

Board of Appeals

Minutes

May 5th, 2026

Board of Appeals

Town Hall • 40 Center Street • Fairhaven, MA 02719

Meeting Minutes

I. ADMINISTRATIVE BUSINESS

1. Quorum/Attendance

Patrick Carr opened the May 5th, meeting at 6:00 PM. He introduced the board members and 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, 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: Patrick Carr, Ruy daSilva, Robert Hannan, Peg Cook, Kenneth Kendal, Kristen Russel, Cathy Melanson, Daryl Manchester, Derek Furtado

Recording Secretary: Suzanne Vieira, Absent.

Building Commissioner: Richard Forand present in Town Hall.

Approval of Meeting Minutes: The minutes will be revised to reflect that Kristen Russell attended the meeting via Zoom rather than being absent. The minutes from the April 7th, 2026 meeting were unanimously approved pending this correction, which has since been made.

Meeting summary

Quick recap

The Fairhaven Zoning Board of Appeals held a meeting on May 5th, 2026, to discuss several variance and special permit applications. The primary focus was on a variance request from Brian Reis for a 40x80-foot storage barn at 431 Sconticut Neck Road, which exceeded the allowed 700 square foot limit for accessory buildings. Multiple abutters expressed concerns about the size, height, and aesthetic impact of the proposed structure, particularly noting that Reis had cleared significant vegetation and replaced it with gravel. After extensive discussion about agricultural restrictions and the true purpose of the building, the board voted to table the decision until further documentation could confirm whether the property qualified as agricultural and required specific maintenance. The meeting then proceeded to consider two additional applications: a variance request from Peter DeTerra for reduced frontage on Mill Road (which was approved), and a special permit from Carrie Scott to keep chickens on her property (also approved). The final item was a variance request from Bruce Kennedy and Catherine Barnett for a 1,008 square foot post and beam barn on Crow Island, which was approved due to hardship caused by living on an island with limited storage options.

Next steps**Carrie Scott**

- Submit operations and maintenance plan for manure, food, and water to the Board of Health after receiving final inspection approval from the Building Commissioner for the chicken coop project.
- Building Commissioner: Conduct final inspection of chicken coop (Carrie Scott's project) to verify compliance with setbacks before issuance of permit.
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Davignon (representing Peter DeTerra)

- Prepare and record an Approval Not Required (ANR) plan with the Planning Board and complete necessary deed transfers after variance approval for 279 Mill Road project.
- Submit septic design to Board of Health and complete all required deed transfers before applying for building permit for 279 Mill Road project.

Collaboration

- Building Commissioner: Review deed restrictions and Buzzards Bay Coalition restrictions on 431 Sconticut Neck Road property and report findings to the board prior to next meeting.
- Applicant (Brian Reis) and/or representative: Submit revised plans (including possible reduction in building size and/or relocation on lot) and, if variance is granted, provide stamped engineered plans matching final approved specifications to the Building Department.
- Board to send out the 5 criteria of hard ships for the Zoning Board of Appeals.

Summary**Zoning Variance Request Meeting**

The Zoning Board of Appeals held a meeting to discuss a zoning variance request from Brian Reis for a 40x80 foot storage barn on his property at 431 Sconticut Neck Road. John Romanelli from Zenith Land Surveyors represented Reis, explaining that the barn would be used for farm equipment, a backhoe, and storage of hay and a boat, with the structure to be placed 10 feet from the property line. During public comment, Edward Reedy expressed concerns about the size and scale of the proposed metal building not matching the historic 1830 farmhouse and potentially exceeding the intended agricultural use restrictions of Buzzards Bay Coalition. The conversation ended with the chair asking Reis to provide information about his occupation and commercial business affiliation, as this information was not available from the engineer.

