

1 Daisy Lane

Kathleen A. Leach

03/04/15

DECISION: Variance was denied due to no hardship being demonstrated.

David Road/ Drift Road

Gilbert & Delores Souza

04/18/75

DECISION: Variance denied on the basis that the petitioner failed to demonstrate that a substantial hardship exists; that a desirable relief could not be granted without substantial detriment to the public good and without nullifying or derogating from the intent or purpose of the Zoning By-Law.

43 Davis Road

Edward Ferreira

06/07/66

DECISION: Variance granted to construct a single family dwelling on the property described as north of the railroad tracks and east of Davis Road.

119 Davis Road

Donna Giguere & Christopher Graham

01/08/88

DECISION: Variance granted to allow the construction of a single family dwelling on Lot 5F, Assessor's Plan 5 without meeting frontage requirements providing there is no further subdivision or additional dwellings to be constructed on the parcel without coming back to the Board of Appeals.

11 Deacon Road

Mary L. Hartnett et ali

11/21/90

DECISION: Variances granted to allow the subdivision of Lots 67 & 68, Assessor's Plan 91 into two new lots with an even exchange of square footage as shown on a plan of land entitled, "Plan of Land in Westport, MA prepared for Mary L. Hartnett by Seekonk Engineering, Inc. dated June 12, 1990" and to waive the set-back requirements for the existing single family dwelling located on Lot 68, Assessor's Plan 91.

16 Deacon Rd

Paul & Cheryl Hamel

2/13/2019

DECISION: Applicant requests a finding and/or variance for the demolition of the existing single-story house and approval to build a new two story residence. This property is in a flood plain zone AE 12. The property is located at 16 Deacon Road, Westport, MA and is shown on Assessor's Map 91, Lot 78.

Motion made, seconded, and voted unanimously to approve the petitioners' application that a pre-existing non-conforming structure or use may be altered and the Board of Appeals determined that such alteration shall not be substantially more detrimental than the exiting non-conforming use to the neighborhood. This property being in a flood plain zone AE12 and located at 16 Deacon Road, Westport, MA and is shown on Assessor's Map 91, Lot 78. The Board's approval is granted with the following conditions:

1. The finding issued by the Zoning Board is based on photographs and plans submitted by the Petitioners at this meeting as drawn by Gail Goff Architect, entitled "Hamel Cottage, 16 Deacon Road, Westport, MA."

2. The property lies in Flood Plain Zone AE12 and the owners must comply with State regulations pertaining to flood zone.

32 Deacon Road/ Billy Street

Benjamin R. Bushey/ Brian R. Corey

09/19/80

DECISION: Variance granted to allow the construction of a single family dwelling on Lot 74, Assessor's Plan 91 without meeting area and frontage requirements.

Division Road (west side)

Rosella M. Borden

07/01/74

DECISION: Variance granted to allow the subdivision of Lot 12, Assessor's Plan 49 into two lots, one containing 60,000 square feet and one with a house thereon containing approximately 57,000 square feet.

Division Road (west side) John Ciccotelli & Regina Costa 08/30/84

DECISION: Variance denied to allow the construction of a single family dwelling without meeting frontage requirements on Lot 15, Assessor's Plan 45 & Lot 8, Assessor's Plan 46 on the basis that the petitioners had failed to demonstrate a substantial hardship owing to circumstances relating to the soil conditions, shape, or topography of said land or structures and especially such land or structures but not affecting generally the zoning district in which it is located. The applicants also failed to prove that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-Laws.

145 Division Road Richard T. Doyle 04/27/77

DECISION: The board after hearing and upon review of all evidence presented, voted unanimously to allow the withdrawal of the petition as requested.

521 Division Road Sean & Valarie Leach 11/09/00

DECISION: The Board voted unanimously to grant the special permit to allow the petitioners to keep six dogs on their property subject to the following restrictions: 1) There will be no unnecessary clearing of trees to the west or the north of the new kennel; 2) A screening device is to be installed to the north side of the existing kennel at least six feet long; 3) Proper disposal of the waste from the kennels and the area they are in; 4) No more than six (6) dogs as allowed under the existing by-law; 5) No commercial boarding or breeding; 6) Placement of an evergreen tree (spruce) at least the same height as the surrounding trees in the location indicated on Attachment "A"; 7) The permit is limited to the petitioners, Sean M. & Valarie A. Leach; 8) The permit is limited to Siberian Huskies only; and 9) The dogs must be non-breeding (neutered or spayed).

