

Zoning Board of Appeals
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Chuck DeBlois, Jr., Vice Chair
John Scanlon
Richard Barrett
Antonio Oliveira
David Pereira II
Raymond Olivier
Richard Panofsky
Stephen Silva, Assoc. Mbr.

REHOBOTH ZONING BOARD OF APPEALS
Meeting Minutes – December 20, 2018

Present: Chuck DeBlois Jr., Vice Chairman, Richard Barrett, Antonio Oliveira, David Pereira II, John Scanlon, Raymond Olivier, Jim Muri, Liaison from Board of Selectmen

Absent: Richard Panofsky, Steve Silva Associate Member

CALL TO ORDER

Mr. DeBlois called the meeting to order at 6:00 PM with the pledge of allegiance & a moment of silence.

NEW BUSINESS

1. Chuck DeBlois

Mr. DeBlois stated that this is his last meeting and he is present to open the meeting and start the reorganization process. He thanked the Town and its people for allowing him to serve on the board.

2. Reorganization

Mr. DeBlois asked for a nomination for a new chairman.

Mr. Scanlon nominated David Pereira as chairman.

Mr. Oliveira seconded the nomination.

Roll call vote:

John Scanlon – Aye

Tony Oliveira – Aye

Chuck DeBlois – Aye

Richard Barrett – Aye

Motion passes

Mr. DeBlois turned the meeting over to Mr. Pereira. **

Mr. Scanlon nominated Richard Panofsky as clerk.

Mr. Oliveira seconded the motion. Motion passes.

Mr. Oliveira nominated John Scanlon as Vice-Chairman.

Mr. Barrett seconded the motion. Motion passes.

3. Advisement to the New Board

Mr. Muri stated to the board that Town Counsel had provided a list of guidelines for the Zoning Board of Appeals. Town Counsel is always available to answer any questions or concerns the board might have. Also stated that he is the liaison for the board from the Board of Selectmen and is available to help. Town Counsel would like to get together with the board in January to set up a training.

PUBLIC HEARINGS

1. File# 808 – Branco – 259 Plain Street – Special Permit & Variance Request

PROCESSED
19 FEB 22 AM 10:59
OFFICE OF THE TOWN CLERK
REHOBOTH, MA

Roll call vote to open the public hearing:

John Scanlon – Aye

Tony Oliveira – Aye

David Pereira – Aye

Raymond Olivier – Aye

Richard Barrett – Aye

Mr. Robert Branco & Ms. Kathleen Branco were present on behalf of themselves.

Mr. Scanlon asked if this variance request was for a use variance.

Ms. Branco the variance request is so we can store equipment in a garage without a house being built yet.

Mr. Oliveira asked how many trucks were stored on the property?

Mr. Branco stated two dump trucks.

Ms. Branco stated that one truck was a 3500 and a 5500 truck with trailers., they are inside the garage.

Mr. Branco stated that one truck is stored outside with a trailer, maintains equipment on the property. The house is going to be built. Leave garage at 7am and return as late as 8pm.

Mr. Pereira asked where the business was being run out of at this time?

Ms. Branco replied that it's a mobile business.

Mr. Pereira asked that there is no base for the business?

Ms. Branco stated no, there are no customers there. The house will be for personal use only.

Mr. Barrett asked if they had an office?

Ms. Branco stated that the office is run out of their home in Fall River.

Mr. Oliveira ask how many employees there are?

Ms. Branco stated just Mr. Branco.

Mr. Scanlon stated that a variance is hard to obtain, there has to be a major change made to the Zoning By-Laws. There are also three very specific criteria that has to be meet. The house lot is zoned Agricultural/Residential.

Ms. Branco stated that they had a building permit that states a business can be run out of the garage.

Mr. Scanlon stated that it does not say anything in regards to vehicles.

Mr. Oliveira asked how long the garage has been in place?

Mr. Branco stated 1 ½ years.

Mr. Pereira asked if the foundation for the house has been in, or if the ground has been broken for the house?

Mr. Branco stated that the ground has been broken.

Mr. Pereira asked if there was anyone in the audience in favor of the project?

None came forward.

Mr. Pereira asked if anyone in the audience was against the project?

Mr. Steven & Christine Viveiros of 255 Plain Street were present.

Ms. Viveiros presented information to the board.

