FAIRHAVEN SELECT BOARD AGENDA

November 30, 2026 6:00 p.m.

Town Hall – 40 Center Street – Fairhaven

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

FAIRHAVEN TOWN CLERK
RCVD 2026 NOV 24 AM10:04

A. PUBLIC COMMENT

B. ACTION / DISCUSSION

1. Discussion on Building Permits Issued on West Island

C. MINUTES

1. Accept the Open Session Minutes of November 23, 2026

D. NEWS AND ANNOUNCEMENTS

1. The next scheduled Select Board meeting will be on ***Monday, December 7, 2026*** at 6:00pm

E. ADJOURN

Log on or call 1-929-205-6099, Meeting ID: 860 2838 7081, Passcode: 484211

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.

November 23, 2026

ACTION / DISCUSSION

1. Discussion on Building Permits Issued on West Island

Town of Fairhaven
Massachusetts
40 Center Street · Fairhaven, MA · 02719
www.fairhaven-ma.gov

Tel: (508) 979-4023

Select Board
Andrew Romano, Chair
Natalie A. Mello, Vice Chair
Pamela Kuechler, Clerk
Andrew B. Saunders
Richard Trapilo

Town Administrator/
Keith R. Hickey

B 1

MEMO

DATE: November 24, 2026

TO: Select Board

FROM: Keith R. Hickey, Town Administrator

RE: West Island Building Permits Issued in Error

Following concerns raised by several West Island residents and members of the Board regarding building permits issued for existing lots that had previously been considered unbuildable, I initiated a review of the permits to determine whether they had been issued in accordance with the Town's zoning requirements.

I first met with the Building Commissioner to discuss the properties in question. I subsequently forwarded the information submitted by the applicants, along with the relevant property information, to Attorney White for an independent legal review and opinion regarding whether the lots satisfied the minimum requirements under Massachusetts General Laws Chapter 40A, Section 6 (M.G.L. c. 40A, § 6).

The seven properties currently under review, along with their respective permit issuance dates, are identified below.:

Address/Subdivision Lot Number	Date of Permit Issuance
26 Causeway	7/28/25
110 Ebony	2/23/25
115 Dogwood	11/4/25
130 Dogwood	10/19/26
132 Dogwood	6/24/26
134 Dogwood	9/29/26
129 Cottonwood	10/9/26

Section 6 provides two exemptions relevant to certain undersized lots held in common ownership.

The first exemption applies to up to three lots held in common ownership, provided each lot has a minimum of 7,500 square feet of area and at least 75 feet of frontage.

The second exemption, added through the Affordable Homes Act, establishes a non-merger provision for qualifying lots having a minimum area of 10,000 square feet and at least 75 feet of frontage.

Based on the information reviewed and Attorney White's opinion, four of the seven properties identified in bold above do not satisfy the requirements for either exemption under Section 6. Consequently, the building permits issued for these properties are subject to enforcement action.

Attached are copies of the letters sent to the four affected property owners directing them to immediately cease all construction activity. The property owners may pursue the applicable appeal process through the Zoning Board of Appeals and seek any relief available under the Town's zoning bylaws and Massachusetts General Laws.

Should the property owners be unsuccessful in obtaining the necessary zoning relief, the Town will need to determine the appropriate enforcement and remedial action to address any structures constructed without the required zoning compliance. This could include requiring modifications or removal of the structures, as authorized by applicable law.

The remaining three properties—26 Causeway, 110 Ebony, and 115 Dogwood—are still under review. The Town is compiling and evaluating the relevant property records and permitting documentation to determine whether the building permits were appropriately issued. I anticipate completing this review by December 1, 2026.

If that review determines that any of the remaining three permits were issued in error, the respective property owners will be notified and directed to immediately cease construction activity, consistent with the action taken on the other four properties.

I will provide the Board with an update once the remaining reviews have been completed.

Fairhaven
Massachusetts

November 24, 2026

Vaz Construction
89 Howard Ave
New Bedford MA, 02745

Dear Paul,

Pursuant to G.L. c. 40A, s. 7 and 780 CMR, Section 105.6, the building official is authorized to take zoning enforcement action and to suspend or revoke a building permit that was issued in error or in violation of any Zoning Bylaw. The building permit that you have received for construction of a single-family residence at ***130 Dogwood Street, Fairhaven MA 02719*** was erroneously issued because the lot is not a buildable lot.

