



FAIRHAVEN SELECT BOARD AGENDA

May 26, 2026 6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

The meeting can also be viewed on Channel 97 or on FairhavenTV.com

A. DEPUTY FIRE CHIEF SWEARING IN AND PINNING: JOSHUA BENOIT

B. PUBLIC HEARING – 6:30PM

FAIRHAVEN TOWN CLERK
RCUD 2026 MAY 21 PM3:46

1. This hearing was continued from May 11, 2026.

The purpose of this hearing is to consider expanding the number of vehicles at car dealer/repair Artistic Auto Body, Inc. located at 98 Middle St., submitted by Mr. Rui Da Silva. He is requesting to increase the number of vehicles from 2 to 40. Building Commissioner, Richard Forand, has inspected the property and reviewed plans for compliance.

C. PUBLIC COMMENT

D. APPOINTMENTS / COMMUNITY ITEMS

1. Consider Release of Agreement and Voluntary Covenants on Former G. Borne Knowles Site
2. Update from the Historical Commission: Pomeroy Foundation Historical Markers Grant Program: Plaques Academy Building and Old Stone Schoolhouse and Delano Cemetery Sign Replacement
3. Appointment Request: Council on Aging Board: Stephen Silvia 3-year term
4. Appointment of Constables: Joseph Latimer, Robert Jones, Lawrence Machado, David Miller, Milan Whitaker and Jeffrey Foisy
5. Use of Town Hall Bathrooms and Temporary Street Closure: Belonging Committee, Fairhaven's Got Pride: June 28, 2026 from 11:00am to 5:30pm
6. Special One-Day, All Alcohol License: Fairhaven's Got Pride: June 28, 2026.

E. ACTION / DISCUSSION

F. TOWN ADMINISTRATOR

G. BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

H. MINUTES

1. Accept the Open Session minutes of May 11, 2026

I. CORRESPONDENCE

1. Email: Michelle Costen: Important SB Agenda Item
2. Various letters: Regarding 77 Adams Street

J. NEWS AND ANNOUNCEMENTS

1. The next regularly scheduled Select Board meeting will be on *Monday, June 8, 2026* at 6:30pm

K. ADJOURN

Log on or call 1-929-205-6099, Meeting ID: 894 8599 3911, Passcode: 330130

Subject matter listed in the agenda consists of items reasonably anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (i.e. urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law.



FAIRHAVEN SELECT BOARD ADDENDUM

May 26, 2026 6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

The meeting can also be viewed on Channel 97 or on FairhavenTV.com

ANNOUNCEMENTS:

On March 28th, 2025, the bill to extend Open Meeting Law regulations governing remote participation has passed the MA legislature and been signed by the Governor. This bill will allow 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 by the Government Access Channel. It will be replayed on Channel 97 and posted on FairhavenTV.com. Anyone intending to make an audio or video recording of this meeting should notify the Chair at this time.

Due to recent security breaches, Fairhaven TV has implemented a new protocol: Zoom camera video for all participants is disabled. If participants would like to speak or be recognized, click “raise hand” under “reactions”, and change your name to a full name to be unmuted. Thank you for your cooperation in protecting the integrity of Fairhaven government meetings.

A. DEPUTY FIRE CHIEF SWEARING IN AND PINNING: JOSHUA BENOIT

Fire Chief Todd Correia will introduce and swear in Joshua Benoit as Deputy Fire Chief for the Town. Deputy Chief Benoit has served the Town through many appointments in the Fire Department starting in 2002 as a Call Firefighter, Firefighter, Temporary Acting Lieutenant, Lieutenant, Temporary Deputy Chief to Deputy Chief.

B. PUBLIC HEARING – 6:30PM Request to expand the number of vehicles at car dealer/repair Artistic Auto Body, Inc. located at 98 Middle St

1. This hearing was continued from May 11, 2026.

The purpose of this hearing is to consider expanding the number of vehicles at car dealer/repair Artistic Auto Body, Inc. located at 98 Middle St., submitted by Mr. Rui Da Silva. He is requesting to increase the number of vehicles from 2 to 40.

The Town Administrator consulted with legal counsel regarding the request to expand vehicle sales. Attorney Terry provided an initial opinion stating “the expansion of a pre-existing nonconforming use is not granted automatic protection from zoning. G.L. c.40A, § 6 provides in pertinent part as follows:

Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but shall apply to any change or substantial extension of such use... Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. “

Upon further review of the Fairhaven Zoning Bylaw, Attorney Terry provided the following opinion:

Log on or call 1-929-205-6099, Meeting ID: 894 8599 3911, Passcode: 330130

Subject matter listed in the agenda consists of items reasonably anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (i.e. urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law.

“In addition to license approval by the Select Board, there is a zoning question as to whether the use may be expanded. I reviewed the zoning bylaw and it does not appear that there is any provision for the Planning Board or the ZBA to grant a special permit to allow for the expansion of a nonconforming use. Therefore, § 198-21(C) applies: **“C. Extension. No increase in the area or extent of the nonconforming use of a structure or land may be made.”**

Accordingly, the property owner **may not** expand his nonconforming use.”

Suggested Motion:

“Move to (approve/deny) the application to expand the number of vehicles at Artistic Auto Body, Inc. from 2 to 40 as outlined in the submitted plans.”

Moved by, seconded by. Any discussion on the motion. Vote.

C. PUBLIC COMMENT

D. APPOINTMENTS / COMMUNITY ITEMS

1. **Consider Release of Agreement and Voluntary Covenants on Former G. Borne Knowles Site –**
When completing additional deed research, the new owner of the former G. Bone Knowles property found the property has a Voluntary Covenant for Development recorded at the Registry of Deeds that was related to a former development proposal to construct 50 condominiums. The Covenant limited development on the property to 50 condominium units. While the proposed condo development did not proceed, the Covenant remains in place.

The developer of the proposed Friendly 40B is requesting the Town release the Covenant to expand the options to redevelop the property. In consultation with counsel, the Select Board and Planning Board can vote to release the Covenant allowing the property to be redeveloped in a manner consistent with current Town bylaws. A copy of the Covenant and legal opinion is included in the Board materials.

Suggested Motions:

“I move to determine that release of the Agreement and Voluntary Covenant for Development recorded at Book 8257, Page 132 is in the best interests of the Town and to approve the Release of Agreement and Voluntary Covenant for Development dated _____ provided by _____.

OR

“I move to determine that release of the Agreement and Voluntary Covenant for Development recorded at Book 8257, Page 132 is not in the best interests of the Town and to deny the Release of Agreement and Voluntary Covenant for Development dated _____ provided by _____.”

2. **Update from the Historical Commission: Pomeroy Foundation Historical Markers Grant Program: Plaques Academy Building and Old Stone Schoolhouse and Delano Cemetery Sign Replacement.**
Historical Commission member Doug Brady provided an update in the Board’s packet regarding grant opportunities through the Pomeroy Foundation Historical Markers Grant Program. The William G. Pomeroy Foundation supports initiatives to celebrate and preserve community history nationwide. They have a Hometown Heritage Marker Grant Program for commemorating people, places, things or events that are historically significant and a National Register of Historic Places Signage Grant Program. The Historical Commission applied to obtain signage for the Rogers School and recently for the Academy Building and the Old Stone Schoolhouse. The Town Administrator approved the application for the grants, there is no cost to the Town and no matching funds required.

In addition to the grants for markers through the Pomeroy Foundation, the Commission undertook replacement of the Town Historical Marker at the Delano Cemetery and wishes to thank Select Board member Keith Silvia for his time and work to reinstall the sign. Pictures from the installation are in the Board's packet.

Suggested Motion:

"No motion needed"

- 3. Appointment Request: Council on Aging Board: Stephen Silvia 3-year term** - Longtime volunteer Stephen "Chip" Silvia has applied to fill a vacancy on the Council on Aging Board for a three-year term. Chip is known at the COA and volunteers his time frequently; most notably at their monthly super clubs and on Easter and Thanksgiving when the COA serves meals for seniors. The COA Director supports his application.

Suggested Motion:

"Move to (appoint/not appoint) Stephen "Chip" Silvia to the Council on Aging Board for a 3-year term."

Moved by, seconded by. Any discussion on the motion. Vote

- 4. Appointment of Constables: Joseph Latimer, Robert Jones, Lawrence Machado, David Miller, Milan Whitaker and Jeffrey Foisy** - Requests have been received for Constable from Joseph Latimer, Robert Jones, Lawrence Machado, David Miller, Milan Whitaker and Jeffrey Foisy. Each is responsible to pay a fee and provide a copy of their bond to the Town Clerk prior to swearing in and receiving a certificate.