Mr. Viveiros stated their concerns: the zoning of the property, how far back the property is from the main road, that equipment is being stored on the property, there is a shared easement with four driveways, six children live in the neighborhood, only one way in and out of the driveway, employees park in his driveway, noise, debris on property, material being stored, diesel and gas coming off of the equipment, re-sale value of his home.

Debra Imbriglio of 125 Spring Street was present.

Ms. Imbriglio stated her concerns: noise, not a commercial zone, all wetlands around the house, pesticides, herbicides, not for the common good.

Mr. Robert Reed of 267 Plain Street was present.

Mr. Reed stated his concerns: chemicals and his drinking water, children safety, property value, driveway is only one lane, has had to back out onto 118, safety issue.

Brian Camara of 263 Plain Street was present.

Mr. Camara stated that he felt things stated by other abutters were false. He felt: that the noise is from the buses nearby, the applicant doesn't use herbicides or pesticides. The applicant only leaves early in the am when he has to plow.

Mr. Scanlon stated that the board would make their decision based on the laws.

Ms. Branco stated that the debris on the property was, debris removed from the wetlands, and piles of loam from the garage being built. There are trucks coming in and out dropping out items for the house to be built.

Mr. Scanlon made a motion to close the public hearing.

Mr. Oliveira seconded the motion.

Roll call vote:

John Scanlon – Aye

Tony Oliveira – Aye

David Pereira – Aye

Raymond Olivier – Aye

Richard Barrett – Aye

The board deliberated.

Mr. Scanlon made a motion that the Zoning Board of Appeals deny the variance request for 259 Plain Street, Map4, Lot 66.

Mr. Barrett seconded the motion.

Roll call vote:

John Scanlon – Aye

Tony Oliveira – Aye

David Pereira – Aye

Raymond Olivier – Aye

Richard Barrett – Aye

Mr. Scanlon made a motion that the special permit be denied based on the variance being denied.

Mr. Oliveira seconded the motion.

Roll call vote:

John Scanlon – Aye

Tony Oliveira – Aye

David Pereira – Aye

Raymond Olivier – Aye

Richard Barrett – Aye

2. File# 809 – Carreiro – 87 Winter Street – Special Permit Request

Mr. Scanlon made a motion to open the public hearing.

Mr. Oliveira seconded the motion.

Roll call vote:

John Scanlon – Aye

Tony Oliveira – Aye

David Pereira – Aye

Raymond Olivier – Aye

Richard Barrett – Aye

Ms. Rachel Smith of Otis Dyer's office was present on behalf of the applicant.

Ms. Smith presented the special permit request.

Mr. Scanlon stated that the garage would go from 19' to 8' off the property line.

Ms. Smith replied yes. There was no objection from the abutter.

Mr. Scanlon asked if there was anything from the abutter stating that there was no issue with the garage being expanded.

Mr. Carreiro stated no, just word of mouth.

Mr. Barrett stated that the old garage would be demolished. What is the hardship, why can't the new garage be built on the opposite side of the house?

Ms. Smith stated based on the lay out of the entire home, that it isn't possible. The garage would have to be accessed by a bedroom.

Mr. Scanlon stated that this would be a big improvement to the current house.

Mr. Scanlon made a motion to close the public hearing.

Mr. Oliveira seconded the motion.

Roll call vote:

John Scanlon – Aye

Tony Oliveira – Aye

David Pereira – Aye

Raymond Olivier – Aye

Richard Barrett – Aye

The board deliberated.

Mr. Scanlon made a motion to grant the special permit request to add onto the garage at 87 Winter Street, map 20, lot 6.

Mr. Oliveira seconded the motion.

Roll call vote:

John Scanlon – Aye

Tony Oliveira – Aye

David Pereira – Aye

Raymond Olivier – Aye

Richard Barrett – Aye

MINUTES

Mr. Scanlon made a motion to approve the following minutes:

June, 22, 2017, August 17, 2017, September 21, 2017, October 26, 2017, November 16, 2017 and December 21, 2017.

Mr. Oliveira seconded the motion. Motion passes.

GENERAL BUSINESS

1. Signature Authority – Town Accountant

Mr. Barrett made a motion that the signature authority be Mr. Pereira and Mr. Scanlon in the absences of Mr. Pereira.

Mr. Oliveira seconded the motion. Motion passes.

ADJOURNMENT

Mr. Pereira made a motion to adjourn the meeting.

Mr. Scanlon seconded the motion. Motion passes.

Meeting adjourned at 7:15 pm.

For the Zoning Board of Appeals



David Pereira II, Chairman



John Scanlon, Vice-Chairman