You are hereby directed to STOP WORK under Building Permit No. R-26- 0419 and apply for a variance from the Zoning Board of Appeals. If you do not submit such an application by Tuesday December 1st at 4:00pm or if the variance is denied, I will revoke the permit and commence zoning enforcement proceedings.

If you are aggrieved by my interpretation, order, requirement, or direction, you may appeal to the State Building Appeals Board pursuant to 780 CMR chapter 51 section R112 no later than forty-five (45) days from your receipt of my order. You also have a right to appeal to the Zoning Board of Appeals pursuant to G.L. c. 40A, s. 8 within 30 days.

Richard Forand, CBO
Building Commissioner

CC: Keith Hickey
Heather White

Fairhaven
Massachusetts

November 24, 2026

P&R Property Investment LLC
89 Howard Ave
New Bedford MA, 02745

Dear Paul,

Pursuant to G.L. c. 40A, s. 7 and 780 CMR, Section 105.6, the building official is authorized to take zoning enforcement action and to suspend or revoke a building permit that was issued in error or in violation of any Zoning Bylaw. The building permit that you have received for construction of a single-family residence at ***132 Dogwood Street, Fairhaven MA 02719*** was erroneously issued because the lot is not a buildable lot.

You are hereby directed to STOP WORK under Building Permit No. R-26- 0441 and apply for a variance from the Zoning Board of Appeals. If you do not submit such an application by Tuesday December 1st at 4:00pm or if the variance is denied, I will revoke the permit and commence zoning enforcement proceedings.

If you are aggrieved by my interpretation, order, requirement, or direction, you may appeal to the State Building Appeals Board pursuant to 780 CMR chapter 51 section R112 no later than forty-five (45) days from your receipt of my order. You also have a right to appeal to the Zoning Board of Appeals pursuant to G.L. c. 40A, s. 8 within 30 days.

Richard Forand, CBO
Building Commissioner

CC: Keith Hickey
Heather White

Fairhaven
Massachusetts

November 24, 2026

Vaz Construction
89 Howard Ave
New Bedford MA, 02745

Dear Paul,

Pursuant to G.L. c. 40A, s. 7 and 780 CMR, Section 105.6, the building official is authorized to take zoning enforcement action and to suspend or revoke a building permit that was issued in error or in violation of any Zoning Bylaw. The building permit that you have received for construction of a single-family residence at ***134 Dogwood Street, Fairhaven MA 02719*** was erroneously issued because the lot is not a buildable lot.

You are hereby directed to STOP WORK under Building Permit No. R-26-0702 and apply for a variance from the Zoning Board of Appeals. If you do not submit such an application by Tuesday December 1st at 4:00pm or if the variance is denied, I will revoke the permit and commence zoning enforcement proceedings.

If you are aggrieved by my interpretation, order, requirement, or direction, you may appeal to the State Building Appeals Board pursuant to 780 CMR chapter 51 section R112 no later than forty-five (45) days from your receipt of my order. You also have a right to appeal to the Zoning Board of Appeals pursuant to G.L. c. 40A, s. 8 within 30 days.

Richard Forand, CBO
Building Commissioner

CC: Keith Hickey
Heather White

Fairhaven
Massachusetts

November 24, 2026

Jacob Galary
8 Tanner Lane
Fairhaven MA, 02719

Dear Jacob,

Pursuant to G.L. c. 40A, s. 7 and 780 CMR, Section 105.6, the building official is authorized to take zoning enforcement action and to suspend or revoke a building permit that was issued in error or in violation of any Zoning Bylaw. The building permit that you have received for construction of a single-family residence at ***129 Cottonwood Street, Fairhaven MA 02719*** was erroneously issued because the lot is not a buildable lot.

You are hereby directed to STOP WORK under Building Permit No. R-26- 0429 and apply for a variance from the Zoning Board of Appeals. If you do not submit such an application by Tuesday December 1st at 4:00pm or if the variance is denied, I will revoke the permit and commence zoning enforcement proceedings.

If you are aggrieved by my interpretation, order, requirement, or direction, you may appeal to the State Building Appeals Board pursuant to 780 CMR chapter 51 section R112 no later than forty-five (45) days from your receipt of my order. You also have a right to appeal to the Zoning Board of Appeals pursuant to G.L. c. 40A, s. 8 within 30 days.