Suggested Motion:

"Move to (appoint/not appoint) Joseph Latimer, Robert Jones, Lawrence Machado, David Miller, Milan Whitaker and Jeffrey Foisy as Constables for the Town contingent upon payment of the fee and providing a copy of their bond to the Town Clerk for a 1-year term."

Moved by, seconded by. Any discussion on the motion. Vote

- 5. Use of Town Hall Bathrooms and Temporary Street Closure: Belonging Committee, Fairhaven's Got Pride: June 28, 2026 from 11:00am to 5:30pm.** The Belonging Committee has submitted a request to use Town Hall bathrooms and have temporary street closure around Town Hall on Center Street between Main and Green Streets; on William Street from Union to Washington; on Walnut Street from Union to Washington; and on Union from William to Walnut for their event on June 28, 2026. This request has been made and approved in past years.

Suggested Motion:

"Move to (approve/not approve) the use of the Town Hall bathrooms and temporary street closures on June 28, 2026 as requested in the application from the Belonging Committee with applicable fees."

Moved by, seconded by. Any discussion on the motion. Vote.

6. **Special One-Day, All Alcohol License: Fairhaven's Got Pride: June 28, 2026.** The Belonging Committee is seeking a Special 1-Day All Alcohol License to be used during the Fairhaven's Got Pride event that will take place on the Walnut Street Side of Town Hall. The Board's packet materials include details of the event.

Suggested Motion:

"Move to (approve/not approve) a Special One-Day All Alcohol License for The Belonging Committee at the Fairhaven's Got Pride event on June 28, 2026."

Moved by, seconded by. Any discussion on the motion. Vote.

E. ACTION / DISCUSSION

F. TOWN ADMINISTRATOR

G. BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

H. MINUTES

1. Accept the Open Session minutes of May 11, 2026

Suggested Motion:

"Move to (accept/not accept) the open session minutes of May 11, 2026 (as presented/as amended)"

Moved by, seconded by. Any discussion on the motion. Vote.

I. CORRESPONDENCE

1. Email: Michelle Costen: Important SB Agenda Item
2. Various letters: Regarding 77 Adams Street

Suggested Motion:

"Move to (enter/not enter) the Select Board correspondence as listed into the record"

Moved by, seconded by. Any discussion on the motion. Vote.

J. NEWS AND ANNOUNCEMENTS

1. The next regularly scheduled Select Board meeting will be on *Monday, June 8, 2026* at 6:30pm

K. ADJOURN



May 26, 2026

PUBLIC HEARING – 6:30PM

Continued from May 11, 2026

The purpose of this hearing is to consider expanding the number of vehicles at car dealer/repair Artistic Auto Body, Inc. located at 98 Middle St., submitted by Mr. Rui Da Silva. He is requesting to increase the number of vehicles from 2 to 40. Building Commissioner, Richard Forand, has inspected the property and reviewed plans for compliance.



Town of Fairhaven
Massachusetts
40 Center Street · Fairhaven, MA · 02719

MEMORANDUM

To: The Select Board

From: Town Administrator Office

Date: April 27, 2026

Re: Expansion of Car Dealer/Repair

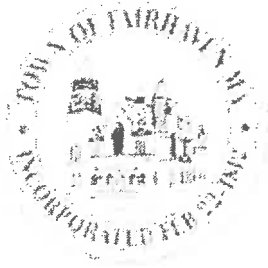
Dear Board Members,

This Public Hearing is to consider your approval for expanding the number of vehicles at car dealer/repair Artistic Auto Body, Inc. located at 98 Middle St., submitted by Mr. Rui Da Silva. He is requesting to increase the number of vehicles from 2 to 40. Building Commissioner, Richard Forand, has inspected the property and reviewed plans for compliance. This has been advertised and abutters have been notified.

Application submitted by Rui DaSilva, owner of Artistic Auto Body.

Thank you for your consideration.

Sincerely,
Susan Rizzo



Fairhaven

Massachusetts

March 24, 2026

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Fairhaven Select Board will conduct a public hearing at 6:30 p.m. on Monday April 27, 2026 in the Town Hall 40 Center Street, Fairhaven, MA. The purpose of this hearing is to consider expanding the number of vehicles at car dealer/repair Artistic Auto Body, Inc. located at 98 Middle St., submitted by Mr. Rui Da Silva. He is requesting to increase the number of vehicles from 2 to 40. Building Commissioner, Richard Forand, has inspected the property and reviewed plans for compliance.

Town of Fairhaven
Select Board Office
40 Center St
Fairhaven, MA

[← Back](#)

Public Notices

03/26/2026

Notice of Public Hearing

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Town of Fairhaven

Select Board Office

40 Center St

Fairhaven, MA

March 26 2026

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LOCUST
NTS

PARCEL DATA

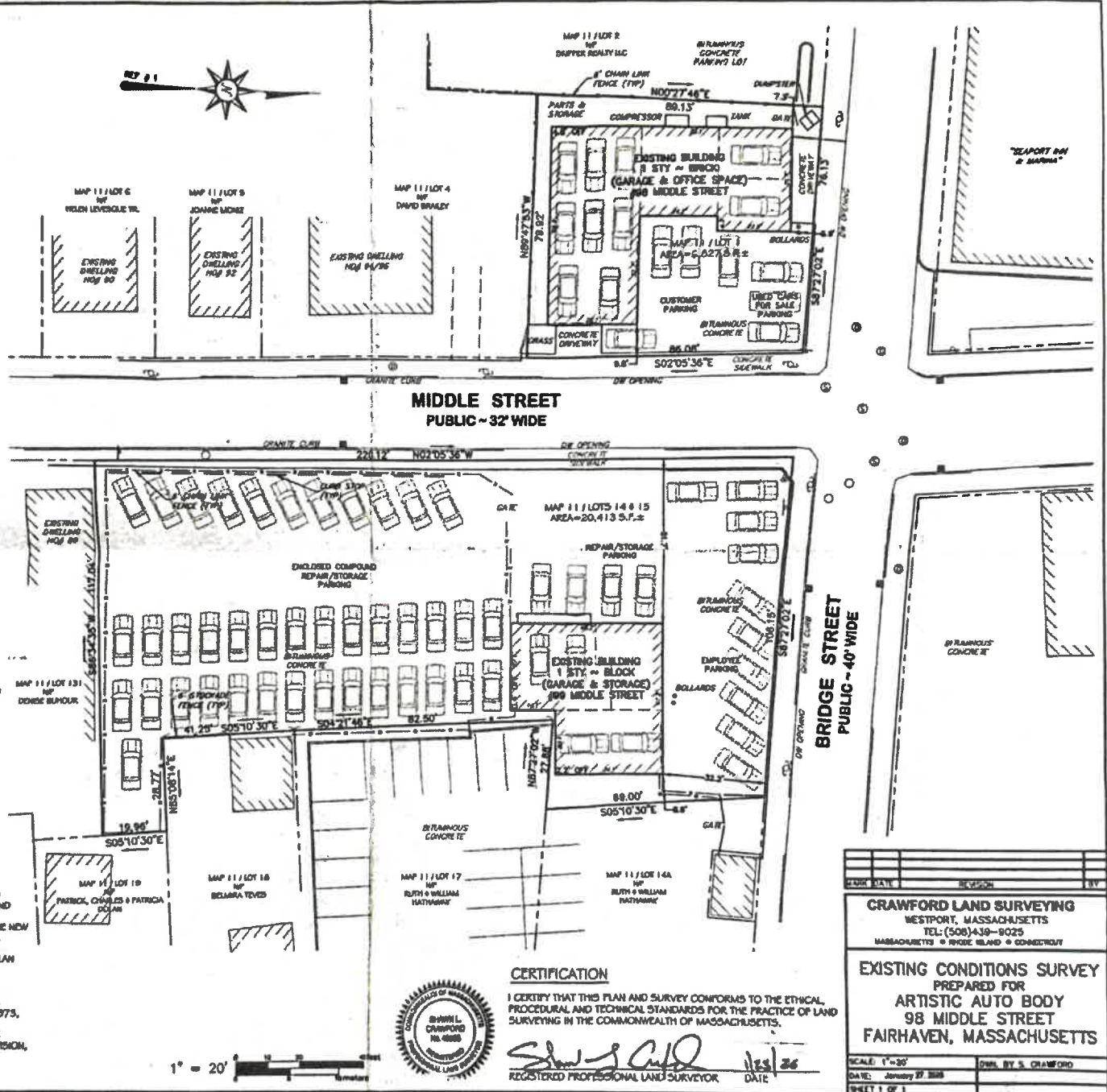
MAP 11, LOTS 1, 14 & 15
 98 MIDDLE STREET REALTY TRUST
 DEED BK. 7248 / PG. 233
 & DEED BK. 8433 / PG. 321
 98 & 99 MIDDLE STREET

NOTES:

1. THE PURPOSE OF THIS PLAN IS DOCUMENT THE LOCATION AND NUMBER OF VEHICLES THE LOCUST-SITE CAN STORE AS OUTLINED IN THE 2016 CLASS 4, CLASS 4 AND REPAIR GARAGE LICENSE REQUIREMENTS FOR THE TOWN OF FAIRHAVEN. NUMBERS ARE APPROXIMATE AND ARE BASED ON REASONABLE SPACING AND PARKING PATTERNS WITHOUT BLOCKING THE FLOW OF TRAFFIC.
 - NUMBER OF CARS WITHIN THE GARAGE SPACE - 14
 - NUMBER OF CARS FOR CUSTOMERS - 5
 - NUMBER OF CARS FOR STORAGE AND REPAIR - 10
 - NUMBER OF CARS FOR EMPLOYEES - 6
 - NUMBER OF CARS FOR SALE - 40
2. ESTIMATED NUMBER OF CARS IS APPROXIMATELY 75 CARS SHOWN REPRESENT POSSIBLE PARKING CONFIGURATION AND NOT ACTUAL CARS ON THE LOT AT THE TIME OF SURVEY.
3. DIMENSIONS SHOWN TO BUILDING CORNERS ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.