431 Sconticut Neck Road Development Proposal

The meeting focused on discussing a property development proposal at 431 Sconticut Neck Road. Brian Reis, the property owner, clarified that he would not be using the site for construction equipment or business purposes, and would only store a bobcat there temporarily. David Small, who owns an adjacent lot, expressed concerns about the clearing of vegetation and trees on the property, which he believed was done without proper permits. The building commissioner explained that the proposed building exceeded size and height requirements allowed under rural residential zoning laws, and would require approval from the Zoning Board. The conversation ended with a request for Brian to return to provide more specific details about the building's height.

Accessory Building Zoning Compliance Discussion

The meeting focused on discussing a proposed accessory building project, with the board addressing concerns about the building's dimensions and compliance with zoning regulations. The building's highest point would be 25 feet, exceeding the 20-foot limit by 5 feet, and the proposed 3,200 square footage significantly exceeds the 700 square foot limit for accessory buildings in rural residential zones. The board clarified that while they can consider variances based on specific hardship criteria, the applicant must demonstrate a legitimate hardship related to soil conditions, lot shape, or topography, rather than general concerns about property values or views.

Oversized Outbuilding Zoning Discussion

The meeting focused on concerns regarding a proposed oversized outbuilding on a property. Elizabeth Small, representing neighbors opposed to the project, questioned the true purpose of the 40x80 foot building, suggesting it was primarily for storing vehicles and equipment rather than hay as claimed. The board chair explained that while aesthetic concerns about the building's character were not within zoning jurisdiction, the board would need to hear the developer's hardship justification if seeking variance approval. The discussion included a review of submitted letters, including one from Malcolm Young, and the chair indicated they would allow the developer to present his case before opening it to board discussion.

Proposed Shed Structure Concerns

Malcolm Young, a lifelong area resident and property owner, expressed concerns about a proposed shed structure, questioning the credibility of the applicant's stated personal use given the property's altered condition and the structure's design. Town clarified that he was gathering facts for the board's consideration rather than dismissing concerns about tree removal and land changes. During public comment, Adam Kyle and Kathleen Webb both objected to the proposed building's size, describing it as too large and not aesthetically pleasing, particularly given the recent clearing of trees on the property.

Barn Variance Request Discussion

The meeting focused on a variance request for building a barn on property with agricultural restrictions. Brian explained that while the property is not a full farm (only 2 acres), it has agricultural restrictions requiring open space maintenance under Buzzards Bay Coalition oversight. The board discussed whether the property qualifies as agricultural, with questions raised about the specific restrictions and whether the proposed 40x60 foot barn would be allowed under current bylaws. The conversation ended with a decision to table the discussion until further research can be conducted into the property's agricultural designation and existing restrictions.

Agricultural Barn Structure Planning Meeting

The meeting focused on discussing a property owner's request to build a barn-like structure to store agricultural equipment and hay on a 1.77-acre lot. Town questioned the necessity of the large building, noting that maintaining such a small area would not require significant equipment storage. Jeanne Ball opposed the size and appearance of the proposed building, arguing that a lawnmower would suffice for maintaining the hay field. The discussion revealed that Mark Viveras currently manages hay cutting on a nearby parcel, and the board decided to table the decision pending further review of deed restrictions and documentation from the building commissioner.

Property Criteria Discussion Postponed

The board decided to table the current discussion on property criteria and variances until further information is obtained regarding agricultural definitions and building size amendments. They agreed to continue the meeting at a later date once the Building Commissioner has more details. The board also addressed member recusals due to conflicts of interest and appointed new voting members to proceed with the next application from Peter de Terra regarding a variance request for a residential lot in Fairhaven.

Board of Appeals Variance Decisions

The Board of Appeals granted three variance requests during the meeting. For the first case, the board approved reducing frontage requirements from 140 feet to 81.64 feet for a 2-acre lot to make it buildable, finding the shape-based hardship justified the variance for 279 Mill Rd. The second case involved Carrie Scott seeking permission to keep up to 10 chickens on her property, which the board approved after confirming she met all setback requirements at 1 Parker Street. The third case involved Bruce Kennedy and Catherine Barnett seeking variance approval for a 1,008 square foot post and beam barn on Crow Island, which the board approved due to the hardship of limited storage space on the island property.