

Board of Appeals

Minutes

March 4, 2025

Board of Appeals

Town Hall • 40 Center Street • Fairhaven, MA 02719

Meeting Minutes

I. ADMINISTRATIVE BUSINESS

1. Quorum/Attendance

Patrick Carr opened the March 4th, 2025, meeting at 6:00 PM. The board members introduced themselves and he read the protocol for Zoning Board of Appeals meetings and Open Public Meeting Law. Patrick Carr asked that Katherine MacPhail to step in as full time member, in the absence of Daryl Manchester. She agreed.

The board welcomed new member Robert Hannan.

For this meeting, the Zoning Board of Appeals convened in-person, as well as by telephone and video conference via Zoom as posted on the Town's website identifying how the public may join. The meeting was recorded and will be televised at a later date; some attendees participated by phone and video conference and used chat on Zoom.

Quorum/Attendance, Town Hall: Ruy daSilva, Peg Cook, Pat Carr, Kathrine MacPhail, Robert Hanna and Derek Furtado.

On Zoom: Amy Goyer

Absent: Kristen Russel and Daryl Manchester

Recording Secretary: Suzanne Vieira, present in Town Hall.

Building Commissioner: Richard Forand was absent.

- 2. Meeting minutes:** Board approves the December 3rd minutes 4-1 Amy Goyer opposed. Due to ongoing litigation there are no minutes for the January 7th meeting. There was no meeting in February.

II. PUBLIC HEARINGS:

- 1. REF#: ZBA-025-024: 481 Sconticut Neck Rd, Map 29, Lot 027. Applicant and Owner: Bradley Johnson. Applicant is seeking special permit for 8' fence instead of 6' fence, pursuant to Fairhaven Zoning Bylaw 198-19B Use Regulation Schedule.**

The applicant explains their request for an 8-foot privacy fence instead of the standard 6-foot fence along their northern property line. They cite the close proximity of their house and

planned patio to the property line, as well as their neighbors' elevated entrance and deck, as reasons why a taller fence is necessary for privacy. The proposed fence would extend 120 feet from the northeastern corner of their house, past several accessory buildings on the neighbor's property. The applicant has provided a marked-up certified plot plan showing the proposed fence location and extent.

The applicant presents a plan to install an 8-foot tall fence along their property line for privacy, which exceeds the 6-foot height limit. The board discusses whether this should be filed as a variance, with the consensus being that a special permit would be more appropriate. The board advises the applicant to withdraw their current application without prejudice, refile as a special permit with the Building Commissioner, and return to the board. The board indicates they are likely to approve the project once it is correctly filed as a special permit.

The Board voted 4-1 to approve the minutes from December 3, 2024. Patrick Carr stated the January 7th executive session minutes will be not be voted on and will be taken off the record. Bob Hannan raised procedural questions about the requirements for written approval from abutters and objective criteria for granting special permits. Amy provided a link to the zoning bylaws on the Fairhaven website for reference. The conversation ended with a roll call vote to adjourn.