REFERENCES:

1. PLAN OF LAND IN FAIRHAVEN, MASS SURVEYED FOR EDWARD DINIS, DATED OCTOBER 19, 1963, PREPARED BY ARTHUR THOMPSON, INC ENGINEERS AND SURVEYORS, RECORDED IN PLAN BOOK 109 PAGE 96.
2. PLAN AND PROFILE OF PROPOSED PRIVILEGE STREET BRIDGE STREET TO THE NEW BRIDGE STREET DATED APRIL 1, 099, RECORDED IN PLAN BOOK 3 PAGE 48.
3. PLAN OF LAND OWNED BY WILLIAM DWYLLER JR, FAIRHAVEN MASS, DATED DECEMBER 11, 1916, PREPARED BY FRANK METCALF C.E., RECORDED IN PLAN BOOK 12 PAGE 71.
4. PLAN OF LAND OWNED BY JAMES H. GIFFORD, FAIRHAVEN, MASS, DATED NOVEMBER 1, 1915 RECORDED IN PLAN BOOK 14 PAGE 53.
5. PLAN OF ROAD IN THE TOWN OF FAIRHAVEN ALTERED AND LAID OUT AS THE STATE HIGHWAY BY THE DEPARTMENT OF PUBLIC WORKS, JANUARY 25, 1975, RECORDED IN PLAN BOOK 88 PAGE 94.
6. PLAN OF ROAD IN THE TOWN OF FAIRHAVEN ALTERED AND LAID OUT AS THE STATE HIGHWAY BY THE DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, AUGUST 31, 2011 S, RECORDED IN PLAN BOOK 160 PAGE 27.



CERTIFICATION

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Samuel Crawford
 REGISTERED PROFESSIONAL LAND SURVEYOR DATE 1/23/26

STATE	SECTION	BY
MASSACHUSETTS	FAIRHAVEN	BY
CRAWFORD LAND SURVEYING		
WESTPORT, MASSACHUSETTS		
TEL: (508) 439-8025		
MASSACHUSETTS • RIDGE ISLAND • CONNECTICUT		
EXISTING CONDITIONS SURVEY		
PREPARED FOR		
ARTISTIC AUTO BODY		
98 MIDDLE STREET		
FAIRHAVEN, MASSACHUSETTS		
SCALE: 1"=30'	DRAWN BY S. CRAWFORD	
DATE: January 27, 2026		
SHEET 1 OF 1		



Town of Fairhaven Commonwealth of Massachusetts

Building Department
Town Hall
40 Centre Street
Fairhaven, MA 02719
Phone 508 979 4019

To: Fairhaven Select Board members

From: Richard Forand, Director of Inspectional Services/ Building Commissioner

Date: April, 28th 2026

RE: Used cars additional amount

Mr. Ruy DaSilva
98 Middle Street
Fairhaven MA, 02719

On Questions from the Board

As I have stated I have inspected both properties at 98 and 99 Middle and have reviewed said plans.

I believe the concerns were, is the use allowed in the existing zone, yes and no, The property falls in a mixed use zone which would need a special permit to have auto repairs and sale so no, unless a special permit is granted.

In this case the use is already allowed as existing, so yes it is allowed and can continue as auto repairs body shop and sales as existing until and if such time the use is discontinued or changed.

A mention was given about the sale of the properties. If the properties are sold together and the new owner keeps the existing use and applies a transfer of the used car license. All would remain as is and allowed. If the property is sold separately, a special permit would be needed to allow the use for each property in fact any use now would be a change of use.

Hope this clarifies any concerns.

Richard Forand
Building Commissioner / Zoning Enforcement Officer
Town of Fairhaven



Town of Fairhaven Commonwealth of Massachusetts

Building Department
Town Hall
40 Centre Street
Fairhaven, MA 02719
Phone 508 979 4019

To: Fairhaven Select Board members

From: Richard Forand, Director of Inspectional Services/ Building Commissioner

Date: March, 18th 2026

RE: Used cars additional amount

**Mr. Rui DaSilva
98 Middle Street
Fairhaven MA, 02719**

Mr. DaSilva is asking for an additional amount of vehicles for sale from his original license of 2 to be increased to 40. There are other vehicles listed on the plot plan as this is two existing lots with office and body shop space. I have inspected the property and reviewed the attached plans for parking of exterior and interior spaces and have found the plan to be accurate

If the board so chooses to approve the additional vehicle count I believe that the property does comply with the proposed parking as per the civil drawing attached.

**Richard Forand
Building Commissioner / Zoning Enforcement Officer
Town of Fairhaven**

Public Hearing 5-11 additional info

1 message

Jessica Fidalgo <jessfidalgo121313@gmail.com>

Mon, May 11, 2026 at 8:22 AM

To: Amy Hart <ahart@fairhaven-ma.gov>

I know this is late, I meant to send an email sooner in regards to the special permit for Artistic Auto. I saw the legal opinion and would agree this should not be granted. But also that more specifically auto sales are not allowed in the MU district, it is classified by a "N" -it is not allowed, not "A" which would be allowed by special permit. Additionally, in

§ 198-25 **Location of automobile services.** These would also not be allowed in 50 feet from any residential district.

So, just additional information in conjunction with the legal advise.

Jess

From: Michael Terry <mterry@petrinilaw.com>
Sent: Wednesday, May 6, 2026 3:25 PM
To: Keith R. Hickey (khickey@fairhaven-ma.gov)
Cc: Heather C. White
Subject: Preexisting nonconforming use // PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Hi Keith,

In furtherance of our conversation, the expansion of a pre-existing nonconforming use is not granted automatic protection from zoning. G.L. c.40A, § 6 provides in pertinent part as follows:

Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but **shall apply to any change or substantial extension of such use**... Pre-existing nonconforming structures or uses may be extended or altered, provided, that **no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.**

The relevant zoning bylaw provides as follows:

§ 198.21 Nonconforming uses.

The lawful use of any structure or land existing at the time of the enactment of this chapter may be continued although such structure or use does not conform with provisions of this chapter subject to the following conditions and exceptions:

C. Extension. No increase in the area or **extent of the nonconforming use** of a structure or land may be made.

Here's a relevant case:

Under Massachusetts law, whether an existing nonconforming use of property is protected from a zoning bylaw depends upon whether the use reflects the nature and purpose of the use prevailing when the zoning bylaw took effect, whether there is a difference in quality or character, as well as the degree, of use, and whether the current use is different in kind. Finamore v. Piader, 618 F.Supp.3d 23 (D.Mass.2022).

In short, the property owner may continue his nonconforming use, but his proposed expansion of that use (car sales increased from 2 to 40) is not protected and ought not be approved by the building department without the referenced Planning Board finding.

Let me know if you have any further questions.

Mike

Michael K. Terry
Petrini & Associates, P.C.
372 Union Ave.

khickey@fairhaven-ma.gov

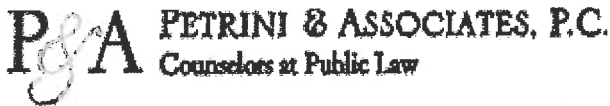
From: Michael Terry <mterry@petrinilaw.com>
Sent: Tuesday, May 19, 2026 11:27 AM
To: Richard Forand; Keith Hickey
Subject: RE: Pre-existing, nonconforming use // PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Hi Rick, as to 40A, §10, the use having been in place since 1976 does not provide a basis for a variance to increase said use. The statute prohibits use variances entirely.