Richard Forand, CBO
Building Commissioner

CC: Keith Hickey
Heather White

November 23, 2026

MINUTES

1. Accept the Open Session minutes of November 23, 2026

FAIRHAVEN SELECT BOARD
Meeting Minutes
November 23, 2026

Present: Andrew Romano, Natalie A. Mello, Pam Kuechler, Andrew Saunders, Richard F. Trapilo and Keith R. Hickey

Mr. Romano opened the Select Board meeting at 6:00pm

APPOINTMENT

Discussion and Possible Vote to award the Real Estate Brokerage Services contract to Better Living Real Estate, LLC at a 3.5% Commission of the sale price for Residential, Commercial and Mixed-Use Properties

Treasurer/Collector Carla Moureau addressed the Board and reviewed details of the recent Request for Proposals (RFP) for real estate brokerage services (***Attachment A***). The Board asked clarifying questions about the properties for sale, submittals, how experience was considered in the RFP process and the limits, per law, as to how towns handle costs and profits after the sale of properties sold in tax foreclosure.

Jennifer Frates, MCPPO, Procurement Consultant, MassProcure Municipal Consulting LLC addressed the Board via Zoom and said the scope included "Town owned properties" to keep the scope broad. Approximately 27 firms downloaded the documents and Ms. Frates will be asking them for feedback as only two firms submitted.

> **Motion**: Mr. Saunders motioned to award the Real Estate Brokerage Services contract to Better Living Real Estate, LLC at a commission of 3.5% of the sale price for residential, commercial, and mixed-use properties, as recommended in the award memorandum dated November 18, 2026. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Presentation of Friendly 40B and Request for Letter of Support for Application to the Department of Housing and Development for the Proposed Development Nasketucket Preserve

Rick Raposo of Raposo Legacy Development LLC addressed the Board with opening remarks and introduced Lynne Sweet of LDS Consulting Group, LLC. Ms. Sweet reviewed a presentation with the Board (***Attachment B)*** regarding a proposed 232-unit residential apartment community called Nascatucket Preserve under a friendly 40B application. The developers detailed the project's affordable housing component, site plan, and potential impacts on traffic and the environment, while several board members and residents raised concerns about traffic safety on Route 6, pedestrian access, and the project's scale.

The Board questioned the process of providing initial approval for a project that would require subsequent review by the Zoning Board of Appeals and Conservation Commission and expressing concerns about making decisions without full technical reviews completed. Ms. Sweet explained to the Board that the developer is not seeking final approvals tonight, the support letter and Local Initiative Program (LIP) application is a first step about the concept of this 40B and the developer remains open to working with appropriate Town departments, neighbors and stakeholders to modify aspects wherever possible.

Public Comment:

Brian Messier of Pleasant Street addressed the Board via Zoom and questioned if Public Works has reviewed if the infrastructure supports the additional water and sewer services. He also said there have been at least two fatalities at the proposed entrance about 25-35 years ago and its 1,355 feet.

Joe Taylor of Dogwood Street addressed the Board via Zoom with concerns about environmental aspects and urged the Board to involve the Conservation Commission.

Jacob Panek of Weeden Road addressed the Board via Zoom and said his home is not reflected on the site plans and it should be. He also asked to be contacted with any updates because the development affects his home.

John Behan of Peirces Point addressed the Board via Zoom and spoke to the email he sent to the Board earlier today (***Attachment C***). He asked the Board to consider including protections for the Town in any support letter and to consider traffic safety and alternative approaches to housing development.

Cora Peirce of Huttleston Avenue addressed the Board about development of the area, flooding risks, fire hazards, design elements, her work with the Fairhaven-Acushnet Land Preservation Trust and as Deputy Tribal Historic Preservation Officer for the Narragansett Tribes, concerns about burial sites around the train tracks (bike path) which will require review and other tribal aspects that apply. She asked the Board to take its time and consider what a "friendly 40B" is.

William Rawlings of Homestead Avenue addressed the Board via Zoom and asked if other surrounding towns meet the 10% affordable housing and what would be the consequences. Mr. Hickey said that maintaining a 10% or more affordable housing rate gives the Town the ability to deny future 40B applications.

Wayne Hayward of Gellette Road addressed the Board via Zoom about the layout of Peirces Point and that residents are passing and repassing over private property (the G. Bourne Knowles property). He suggested the developer memorialize how those residents are going to pass over private property with a legal document, it may have a current prescriptive easement but recommends memorializing it.

