

59 Beechwood Drive**Cheryl Comforti**

DECISION: The Board determined that there were special conditions affecting these parcels of land, that literal enforcement of the Zoning By-Laws would involve hardship, and that variances could be granted without any detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-Laws. Variances granted to allow the equal exchange of square footage so that the Kennedy/Troiano garage will be located entirely on their land and no longer exists on the Comforti property and to allow the existing garage foundation to remain in its present location without meeting side line set-back requirements on the Kennedy/Troiano property, all in accordance with the plan of land entitled "Subdivision Plan Beechwood Drive, Westport, Bristol County, Massachusetts prepared for Bruce J. Kennedy & Valarie A. Troiano & Cheryl A. Comforti, dated January 25, 1990, prepared by N.A.S.R. Land Surveyors, Inc., 18 Quarry Street, Fall River, MA" which was submitted to the Westport Planning Board and on file with the Appeals Board.

92 Beechwood Drive**Edmund & Pauline Tremblay****11/23/81**

DECISION: Variance granted to waive the minimum area requirements for a single family dwelling and allow the construction and/or maintenance of a single family dwelling on Lot 54, Assessor's Plan 62.

11 Beeden Place**Joseph A. Correira****11/03/86**

DECISION: Variance denied to construct and operate a repair garage on Lots 55 & 56, Assessor's Plan 33 on the basis that the petitioner had failed to demonstrate a hardship which affected the land or structure but not the zoning district generally that resulted in a substantial hardship.

Beeden Road**Alice Gingras****12/01/71**

DECISION: Building permit granted to construct a single family dwelling on Lots 59 and 60, Assessor's Plan 33.

19 Beeden Road**Antonio Pacheco****11/16/05**

DECISION: Variance granted to re-convert the property into a duplex residence. No increase in the number of bedrooms and no additions to the external features of the building on property located on Assessors' Map 33, Lot 52.

45 Beeden Road**Aubin Bedard****09/05/78**

DECISION: Variance granted to allow the use of the building on Lot 2, Assessor's Plan 33 for a business office and a gift and art supplies shop. Additionally, the premises can be used for the storage of two trailers for use in connection with the contracting business. The variance was granted upon the following conditions: 1) one trailer is to be located on the south side of the building; 2) One trailer is to be located on the west side of the building; 3) No outside storage of contractor's equipment or materials except the permitted two trailers; 4) Operating hours shall not exceed 9:00 p.m. or exceed six days per week.

DECISION: 6/18/85 Petitioner allowed to withdraw without prejudice application to allow the use of the premises for the cutting, sewing, and the sale of awnings.

DECISION: (Charles Rogers) 7/23/85 Variance granted to allow the use of the premises for the cutting, sewing, and the sale of awnings subject to the following condition: 1) No work on Sundays or holidays.

106 Benoit Street**Grace A. Bienvenue****09/23/91**

DECISION: Petitioner withdrew application for a variance on Lot 77, Assessor's Plan 18A to allow the construction of a garage with a room above connected to the east side of the dwelling without meeting yard and set-back requirements without prejudice.

DECISION: 12/19/91 The Board voted unanimously with Joseph L. Keith III, Kendal Tripp, Clayton Harrison, Raymond Medeiros and James M. Morton III voting in the affirmative, to grant the requested variance to allow the lot located at 106 Benoit Street as an approved lot under the Zoning By-Laws for use as a one family dwelling or duplex.

41 Bentley Lane

Dionne Melo & Michael DeMello

8/26/2020

DECISION: Applicant requested a Special Permit to install and use an accessory apartment, with bathroom and kitchen, consisting of 524 square feet in an existing detached garage, as mandated by Zoning Bylaw Article 4, Section 4.0.1.D.13. The subject property is located at 41 Bentley Lane and is shown on Assessor's Map 5, Lot 22C.

Board members stated that the accessory apartment would not be detrimental to the neighborhood and had no issue with the project going forward.

Also it was stated that since there will be no changes to the outside of the structure, the project does not affect the character of the neighborhood.

Motion made, seconded, and voted unanimously to GRANT the Special Permit for an accessory apartment, with the condition that the Petitioners comply with Zoning Bylaw Article 4, Section 4.0.1.D.13.

Bergeron Road (Sawdy Pond)

William Lyne

05/21/69

DECISION: Building Permit granted to construct a single family dwelling on Lot 2, Assessor's Plan 61 with the understanding that this building will be for summer use only.