Mike

Michael K. Terry
Petrini & Associates, P.C.
372 Union Ave.
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313
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mterry@petrinilaw.com

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From: Richard Forand <buildingcommissioner@fairhaven-ma.gov>
Sent: Tuesday, May 19, 2026 11:03 AM
To: Michael Terry <mterry@petrinilaw.com>; Keith Hickey <khickey@fairhaven-ma.gov>
Subject: Re: Pre-existing, nonconforming use // PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

[EXTERNAL SENDER]

Hi Michael

I do agree with you regarding 198-21(C): no increase in structure or land. I would argue that there will be no increase in building or parking.

On 40A-10 the use has been in effect before 1976; can that be argued? Just my thoughts. I am told the property has sold and closed. Therefore, the new owners must apply to Selectboard for the auto license with sales to be transferred or issued under the new ownership. We'll see how that goes.

On Tue, May 19, 2026 at 9:45 AM Michael Terry <mterry@petrinilaw.com> wrote:

Hi Keith and Rick,

After speaking with Rick, I took another look at the zoning bylaw re: whether a preexisting non-conforming auto sales use may be expanded.

In addition to license approval by the Select Board, there is a zoning question as to whether the use may be expanded. I reviewed the zoning bylaw and it does not appear that there is any provision for the Plan Bd or the ZBA to grant a special permit to allow for the expansion of a nonconforming use. Therefore, § 198-21(C) applies: **“C. Extension. No increase in the area or extent of the nonconforming use of a structure or land may be made.”**

Accordingly, the property owner **may not** expand his nonconforming use.

Nor may he seek a variance to allow for such expansion, as G.L. c.40A, § 10 provides **“Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located.”**

The zoning bylaw does not appear to allow for use variances.

Let me know if you have any questions.

Mike

Michael K. Terry

Petrini & Associates, P.C.

372 Union Ave.

Framingham, MA 01702

Tel. (508) 665-4310

Fax (508) 665-4313

Cell (617) 680-1473

mterry@petrinilaw.com

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Hi Keith,

In furtherance of our conversation, the expansion of a pre-existing nonconforming use is not granted automatic protection from zoning. G.L. c.40A, § 6 provides in pertinent part as follows:

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The relevant zoning bylaw provides as follows:

§ 198.21 Nonconforming uses.

The lawful use of any structure or land existing at the time of the enactment of this chapter may be continued although such structure or use does not conform with provisions of this chapter subject to the following conditions and exceptions:

C. Extension. No increase in the area or extent of the nonconforming use of a structure or land may be made.

Here's a relevant case:

Under Massachusetts law, whether an existing nonconforming use of property is protected from a zoning bylaw depends upon whether the use reflects the nature and purpose of the use prevailing when the zoning bylaw took effect, whether there is a difference in quality or character, as well as the degree, of use, and whether the current use is different in kind. Finamore v. Piader, 618 F.Supp.3d 23 (D.Mass.2022).

In short, the property owner may continue his nonconforming use, but his proposed expansion of that use (car sales increased from 2 to 40) is not protected and ought not be approved by the building department without the referenced Planning Board finding.

Let me know if you have any further questions.

Mike

Michael K. Terry

Petrini & Associates, P.C.

372 Union Ave.

Framingham, MA 01702

Tel. (508) 665-4310

Fax (508) 665-4313

Cell (617) 680-1473

mterry@petrinilaw.com

Please visit our newly redesigned website as of 2021 at: www.petrinilaw.com!

P&A PETRINI & ASSOCIATES, P.C.
Counselors at Public Law



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IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with the requirements imposed by the IRS, Petrin & Associates, P.C. hereby provides notice to the recipient(s) of this e-mail that any U.S. tax advice herein contained in this communication, including any attachments hereto, is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

--

Richard Forand, CBO
Building Commissioner
Town of Fairhaven
40 Center Street
Fairhaven MA 02719

--
This message has been checked by Ihloom Email Security and is found to be clean.



May 26, 2026

APPOINTMENTS AND COMMUNITY ITEMS

1. Consider Release of Agreement and Voluntary Covenants on Former G. Borne Knowles Site
2. Update from the Historical Commission: Pomeroy Foundation Historical Markers Grant Program: Plaques Academy Building and Old Stone Schoolhouse and Delano Cemetery Sign Replacement
3. Appointment Request: Council on Aging Board: Stephen Silvia 3-year term
4. Appointment of Constables: Joseph Latimer, Robert Jones, Lawrence Machado, David Miller, Milan Whitaker and Jeffrey Foisy
5. Use of Town Hall Bathrooms and Temporary Street Closure: Belonging Committee, Fairhaven's Got Pride: June 28, 2026 from 11:00am to 5:30pm
6. Special One-Day, All Alcohol License: Fairhaven's Got Pride: June 28, 2026



Town of Fairhaven
Massachusetts
Office of the Select Board and
Town Administrator
40 Center Street · Fairhaven, MA · 02719

MEMORANDUM

Re: Consider Release of Agreement and Voluntary Covenants on Former G. Borne Knowles Site

When completing additional deed research, the new owner of the former G. Bone Knowles property found the property has a Voluntary Covenant for Development recorded at the Registry of Deeds that was related to a former development proposal to construct 50 condominiums. The Covenant limited development on the property to 50 condominium units. While the proposed condo development did not proceed, the Covenant remains in place.

The developer of the proposed Friendly 40B is requesting the Town release the Covenant to expand the options to redevelop the property. In consultation with counsel, the Select Board and Planning Board can vote to release the Covenant allowing the property to be redeveloped in a manner consistent with current Town bylaws.

Legal opinion:

From: Heather C. White <hwhite@petrinilaw.com>

Sent: Wednesday, May 20, 2026 12:24:17 PM

To: Keith Hickey <khickey@fairhaven-ma.gov>

Subject: RE: restrictive covenant PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Keith,

As we discussed, I recommend requesting that the owner/developer provide you with a form of release for the Select Board and Planning Board to sign. It should include a statement that each board has determined that the release of the restrictive covenant is in the best interests of the Town. It will need to be recorded in the registry of deeds, so the board members' signatures will need to be notarized.

If you would like, I am available to review the release once the developer has provided it. Assuming it is in proper form, the motion for each board could be as follows:

I move to determine that release of the Agreement and Voluntary Covenant for Development recorded at Book 8257, Page 132 is in the best interests of the Town and to approve the Release of Agreement and Voluntary Covenant for Development dated _____ provided by _____.

RELEASE OF
AGREEMENT AND VOLUNTARY COVENANT FOR LAND DEVELOPMENT
267 HUTTLESTON AVENUE, FAIRHAVEN, MA (the "Subject Property")

Reference is made to that certain Agreement and Voluntary Covenant for Land Development (the "Covenant") dated April 18, 2006 and recorded with the Bristol Registry of Deeds in Book 8257, Page 13 between G. Bournes Knowles & Co., Inc., and Leslie P. Knowles, former owners of the Subject Property (the "Sellers") and Winding River, LLC (the "Buyer").

The Covenant was in connection with a purchase and sale agreement for the Buyer to purchase the Subject Property from the Sellers, and develop condominium units. However, such sale never took place and no permits were issued for said development.

Therefore, pursuant to Section 5 of the Covenant, the Town of Fairhaven Planning Board and Select Board (formerly Board of Selectman), hereby find that releasing said Covenant is in the best interest of the Town of Fairhaven.

Witness our hand and seals this ___ day of _____, 2026.

FAIRHAVEN SELECT BOARD

By:

Charles K. Murphy, Sr. Chair, hereunto duly
authorized

On this ___ day of _____, 2026, before me, the undersigned notary public, personally appeared the above named _____ proved to me through satisfactory evidence of identification, (i.e. _____) to be the person whose names is signed to the foregoing instruction, and acknowledges to me that he signed voluntary as Chair of the Fairhaven Select Board for its stated purpose.

FAIRHAVEN PLANNING BOARD

By:

Jessica Fidalgo, Chair, hereunto duly
authorized

On this ___ day of _____, 2026, before me, the undersigned notary public,
personally appeared the above named _____ proved to me
through satisfactory evidence of identification,
(i.e. _____) to be the person whose names is
signed to the foregoing instruction, and acknowledges to me that she signed voluntary
as Chair of the Fairhaven Planning Board for its stated purpose.

A) The first grant would be for a national registry building plaque for the Academy Building (located next to the high school) and would read “Academy Building” and year will be 1981. A picture of the choice voted plaque:

(9x13” solid brass)



B) The second grant would be for the Old Stone Schoolhouse through the Pomeroy Foundation Hometown Heritage marker program.