771 Division Road Alphonse & Rosanne Mattia 09/25/86

DECISION: Variance granted to allow the use of the existing 36' X 32' structure for a personal artist studio and/or woodworking shop and, in addition, to allow a 36' X 32' addition to the aforementioned 36' X 32' structure subject to the following conditions: 1) The 36' X 32' addition shall be within the dimensions as presented on the plan and in accordance with the plan on file with the Board of Appeals; 2) Access to the building is to be provided through the petitioner's property; 3) No sales are to be conducted from the premises; 4) All artist productions are to be confined within the building with the exception of outside drying; 5) No outside storage is permitted; 6) No substantial continuous employment is allowed.

Donovan's Lane (west side) Leonard Cejka 02/01/82

DECISION: Variance granted to allow a portion of Lot 50, Assessor's Plan 36 to be conveyed to the adjacent land owned by William C. and Marie Theresa Crombleholme and William Anthony and Doris Anne Keefe as shown on a plan of land entitled "Subdivision of Land in Westport, Massachusetts belonging to Leonard, Bernice R. and Arnold T. Cejka dated October 9, 1981" drawn by Gerald M. Fitzgerald, R.I.S.

Donovan's Lane Estate of Leo LePage/ Nancy LePage 04/22/82

DECISION: Variance granted to allow the conveyance of land entitled "Plan of Land in Westport, MA Being a Subdivision of Lot 5 shown on Land Court Plan 19447B, filed with Cert. 4488, Scale 1"=20'. William F. Kirby, Surveyor, 14 Pope Street, New Bedford, MA dated September 18, 1981."

DECISION: Variance request to allow the construction of an addition for an accessory apartment was withdrawn.

Drift Road/Route 88 **Charles & Ursula Nelson 05/11/77****DECISION:** Special permit denied to allow a boat yard for storage, maintenance and repair of boats on Lot 174, Assessor's Plan 58, whereas, the petitioner failed to present sufficient evidence that a boat yard would not be detrimental to the neighborhood.

DECISION: 6/13/79 Variance granted to allow the use of this 1 1/4 acre parcel for the surface storage of boat moving and boat storage equipment, and boats in transit subject to the following conditions: 1) The maximum number of motor vehicles, including tractors and trailers will be limited to nine (9) vehicles total; 2) To plant and maintain tall, fast growing evergreen trees along the north and west side of the area to be used in order to shield the equipment from view; 3) Vehicles must be parked in the inside area; 4) No major repairs on the premises; 5) the access from the property shall be Drift road from the north side; 6) No spare vehicle parts shall be kept or stored on the premises; and (7) no seasonal boat storage and no boat storage over three (3) days.

Drift Road/ Hix Bridge Road **John Charig** **02/09/72**
DECISION: Variance granted to change the boundary lines to separate the house and lot from the remainder of the land.

Drift Road **Paul N. Charland** **07/02/69**
DECISION: Building permit granted to construct a single family dwelling on Lot 27F, Assessor's Plan 56A.

Drift Road (east side) **Paul G. Cleary** **03/03/75**
DECISION: Variance granted for the construction of a guest house on Lot 59A, Assessor's plan 56A to be used in conjunction with or as an accessory use with a permanent single family dwelling, also to be constructed upon the above parcel subject to the following conditions: 1) The guest house may be constructed prior to the permanent single family dwelling. 2) The guest house may be occupied by the owner as a temporary dwelling until the permanent single family dwelling house is fully completed and occupied by the owner. 3) Upon completion and occupancy of the permanent single family dwelling, the guest house will cease to be used by the owner as a dwelling house. 4) The guest house after the completion of the permanent single family dwelling will not be used as a separate dwelling and will not be rented or used for commercial purposes. 5) The guest house upon completion of the permanent single family dwelling will be used only in conjunction with the main dwelling by the owner, his family, or non-paying guests. 6) The above conditions will not restrict the guest house from being used for any other permitted accessory use.