Bergeron Road (Sawdy Pond)

George & Rita Cantin

07/20/77

DECISION: Variance granted to allow the subdivision of Lot 2, Assessor's Plan 61 without complying with area and frontage requirements to allow for the sale of said parcels to the lessees by the present owners, the conveyance being the petitioner's lots that their respective houses are located on lying between the dirt laneway and Sawdy Pond. The lots shall be substantially as stated in the options with two lots containing approximately 20,000 square feet and 100 feet of frontage, and two lots containing approximately 15,000 square feet and 75 feet of frontage. This variance is granted upon the express condition that the laneway referred to above is not to be construed as usable for further subdivision purposes without complying with all standards imposed by the Planning Board. Additionally, this variance is not to be construed as approval of a common well supply for the petitioners and/or varying any Board of Health regulations.

Blossom Road

Fall River Construction Co.

09/21/89

DECISION: Variance denied to allow the construction of eleven (11) custom built detached House Styled Condominium units without meeting Permitted Use Requirements and Intensity Regulations on Lots 12 & 13, Assessor's Plan 2 on the determination that the petitioner had other alternatives to develop the land other than seeking the variance requested and there was no substantial hardship that applied to the land or structures that literal enforcement of the provisions of the By-Law would involve substantial hardship, financial or otherwise, to the petitioner or that desirable relief could be granted without substantial detriment to the public good, that any hardships presented by the applicant were created by the applicant.

Blossom Road

Norbert Ouellette

09/18/71

DECISION: Building permit granted to convert the present garage into a single family dwelling provided 40,000 square feet is left for the house already in existence.

Blossom Road	Dr. & Mrs. VonErtfelda	10/07/74
DECISION: Variance granted for the construction and operation of a greenhouse for commercial purposes, including the erection and maintenance of a sign to designate such business.		
173 Blossom Road	Romeo & Lorraine Fortin	09/25/79
DECISION: Variance granted to allow the construction of a two stall garage to be attached the south side of the house on Lot 5B, Assessor's Plan 2 without complying with the set-back requirements provided the building is not constructed closer than six feet from Deer Drive.		
210 Blossom Road	David & Nancy Ponte	03/25/92
DECISION: Variance granted to allow the set-back for the petitioners' existing house as shown on a plan of land entitled "Division of Land of David and Nancy Ponte, Blossom Road, Westport, Mass. dated Jan. 3, 1992."		
63 Boathouse Row (Town Avenue)	James & Nancy Laird	04/17/79
DECISION: Variance granted to renovate and modernize a portion of the so-called ice house on Lot 88E, Assessor's Plan 89 into a separate guest house subject to the following conditions: 1) Such guest house to be used for non-paying guests only; 2) Such guest house shall be seasonal and used only during the period from May 1st to November 1st; 3) There shall be no further subdivision of the lot and no additional family units added.		
Borden Street	Alexander J. Assad	12/27/68
DECISION: Building permit granted to construct a single family dwelling on Lot 44R, Assessor's Plan 3.		
Borden Street	Parallax Corporation	01/16/01
Comprehensive Permit approved for Edgewater Apartments with numerous conditions.		
42 Bower Avenue	Alfred Estrella	10/22/62
DECISION: Variance denied because did not meet requirements of Section 15, Chapter 40.		
15 Boysenberry Drive	Eugene & Edna Carroll	03/17/87
DECISION: Variance denied to construct an addition and garage without meeting set-back requirements on Lot 56, Assessor's Plan 53 on the basis that the petitioners failed to demonstrate a hardship which affected the land or structure but not the zoning district generally that resulted in a substantial hardship.		
18 Boysenberry Drive	Douglas & Tara Faria	09/16/04
DECISION: Variance was granted with the conditions that there remain open access on the southwest boundary, with the installation of a gate for ready access to emergency vehicles and for use in maintaining the septic system. Property is located on Assessor's Map-53, Lot 68.		
23 Boysenberry Drive	Steven & Paula Ouellette	06/02/87
DECISION: Variance granted to allow the approval of an undersized lot on land located on Lot 32, Assessor's Plan 53 on the basis that there was a substantial hardship due to the unusual circumstances pertaining to this particular lot, that literal enforcement of the Zoning By-Laws would involve substantial hardship, and that a variance can be granted without detriment to the public good and without nullifying or substantially derogating from the intent of the Zoning By-Law.		
Brayton Point Road	Michael K. McGill	05/30/97