STONE SCHOOL
Built in 1828 at a cost of \$520.01, Fairhaven's first district school served children aged 3 to 16, including Manjiro Nakahama

The Hometown Heritage® marker program commemorates people, places, things or events that are historically significant. This nationwide program seeks to highlight local history, especially for those in states without marker programs or for subjects which may not qualify for the applicant's official state marker program.

Hometown Heritage helps communities to commemorate and preserve important historic milestones . Size: 18" X 32" - Cast aluminum - Includes 7 ft pole

HC voted approved wording (that fits the sign criteria guidelines) would say:

The same procedure exists for the application process and I would submit the grant applications if we have approval. Since they are town owned buildings, we seek your TA approval/ Select Board approval to proceed before submitting the applications.

The HC will apply for the grant directly. There is no financial cost or up-front costs to the town with either application.

Delano Cemetery sign replacement



New submission from Volunteer Opportunities

1 message

Stephen Silvia Stephen Silvia <no-reply@jgpr.net>
Reply-To: chipslombard@aol.com
To: Selectboard@fairhaven-ma.gov

Tue, May 19, 2026 at 6:42 PM

Full Name

Stephen Silvia

Address

347 Main Street

Email

chipslombard@aol.com

Phone

(508) 243-8453

How long have you been a Fairhaven resident?

over 3 years

What Board(s) or Committee(s) are you interested in joining? What is your reason for joining?

Council on Aging

Have you attended a meeting of this Board or Committee?

No

Have you served or are you currently on any Town of Fairhaven Boards? If so, please indicate what Board and number of years

No

Interests and Qualifications.

I am an advocate for the elderly and I am a volunteer for several organizations in Fairhaven, including the COA.

Consent

I agree to the privacy policy.



Town of Fairhaven
Massachusetts
Select Board

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023
FAX: (508) 979-4079
Selectboard@Fairhaven-MA.gov

Today's Date
time stamped

SELECT BOARD
2026 APR 30 11:51 AM '25

APPLICATION FOR THE USE OF TOWN HALL

Name of Organization BELONGING COMMITTEE/FAIRHAVEN'S GOT PRIDE

Responsible Officer ALLIEA GROUPE Tel. No. 617-435-4220

Address 228 SCOTICUT NECK ROAD FAIRHAVEN MA 02719

Purpose of Use TO SUPPORT THE FAIRHAVEN'S GOT PRIDE EVENT

Space Requested BATHROOMS

Date Requested JUNE 28, 2026 Begin Time 11:00 AM End Time 5:30 PM

Number of attendees 150 (occupancy to be reviewed by Building Commissioner, not to exceed 299)

REQUEST FOR AUDIO / VISUAL TECHNICIAN: YES NO X

Fee will be \$100.00 (up to three hours). Each additional hour will be charged \$25.00.

Additional fee will be charged once additional hour begins. Cash or Check made out to The Town of Fairhaven.

Select Board / Town Administrator

Police Chief / Representative

Board of Health

Fire Department / Inspection

*Must have full review from applicable departments
prior to Select Board approval*

Building Department Inspection

FEES (To be completed by the Office of the Select Board)

Office Use only

Rental Fee x <u>N/A</u> hrs. at \$ 150.00 / hr.	=	\$ <u>N/A</u>	(minimum 3 hours)
Plus refundable security deposit in the amount of the rental fee	=	\$ <u>N/A</u>	
<u>N/A</u> Audio \$100.00 plus <u> </u> hrs. at \$25.00 /hr.	=	\$ <u>N/A</u>	
<u>X</u> Custodian x <u>7.5</u> hrs. at \$ \$50.00 /hr.	=	\$ <u>375.00</u>	
<u>N/A</u> Police x <u> </u> hrs. at \$ <u> </u> hr.	=	\$ <u>N/A</u>	
TOTAL FEES	=	\$ <u>375.00</u>	

I have received \$ _____ in fees and security deposit for the use of Town Hall Facilities on behalf of Town of Fairhaven from

Organization

Date: _____ Signed: _____
Select Board Office

(Security Deposit will be returned after inspection of the premises by the Select Board or its deignee, less any charge for clean up or repair.)



**Town of Fairhaven
Massachusetts
Select Board**

40 Center Street
Fairhaven, MA 02719

Tel: (508) 979-4023

Fax: (508) 979-4079

selectboard@Fairhaven-MA.gov

Release and Indemnification Agreement

In consideration of the rental from the Town of Fairhaven ("Town") of the Town Hall and or Town Hall Auditorium, the undersigned hereby releases and forever discharges the Town and its officers, agents and employees from all suits, claims and demands of any nature whatsoever, including for negligence, which he or she or his or her heirs or assigns may ever have for any personal or bodily injury, death or property damage arising out of, related to or resulting from, in whole or in part, the use of the premises as described above.

The undersigned further agrees, for him or herself and his or her heirs and assigns, to defend and indemnify the Town and its officers, agents and employees against all such suits, claims and demands by any third party, including invitees and others, and to save them forever harmless therefrom.

If any damage to the Town Hall and or Town Hall Auditorium or any equipment or appurtenance therein, results from any act or neglect of the undersigned, its agents, guests, licensees or invitees, the undersigned shall be liable therefore and shall upon demand, reimburse the Town for all costs and expenses of such repairs and damages.

The undersigned hereby acknowledges that he or she has read and understands this release and Indemnification, and that if he or she is signing on behalf of another person or entity, he or she is authorized to do so and that such other person or entity intends to be fully bound hereby.

Signature: _____

Printed Name: _____

ALLIEA E. GROUPE

Date: _____

4.21.26

Before me: _____

Witness Signature

To be signed in the presence of Town Hall staff



Town of Fairhaven
Massachusetts
 40 Center Street
 Fairhaven, MA 02719

TEMPORARY STREET CLOSURE/BLOCK PARTY APPLICATION

Today's Date: APRIL 21, 2026

Date of event: JUNE 28, 2026

Time of event: 11 AM-5 PM

Road (s) to be blocked: CENTER FROM MAIN TO GREEN; WILLIAM ST FROM UNION TO WASHINGTON; WALNUT STREET FROM UNION TO WASHINGTON; UNION STREET FROM WILLIAM TO WALNUT STREET

Estimated number of attendees: 150

Age group: ALL

Have all residents been notified Y / N NOT YET How notified: THEY WILL BE NOTIFIED VIA FLYER
Please provide of copy of notification with application

Name, address and telephone number of 2 residents as point of contact in addition to the applicant.

Name: Kelly Ochoa

Name: Rachel Medeiros

Address: 148 Green St.

Address: 255 Huttonston Ave

Phone: 508 264-7399

Phone: 508 208-0195

By signing, I attest to having read, understand and will comply with the Temporary Street Closing Policy if this application is approved including conditions for public safety provided by Police, Fire and DPW.

Signature of applicant: *[Handwritten Signature]*

Print Name: ALLIEA E. GROUPE

Phone: 617-435-4220

Address: 228 SCOTICUT NECK RD FAIRHAVE MA 02719

Email: AEGROUPE@GMAIL.COM

OFFICE USE: Review by Police, Fire and DPW for approval, any public safety conditions will be noted.

DPW:

Comments:

Police:

Comments:

Fire:

Comments:

Town Administrator:

Comments:



TOWN OF FAIRHAVEN

APPLICATION FOR SPECIAL LICENSE

General Law Chapter 138, Section 14

Date: 4/22/26

To the Licensing Board:

The undersigned hereby applies for a SPECIAL LICENSE under provisions of Chapter 138, Section 14 to sell

All Alcoholic Beverages

(Beer and Wine)

or

(All Alcoholic Beverages)

For a Fairhaven's Got Pride to be held at

Town of Fairhaven, Town Hall (Walnut St. Side)

by _____

date June 28th, 2026

from 11 AM to 4 PM

(Marco Moura)

Name of Applicant: The Gallery Bar, LLC.

Address of Applicant: 20 Kenyon Street,
New Bedford, MA 02740

Telephone: (508) 493-0649

At a banquet or public dinner, the applicant should be responsible, manager of the banquet or picnic, field day or outing, applicant should be a representative of responsible organization

K. Ochoa@comcast.net.



May 26, 2026

ACTION / DISCUSSION

1. Consider Designating the Harbormaster and Building Commissioner as Authorized Signatories for Chapter 91

MassDEP administers the regulatory provisions of the Massachusetts Public Waterfront Act, commonly called Chapter 91. The act regulates the use of coastal and inland waterways to protect access, fishing, fowling, and navigation rights. Municipalities use it to review waterfront projects, enforce public access, and to permit projects such as docks and waterfront structures.