Drift Road **Carolyn Cooper** **03/03/71**
DECISION: Variance denied on the basis that there are too many under-sized lots on an unaccepted road and because it would be against Town Ordinances.

Drift Road **Basil Hall** **09/23/65**
DECISION: Variance granted with all the privileges of a standard size lot.

Drift Road **Horace L. Huyler** **05/21/69**
DECISION: Building permit granted to construct a single family dwelling on Lot 73, Assessor's Plan 57.

276 Drift Road **Town of Westport** **11/27/95**
DECISION: A variance was granted to allow the construction of a single-family dwelling, without meeting frontage and area requirements of the Zoning By-Law, on Lot 19A as shown on Assessor's Plan 52, subject to the condition that any such dwelling shall comply with all other applicable requirements of the Zoning By-Law and with the building code and all other applicable laws and regulations.

276 Drift Road **James L. & Carolyn Sharples** **09/02/97**
DECISION: Appeals Board determined a variance previously awarded the Town of Westport (see above) which was not recorded within the year was okay for the new owners because the rights authorized by the variance was exercised within the year, thus a second variance was not needed.
DECISION 11/12/97: A second variance was granted to allow the construction of a single-family dwelling, without meeting frontage and area requirements of the Zoning By-Law, on Lot 19A as shown on Assessor's Plan 52, subject to the condition that any such dwelling shall comply with all other applicable requirements of the Zoning By-Law and with the building code and all other applicable laws and regulations.

450 Drift Road **Rufus & Theresa Winsor** **12/02/85**
DECISION: Variance granted to allow the keeping of a maximum of six (6) dogs, with the exception of puppies, for the purpose of breeding, trial and show dogs only, and that no further commercial purpose be allowed with the exception of the training of seeing-eye dogs for the blind on Lot 32, Assessor's Plot 52.

499 Drift Road **Barbara Porter & Jane Foulkrod** **03/08/83**
DECISION: Special permit granted to allow the use of the 20'x60' building on Lots 3 & 4, Assessor's Plan 53 for the sale of antiques and an antique woodworking and refinishing shop and/or crafts associated therewith. This permit is subject to the following conditions: 1) No chemical dip tanks for furniture/paint stripping; 2) Woodworking is to be in connection with refinishing and reproduction and the selling of antiques; and 3) The Special permit is limited to the current owner and/or the prospective buyer Silvia Jane Foulkrod.

509 Drift Road **Alden Kirby/ Sanford Perry Estate** **06/12/85**
DECISION: Variance granted to allow the removal gravel from Lot 5, Assessor's Plan 53 on the following terms and conditions: 1) Submit a new plan showing the precise area of the farm to be excavated by August 15, 1985; 2) Hours of operation: 8:30 a.m. - 5:00 p.m. - Monday through Friday; 8:30 a.m. to 12:00 noon Saturdays; No Sunday or Holiday operations; 3) The excavation period shall expire at the end of six (6) years.
DECISION: 12/30/85: The Board voted unanimously to accept the plan dated November 9, 1985 as being the previously approved area in accordance with their decision of June 12, 1985.
DECISION: 9/3/87: The Board determined that the use of the small portable crusher by A.J. Potter & Sons, Inc. at the Kirby pit was being used as an accessory use in conjunction with the removal operations and was in fact limited to those removal operations and, therefore, did not constitute a violation of zoning and was in fact included as an accessory use under the variance granted for the removal operations. The Board voted to void the Cease and desist order issued by the Zoning Officer dated June 8, 1987.

540 Drift Road **Michael & Joan Travers** **07/24/85**

DECISION: Variance granted to allow the removal of gravel and fill from approximately seven (7) acres on Lot 13, Assessor's Plan 53 on the following terms and conditions: 1) Submit a new plan showing the precise area of the farm to be excavated by August 15, 1985; 2) Hours of operation: 8:30 a.m. - 5:00 p.m. - Monday through Friday; 8:30 a.m. - 12:00 noon Saturdays; No Sunday or Holiday operations; 3) The excavation period shall expire at the end of six (6) years; 4) The only laneway that can be used in conjunction with this operation is the Perry/Kirby property and not that of the Travers property.

