

Board of Appeals

Town Hall • 40 Center Street • Fairhaven, MA 02719

Meeting Minutes

FAIRHAVEN TOWN CLERK
ROUD 2025 FEB 4 AM 11:48

I. ADMINISTRATIVE BUSINESS

1. Quorum/Attendance

Patrick Carr (chair) opened the September 2nd, 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.

For this meeting, the Zoning Board of Appeals convened in-person. Patrick Carr opened the meeting to the public.

Quorum/Attendance, Town Hall: Patrick Carr, Ruy daSilva, Peg Cook, Derek Furtado, Daryl Manchester, Kristen Russel and Kenneth Kendal

On Zoom: Robert Hannan

Recording Secretary: Suzanne Vieira, present

Building Commissioner: Richard Forand was present.

2. Meeting minutes: Board to approved September 2nd, 2025 minutes.

Quick recap:

The board granted a seasonal permit for a property where campers are used during the season, with specific compliance requirements and a two-year moratorium for renewal. A property owner requested permission to park a camper or truck on his beachfront lot, with no opposition and support from a neighbor. The Zoning Board of Appeals discussed regulations for seasonal trailer usage on barrier beach properties, including permit requirements and enforcement methods. The town board discussed a special permit application for keeping chickens, which was approved unanimously. The Zoning Board of Appeals reviewed several variance requests and special permit applications. The board addressed two variance cases (17 Shore Drive) involving setback requirements and an administrative appeal for an ADU (23 Summer Street), voting to continue one case to October and recessing the meeting due to technical issues.

The board welcomed Kristen Russell as a newly appointed full-time.

Next steps

- Richard Ferreira to submit an operations and maintenance plan for chicken manure, food, and water to the Board of Health.

- Roy Gendron to meet with the Building Commissioner to get a zoning determination/denial letter before reapplying for a variance.
- Building Commissioner to issue a determination on Roy Gendron's garage setback request.
- Dave Devignan's variance request for 17 Shore Drive continued to October meeting.
- Heather to remove her camper and clear the lot by October 1st.
- Heather to reapply for seasonal camper permit in 2 years.
- Barry Sherman to go through the building department to get direction for placing a seasonal camper on his property.
- Building Inspector to create a permit system for seasonal campers.
- Building Inspector to implement a process for tracking seasonal camper permits and their expiration dates.
- Building Inspector to coordinate with other departments for sign-offs on seasonal camper permits.

Summary

Remote Meetings and Chicken Permits:

The board discussed a special permit application from Richard Ferreria to keep chickens on his property, which was approved unanimously after confirming all requirements were met. (9 Jeannette Street)

Zoning Board Reviews Variance Applications:

The Zoning Board of Appeals discussed several applications for special permits and variances.

Roy Gendron's variance request for a 5-foot setback on Sconticut Neck Road, the building inspector explained that the current 10-foot setback might not be necessary due to the property's unique layout, leaving 16 feet in the front. The board agreed to continue the discussion after reviewing the plot plan. (159 Sconticut Neck Rd)

Zoning Variance Application Procedures:

The board discussed the proper procedure for seeking a zoning variance, clarifying that an applicant must first receive a denial from the building commissioner before approaching the Zoning Board of Appeals. They agreed to withdraw the current application without prejudice, allowing the applicant to reapply after obtaining the required zoning determination.

Variance Requests and Building Appeals

The board discussed two variance requests, including one for a setback at 17 Shore Drive and another for an administrative appeal on a building permit for an ADU at 23 Summit Street. They voted unanimously to continue the first case to October.

Due to technical difficulties, the meeting was recessed for 5 minutes, and attendees were instructed to access the meeting via a new Zoom link on the website.

Seasonal Permit Approval Decision

The board discussed a seasonal permit request for a property where campers used during the season. After hearing from the applicant, Heather, (0 Point Street) who denied non-compliance claims, the board agreed to grant a 2-year seasonal permit (April 1st to October 1st) with the stipulation that all campers must be removed by October 1st and the lot cleared of debris. The board noted that while the Building Commissioner would handle enforcement of compliance issues, they would implement a moratorium requiring reapplication in two years, with no additional fees required for the renewal process.

Beach Lot Parking Permit Request

Barry Sherman, the owner of a 40-by-68-foot (2700 sq feet) beachfront lot in Fairhaven (0 Monodach Ave), sought a special use permit to park a camper or truck on his property for seasonal use. He explained that he purchased the lot in 2021 with plans for retirement but has since decided to use it minimally, visiting only a few times a year. The conservation department previously suggested installing a seashell driveway, but Sherman preferred a simpler solution. One neighbor, Father Christopher Gomes, spoke in support, noting his long family history in the area. Brian LaPointe is also in favor for this. Marcia McCormick was in opposition.

Seasonal Trailer Permit Regulations

The Zoning Board of Appeals discussed seasonal trailer usage on barrier beach properties, with a focus on ensuring fair treatment while maintaining environmental compliance. The board agreed that property owners seeking to place trailers must go through the building inspector's office and obtain necessary permits from various departments, including conservation, before being issued a temporary permit valid for two years. The board also discussed implementing a visible permit system, potentially in the form of stickers, to help enforce regulations and track compliance.