May 26, 2026

TOWN ADMINISTRATOR REPORT



Town of Fairhaven Report of the Town Administrator May 26, 2026

Financial Updates

- The FY25 audit has finally begun. The auditing firm that the Town had used for several years Marcum LLP, was purchased by a much larger organization by the name of CBIZ. CBIZ has not completed audits in many Massachusetts communities in a timely manner. After reviewing their contract, I notified Marcum that Fairhaven was terminating their contract due to nonperformance. The Town has hired Roselli and Associates, a well-known, Massachusetts municipal auditing firm to complete the FY25, 26 and 27 audit. Audits will be completed in a much timelier manner beginning with the FY26 audit.

Project Updates

- MassDOT recently notified the Town that sidewalk improvement work between 173-181 Adams St. will begin on June 1st. Work is anticipated to be completed in three weeks.

Personnel Update

- There are no personnel updates this week.

Miscellaneous Updates

- School Superintendent Tara Kohler, BPW Director Vinnie Furtado and Tourism Department member Todd Migliacci and I taped show last week to provide information on the three questions that will be included on the June 9th Town ballot. The show will be shown daily until the election.



May 26, 2026

MINUTES

1. Accept the Select Board Open Session minutes of May 11, 2026



FAIRHAVEN SELECT BOARD

Meeting Minutes

May 11, 2026

Present: Charles Murphy Sr., Andrew Romano, Natalie A. Mello, Keith Silvia and Keith R. Hickey

Not Present: Andrew Saunders

Mr. Murphy opened the Select Board meeting at 6:30pm

A moment of silence was observed in honor and remembrance of Massachusetts State Police Trooper Kevin Trainor, who was killed in the line of duty on Wednesday May 6, 2026.

PUBLIC HEARING – 6:30P.M.

The public hearing continued from April 27, 2026 resumed at 6:33pm. Mr. Hickey addressed the Board regarding their questions about use and expansion from the April 27, 2026 hearing. Building Commissioner Richard Forand provided additional context based on the Board's questions and Town Counsel reviewed based on zoning bylaws. Town Counsel's opinion was that expansion of a pre-existing nonconforming use is not granted automatic protection from zoning, G.L. c.40A, § 6; the proposed expansion of that use (car sales increased from 2 to 40) is not protected and should have a Planning Board finding due to the substantial extension being sought.

Mr. daSilva addressed the Board about his application adding that only cars are parked on the lots now, the use will be the same, he has complied with the used car lot and paid for plans when required by the previous Town Planner. Mr. daSilva said there would be no detrimental impact on the neighborhood and felt targeted.

Discussion ensued about the process and whether it needed to be reviewed by the Planning Board based on the change sought in the application. Questions were raised as to what constituted a "substantial" change and if a lesser number of vehicles could be approved by the Select Board. Mr. Hickey reviewed the meeting schedule for the Planning Board and the Board discussed continuing the public hearing for the applicant to contact the Planning Board for review.

Public Comment: Joseph Wilkerson introduced himself as one of the new owners looking to close next week and transfer the license. He questioned if less cars would be considered less substantial and could be approved by the Board tonight; he is willing to compromise on the number of used cars for sale and asked what number the Board would deem reasonable and not a drastic increase that could be approved tonight. Mr. Wilkerson discussed his experience with car dealerships, car sales and traffic flow in the neighborhood.

Mr. Hickey asked Mr. Wilkerson procedural questions about the sale, closing and what would happen between closing and scheduling a new public hearing with an appropriate amount of time for the license. Mr. Wilkerson said they would operate a new business under a new corporation and may lease the space to Mr. daSilva so he can continue his operations until the new owners can obtain the proper licensing.

Motion: Ms. Mello motioned to continue the public hearing to May 26, 2026. Mr. Romano seconded.

On the Motion: Ms. Mello amended her motion to continue the public hearing to May 26, 2026 at 6:30pm. Mr. Romano seconded. The motion passed unanimously (4-0-0).

PUBLIC COMMENT – None received

APPOINTMENTS / COMMUNITY ITEMS

Bike Path Fund Presentation: Erin Carr

Mr. Romano asked if Ms. Carr would be seeking funds for private cleaning or for Public Works to clean it. Ms. Carr explained the funds would be for a bid process to hire a private company with the proper equipment and expertise. She said she checked this with Public Works Superintendent Vinnie Furtado.

Ms. Carr reviewed her presentation (*Attachment A*) regarding the bike path, promoting use and the intention of establishing a fund to maintain the bike path. She clarified that this would only be for the bike path as Cushman

Park is under the purview of the School.

Mr. Hickey clarified that the fund would be a gift account versus a revolving account based on the type of use. He added that the Board of Public Works (BPW) would authorize any activities on the path and administer funds; the gift fund would be established by the Select Board using the scope from BPW in the motion. Discussion ensued about privatizing the work, the process to establish the gift account and unused funds. Ms. Carr will reach out to Town Accountant Anne Carreiro to answer questions about the process and uses. If BPW votes to

Outdoor Seating: OEA Restaurant Group dba Olivia's Restaurant

The Board reviewed the application for an outdoor seating permit. Mr. Hickey addressed the Board about the process, Town Departments discussed it at a Department Head meeting and are in support. Licensing Clerk Sue Rizzo will review any conditions with the applicant to care for any compliance requests.

Motion: Ms. Mello motioned to approve the application the Outdoor Seating and Parklet Permit for OEA Restaurant Group Corp dba Olivia's Restaurant as outlined in the submitted plans and contingent upon conditions from Town Departments. Mr. Romano seconded. The motion passed unanimously (4-0-0).

Presentation on Leasing Vacant Town Property to Construct Privately Owned Housing: John Hinds, Economic Development Committee

John Hinds addressed the Board with a proposal for a ground lease program starting with a feasibility study on certain vacant Town lots (*Attachment B*). The ground lease program would entail leasing the land to developers to construct apartments with the goal to provide entry level rent pricing. The Board asked questions about "ground leases," the process, oversight, qualifications, screening, compliance, involvement of the Fairhaven Housing Authority and whether the grant required a match from the Town. Mr. Hinds said there is no town match for the grant.

Mr. Hinds asked the Board to approve the Economic Development Committee to apply for a feasibility grant from the Massachusetts Housing Partnership.

Motion: Ms. Mello motioned to approve the Economic Development Committee applying for a feasibility grant from the Massachusetts Housing Partnership to determine the if the property at the intersection of Spring and Main Streets, abutting Cushman Park is appropriate. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Use of Town Hall Auditorium: Cultural Council Grant Recipient Reception: May 27, 2026 from 6:00-8:30p

The Board reviewed the application.

Motion: Ms. Mello motioned to approve the use of the Town Hall Auditorium on May 27, 2026 as requested in the application from the Fairhaven Cultural Council with applicable fees for a custodian. Mr. Romano seconded. The motion passed unanimously (4-0-0).

Use of Town Hall Auditorium: Art Event: A Night at the Town Hall, July 18, 2026 from 6:00-10:00pm

The Board reviewed the application.

Motion: Ms. Mello motioned to approve the use of the Town Hall Auditorium on July 18, 2026 as requested in the application from Susan Darwin with applicable fees. Mr. Romano seconded. The motion passed unanimously (4-0-0).

Use of Town Hall Bathrooms and Temporary Street Closure: Belonging Committee, Fairhaven's Got Pride: June 28, 2026 from 11:00am to 5:30pm

Mr. Romano asked the Board to table this to the May 26, 2026 meeting due to the Belonging Committee reviewing and settling an outstanding invoice.

Motion: Ms. Mello motioned to table this item to May 26, 2026. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Special One-Day, All Alcohol License: Fairhaven's Got Pride: June 28, 2026

Mr. Romano asked the Board to table this to the May 26, 2026 meeting similar to the previous item.

Motion: Ms. Mello motioned to table this item to May 26, 2026. Mr. Romano seconded. The motion passed unanimously (4-0-0).

Appointment Request: Joint Transportation Planning Group (JTPG): Josh Crabb and Vinnie Furtado

The JTPG committee advises the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) and offers a regular space for public involvement in the region's transportation planning programs and discussions. Historically, the Highway Superintendent serves as the representative and Public Works Superintendent serves as the alternate representative for this annual appointment.

Motion: Ms. Mello motioned to appoint Josh Crabb as the Joint Transportation Planning Group representative and Vinnie Furtado as the Joint Transportation Planning Group alternate representative for a one-year term. Mr. Romano seconded. The motion passed unanimously (4-0-0).

ACTION / DISCUSSION

Flag/Banner Request: Belonging Committee: Juneteenth Flag and Pride Flag

The Board reviewed the request and asked to clarify the use of the space due to the next agenda item. Ms. Hart advised that per the policy, applicants share the space when multiple requests are made for the same time and that, if approved, all three would be put up and taken down at the same time by facilities.

Motion: Ms. Mello motioned to approve the flag/banner request for the month of June for the Juneteenth Flag and Pride Flag. Mr. Romano seconded. The motion passed unanimously (4-0-0).

