

Board of Appeals

Town Hall • 40 Center Street • Fairhaven, MA 02719

Meeting Minutes

Meeting summary

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ROUD 2026 FEB 4 AM 11:49

1. ADMINISTRATIVE BUSINESS

2. Quorum/Attendance

Patrick Carr (chair) opened the January 7, 2026 meeting at 6:00 PM. The board members introduced themselves and he 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, Peg Cook, Kenneth Kendal, Robert Hanna, Daryl Manchester and Derek Furtado

On Zoom: Kristen Russell

Recording Secretary: Suzanne Vieira was present in the town hall.

Building Commissioner: Richard Forand was present in the town hall.

Meeting minutes: Board approves unanimously the November 4th and December 18th meeting minutes based on the fact that the OML documents would be uploaded along with the November 4th minutes.

Quick recap

The Zoning Board of Appeals held a hearing to discuss 17 Shore Drive from the engineer, David Davignon. He expressed that they have reduced the size of the home to be in more in compliance with the newer houses in the area. The motion was made to allow the construction pending town councils' approval. an administrative appeal regarding building permits issued for the Hiller subdivision project. They also discussed that an appeal was filed by several abutters who claimed the permits were issued improperly since subdivision requirements were not fully met at the time of issuance. The building commissioner maintained that he followed proper procedures based on a state superseding order, but the board expressed concerns about the timing of surety bond placement and street name corrections. Also, a home business was to be voted on but applicant was not present.

Summary

Zoning Appeal Approves Lot Construction

The Zoning Board of Appeals heard and discussed the buildability of a lot at 17 Shore Drive, which was denied by the Building Commissioner. The applicant, represented by attorney Mike McVeigh and engineer Dave DeVignon, argued that the lot, which was created by combining two 30-foot lots in 1948, should be considered a buildable lot under Section 6 of the zoning bylaws. The Building Commissioner, after further consideration, agreed that the lot should be considered buildable given its historical combination. The board discussed the proposal for a 28x31 foot house that meets all setback requirements and has utilities in place. The board discussed a building project, with Town Council's legal opinion being sought before making a final decision. They agreed to approve the project pending Town Council's review, with Kristen Russell making the motion and Ruy daSilva seconding it.

In Home Office Request

The board also considered a special permit request for in-home office space and storage at 14 Hawthorne Street, but decided to continue this matter to the next meeting due to the absence of the applicant.

Hiller Subdivision Appeal Discussion / 14 Hawthorne Street

The meeting began with a statement clarifying the continuation of meetings from December 18 to January 7, 2026, and confirmed that the hearings for 14 Hawthorne Street and the Hiller subdivision were properly noticed and advertised. The board discussed including additional information in the meeting minutes, such as public complaints and communications from the Attorney General's office, to enhance transparency. The board then entered an executive session to discuss legal matters related to the appeal of building permits issued to Windmill Acres, LLC, for the Hiller subdivision, with two members (Patrick Carr and Ruy daSilva) recusing themselves due to potential conflicts of interest.

Hiller Subdivision Permit Appeal

The Zoning Board of Appeals heard an administrative appeal regarding 5 building permits issued for the Hiller subdivision project. The appellants argued that the permits were invalid because they were issued before mandatory subdivision requirements were satisfied, violating Fairhaven regulations. The Board selected 2 associate members to join the full-time members as voting members, and the appellants presented their case, highlighting the importance of strict compliance with subdivision. With the Building commissioner stating that all proper procedures were followed based on a state superseding order was acquired.

Administrative Appeal of Building Permits

The Zoning Board of Appeals heard an administrative appeal regarding building permits issued for a subdivision. The appellants argued that the permits were issued improperly because certain requirements were not met at the time of issuance, including the absence of a surety bond and proper planning approval. The building commissioner maintained that he had acted within his authority based on the information available to him. After discussion, the board voted 8-0 to deny the appeal and uphold the permits. The conversation ended with thanks to all parties involved.

Patrick Carr requests to close meeting. Ruy motions to adjourn Daryl seconds, the board approves to adjourn the meeting unanimously. 8-0