

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 – September 16, 2021

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Call to order at 6:05 PM by David Pereira, Chairman.

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

Guests: Frank Harris IV, 201 Pleasant Street; Susan Bogosian, 205 Pleasant Street.

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

The agenda was reordered to use time before the public hearing.

Chair Pereira declared Associate Member Raymond Olivier will vote. By roll-call vote, D. Pereira, J. Scanlon, R. Panofsky, and R. Barrett assented.

GENERAL BUSINESS

J. Scanlon moved to approve signatory authority for David Pereira; R. Panofsky seconded; motion passed on a unanimous roll call vote: D. Pereira, aye; J. Scanlon, aye, R. Panofsky, aye; R. Olivier, Aye; Richard Barrett, Aye. D. Pereira moved to approve signatory authority for J. Scanlon; R. Barrett seconded; motion passed on a unanimous roll call vote: D. Pereira, aye; J. Scanlon, aye, R. Panofsky, aye; R. Olivier, Aye; Richard Barrett, Aye.

MINUTES

On a motion by R. Panofsky and seconded by J. Scanlon, the minutes of July 15, 2021, were approved as distributed by email with one correction, deleting the sentence about reordering the agenda, on a unanimous vote.

PUBLIC HEARINGS AND MEETINGS

File #821 – Harris – 201 Pleasant Street – Variance. The request is to be allowed to build a garage addition with one edge closer than the required 25-foot setback from a side lot boundary. At 6:15, J. Scanlon moved to open the public hearing; R. Panofsky seconded; the motion passed unanimously on a roll-call vote: D. Pereira, aye; J. Scanlon, aye, R.

Panofsky, aye; R. Olivier, Aye; Richard Barrett, Aye.

Frank Harris IV, 201 Pleasant Street, was invited to address the Board. He is requesting the variance. The garage will have a 10-foot breezeway and then be 24 feet wide, resulting in a 5-foot encroachment over the 25-foot setback on the eastern side. The request will enable his family to gain needed additional space and the construction is planned to match the existing building. It was clarified that the lot has a preexisting nonconforming situation, as an undersized lot (41,708 square feet) with short frontage (147 feet).

Susan Bogosian, 205 Pleasant Street, was invited to address the Board. Her family are the abutters closest to the property line affected by the requested variance. They oppose the variance, citing the importance of maintaining the standards, the negative impact on their enjoyment of the rural character of their property and on their property value, and their need to invest money in trees or other visual barriers. Other plans seem possible.

Mr. Harris returned to respond to a question, whether other designs or plans could be considered. He acknowledged that could be done.

D. Pereira moved to close the public hearing; J. Scanlon seconded; the motion carried unanimously by roll-call vote: D. Pereira, aye; J. Scanlon, aye; R. Panofsky, aye; R. Olivier, Aye; Richard Barrett, Aye. Discussion brought out that the existing non-conformity permits continuation of that specific condition but it does not in itself authorize any additional, different variances. A variance should be given only when there is a strong necessity as well as evidence of little or no negative impact. Discussion emphasized the objection from an abutter and the existence of various alternative plans for the shape and location of the building. R. Panofsky moved to deny the requested variance, based on alternative plans being possible. J. Scanlon seconded, and the motion passed unanimously on a roll-call vote: D. Pereira, aye; R. Panofsky, aye; A. Oliveira, aye; R. Olivier, Aye.

NEXT MEETING

The next meeting of the Board is scheduled for Thursday, October 21, 2021, 6 PM.

ADJOURNMENT

On a motion by J. Scanlon and seconded by D. Pereira, the Board voted to adjourn at 6:35 by roll call vote: J. Scanlon, aye; R. Panofsky, aye; Oliviera, aye; R. Olivier, Aye, S. Silva, aye.

Respectfully submitted by Richard Panofsky, Clerk



David Pereira, Chairman



John Scanlon, Vice-Chairman