DECISION: 12/30/85: The Board voted unanimously to accept the plan dated November 9, 1985 as being the previously approved area in accordance with their decision of July 24, 1985.

541 Drift Road **John J. Mooney, Jr.** **09/19/87**

DECISION: The Board determined that a prior non-conforming use existed for the premises for the repair and sales of motor vehicles from the current garage building and that the addition to such garage building of a building 34' X 38' to utilize for the repair and sales of motor vehicles would not be substantially more detrimental in its affect upon the neighborhood with the following stipulations: The employees connected with the repair and sales of motor vehicles will not exceed one clerical and two non-clerical and that the existing garage building will be used for the petitioner's personal use and will not be used in conjunction with the business being conducted in the new addition to the building.

581 Drift Road (west Side) **Paul & Sally Amaral** **03/21/72**

DECISION: Variance denied on the basis that the house would not have 100 feet frontage on a road and no hardship or practical difficulty was shown.

DECISION: 05/18/84: Variance denied to allow a second dwelling to remain in use on a lot which has 171,800 square feet without subdividing to gain frontage on Lot 17B, Assessor's Plan 53 on the basis that the petitioner failed to demonstrate and/or prove conditions that especially affected the land, but not generally the zoning district in which it is located which would prove a substantial hardship under the provisions of M.G.L. Chapter 40A whereas the petitioner could comply with Intensity Regulations (Section V-A of the Westport Zoning By-Laws), and the petitioner had created the problem by constructing the dwelling without proper permits. In addition the petitioner failed to demonstrate that the requested variance would not derogate from the intent and purpose of the By-Law.

581F Drift Rd **Joan Casey-Amaral** **4/12/2018**

DECISION: Applicant requests a variance for side yard offset requirement relief as in Article #n, Section 7.6.2 side yards. The property is located at 581A, B & C Drift Road and is shown on Assessor's Map 53, Lot 12B & 10J.

A motion made to approve the requested side setback variances with the following conditions:

1. The structure on Lot 1 identified as 581C shall not be used as a residential dwelling, and any and all kitchen facilities must be completely removed and never exist in the future unless legally allowed.
2. There shall be no driveway access or easements to Lot 3 through Lot 1 or Lot 2.
3. A separate driveway shall be provided for access to Lot 1.
4. Wells and septic systems shall be inspected for both lots and provided or upgraded if the systems do not meet current health requirements.

A legal reciprocal easement agreement must be provided at the property boundary between Lot 1 and Lot 2 to reasonably facilitate access for maintenance of structures on Lot 1 and driveway on Lot 2. The finding of hardship regarding this variance appeal is based upon the age and size of

the relevant structures, the cost and burden of attempting to move the structures, the possible historic significance, and that these structures existed in their current locations prior to zoning.

The finding of hardship regarding this variance appeal is based upon the age and size of the relevant structures, the cost and burden of attempting to move the structures, the possible historic significance, and that these structures existed in their current locations prior to zoning.

The motion was seconded and the Board voted unanimously in favor.

581F Drift Rd

Joan Casey-Amaral

8/21/2019

DECISION: Applicant request an amendment to a variance granted by decision of the Board dated April 12, 2018. Chairman Menard stated that he had a discussion with Joan Casey-Amaral regarding Condition No. 3 in the decision, namely, "A separate driveway shall be provided for access to Lot 1." Ms. Casey-Amaral advised Chairman Menard that she is in the process of selling Lots 1 and 2 and it would be a substantial hardship for her if she were required to comply with this condition, in that the location of the well and the elevation of the property from the street prohibit her from constructing a driveway.

Motion made, seconded, and voted unanimously that the Board amend its decision of April 12, 2018, and that Condition No. 3 be eliminated from the variance that would have required construction of a new driveway for access to Lot 1; in lieu, thereof, the Board requires there be a condition in the deed that the common driveway is to be shared and maintained by the owners of Lots 1 and 2.