Donna Peirce of Peirces Point addressed the Board with questions about parking, flooding concerns, how close to the bike path, width of the road, and clarification on what defines an abutter.

Donna Rawlings of Homestead Avenue addressed the Board via Zoom and asked what percentage of the units would be dedicated to Fairhaven residents and expressed traffic and safety concerns. Ms. Sweet said 25% of the units would be deemed affordable and for 70% of those, a person that lives, works or has a child in Fairhaven schools would be able to apply and have two chances from the application pool.

Kaleigh Wilga of Justin Drive addressed the Board via Zoom and asked if the Fairhaven Public Schools could handle the increased number of school aged children. Mr. Hickey said that the School Superintendent attended one of the meetings with the developers and does not have a concern at this time.

Motion: Mr. Saunders motioned to authorize the Chair to execute item 1 in the Local Initiative Program (LIP) Application and submit a letter of support on behalf of the Select Board as presented. Ms. Kuechler seconded. The motion passed (4-1-0) Mr. Trapilo opposed.

The Board recessed from 7:58pm to 8:05pm

PUBLIC COMMENT

Eleanor Chew of Main Street addressed the Board with concerns about CORI Checks and read her list of questions and concerns about the process, confidentiality and legal considerations (***Attachment D***).

Bob Pink of Gull Island Road addressed the Board about public comments he made to the Board regarding research into decisions of the building department. Upon reflection, Mr. Pink reached out to Mr. Forand and discussed the concerns, they have agreed to disagree and Mr. Pink wanted to share this publicly and apologize for not first addressing the concerns directly with Mr. Forand.

Despina Longinidis of Washington Street addressed the Board about a case that involves the Zoning Board of Appeals (ZBA), the Building Department and abutters from 2023, she said it was settled in June of 2025 in Superior Court and at a July, 2025 ZBA meeting, the ADU variance was withdrawn, all permits cancelled and the work was to end. She said the defendant is still working on the illegal project. Mr. Saunders motioned for two additional minutes, Ms. Kuechler seconded and the motion passed unanimously (5-0-0). Ms. Longinidis continued asking how the work was able to continue and that the illegal connection to sewer was just resolved last week because of a problem it created. She said she has taken this to the top and asked the Board what else could be done.

APPOINTMENTS / COMMUNITY ITEMS

Event Request Notification at Ft. Phoenix, State Side: Polar Plunge, Friday, January 1, 2027 beginning at 10:00 am

Kathy Lopes addressed the Board about the event details, the event is held in memory of victims of domestic

violence and fundraising proceeds go to Dollars for Scholars. She asked for an Ambulance onsite and use of the EMS generator. The theme this year is "out of this world."

Motion: Mr. Saunders motioned to approve the request for the Fairhaven Fire and Police Departments to be on site for the Fort Phoenix Polar Plunge on Friday, January 1, 2027. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Request for the Use of Town Hall Front and Auditorium: Fairhaven Improvement Association: Sing-A-Long, December 12, 2026 4:00 to 8:00pm

The Board reviewed the request and clarified the scrivener's error to the end time, it should say 7:00pm

Motion: Mr. Saunders motioned to approve the request for the use of Town Hall from 4-8pm on December 12, 2026 for the Fairhaven Improvement Association Sing-A-Long with applicable custodian fees. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Review of Open Volunteer Opportunities

Mr. Romano read the list from the Board's packet (***Attachment E***)

ACTION / DISCUSSION

Discussion on Adopting a Criminal Offender Record Information (CORI) Check Policy as a Condition for Appointment to a Town Board or Commission

The Town Administrator worked with counsel to draft a Board policy requiring applicants for Board and Commission openings to compete a Criminal Offender Record Information (CORI) Check (***Attachment F***). Discussion ensued about the process, confidentiality, what steps would be taken based on the policy, how CORI results would be handled if it was not "clean," whether current appointees would be asked to complete a CORI and what action the Board would take if an appointee refused the CORI check.

Mr. Hickey will check with Town Counsel as to whether the Board can request current appointees to complete a CORI check retroactively or face removal. Other suggestions were made about the order of bullet points within the policy.