Flag/Banner Request: Fairhaven Improvement Association: Homecoming Banner

The Board reviewed the request.

Motion: Ms. Mello motioned to approve the flag/banner request for the month of June for the Fairhaven Improvement Association's Homecoming Banner. Mr. Romano seconded. The motion passed unanimously (4-0-0).

TOWN ADMINISTRATOR REPORT

Mr. Hickey reviewed his report (*Attachment C*) and answered the Board's questions about the override, budget and recent article on Senator Montigny's announcement regarding how much Fairhaven is getting from the state's budget. Mr. Hickey and the Board thanked Sen. Montigny and Representative Sylvia for their efforts to support Fairhaven.

The Board asked about the road study presentation hosted by Public Works about one-way streets. Mr. Hickey advised the Board that the Public Works Superintendent said that they may not move forward with it due to insufficient data and lack of support.

Informational sessions about the ballot questions will be taking place, the first one will be on May 19, 2026 at 6:00pm and will be live and Zoom for participation and questions. The three ballot questions regarding revoking Civil Service, Proposition 2 ½ Override and adopting the Charter will be the main topics.

The Recreation Center won an Ice Cream Party sponsored on Facebook by local businesses; it will be scheduled during their Kool Kids program.

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

Ms. Mello reported:

- She attended the BPW traffic session and was pleased to hear the outcome.

- Historical Commission has concerns about the Academy Building being vacant. Ms. Mello will give Mr. Hickey a tour.

Mr. Murphy reported:

- Once his Select Board term ends, he will be appointed to the Executive Board of the Whitfield-Manjiro Friendship Society and will apply to join Lagoa as a voting member.

Mr. Romano reported:

- He attended the Cherry Blossom Festival which was a great event
- He attended a meeting with abutters to the proposed 40B and Mr. Hickey, his participation was to listen to their concerns.
- The Belonging Committee agenda items offer a chance to bring back committee training and orientation and review next steps when leadership changes especially committees without liaisons. Mr. Romano asked for the Chairs to have a Town email address and to address the training after Town elections.
- Mr. Romano asked about the protocol for changing the meeting from June 8, 2026 to June 15, 2026. Mr. Hickey advised the Board can set the date, it does not have to be an agenda item. Brief discussion on the potential dates to meet and reorganization of the Select Board after the election. The consensus was to meet as scheduled May 26, 2026 and June 8, 2026, meet for election results on June 9, 2026 and add a meeting on June 15, 2026.

Mr. Silvia reported:

- Mr. Silvia thanked Sen. Montigny and Rep. Sylvia for their work for Fairhaven

Mr. Murphy added that he was asked why Mr. Romano ran the meeting on May 4, 2026 and clarified that it was due to Mr. Romano being able to access the meeting script where he could not. Mr. Murphy also thanked Sen. Montigny and Rep. Sylvia for their continued local government advocacy.

MINUTES

Motion: Ms. Mello motioned to accept the open session minutes of April 27, May 2 and May 4, 2026 as presented. Mr. Romano seconded. The motion passed unanimously (4-0-0).

CORRESPONDENCE

Correspondence: South Coast Places for People: Re: Main Street and Middle Street One-Way Flow Assessments-Comments; Emails: Michelle Costen: Ref SB meeting 4/27/26-Education; Fwd: The cake is in the oven; and Email: Elizabeth Khoury: Converting Main Street to one way (*Attachment D*).

Motion: Ms. Mello motioned to enter the Select Board correspondence as listed into the record. Mr. Romano seconded. The motion passed unanimously (4-0-0).

NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting will be on Tuesday, May 26, 2026 at 6:30pm

The Select Board adjourned at 8:23pm

ATTACHMENTS

- Phoenix Bike Trail and Cushman Park Snow Removal (Erin Carr)
- Fairhaven Ground Lease Proposal (John Hinds)
- Town Administrator Report

Respectfully submitted on behalf of the Select Board Clerk (ah)

Accepted on __



May 26, 2026

CORRESPONDENCE

1. Email: Michelle Costen: Important SB Agenda Item
2. Various letters: Regarding 77 Adams Street

Important SB Agenda Item-

1 message

michelle costen <michcosten@gmail.com>
 To: Charlie Murphy <cmurphy@molifeinc.com>
 Cc: Mark Sylvia <msylvia11@comcast.net>, selectboard@fairhaven-ma.gov

Sun, May 10, 2026 at 1:23 PM

To: The Honorable Chairman of the Fairhaven Elected Select, Mr. Charlie Murphy,

A little knowledge is a dangerous thing-

This statement highlights the risk of making decisions based on unlimited or incorrect information, which is relevant when people rely on ignorance to influence public voting.

—A critical call to be placed on the Select Board's agenda for a voting discussion, that the Elected Select, begins now, to address the negligent handling and funneling, of our community CPA funds.

—And that, 'New CPA Local internal Policies', are put in place this year, that guard against any further misappropriations, and unstudied recommendations, being brought to Town Meeting.

—The CPC needs to lawfully inform, far well in advance of Town Meeting, Reporting with a Written Study Assessment, performed by the CPC Chairperson And CPC Committee, to reflect that the Law is being followed by the CPC Committee, in its entirety, per

C. 44B s. 5(b)(1)—

—And to which a written CPA Study and Assessment Report, (both local and regional), is then brought forward, to the Elected Select, the Finance Committee, the Planning board, And to the Public at large for critical input & discussion.

— Each category involving CPA funds should be thoroughly studied and discussed with Public Input, with public resolution and understanding, before a Town Meeting. They should also be public outreach long before a public meeting about our CPA funds and how they work to help our town, done at the neighborhood Level- Whereby all residents have an opportunity to be informed. Posting notices in the library, the recreation centers, newspapers, podcast, Facebook, etc.

—Both CPC members & Town Meeting Members, need to be knowledgeable in all CPA categories, about CPA funds, and how they can benefit the Town of Fairhaven in justified appropriations—specifically addressing first, critical needs that are common known, and directly relate to the well-being of-people, And then addressing the lesser needs of things just wanted-

People's genuine needs should always come before things.

—CPC are voting in very important recommendations for this town that could be the make or break point of future deficits, and continued financial hardships for the residents of Fairhaven.

—Both of these governing entities, need to remember, that it is the People of Fairhaven's money, being used here. Not theirs alone.

—After this last past Town Meeting held on May 2, 2026, it was clearly evident the lack of correct understanding-per misinformation that was voiced by Town Meeting Members, and all of the confusion that ensued publicly, due to last minute information being brought forward. —Referencing here Article 19- CPA funds and Articles 24 and 26 Municipal Housing Trust Fund, which should under the right intelligently and lawfully Orchestrated Circumstances, work like hand in glove, for the benefit of the town.

—Town meeting members are making very critical and important decisions for the Town of Fairhaven, and they need to be educated, when making decisions on how to appropriate in years totaled, Millions of the People's accrued taxed dollars.

—Take note -it was established eight years ago in 2018 when we finalized our 2040 Master Plan, that we were in great need of home ownership initiatives, and opportunities. 8 YEARS ago. And we have done zero in helping our middle class

residents of Fairhaven. ZERO! And we wonder why we do not have a healthy cash flow free of deficits???

—Chapter 44B section 5(b)(1)one of Massachusetts law outlines the responsibilities of the community preservation committee. This section mandates that the committee must study needs and resources. The committee is required to assess the needs, possibilities and resources of the city or town concerning community preservation.

—(The CPC committee has Ignored year after year, Creative Home ownership possibilities and initiatives, which other towns have actually been able to manifest by use of their CPC funds- CPC have ignored our home supply and demand crisis for our median income residents. And they lack the ability for creative solutions, simply because they do not want to listen to the public voice that may be able to help them stretch their creative abilities.) I also think that they don't want to do the work required of them, that by law needs to be done to be a CPC committee member. -

—I also requested to know what the administration fees were this past year for the CPC committee members. And I received no answer. That's an easy question that was never answered.

The CPC per the law, are to also consider regional projects and take into account the impact on community preservation

Please note-The lawful interpretation of the word -Shall- Ensures that the committees actions are not left to personal discretion. The word (Shall), is a legal terminology that indicates 'mandatory action'—This means that the requirement set forth in the law are not optional—They are commands that must be followed.

This law following enforces the importance of thorough evaluation and community preservation efforts.

Chapter 44B section 5(b1) -

—The community preservation committee **shall** study the needs, possibility and resources of the city or town regarding community preservation, including the consideration of regional projects for community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of Park commissioners, and the housing, authority or persons acting in those capacities or performing light duties, and conducting such studies as part of its study the committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the city or town regarding community preservation, possibilities, and resources, notice of which shall be posted publicly and published for each of the two weeks proceeding, a hearing in a newspaper of general circulation in the city or town.