594 Drift Road

Noquochoke Orchards Inc.

06/18/85

DECISION: Variance granted to allow the removal of sand and gravel of approximately four acres on Lot 16, Assessor's Plan 53 on the following terms and conditions: 1) Submit a new plan showing the precise area; and 2) Hours of operation - 8:30 a.m. - 5:00 p.m. - Monday through Friday; No Saturdays, Sundays, or Holiday operations.

672 Drift Road (east side)

Newton Millham

08/16/76

DECISION: Variance granted to allow the use of the premises for the purpose of a blacksmith shop for production of reproductions of 17th, 18th, and 19th century hardware and household items upon the condition that the building to be constructed will be approximately 18' X 36' located back from the road and the business confined to such building.

744 Drift Road

Markley Boyer

12/04/83

DECISION: Variance granted to allow a basement floor with an elevation below eleven feet on Lot 43A, Assessor's Plan 54.

922-B Drift Rd

Aimee Jean & Paul Lightfoot

1/23/2019

DECISION: Applicant requests a Variance for relief from Article 7, Intensity Regulations and a finding per Article 4.1, Non-conforming Uses. The property is located at 922-B Drift Rd and is shown on Assessor's Map 54, Lot 48B.

Motion made, seconded, and voted unanimously to grant the finding that the alteration to the new dwelling is not substantially more detrimental to the neighborhood.

1025 Drift Road

Stanley & Inez Gifford

05/28/74

DECISION: Variance granted to allow the subdivision of their property to allow the conveyance of a parcel of land to be added to existing New England Telephone & telegraph Company land with the remaining land of said Gifford containing less than 60,000 square feet.

1086 Drift Road

David A. Lees

06/28/71

DECISION: Variance denied on the lack of any practical difficulty or unnecessary hardship and it is not shown that granting the variance would not derogate from the intent or purpose of the By-Law as required in Chapter 40A of the Zoning regulations.

1216 Drift Rd

James & Stephanie Karam

6/5/2019

DECISION: Applicant requests a Special Permit to convert 2 pre-existing bunkrooms above a 2-stall garage into a 1-bedroom detached accessory apartment, pursuant to the allowances found in 4.0.1 et seq; also requested is a variance, allowing the creation of an accessory apartment from a pre-existing structure, to yield 1,035 square feet of habitable area, which is in excess of the allowances of the Bylaw granting construction of an accessory apartment. The property is located at 1216 Drift Road, and shown on Assessor's Map 55, Lot 70.

Motion made, seconded, and voted unanimously to grant the Karams' request to withdraw their petition without prejudice.

1216 Drift Road

James Karam

8/6/21

Petition of James Karam, Trustee for a variance and/or finding and/or determination on administrative appeal that the proposed alteration of the building as a reduction in use does not increase the existing non-conforming use and is not substantially more detrimental to the neighborhood, as mandated by Recodified Zoning Bylaw Article 5, Section 5.2.3. The subject property is located at 1216 Drift Road, Westport, MA and is shown on Assessor's Map 55, Lot 70.

DECISION: Motion made to **APPROVE** a finding pursuant to the plans as presented dated March 25, 2021, that the proposed renovations to the garage structure will not be substantially more detrimental to the neighborhood. The motion was seconded. The board voted to Grant the petition by a 4 to 1 vote in favor.

1294 Drift Rd

Robert Sieminski

11/14/2018

DECISION: Applicant requests a variance approving use existing one (1) bedroom detached in-law apartment containing approximately 125 square feet in excess of the allowed 750 square foot as defined under 4.0.1.D.13; and a Special Permit formalizing use/existence of said pre-existing in-law unit pursuant to the allowances found in 4.0.1 D.13. The property is located at 1296 Drift Road, Westport MA and is shown on Assessor's Map 56A, Lot 109B.

Motion made, seconded, and voted unanimously to approve the Special Permit for a detached accessory apartment in accordance with zoning by-law section 4.0.1 D.13 with the condition that all permits are obtained and approved for a certificate of occupancy. The motion also authorizes up to 150 square feet of additional living space beyond the allowed 750 square feet for installation of features to facilitate access and mobility in accordance with section 4.0.1 D.13.j.