Motion: Mr. Saunders motioned to require a Criminal Offender Record Information (CORI) Check be performed on candidates applying or reapplying for a volunteer Board or Commission and to approve the policy as amended. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Discussion on Dissolution of Special Bylaw Review Committee

Mr. Romano reviewed the reason for this item and asked the Board to consider pausing the Special Bylaw Review Committee until the State reviews the bylaw updates submitted from Special Town Meeting. This would enable the Committee to meet if needed. Once the State's determination is received, the Board can dissolve the Committee.

Motion: Mr. Saunders motioned to maintain status quo with the Special Bylaw Review Committee. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Review of the FY28 Proposed Budget Calendar

Mr. Hickey reviewed the calendar and recommendations (***Attachment G***). He asked the Board to consider a joint meeting with the Finance Committee and the School Committee to discuss guidance on the process and preparation of the FY28 budget. Mr. Hickey proposed an all-day Saturday working session where Department Heads could present their recommended budgets versus night meetings.

The process of how an override gets to a ballot question was reviewed. Mr. Hickey said a revised forecast is needed due to recent revenue opportunities and assessing impacts like the Acushnet decision on attending Fairhaven High School, Town contributions to retirement and ambulance revenue.

The tax rate review will be on the December 7, 2026 agenda. Senior staff is working on deficits, review of department fees and comparable analysis. Mr. Trapilo confirmed that the Budget Working Group will not have

suggestions to present for the FY28 budget cycle.

Motion: Mr. Saunders motioned to accept the FY28 budget calendar as presented. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Review Proposed 2027 Select Board Meeting Calendar

The draft of Select Board meeting dates for the calendar year of 2027 reflects deadlines and posting dates. Attention should be paid to the deadline for requests and materials to be sent to Ms. Hart. It will be posted on the Board's page online.

Motion: Mr. Saunders motioned to accept the 2027 Select Board Meeting calendar as presented. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

TOWN ADMINISTRATOR REPORT

Mr. Hickey reviewed his report (***Attachment H***). He added that he has been working with Town Counsel and the Building Commissioner on permits issued on West Island. It was not on the agenda tonight because the review was not complete. Mr. Hickey anticipates a list of properties that will be issued cease and desist orders on November 24, 2026 due to permits issued that should not have been; these permit holders will have the option to request relief through the ZBA.

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

- *Mr. Saunders did not have meetings to report on*

- *Ms. Kuechler reported:*
  - She attended the EDC meeting, discussion was about Olde-Tyme Holiday, completing another market analysis on open space and streamlining the permitting process.

- *Ms. Mello reported:*
  - Historical Commission met and discussed concerns about the Academy Building roof, trying to contact the contractor and getting a drone to take pictures
  - She attended the Veterans Day Parade, thanked Mike Jenney for his work adjusting details of the parade and ceremony
  - SRTA met briefly and has another meeting in December

- *Mr. Trapilo reported:*
  - He attended three SRPEDD meetings: Finance, Personnel and Transportation. The personnel meeting was about succession planning.
  - He attended the Veterans Day parade and brainstormed with Mike Jenney and Mr. Hickey about having a Veterans month to celebrate Veterans. Mr. Jenney will present at a future meeting.

- *Mr. Romano reported:*
  - He confirmed that, as Chair, he does respond, as appropriate, to resident concerns sent via Select Board correspondence on behalf of the Board.
  - The Library has a fundraiser going for the cooling project. The Library sent invites for festivities.
  - He thanked the 160+ Town Meeting Members who attended Special Town Meeting
  - He attended the Veterans Day parade, loves what the Town respects, celebrates and honors and to see the diversity of the current Board and that it is exactly what Veterans fought for.

MINUTES

Motion: Mr. Saunders motioned to accept the Open Session Minutes of November 9 and 17, 2026 as presented. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

NEWS AND ANNOUNCEMENTS

The next scheduled Select Board meeting will be on Monday, December 7, 2026 at 6:00pm

The Select Board adjourned at 9:18 pm

ATTACHMENTS

A. Carla Mourao Memo: Real Estate Brokerage Services RFP-Award Recommendation
B. Nasketucket Reserve Presentation
C. John Behan Email: Proposed Letter of Support for 40B project at 267-271 Huttleston Ave.
D. Eleanor Chew Public Comment
E. Review of Open Volunteer Opportunities
F. FY2028 Budget Calendar
G. 2027 Select Board Meeting Calendar with deadlines
H. Town Administrator Report

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

Accepted on __ 2026