

Zoning Board of Appeals  
148 Peck Street  
Rehoboth, MA 02769  
(508) 252-6891 Telephone  
(508) 252-5342 Facsimile



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 17, 2020**

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

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

The meeting was held remotely, via Zoom.

The agenda was reordered to a degree, so the public hearing could begin at 6:15.

**PROCEDURAL BUSINESS**

Committee roles. This matter would usually have been done at the beginning of the fiscal year, in July. Members including associate members can vote on this. Because we are not visible to all, we will use a roll call vote for all votes this evening.

On a motion by J. Scanlon and seconded by R. Panofsky, David Pereira was nominated Chairman; this passed unanimously on a roll-call vote: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliveira, aye; Olivier, aye; Silva, aye. On a motion by D. Pereira and seconded by R. Panofsky, John Scanlon was nominated Vice Chairman; this passed unanimously on a roll-call vote: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliveira, aye; Olivier, aye; Silva, aye. On a motion by J. Scanlon and seconded by D. Pereira, Richard Panofsky was nominated Clerk; this passed unanimously on a roll-call vote: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliveira, aye; Olivier, aye; Silva, aye.

With only four regular members present, Chair Pereira declared Associate Member Raymond Olivier will vote tonight.

**PUBLIC HEARINGS & MEETINGS, PREVIOUS**

File #813 — 103 County Street — Morrell — Variance. With an initial deadline of November 21, 2019, this file had been continued until February 20, 2020. There has been no further communication from the applicant. D. Pereira moved closing the public hearing, R. Olivier seconded; the motion carried unanimously on a roll call vote: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliveira, aye; Olivier, aye.

## GENERAL BUSINESS

1. File #816 – Cantenacci – variance – Oak Hill Avenue. R. Panofsky moved to approve the Findings as written; J. Scanlon seconded; the motion carried unanimously on a roll call vote: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliviera, aye; Olivier, aye.
2. Bliss street – update. Ryan DuVally of Heritage Realty Enterprises, LLC, 3 Park Street, Rehoboth, Massachusetts 02769, joined the meeting. D. Pereira reported doing a number of walk-throughs and verified that the grading is finished and top portion road ready to install. Fuss & O'Neil are providing the town with engineering services for the project and have filed two reports. There were no questions.
3. Update ZBA Application. We will defer consideration of this item to a future meeting.
4. Sign Mylars – The Reserve – Phase II. Neal Hingorany of Narragansett Engineering, Inc., joined the meeting. He outlined features of the Phase II mylars and reported on progress made to date. A. Oliviera moved we accept the Phase II report; J. Scanlon seconded; the motion carried unanimously on a roll call vote: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliviera, aye; Olivier, aye.

## PUBLIC HEARINGS & MEETINGS

File #817 – 18 Round Farm Road – Cryan – Variance. Request is for a variance of the rear setback minimum of 25 feet for a proposed two-story garage. The proposed building is to be aligned with an existing paved driveway/turn-around area, where it would comply with requirements for distance from the main structure and the side boundary, but would be 10 feet from the rear boundary rather than 25 feet. At 6:20 pm, a motion was made by R. Panofsky to open the public hearing and seconded by J. Scanlon. A roll-call vote was taken: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliviera, aye; Olivier, aye.

John Risser, of Risser Engineering, 93 George Leven Drive, Unit 3, North Attleboro, MA 02760, joined the Zoom meeting. Kevin Cryan, owner, was initially unable to join but later could hear the discussion; Mr. Cryan did not speak. Mr. Risser outlined the case for the appeal. They wish to retain the present paved area for ease of use in access and turning vehicles around. The garage will be 26 feet by 28 feet. This requires the building to be placed only 10 feet from the rear boundary. Risser reported that the property beyond the boundary is wetland and claimed that the neighbor owning that property told the property owner that he had no objection.

Discussion clarified the position and height of the building with a second story and its intended use as an office; it will not have a bathroom. It will be positioned just further than the minimum required distance from the house, at 29.6 feet. Brief consideration was given of other possible placements of the new garage. Discussion also clarified that variances are based on topographic characteristics of the property itself; thus, those of the neighboring property are not relevant.

No one else attended either to oppose or favor the request.

J. Scanlon moved and D. Pereira seconded to close the hearing. A roll-call vote was taken: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliviera, aye; Olivier, aye. Discussion of the board emphasized that variances are given rarely and in only strong circumstances; the bylaws state principles that the voters have approved as standards that they wish to see enforced. Discussion highlighted that the case for a variance has

not been made. J. Scanlon moved and D. Pereira seconded to deny the request for a variance (aye being to deny). A roll-call vote was taken: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliveira, aye; Olivier, aye.

#### MINUTES

On a motion by J. Scanlon and seconded by A. Oliveira, the minutes of February 20, 2020, were approved unanimously as written on a roll call vote: Scanlon, aye; Pereira, aye; Panofsky, aye; Oliveira, aye; Olivier, aye.

#### INVOICES

No invoices were considered.

#### NEXT MEETING


The next meeting of the Board is scheduled for Thursday, October 15, 2020, 6 PM, to be held remotely, via Zoom.

#### ADJOURNMENT

On a motion by R. Panofsky and seconded by J. Scanlon, the Board voted to adjourn at 6:43.

Respectfully submitted by Richard Panofsky, Clerk

  
David Pereira, Chairman

  
John Scanlon, Vice-Chairman