Thank you for your Attention to this Critical and Important governing Item to be brought forward on the SelectBoard agenda.

Michelle Costen

Commonwealth of Massachusetts
TOWN OF FAIRHAVEN
POLICE DEPARTMENT
1 Bryant Lane
Fairhaven, MA 02719
Phone 508-997-7421
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Daniel M. Dorgan
Chief of Police

To: Charles Murphy, Chair, Fairhaven Select board
Jessica Fidalgo, Chair, Fairhaven Planning board

May 12, 2026

From: Daniel M. Dorgan, Chief of Police
Fairhaven Police Department

RE: 77 Adams St., Fairhaven

Members of the Fairhaven Select Board and Fairhaven Planning Board,

I am writing this letter in support of a proposed facility that is in the process of gaining approval at 77 Adams St., the site of the former St. Joseph's Rectory. The proposed facility, a 20+ bed treatment facility, servicing our areas first responders, is something that should be considered and welcomed to this town by your respective boards.

For far too long, first responders have endured the stigma of seeking treatment for substance use disorder, primarily due to the lack of facilities in the area where they are comfortable to receive treatment and can open up freely about their disease and the accompanying issues that it has caused. Treatment for these disorders requires self-reflection and the ability to be open and vulnerable about aspects of life and their job, and that requires a level of trust and like mindedness that comes with these responder-based facilities.

To put it frankly, facilities like this for first responders saves lives, that's not hyperbole, that's an undeniable truth. I've seen firsthand people who can not turn to their job, their family, their spouse, or their friends, be able to finally get the treatment they need because they feel safe and comfortable to accept the help. I've met with Steve Miranda, the petitioner of this project, and after speaking with him I believe that his intentions are good and he truly is motivated by helping our first responders get help when they are struggling. I have full confidence in his vision for this location and his ability to run a well organized and safe facility.

After attending the International Association of Chiefs of Police conference last year I was happy to see that almost half of the presentations and classes were focused on how we as departments can better serve the physical, spiritual, and mental health needs of police officers. The entire nation is seeing that we need to care for and protect their well-being, and that starts

with first responders being able to access the help they need, free of the stigma that accompanied it for far too long.

Being a first responder is not an easy thing to do. We are called upon to help people on their worst days and we experience more traumas in a month than some people will their entire lives. Anyone who has a family member, friend, or themselves gone through substance use disorder recognizes that it is a disease with the intention of isolating you from the outside world and trapped in addiction. Facilities like this help those with this disease to not be isolated, to be amongst their peers, and realize they are not alone. I hope that you seriously consider this project for approval and bring a much-needed lifeline to help those that we call upon to help others every day, when they are in need of help themselves.

Respectfully Submitted,

Daniel M. Dorgan

Chief of Police

Fairhaven Police Department

From: Comcast Email <matt88.bach@comcast.net>
Date: May 12, 2026 at 10:09:11 AM EDT
To: cmurphy@fairhaven-ma.gov, aramano@fairhaven-ma.gov, namello@fairhaven-ma.gov,
ksilvia@fairhaven-ma.gov, asounders@fairhaven-ma.gov
Subject: **77 Adams St**

Hello everybody,

My name is Matthew Bach and I am reaching out to you all, because of the proposed David's house at [77 Adams St](#). My children attend St. Joseph's school and the parents were just made aware of the proposed project last night at 6 pm at the school. I am very upset with the Fall River diocese with the lack of transparency and waiting until 24 hours before Fairhaven's town meeting to inform us, but that is not your problem. I am reaching out because I feel that it is too close to a grammar school. They said it is not abutting and is more then 300 feet away, but when you actually see the locations of the proposed facility and the school you can see for all intents and purposes they are direct neighbors. I am asking you all to consider if you had children attending St. Joseph's would you want a mental health facility going right next door. My mother works in the hospital and told me it's always the mental health patients they have issue with and that is dangerous putting it so close any school. If you could deny this from going in next to the school it would be greatly appreciated. And if you don't want to deny it outright at the moment, could you at least put a detail so that way we could see how the parent and people in the community around the area feel, because I will say that most do not want it going there. I am reaching out to you all because I feel it's in the best interest of my children and the other children who attend the school. There intention of the facility is right mind to help others but the location is not.

Thank you,

Matthew Bach

Sent from my iPhone

From: Courtney Hebert <courtneyhebert70@yahoo.com>

Date: May 12, 2026 at 12:46:07 PM EDT

To: cmurphy@fairhaven-ma.gov, aromano@fairhaven-ma.gov, namello@fairhaven-ma.gov,
ksilvia@fairhaven-ma.gov, asaunders@fairhaven-ma.gov

Subject: Potential Davids House

Good afternoon,

My name is Courtney Hebert, I am reaching out to you as a concerned parent of a child who attends Saint Joseph's School in Fairhaven. As you are aware, I am sure, the plans for this David's house project have been quite a shock for all of us parents. We, including the principal were only informed of plans for this project last week. Hopefully, as parents yourselves you can also see the concerns that we are having about this. The safety of our children is of the most importance, and building a rehabilitation center this close to our children's school is too close for comfort. While I am all for people getting help with mental health/ PTSD issues, one would assume that the location of such a place would not be built so closely to a children's school. At any time, someone whom is struggling with their mental health could decide to walk right on over to our school, and could easily harm one or more of our children if wanted. Especially considering there is a fence right in the back that connects to our children's field in which they spend much time in during recess and gym. We have chosen to send our child and future children to this school because of the comfort and safety we have felt while being there. I can assure you that building a rehabilitation center this close will fully affect the decision to re-enroll our child here in the future. It is deeply disappointing to see our future plans for our child and her education crumble right in front of our eyes. As a parent who pays a tuition to a school we have entrusted with our child every day, one would assume that we would have been informed of this plan months ago when it was being set in place and had been allowed to have some sort of say/opinion about it. Especially before we all decided to re-enroll our children here for the coming year. While Steven Miranda thinks this is a good idea, I'm sure just because of the money he will make off of it. He does not have the best interest of our children at heart, and that was clear to see after the meeting at the school we had with him last night. Not only was he rude but he was not willing to hear any of us out. No matter how many times he tried to use his daughter touring catholic schools in the area and maybe attending ours as an excuse and good reason for us not to be worried if he isn't worried. That just isn't good enough, because truthfully no parent would want their child to be that close to this and he truly can't speak on it because his child at the current moment does not attend Saint Joes and if I had to guess she probably won't in the future either. Advocating for our children is our job and in this situation we feel backed into a corner, feeling like there is nothing that can be done or said about it with the information that we have. All we can ask is that you hear us all out and consider our kids and their futures when making a decision on this center. It would break my heart to have to switch my child's school because of this and it would break hers as well. She has developed many close knit friends here and has had amazing teachers in a exceptional learning environment. It would be a shame to have to see her lose all of that because of this new project. There surely has to be another location available for this rehabilitation center that isn't in the back yard of our children's school! Thank you for taking the time to read this and I hope you can see where we all are coming from and why we are truly so upset about it.

Best regards, Courtney Hebert

From: ROBERT BACH JR <r.bachjr@comcast.net>

Date: May 12, 2026 at 1:23:26 PM EDT

To: cmurphy@fairhaven-ma.gov, aromano@fairhaven-ma.gov, namello@fairhaven-ma.gov,
ksilvia@fairhaven-ma.gov, asaunders@fairhaven-ma.gov

Subject: Formal Opposition to Proposed First Responder Rehabilitation Facility Near St. Joseph School.

Subject: Formal Opposition to Proposed First Responder Rehabilitation Facility Near St. Joseph School.

Dear Select Board,

I am writing to formally register my opposition to the proposed establishment of a First Responder Rehabilitation Facility Near St. Joseph School.

While I recognize the critical role rehabilitation services play in supporting individuals on their path to recovery, the placement of such a facility within the immediate vicinity of a school raises serious concerns that cannot be overlooked.

Primary concerns include:

Student Safety: The proximity of the facility to school grounds increases the potential for security risks and complicates the ability to maintain a controlled and safe environment for students.

Impact on Educational Environment: The location may cause unnecessary anxiety among students, parents, and staff, potentially disrupting the focus and stability essential for learning.

I respectfully urge you to reconsider the proposed location and identify an alternative site that allows the facility to operate effectively without compromising the safety and welfare of our students. This matter requires careful consideration to ensure that both public health needs and the integrity of our educational environment are upheld.

Thank you for your attention to this matter. I look forward to your prompt response and to a resolution that reflects the best interests of the entire community.

Sincerely,

Robert Bach

r.bachjr@comcast.net

508-272-5081