



Town of Fairhaven Commonwealth of Massachusetts

Building Department
Town Hall
40 Centre Street
Fairhaven, MA 02719

Phone 508 979 4023

Zoning Determination

To: Ashleigh DaCruz
46 Hawthorn Street
Fairhaven Ma, 02719

RE: 46 Hawthorne and lots 231-237 map 22

Please be advised, I have researched the above mentioned lots and have found the following.

1. *The existing house sits on lots 237 & 238 which has been held separately since 1912.*
2. *According to the information and Assessors cards in 1950 lots 231 – 236 were bought by the owner of lots 237 & 238. Yet to this day have been held separate parcels as lots 231 and 237*
3. *The lots origination was in 1912 and had no minimum lot sizes and frontage requirements.*
4. Any increase in area, frontage, width, yard, or depth requirements of a zoning ordinance or by-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage. Any increase in area, frontage, width, yard or depth requirement of a zoning ordinance or by-law shall not apply for a period of five years from its effective date or for five years after January first, nineteen hundred and seventy-six, whichever is later, to a lot for single and two family residential use, provided the plan for such lot was recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January first, nineteen hundred and seventy-six, and had less area, frontage, width, yard or depth requirements than the newly effective zoning requirements but contained at least seven thousand five hundred square feet of area and seventy-five feet of frontage, and provided that said five year period does not commence prior to January first, nineteen hundred and seventy-six, and provided further that the provisions of this sentence shall not apply to more than three of such adjoining lots held in common ownership. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the zoning ordinances or by-laws in effect in a city or town.
5. I find that the mentioned property to be buildable. The lots will have at least the 7500 square feet and the 75 foot frontage required by this bylaw. This would allow for separation of said lots.
6. I would consider this less detrimental and in conforming to the existing neighborhood.
7. **Please apply to planning board for an ANR for the new separate lots as per plans submitted by Farland Corp. dated 10/22/2024.**

An appeal to the Zoning Board of Appeals may be taken by any person aggrieved by reason of his/her inability to obtain a permit or enforcement action from the Fairhaven Building Commissioner for reasons in violation of the provisions of Chapter 40A or this Chapter 198, Zoning, as provided under MGL c.40A, § 8. An appeal to the Zoning Board of Appeals may also be taken by the Regional Planning Agency for the Town of Fairhaven, an officer or board of the Town of Fairhaven or an abutting city or town of Fairhaven who is aggrieved by an order or decision of the Fairhaven Building Commissioner pertaining to the provisions of Chapter 40A, or this Chapter 198, Zoning, as prescribed under MGL c.40A, § 8.

Respectfully,

*Richard Forand. CBO
Town of Fairhaven Building Commissioner &
Zoning Enforcement Officer.*