Attorney Corey submitted a request in writing to withdraw the variance requesting the additional 125 square feet. The board accepted Mr. Corey's request to withdraw the request for a variance.

1340 Drift Road

Emile & Carol Morad

05/20/85

DECISION: The petitioners by letter dated March 13, 1985 requested an enforcement requesting the Building Inspector to revoke the building permits issued to Mr. Louis Berube for property located at 1334B Drift Road. Based upon the evidence and exhibits submitted, the Board determined that the appellants had failed to submit sufficient evidence to support their appeal and, therefore, the Board voted to deny the appeal of Emile and Carol Morad and uphold the decision of the Building Inspector.

1380 Drift Road

Geraldine H. Schiffman

11/04/09

DECISION: To grant the requested variance for a front setback of not less than 21 ft on both Riverside and Lawson Streets, instead of the required 25 ft., as proposed on the submitted plan dated 09/03/09 for a proposed 24 ft. x 24 ft. garage/loft at 1380 Drift Road. This decision is subject to 09/03/09 dated plan, as revised by Sean Leach of Sitec Engineering on 09/04/09 to indicate the garage size; the plan of 06/16/09 on file with the Building Department showing the garage/loft plan; and that the current trees and landscaping along Riverside and Lawson Streets are to remain and be maintained. The hardship shown was due to the size, shape and topography of the property and the location of the well. The submitted plan was revised by Sean Leach of Sitec Engineering at the hearing on November 4, 2009 to indicate the garage size. The submittal of the plan that was filed with the Building Inspector was required for the file also.

1398 Drift Road

MARK & CONNIE THOMPSON

11/30/21

Petition of Mark B. Thompson and Connie Thompson for a Special Permit to convert part of an existing barn into a detached handicap accessory apartment pursuant to Recodified Zoning Bylaw Article 9, Section 9.5.2. The subject property is located at 1398 Drift Road, Westport, MA and is shown on Assessor's Map 56A, Lot 63-65/0.

DECISION: A motion was made to **GRANT** the Special Permit with the following conditions:

(a) The construction shall be in accordance with evidence presented at the hearings and the revised plans as submitted to the Board dated November 17, 2021; and

(b) The Petitioners shall comply with all Building Code regulations and the requirements of Recodified Zoning Bylaw Article 9, Section 9.5.2., specifically Subsections (a) through (j), except for the provision governing maximum square footage.

The motion was seconded and the Board voted unanimously to grant the Special Permit.

1414 Drift Road

Brian & Margaret Crete

12/16/71

DECISION: Variance denied on the lack of evidence of substantial hardship due to conditions especially affecting the property not shown, and further that the petitioner alleged that they were using the property for the purpose that they were requesting the Board for permission, and further that there was much evidence that substantial detriment to the public welfare would exist in that the noise from the amplification system is a new nuisance in the area and that this new noise is in derogation of the purpose of the residence Zoning By-Laws.

1414 Drift Road

John & Diane Colletti

10/21/86

DECISION: Variance denied to continue uses began by a prior owner for a main house and three studio apartments on Lots 60A, 61B, & 61C, Assessor's Plan 56A on the basis that the petitioner had failed to demonstrate conditions which affected the land or structure but not the zoning distract generally that resulted in substantial hardship.

1415 Drift Road **Robert F. Sykes, Sr. & Robert F. Sykes, Jr.** **09/03/86**
DECISION: Variance denied to allow the subdivision of Lot 33, Assessor's Plan 56A into two lots on the basis that the petitioners failed to demonstrate that a hardship exists due to the fact that the lot in question is a buildable lot; and failed to demonstrate that the subdivision into two lots would not derogate from the intent and purpose of the By-Law.

1476A Drift Road **Raymond Bence** **08/04/67**
DECISION: Variance granted to allow subdivision of the land into two lots with a 20' way leading from the east side of Drift Road to the second lot.

