

**Board of Appeals**

Town Hall • 40 Center Street • Fairhaven, MA 02719

Meeting Minutes

FAIRHAVEN TOWN CLERK  
RCVD 2026 FEB 4 AM 11:49

**I. ADMINISTRATIVE BUSINESS**

**1. Quorum/Attendance**

Patrick Carr (chair) opened the November 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.

**Quorum/Attendance, Town Hall:** Patrick Carr, Peg Cook, Derek Furtado, Robert Hannan, Ruy DaSilva, Daryl Manchester, Kenneth Kendal

**On Zoom:** Kristen Russel

**Recording Secretary:** Suzanne Vieira, present

**Building Commissioner:** Richard Forand was absent.

**2. Meeting minutes:** Board to approve November 4<sup>th</sup>, 2025 minutes.

**Meeting summary**

**Quick recap**

The Zoning Board of Appeals reviewed several requests for accessory buildings and structures, discussing lot size requirements, legal definitions, and property ownership issues on a non-principal lot. The board denied multiple requests that did not meet legal requirements for accessory structures or that involved non-conforming lots, while also addressing concerns about building placement and lot size restrictions again on a non-principal lot.

The conversation ended with discussions about open meeting law complaints against the board, which were ultimately dismissed, and the board agreed to develop clearer procedures for handling future complaints.

**Next steps**

- [Matthew Brodo : Withdraw application without prejudice and consult with building commissioner Mr. Forand regarding legal options for the property at Zero Blue Point Road](#)
- [Matthew Brodo : Seek legal counsel regarding potential options to unify lots or resolve property ownership issues to allow accessory structure](#)

- [Patrick Carr : Work with Amy Hart to develop formal procedures and format for handling Open Meeting Law complaints within required timeframes](#)
- [Amy Hart : Create checklist and procedures for handling Open Meeting Law complaints to ensure boards can comply with 14-day response requirement](#)
- [Patrick Carr : Suggest to all board members to retake Open Meeting Law training](#)
- [Town Administration: Provide resources and scenarios to help board chairs and members better understand Open Meeting Law requirements](#)
- [Town Administration: Establish clear notification process for Open Meeting Law complaints to ensure timely board response](#)

## Summary

### Accessory Building Permit Discussion

The Zoning Board of Appeals held a meeting to discuss a special permit request for an accessory building on 0 Blue Point Road. Matthew Brodo, representing Brian and Melissa Arrigi, explained their need for additional storage space due to limited lot size and existing restrictions on no-principal lot. The board reviewed the application and discussed the definition of accessory structures versus primary dwellings on non-principal lots. No public opposition was present, and the board agreed to proceed with further discussion after reviewing the building inspector's denial letter.

### Accessory Building Denial Decision

The board discussed a request for an accessory building on a non-principal lot, explaining that Massachusetts law requires such buildings to be on the primary lot. They denied the request because it did not meet the legal definition of either an accessory building or an auxiliary dwelling unit

### Storage Shed Request Denial Discussion

The board discussed a request for an accessory structure on a property, with the applicant seeking to build a 20x20 storage shed. The board noted that while the property isn't adjacent to their own, it is across the street and has bylaw conflicts, making it difficult to approve the request. Kristen inquired about the possibility of offering suggestions to amend the situation, but Town clarified that such discussions should occur between the applicant and building commissioner. The board expressed concerns about the legal implications of approving the structure, given that it would require a variance due to non-conforming lot requirements on a non-principal lot.

### Zoning Board Ownership Dispute

The Zoning Board of Appeals discussed a property ownership issue where Brian and Melissa sought permission for an accessory structure, but the board determined they lacked authority to grant it due to separate property ownership. The board agreed to withdraw the case without prejudice to allow Brian and Melissa to seek legal advice and potentially reapply with proper ownership documentation.

The meeting also addressed two open meeting law complaints against the board, which were ultimately dismissed by the Attorney General's office, though there were concerns raised about the board's timely response to these complaints. The board agreed to work with Town Administrative Assistant Amy Hart to develop clearer procedures for handling future open meeting law complaints.