

Board of Appeals

Minutes

August 4th, 2026

Board of Appeals

Town Hall • 40 Center Street • Fairhaven, MA 02719

Meeting Minutes

I. ADMINISTRATIVE BUSINESS

1. Quorum/Attendance

Patrick Carr opened the August 4th, 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.

Members Present

- Chair Peg Cook
- Kristen Russell
- Patrick Carr
- Ruy daSilva
- Kenneth Kendell
- Alternate Derek Furtado
- Cathy Melanson
- Bob Hannon

Members Absent

- Daryl Manchester

Voting Members

Peg Cook, Kristen Russell, Patrick Carr, Derek Furtado, and Kenneth Kendell.

Due to the absence of Daryl Manchester, Alternate Member Kenneth Kendell was seated as a voting member for the meeting. Board Member Ruy daSilva recused himself from the public hearing regarding **77 Adams Street (David's House)**, and Alternate Member Derek Furtado was seated as the voting member for that application.

Recording Secretary: Suzanne Vieira - Present

Building Commissioner: Richard Forand - Present

Approval of Meeting Minutes: The minutes from the June 2nd, 2026 meeting were unanimously approved by the present attendees (6-0)

Approval of Minutes

The Board reviewed the minutes of the June 7, 2026 meeting.

Motion: To approve the June 7, 2026 meeting minutes.

Vote: Approved unanimously.

Public Hearings

1. 12 Rogers Street REF# ZBA-026-017

Special Permit – Keeping of Chickens

Applicant John Knox requested to withdraw his application for a Special Permit to keep chickens on the property. The applicant cited concerns raised by neighboring property owners regarding potential rodent issues.

Action: Application withdrawn.

Vote: Approved unanimously.

2. 249 Main Street REF# ZBA-026-018

Variance – Accessory Building

The applicant requested a variance to construct a three-car accessory garage exceeding the maximum permitted accessory building size of 700 square feet.

Building Commissioner Rick Forand reviewed the proposal and confirmed the project met all required setbacks and would not negatively impact surrounding properties. No members of the public spoke in opposition.

No public comments were received in opposition.

Motion: To approve the variance.

Vote: Approved unanimously.

3. 97 Balsam Street REF# ZBA-026-019**Variance – Garage Addition**

Applicant Wayne and Michaela Stewart requested a variance to construct a 315-square-foot addition to an existing garage, increasing the total size to approximately 860 square feet.

Building Commissioner Rick Forand discussed the proposed design, roofline, and applicable zoning requirements regarding gross square footage and agreed that it will not negatively impact surrounding properties.

No public comments were received in opposition.

Motion: To approve the variance.

Vote: Approved unanimously.

4. 45 Alder Street REF# ZBA-026-020**Variance – Proposed Elevator**

Applicant William Rice requested a variance to allow the construction of a proposed elevator within the required side yard setback.

He had requested in writing to the recording secretary to move his application to September.

Following discussion, the Board voted unanimously to continue the public hearing to the September meeting.

5. 77 Adams Street REF# ZBA-026-021**Special Permit – David's House Educational Recovery Center**

Board Member Ruy daSilva recused himself from this public hearing. Alternate Member Derek Furtado was seated as the voting member for this application.

Steve Miranda, applicant for David's House, together with representatives from Schneider, Davignon & Leone, presented revised site plans addressing concerns previously raised by the Board, St. Joseph School, and neighboring property owners.

The revised plans included:

- Installation of an eight-foot vinyl privacy fence along the property line.

- Construction of a fenced 40-foot by 40-foot outdoor recreation area.
- Landscaping improvements, including Thuja Green Giant trees along Adams Street.
- Additional security measures, including surveillance cameras.
- Operational conditions intended to minimize impacts on neighboring properties and St. Joseph School.

Attorney Richard Burke presented twelve proposed conditions of approval, including compliance with the revised site plans, security requirements, restrictions on visitation during school hours, annual meetings with representatives from St. Joseph School and Diocese of Fall River and compliance with all applicable state and local laws and regulations.

Public Comment

Members of the public, including representatives of St. Joseph School and nearby residents, expressed concerns regarding:

- Student safety.
- Facility security.
- State licensing requirements.
- The possible administration of methadone and Suboxone.
- Compliance with state regulations governing treatment facilities located near schools.

Steve Miranda explained that David's House would serve first responders seeking recovery services and would not operate as a standalone methadone clinic. Any medical treatment would be provided only as permitted under applicable state licensing requirements.

Police Chief Daniel Dorgan expressed support for the project and reviewed proposed safety measures and the receipt of the letter from the school Principal also expresses support for this proposed project. Principal has stated that no families have withdrawn from the school at the time of the writing of her letter and continue to receive calls weekly for tours of the school. Principal letter is enclosed.

Following discussion, the Board determined that the Special Permit would be subject to twelve conditions, including compliance with all applicable state laws, regulations, licensing requirements, and the approved site plan.

Chair Patrick Carr closed the public hearing.

Motion: To approve the Special Permit for 77 Adams Street, subject to the twelve conditions presented.

Vote: Approved unanimously.

Adjournment

There being no further business before the Board, the meeting was adjourned.