1523 Drift Road **Carlton Macomber** **06/03/99**
DECISION: Voted to deny the Administrative Appeal and affirm the decision of the Inspector due to credible evidence and testimony that an auto repair business existed prior to 1957 and, further, to deny the issuance of a Cease and Desist Order.
DECISION 03/29/01: Board unanimously voted that proposal presented would not be substantially more detrimental to the neighborhood than existing non-conforming use with conditions and restrictions.

1579 Drift Road **Mary Thornton** **6/30/20**
DECISION: Petition of Mary Thornton for a variance from Zoning Bylaw Article 7 to install a ground mount solar array, to be 11' 1" setback from Fox Lane. The subject property is located at 1579 Drift Road, Westport MA and is shown on Assessor's Map 57, Lot 22.

Motion made to **APPROVE** the variance, identifying the hardship that, if not approved, the environment would be altered by destruction and removal of trees; and, by not granting the variance, the project would compromise the abutters' privacy. The motion was seconded and the Board voted as follows: Mr. Coutinho, aye; Mr. Borden, aye; Ms. Gee, aye; Ms. Pontolilo, aye; and Chairman Menard, nay. Chairman Menard announced that the variance was granted by a vote of 4 to 1; noting that he did not vote for approval of the variance because he was concerned with future development of the property, at which time, the solar array would then be intrusive to neighbors.

1579 Drift Road **Mary Thornton** **4/20/21**
DECISION: Applicant requested a variance or other relief from the setback requirement under Recodified Article 7, Section 7.7.2, to install a ground mount solar array at .3 feet from Fox Lane. The prior variance granted by the Board on June 30, 2020 allowed the array to be installed 11' 1" from the Fox Lane setback.

After discussion, the Board determined, because this application was not properly before the Board at this time, the Applicant would need to remove the array that was improperly installed and wait two (2) years (to June 30, 2022) to reapply for a new variance. Alternatively, the Applicant could request that the application be withdrawn without prejudice. Motion was made and seconded to deny the request for variance. There was further discussion as to whether the hearing should be continued to allow the Applicant to address the error and report back to the Board. The Applicant's representative, on behalf of the Applicant, requested the matter be withdrawn without prejudice. Motion was made, seconded and voted unanimously by the Board to **GRANT** the request to withdraw the application without prejudice.

1613 Drift Road

Edna K. Leuvelink

08/20/75

DECISION: Special permit (expiration date January 1, 1976) granted to allow the completion of the boat presently under construction on Lots 26, 27 and 28, Assessor's Plan 57.

1634-S Drift Road (Crosby Lane) Valentine Nickerson &

09/23/91

Barbara & Brian McAllister

DECISION: The Board determined there was a prior non-conforming use to keep and maintain two seasonal dwelling units at 1634S Drift Road (Crosby Lane), Lot 78, Assessor's Plan 57 under a lease arrangement in addition to the permanent home at 1642 Drift Road, both of which dwelling units are located upon the same parcel of land. The Board then found that the proposed 4' X 17' addition to be added to the leased dwelling unit at 1634S Drift Road would not be substantially more detrimental than the prior non-conforming use. Therefore, it was unanimously voted to allow the construction of the 4' X 17' addition with no increase in rooms subject to the bounds of the lease and no further reduction of the size of the leased lot.

1635 Drift Road

ARLENE F. CLOUTIER

9/30/21

Petition of Arlene F. Cloutier for a Special Permit to construct a detached accessory apartment behind and attached to an existing 2-car garage, pursuant to Recodified Zoning Bylaw Article 9, Section 9.5.2. The subject property is located at 1635 Drift Road, Westport, MA and is shown on Assessor's Map 57, Lot 31A.

DECISION: It was noted that the bylaw mandates a maximum of 750 square feet and this apartment was new construction.

A Board member believed that the Applicant made a good faith attempt to reduce the area from 896 square feet to 797 square feet. The Board member also indicated that the wider doors would allow handy capped access throughout the apartment.

A Board member stated that he did not believe it was unreasonable to increase to 797 square feet. Although the extra square footage provides for handicap accessibility, he could not justify the extra area with this project.

