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**Also Admitted To Practice In**

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April 29, 2024

Beth David, Publisher/Editor  
Fairhaven Neighborhood News, LLC  
166 Dogwood Street  
Fairhaven, MA 02719

Re: April 27, 2024 Email to Patrick Carr

Dear Ms. David:

Mr. Carr has forwarded your email to me and he has asked me to respond within the limited time frame that your Saturday evening email provided before your next publication.

Mr. Carr takes his ethical obligations very seriously. He has asked me to review the facts regarding your implication that he violated an ethical obligation to recuse himself from the Planning Board's consideration of adding a definition of "shipping containers" to the zoning ordinances and referring that to the Select Board for possible inclusion in the warrant for the Town Meeting together with other proposed zoning amendments.

As I understand the facts, the vote of the Planning Board that Mr. Carr participated in regarding shipping containers was to allow their use in an Industrial District and to provide a definition of what constitutes a "shipping container" with the knowledge and understanding that any proposed change to zoning would have to be approved by the Select Board and, if approved by them, ultimately approved at Town Meeting if it were to become effective.

The proposed change was to limit the use of shipping containers, as defined, to industrial zones. It related to a general policy which would affect all industrial zones in the Town. My understanding is that there is an exemption under Chapter 268A which provides that a person could act as a planning board member on a determination of "general policy" which affects a substantial segment of the community's population in the same way. I believe that exemption would apply to these circumstances.

Mr. Carr has been in contact with the State Ethics Commission.

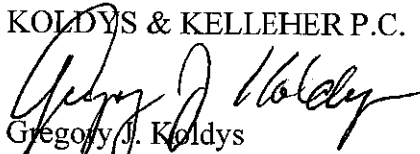
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Finally, I trust that you will not gratuitously publish allegations or imply that Mr. Carr violated any conflict of interest obligations.

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Very truly yours,

KOLDYS & KELLEHER P.C.



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Encs.

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