

Board of Appeals

Town Hall • 40 Center Street • Fairhaven, MA 02719

Meeting Minutes

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I. ADMINISTRATIVE BUSINESS

1. Quorum/Attendance

Patrick Carr opened the meeting at 6:00 PM. He introduced the board members and read the protocol for Zoning Board of Appeals meetings and the Open Public Meeting Law.

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 by the Government Access Channel and will be televised at a later date.

Patrick Carr also read the notice that on March 28, 2025, legislation extending Open Meeting Law regulations governing remote participation was passed by the Massachusetts Legislature and signed by the Governor. This legislation allows remote and hybrid meeting options for public bodies through June 30, 2027. Pursuant to an amendment to Town By-law Chapter 50-13, all government meetings are available through web/video conference and are recorded. This meeting is being recorded and broadcast on Channel 97 and will be posted online.

Participants were instructed that Zoom cameras were disabled and that anyone wishing to speak must use the "raise hand" feature and identify themselves with their full name to be recognized and unmuted.

Quorum/Attendance – Town Hall:

Patrick Carr, Ruy daSilva, Peg Cook, Kenneth Kendall, Daryl Manchester

Associate Member Sitting:

Robert Hannan, **Cathy Melason**

On Zoom:

None

Absent:

Kristen Russell
Derek Furtado

Recording Secretary: Suzanne Vieira, Absent.

Building Commissioner: Richard Forand, Absent.

Patrick Carr welcomed the newest member of the Zoning Board of Appeals, **Kathy Melanson**, who was recently appointed by the Select Board. He noted that Ms. Melanson brings a wealth of knowledge from her years serving on the Planning Board and her work with the Building Inspector and Planning Director on zoning matters. The Board welcomed her and thanked her for joining.

Patrick Carr confirmed that a quorum was present. Associate member Robert Hannan was designated to sit as a full voting member for the evening. The Chair noted that voting would be limited to the four full-time members and one associate member sitting in place of a full member.

Approval of Meeting Minutes

Patrick Carr stated that the meeting packets were not distributed in advance due to a personal matter that prevented the Recording Secretary from preparing them in time. Copies of the February 3, 2026 meeting minutes were available for review.

Patrick Carr asked for a motion to approve the February 3, 2026 meeting minutes.

Peg Cook made a motion to approve the minutes.
Robert Hannan seconded the motion.

All in favor: Aye
Opposed: None

The motion carried and the minutes were approved.

Public Hearing

ZBA-026-005

2 Oxford Street – Map 13, Lot 1 – Book 13447, Page 155

Applicant/Owner: 2 Oxford Street, LLC

The applicant seeks a variance pursuant to the Fairhaven Zoning By-law Section 198-22 to allow construction of a proposed accessory building (pool house) forward of the front yard setback.

Patrick Carr opened the public hearing and asked if anyone was present to represent the application.

Dave Davignon of Schneider Davignon Leone introduced himself as the surveyor and engineer for the project. Attorney Drew Marsh, representing the applicant, was also present along with the property owner, Mr. Weeks.

Mr. Davignon explained that the lot is approximately one-half acre in size and is bordered by the Acushnet River on two sides. The eastern side abuts a residential property that contains a dwelling and an accessory dwelling unit, and the southern portion of the property is bordered by Oxford Street.

He stated that Oxford Street is paved but ends before the full 100 feet of frontage required for a buildable lot. The remaining frontage extending toward the river contains heavy vegetation and trees.

Mr. Davignon explained that the proposal is to construct a 15-foot by 18-foot pool house located between the dwelling and the paved portion of Oxford Street, adjacent to the in-ground pool that was constructed in the fall of 2025.

Attorney Drew Marsh then addressed the Board. He stated that the applicant is requesting a dimensional variance from Section 198-22 (Accessory Buildings and Uses) to allow construction of the pool house forward of the front setback line.

Attorney Marsh explained that the lot presents several unique constraints including its corner lot configuration, sloping topography toward the river, wetland and coastal buffer areas, the placement of the existing dwelling, and the presence of a paper road. These conditions limit the reasonable locations for additional structures on the property.

He stated that the proposed location is one of the few relatively flat areas on the lot that is not already occupied by the dwelling or driveway. Relocating the pool house elsewhere would require extensive grading, retaining walls, and additional site work, making development economically impractical.

Attorney Marsh explained that Massachusetts law allows dimensional variances when strict enforcement of zoning regulations would create substantial hardship due to the unique shape, soil conditions, or topography of the land. He stated that the hardship arises from the characteristics of the property itself rather than from the personal preferences of the owner.

Patrick Carr asked if anyone in the audience wished to speak in favor of or against the project.

No one came forward.

Patrick Carr also asked if anyone attending remotely wished to comment.

There were no comments.

Patrick Carr then opened the discussion to the Board for questions.

Board members noted that the Board had previously granted a variance for the pool on the property in 2025 and indicated that the explanation provided regarding the unique characteristics of the property and associated hardship appeared reasonable.

Hearing no further discussion, Patrick Carr asked for a motion.

Ruy daSilva made a motion to approve the requested variance.

Daryl Manchester seconded the motion.

All in favor: Aye

Opposed: None

The motion passed unanimously and the variance was approved.

Patrick Carr wished the applicant good luck with the project.

Administrative Discussion

Robert Hannan asked a question regarding Board training materials that referenced the requirement to make written findings for each factor of a variance.

Patrick Carr explained that the administrative staff prepares a written decision summarizing the Board's action and findings. The Chair reviews the document and signs it. The decision is then recorded at the Registry of Deeds, after which a 20-day appeal period begins.

Patrick Carr noted that unlike the Planning Board, the Zoning Board of Appeals typically does not impose conditions and instead votes either to approve or deny applications based on the statutory variance criteria.

Board members discussed that any concerns regarding hardship or the variance criteria should be addressed during discussion prior to the vote.

Adjournment

Patrick Carr asked for a motion to adjourn.

Kenneth Kendall made the motion.

Ruy daSilva seconded the motion.

All in favor: Aye

Opposed: None

The motion carried and the meeting was adjourned.