33 Briar Drive **Thomas & Joyce Cookinham** **07/14/75**

DECISION: Variance granted to allow a photography studio at Lot 136, Assessor's Plan 22 upon the following conditions: 1) The portion of the present building used for photography studio purposes shall not exceed fifteen (15) per cent of such building; 2) There shall be no significant change in the business to be conducted without seeking an additional variance or permit from the Board of Appeals; 3) A sign will be allowed which shall comply with the requirements under Section IV-A-1 e. (3).

1 Bridge Road **Moby Dick Partnership/
Roger & Nancy Tache & Daniel Bogan** **05/04/90**

DECISION: The Board made a finding that the construction of an approximately 400 square foot deck area at the southwest corner of the restaurant building to replace the deck area that would be reduced on the north side of the building was not substantially more detrimental than the existing use. The Board further found that the proposed deck would be an improvement to the restaurant operations. Therefore, the Board voted to allow the construction of a 20' X 20" deck on the west side of the existing building on Lots 60 & 61, Assessor's Plan 91 to serve diners/liquor in conjunction with the existing restaurant upon the condition that the new deck area to be constructed would not exceed the reduction of the present deck.

9 Bridge Road **Jerome's Moby Dick Sandwich Shop, Inc.** **06/16/82**

DECISION: Special permit granted to allow the sale of beer and wine on a seasonal basis to be consumed on Lot 63, Assessor's Plan 91 under the specific condition that the rights granted hereunder are limited to the current owners of the real estate unless approval is granted by this Board.

DECISION 03/19/01: CHRISTOPHER SCHLESINGER: The Board made a finding that the addition of beer and wine to the food service restaurant would not be substantially more detrimental to the neighborhood and would be in harmony with the intent and purpose of the by-law with the following conditions: 1) The liquor license is for beer and wine only; 2) The business shall be closed by 9:00 p.m. 3) No outside music; 4) Parking will be in accordance with the plan submitted entitled "The Back Eddy Parking Layout, drawn by Clearwater Architects" and approved by the Inspector of Buildings; 5) Total seating capacity of forty-nine (49) with a maximum of twenty (20) outside; 6) No lounge; 7) All beverages are to be served in non-glass containers; 8) The petitioner will be responsible for litter on the premises; and 9) This approval is limited to Christopher Schlesinger, Trustee of Roscoe Realty Trust, and will not run with the land.

75 Bridge Road **Baker's Beach Club** **05/04/83**

DECISION: Special permit granted to allow the extension of one unit containing twelve bathhouses in the center section 40'x 20' on Lots 50 & 54, Assessor's Plan 91.

75 Bridge Road **Baker's Beach Associates, Ltd.** **03/17/92**

DECISION: The Board made a finding that the expansion of the concession building for use of the beach club members was not substantially more detrimental in its affect upon the neighborhood than the prior non-conforming concession or building. Additionally, in compliance with the standards established under the HUD Regulations as contained in the Federal register Volume 41, No. 207, Section 1910.6 (a) (3), the Board found that failure to grant the variance would result in exceptional hardship to the applicant. The board additionally found that the

granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense because the present structure has existed for years in the same location with the same elevation. The Board determined that the variance granted is the minimum necessary, considering the flood hazard to afford relief. The Board voted unanimously to allow the reconstruction of the pilings, deck and concession building in accordance with the plans entitled "Lot 91 - #54, 75 Bridge Road, Westport, MA dated 12/9/91, revised 1/9/92 drawn by R.C. Southwick, Consulting Engineer, 242 Smith neck Road, So. Dartmouth, MA."

Briggs Road (east side) Aldina Couture/Donat & Bertha Desrosiers 08/21/62
DECISION: Variance granted and dividing line to be extended 15' easterly.

Briggs Road Fall River Trust Co. 08/24/77
DECISION: Special permit denied to allow on Lot 28, Assessor's Plan 23 the primary use change of the commercial building to be confirmed to allow the garaging of motor vehicles with adequate ingress and egress provided for said vehicles within said structures on said property, whereas, the petitioner failed to present sufficient evidence that the change in use would not be detrimental to the neighborhood and would tend to impair the status of the neighborhood.

