



# Town of Fairhaven Commonwealth of Massachusetts

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

**To:** Paul Foley Planning Department

**Date:** May 12, 2022

**RE:** Proposed dock at #2 & #8 Winslow Court

**Locus:** Map 12 Blocks 009 & 010

The Building Departments concerns for the proposed dock are as follows:

The proposed dock will need both a Chapter 91 filing to the State and a Building Permit issued from this office.

The dock needs to provide lateral pedestrian access per local zoning and Chapter 91.

Although the two adjacent properties held in common ownership and are considered one for zoning, they were separate lots and each have a distinct history.

Each has a primary structure making the combined lot pre-existing non-conforming per Zoning by Law 198-17 D, which only allows one primary structure per lot. As they lie within the Multi- Family (RC) zoning district the single and or combined lots are also pre-existing non-conforming for land area and frontage and will need a MGL 40A.s.6 determination from the permit granting authority.

#2 Winslow (Map 12 Block 009) is recorded land. The deed states riparian rights into the Acushnet River and grants a right of way over #8 Winslow.

#8 Winslow (Map 12 Block 010) is registered land. The deed gives no riparian rights.

My concern is that the construction of the dock on the property line will create problems if the properties were not in common ownership in the future. I would suggest confirming with council on the location, deeded rights for one or both to access a common dock, riparian rights, 40As6 determination or if side setback variances are required.

**Chris Carmichael**  
**Building Commissioner/Zoning Enforcement Officer/Flood Zone Manager**  
**Town of Fairhaven**