A motion was made to **GRANT** the special permit with conditions:

(a) The construction shall be in accordance with the plan as submitted to the Board dated September 20, 2021; and

(b) The Petitioner shall comply with all Building Code regulations and the requirements of Recodified Zoning Bylaw Article 9, Section 9.5.2., including Subsections (a) through (j) with the exception of the square footage requirement.

The motion was seconded and the Board voted to Grant the Special Permit with a 4 to 1 vote.

1636 A-1 Drift Road

Sarah A. Mellor

12/06/99

DECISION: The Board voted unanimously with four members present on Coutinho's motion, seconded by Lambert to grant the application for a finding to allow the reconstruction of the dwelling house and enlarge the pre-existing non-conforming use as presently exists on land located at 1636 A-1 Drift Road.

1636-B Drift Road **Mabel V. Crosby & John W. Blackburn** **06/12/79**

DECISION: Variance denied to allow the sale of pottery on Lot 62, Assessor's Plan 57 on the basis that the petitioner failed to demonstrate that a substantial hardship exists or that desirable relief may be granted without substantial detriment to the public good.

1636-U Drift Road **James R. & Paul R. Wilkinson** **05/25/04**

DECISION: Variance is granted to move the garage as requested by the Petitioners and the variance is granted from the set-back requirements based on the findings of fact, with the condition that no portion of this garage or any other building would be expanded to encroach any further into the set-backs that currently exist or the set-backs granted by this decision. Further, the garage to be moved currently measures 12' x 22', however, will not contain the lean-to portion, and will not exceed its current measurements. The property is located on Assessor's Map-57, Lot 62/44.

1665 Drift Road **John Earle** **08/15/12**

DECISION: Request was denied for an Administrative Appeal due to the Board upholding the Zoning Enforcement Officers decision that 1665 Drift Road is within the purview of the bylaw.

1702-B Drift Road **Elliot C. & Dagne Trommald** **12/11/95**

DECISION: The Board voted unanimously with Eliot C. Holden, Raymond Medeiros, Gerald Coutinho, Joseph L. Keith III and Clayton Harrison voting in the affirmative to grant the variance to allow the construction of an addition and deck, without meeting front yard set-back requirements of the Zoning By-Law, on land located at 1702B Drift Road, subject to the condition that the addition and deck be constructed no closer than 14.6 feet from the front yard property line and in accordance with the plans on file with the Board of Appeals.

1782 Drift Road **Ralph Harding** **05/22/86**

DECISION: The petitioner requested a variance or finding to allow the construction of a garage building with a third dwelling unit on the premises. The Board made a finding that a third dwelling unit would be substantially more detrimental than the two existing dwelling units. The Board made further findings and determined that: 1) The previous garage building had acquired a prior non-conforming status from the set-back requirements by virtue of being located within four (4') feet from the property line and that the construction of the replacement building is six and on-half (6 1/2') feet from the property line would not be substantially more detrimental to the neighborhood than the existing previous use; and (2) That the petitioner could transfer the non-conforming use of one of the existing dwelling units to the apartment above the garage without being substantially more detrimental to the neighborhood providing the petitioner abandons one (1) of the dwelling units for dwelling purposes, including the complete removal of all plumbing and sanitation facilities and all kitchen and bathroom facilities normally associated with a dwelling, prior to the issuance of an amended building permit and resumption of construction on the new building.

1795 Drift Road **Thomas & Elizabeth Flemming** **08/27/87**

DECISION: The Board voted unanimously to make a finding that the house and lot located on Lot 178A, Assessor's Plan 58 consisting of a lot with 132 feet of frontage and approximately 21,780 square feet of area is a separate valid and qualified residential lot under the Westport Zoning By-Laws available for use as a single family dwelling and is not merged or become part of the adjacent parcel.

1838 Drift Road **Sarah Delano** **02/04/83**

DECISION: Variance granted to allow the conversion of the barn located behind the dwelling house on Lot 175, Assessor's Plan 58 into a guest house subject to the following conditions: 1) Any future subdivision of the property would meet the then existing zoning requirements; 2) The main house and guest house will not be separated and will be kept and maintained as one unit; and 3) The parcel of land containing the main house and guest house cannot be reduced in size below five acres (5) in area and 400 feet of frontage.
