pereira ruled that only those receiving the official Rehoboth letter from Rehoboth could speak, and he read aloud the names of those sent the official letter.

Peter T. Beerman, 16 Red Fox Road, has his residence next to the property and opposes the request. He had been informed that the land-locked land would never be built on, and claimed that the variance will harm his family's enjoyment of their home and will lower property values.

Brent T. LeBlanc, 20 Red Fox Road, opposes the variance. His house, also located in Rehoboth but accessed from Attleboro, does comply with Rehoboth's zoning including the frontage requirement. He feels it is unfair for him to have had to comply if this variance is awarded now. He also cited a worry about build-up of trash on the site that will lower property values.

Sarah J. Rodriguez-Beerman, 16 Red Fox Road, opposes the variance. She cited her family's efforts to comply with zoning requirements and said that they had been informed that the land-locked land could not be built on.

Robert Catenacci was allowed to add a comment. He said that the company might consider using the stipulations for a Retreat Lot (Zoning Bylaw 5.1.01) for the property.

J. Scanlon moved and A. Oliviera seconded to close the hearing. A roll-call vote was taken: Silva, aye; Scanlon, aye; Pereira, aye; Panofsky, aye; Oliviera, aye. Discussion highlighted that reasons for a variance are limited, and the case for one has not been made. J. Scanlon moved and A. Oliviera seconded to deny the request for a variance (aye being to deny). A roll-call vote was taken: Silva, aye; Scanlon, aye; Pereira, aye; Panofsky, aye; Oliviera, aye.


#### NEXT MEETING

The next meeting of the Board is scheduled for Thursday, March 19, 2020, 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 A. Oliviera, the Board voted to adjourn at 6:55.

Respectfully submitted by Richard Panofsky, Clerk

  
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David Pereira, Chairman

  
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John Scanlon, Vice-Chairman