Briggs Road Alice E. Sanford 07/29/76
DECISION: Variance denied to allow the subdivision of Lot 2, Assessor's Plan 29 without the minimum frontage requirement on the basis that the petitioner failed to present sufficient evidence that there were special conditions affecting this particular parcel of land, but not generally the zoning district in which it is located. It is a further opinion of the Board that the petitioner failed to demonstrate that a substantial hardship exists due to the fact that there are other alternatives to subdivide the land.

Briggs Road William Sullivan 08/24/65
DECISION: Variance granted to construct a single family dwelling.

142 Briggs Road John M. Borges 07/30/88
DECISION: Variance granted to construct and maintain a single family dwelling on Lot 10, Assessor's Plan 29 without complying with the frontage requirements of the Westport Zoning By-Laws subject to the following conditions: 1) The use of the premises would not be further sub-divided without prior approval from the Westport Appeals Board; 2) The driveway will be designed in such a manner that headlights from motor vehicles exiting the premises will not shine into the dwelling houses lying on the opposite side of Briggs Road; and 3) The driveway will be paved for a distance of 200 feet from Briggs Road prior to December 31, 1988.

156 Briggs Road Urban Pariseau 10/17/69
DECISION: Variance denied to construct a single family dwelling due to a lack of any practical difficulty or unnecessary hardship.

170 Briggs Road Raymond Medeiros 07/07/66
DECISION: Variance granted on two lots of land on Briggs Road to be considered standard size.

310 Briggs Road (south side) Antone & Loretta Souza 09/02/76
DECISION: The Board after hearing and upon review of all evidence presented voted unanimously to allow Mr. Souza to withdraw his petition without prejudice due to the fact that the Board ruled that no variance is required for Mr. Souza to construct the addition as he does meet the set-back requirements for sidelines.

332 Briggs Road

Thomas E. Borden

05/30/12

DECISION: The Board allowed the petitioner to withdraw without prejudice after filing for a variance.

418 Briggs Road

John K. Soares

04/13/82

DECISION: Variance denied to continue the residential use in the dwelling house and the business use as it presently is conducted in the garage premises for specialized painting and body work to be conducted on Lot 54, Assessor's Plan 19 on the basis that the petitioner failed to demonstrate and/or prove conditions that especially affected the land, but not affecting generally the zoning district in which it is located, which would involve a substantial hardship under the provisions of Massachusetts General Laws, Chapter 40A, Section 10, nor did the petitioner prove that the variance could be granted without derogating from the intent or purpose of the By-Law and/or without substantial detriment to the public good.

499D Briggs Road

William & Jeannette Butler

01/24/69

DECISION: Variance granted to allow the issuance of a building permit for the erection of a building in accordance with Massachusetts General Laws Chapter 41, Sections, 81Y, 81Z, 81AA & 81BB pertaining to land owned by William Butler, Jr. and Jeannette Butler located on the easterly shore of South Watuppa Pond, Westport, Massachusetts. This variance is granted upon the express conditions that no further variance of this type will be granted pertaining to land of the grantors of William Butler, Jr. et ux unless approval is obtained from the Westport Planning Board.

2016 Brookmeadow

Brookmeadow Westport LLC 4/3/2019

DECISION: Applicant has requested a 12-month extension for commencement of construction of Brookmeadow Estates, specifically pursuant to the 2016 Brookmeadow Comprehensive Permit Modification dated April 6, 2016.

Motion was made, seconded, and voted unanimously by the Board to **GRANT** the 12-month extension for commencement of the construction of this Project to April 6, 2020, on the grounds that the delay is insubstantial and the circumstances that underpin the delay in commencement of construction of this Project were beyond the control of the Project developer. The Board determined that no further hearing before this Board is required to proceed

2016 Brookmeadow

Brookmeadow Westport LLC

6/18/20

DECISION: Applicant has requested a 12-month extension for commencement of construction of Brookmeadow Estates, specifically pursuant to the 2016 Brookmeadow Comprehensive Permit Modification dated April 6, 2016.

After discussion and determination by the Board that the clearing of land is considered "commencement of construction" under the law, a motion was made, seconded and voted unanimously by the Board to **GRANT** the 12-month extension for commencement of construction to April 6, 2021 on the grounds that the delay is insubstantial and no further hearing before this Board is required to proceed.