

Board of Appeals

Town Hall • 40 Center Street • Fairhaven, MA 02719

Meeting Minutes

I. ADMINISTRATIVE BUSINESS

1. Quorum/Attendance

Patrick Carr opened the June 2nd, 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, Robert Hannan, Peg Cook, Kenneth Kendal, Kristen Russel, Cathy Melanson,

Recording Secretary: Suzanne Vieira, Ruy daSilva, Daryl Manchester, and Derek Furtado-Absent.

Building Commissioner: Richard Forand present in Town Hall.

Approval of Meeting Minutes: The minutes from the May 5th, 2026 meeting were unanimously approved. (6-0)

Meeting summary

Quick recap

The Haven Zoning Board of Appeals met on June 2nd, 2026, to consider three variance requests for dock and pier construction. The first case involved Lindsey Taylor seeking permission to keep chickens at her residence, which was approved unanimously after she demonstrated neighbor support and compliance with all requirements. The second case, represented by Dave Davignon for Carlos A. Pereira, requested a variance for water depth at a proposed dock location, where the current depth of 10-12 inches fell short of the required 30-inch minimum at mean low water. The board approved the variance after extensive discussion about design considerations, including the use of helical anchors, stainless steel cables, and efforts to minimize the structure's visual impact across the marsh. The third case involved Frederick Miller seeking variances for a longer pier and boat lift system on Sippican Street, which was also approved unanimously after addressing concerns about property line setbacks and safety measures.

Next steps**Dave Davignon (representing Carlos A. Pereira)**

- Proceed with detailed design, including cross-sections and elevations, for the proposed pier at 101-103 Ashley Island Road, to be presented at the next meeting.
- File applications and coordinate with Conservation Commission, Army Corps of Engineers, and DEP Waterways Program for necessary environmental and regulatory approvals for the pier project.
- Design the pier/walkway using helical anchors and stainless steel cables to minimize visual impact, and attempt to keep the structure as low-profile as possible, per discussion with abutters and the Board.

Dave Davignon (representing Frederick Miller)

- File applications and coordinate with Conservation Commission, Army Corps of Engineers, and DEP Waterways Program for necessary approvals for the extended pier and twin boat lift system at 7 Sippican Street/68 Winston Gansett Avenue.

Frederick Miller

- Prepare and record appropriate easement or license agreement in the deeds to ensure future property owners understand shared use/access to the pier and boat lift system, should the properties be sold separately.

Lindsey Taylor

- Submit operations and maintenance plan for manure, food, and water to the Board of Health as required by the special permit approval.

Rick (Building Commissioner)

- Monitor and investigate, as appropriate, the anonymous complaint regarding possible illegal apartment at Laura Lane, and follow up if further evidence or access is provided.

Summary**Zoning Variance Request Discussion**

The town approved a petition for Ms. Taylor to have a chicken coop, with the requirement to follow all town rules and bylaws. The board then discussed a variance request from Carlos A. Pereira for a property at 101-103 Ashley Island Road, seeking permission to construct a pier in shallow water due to insufficient depth at low tide. The engineer representing the property owner explained that while the water depth falls

short of the required 30 inches at low tide, the project meets other bylaws and would primarily be used for small watercraft like dinghies and kayaks.

Dock Variance Request Discussion

The meeting focused on discussing a variance request for constructing a dock, specifically regarding the depth of water at mean low water, which currently measures 10 to 12 inches versus the required 30 inches minimum. The applicant explained that the variance would allow them to construct a pier within the allowed 75 feet of the property line, maintaining the required 25 feet distance. Mike Cardoza raised concerns about the visual impact of the proposed structure, particularly its height and length as seen from his property. The committee clarified that their scope was limited to granting the variance for depth requirements, with design and placement details to be addressed in future meetings with the conservation committee and Army Corps of Engineers.

Pier Construction Water Mark Requirements

The discussion focused on determining the mean low water mark for a pier construction project, with participants explaining that a professional land surveyor would need to measure and verify the appropriate water depth. The conversation clarified that while the project requires a variance from local bylaws specifying 30 inches of water clearance, it is actually approvable under the Wetlands Protection Act and other federal regulations. The participants explained that seeking conservation approval first would not change the need for the variance, as the bylaw requirements must still be met, and the logical approach is to obtain the variance before proceeding with other regulatory approvals.

New Pier Design Requirements Discussion

The residents discussed height requirements and design considerations for a new pier being constructed, with specific focus on compliance with conservation regulations and pedestrian access requirements. The discussion centered around whether the pier should match the height of an existing nearby pier and how to meet Army Corps of Engineers guidelines for marsh access. The pier designer explained that while the structure would need to be elevated across the marsh, there are flexible design options including reducing the deck width, using timber materials, or incorporating stairs to meet height requirements, with the final height expected to be several feet lower than the existing pier.

Dock Project Design Considerations

The meeting focused on discussing design considerations and permitting requirements for a dock project. Town explained the challenges with the current design, including height restrictions over salt marshes and the need to minimize visual impact. He proposed using helical anchors, stainless steel cables, and low-profile boardwalks to address these concerns. Town clarified that while he could suggest design conditions, final approval would ultimately rest with the conservation authorities.

ZBA Pier Variance Approval

The ZBA approved a variance for a project after addressing neighbor concerns about walkway visibility and design restrictions. The variance allows for a longer pier and boat lifts beyond the standard 75-foot limit and 25-foot property line requirement. Dave Davignon represented Frederick Miller, who owns the properties where the pier would be constructed, explaining that the twin boat lifts would elevate boats out of the water when not in use and meet the 25-foot offset requirements on both properties.

Seawall Project Variances Discussion

Town discussed two variances being sought for a seawall project that will be subject to Army Corps of Engineers, Waterways Program licensing, and Conservation Commission approval. The discussion addressed concerns about potential future easements if the properties are separated, with Town clarifying that the design can accommodate independent operation for each property. Mr. Clark raised questions about the boat lift's construction materials and design, particularly regarding its ability to handle open water conditions, to which Town responded that steel frame and cable systems are commonly used and have been successfully implemented in similar projects.

Boat Dock Project Approval Meeting

The meeting focused on a proposed boat dock project near a seawall. Town explained that the dock would be removable and built-in sections, with safety measures including solar lighting and reflectors to ensure visibility. Christina DaFonseca raised concerns about a "paper street" in the water and its impact on access, which Town clarified was a private seawall structure. After discussing the project details and addressing public concerns, the board voted to approve the motion. The conversation ended with a brief discussion of an anonymous complaint about potential unauthorized apartment construction on Laura Lane, which was referred to the building commissioner for investigation.