

**75 R Drive** **James C. Pacheco** **09/03/86**

**DECISION:** Variance granted to allow on Lot 172, Assessor's Plan 23A the existing house with the addition to remain as constructed without meeting the set-back requirements subject to the condition that a six (6) foot stockade fence be erected and maintained along the west boundary or the petitioner's property from the point even with the northwest corner of the petitioner's house to the back property line.

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**32 Red Cedar Road** **Gerald TaRozzi** **09/04/85**

**DECISION:** Variance granted to allow the garage to remain in its present location on Lot 108, Assessor's Plan 58 without meeting set-back requirements.

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**Reed Road** **Edmund Desrosiers** **10/10/75**

**DECISION:** Variance granted to allow the conversion of the present basement into an antique shop on Lot 64R, Assessor's Plan 33 upon the following conditions: 1) Adequate off-street parking for four vehicles is to be provided; 2) The antique shop is to be restricted to the basement.

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**Reed Road/Beeden Road** **Terrance D. & Gilda M. Laberge** **07/12/94**

**DECISION:** Variance denied to allow the removal of a substantial portion of remaining gravel/subsoil in order that the parcel be suitable for subdivision into residential house lots on land located on Reed Road as shown on Assessor's Plan 34, Lot 28.

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**23 Reed Road** **Mrs. George Kirkwood** **08/08/63**

**DECISION:** Variance denied for lot size exception.

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**23 Reed Road (east side)** **Douglas & Dixie Lee Vrona** **07/14/75**

**DECISION:** Variance granted to allow the use of the premises as a dentist office on Lot 10, Assessor's Plan 34.

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**112 Reed Road** **David R. Lafferty, Jr.** **07/22/68**

**DECISION:** Building permit granted to construct a single family dwelling on Lot 76, Assessor's Plan 33.

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**112 Reed Road** **Cheryl Gifford & Stanley Cieplik** **01/06/84**

**DECISION:** Variance granted to allow the construction of a single family dwelling on Lot 76, Assessor's Plan 33 without meeting frontage requirements subject to the following conditions: 1) The single family dwelling must be constructed a minimum of 300 feet from Reed road; and 2) This lot will not be further subdivided for building purposes.

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**112 Reed Road** **Paul & Marilyn Pease** **09/04/85**

**DECISION:** Variance granted to allow the construction of a single family dwelling without meeting frontage requirements subject to the following conditions: 1) The single family dwelling must be constructed a minimum of 300 feet from Reed Road; and 2) This lot will not be further subdivided for building purposes.

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**174 Reed Road** **Joseph & Judith Viera** **08/29/74**

**DECISION:** Variance granted to permit 2850 square feet of substandard Lot 70, Assessor's Plan 33 to be conveyed to the owners of abutting substandard Lot 69, Assessor's Plan 33.

**DECISION: 12/23/74** Variance granted to allow an electronic cable assembly operation subject to the following specific conditions and limitations. 1) Adequate off-street parking shall be provided for all vehicles and in this respect the Appeals Board reserves the right to inspect the premises at any time or times during the next twelve months to determine the adequacy of such

parking. 2) There shall be no signs, loading platforms or other outward appearance indicating the presence of the assembly operations. 3) The use allowed shall be restricted to the cellar or basement area of the present building. 4) The use shall be limited in scope to the employment of not more than six persons. 5) The operations shall be conducted in such a manner that there will be no noise or offensive odors or dust. 6) It is specifically agreed that the termination of the operations or use as an electronic cable assembly plant for a period of six consecutive months shall constitute an abandonment and a new variance will have to be granted prior to resumption of such operations.

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**261 Reed Road (east side)**                      **Ralph & Carol Bohn**                      **05/01/76**  
**DECISION:** Variance granted to allow the removal and sale of gravel from the hill located on Lot 33, Assessor's Plan 34 with the condition that this variance shall remain in force for three years at which time it may be extended in the sole discretion of the Appeals Board.

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**290 Reed Road**                                      **Jose & Patricia Fernandes**                      **06/11/75**  
**DECISION:** Variance granted to allow the present garage area on Lot 64Q, Assessor's plan 33 to be used for ceramics instruction and related activities upon the following condition: 1) Adequate off-street parking is to be provided for patrons if needed.

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**9 Register Avenue**                                      **Alice Forcier**                                      **08/22/84**  
**DECISION:** Variance denied to allow the petitioner to create a separate apartment in her home without meeting Intensity Regulations on Lots 390-394, 408-417, Assessor's Plan 16 on the basis that the petitioner failed to demonstrate a substantial hardship owing to circumstances relating to the soil conditions, shape, or topography of said land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, and failed to prove that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-Laws. Additionally, the Board found that the petitioner failed to prove that the property would support the proposed use of two dwellings and a beauty shop.

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**River Road (west side)**                                      **Harris & Dorothy Bullock**                      **08/21/84**  
**DECISION:** Variance granted to allow the construction of a single family dwelling on Lot 36, Assessor's Plan 87 without meeting area frontage requirements.

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**River Road**    **Albert Gregory**                                      **08/20/84**  
**DECISION:** Variance denied to allow the construction of a garage 10 feet from the road on Lot 38, Assessor's Plan 86 (Irish Island) on the basis that the petitioner failed to demonstrate a hardship and failed to demonstrate that desirable relief may be granted without substantial detriment to the public good. Additionally, the Board determined that the construction of the garage in close proximity to the road could create a safety hazard which would be detrimental.

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**River Road**    **Howell Palmer**                                      **10/19/70**  
**DECISION:** Building permit granted to construct a single family dwelling on Lot 68, Plan 87.

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**River Road**    **W.C.H. Prentice**                                      **02/17/70**  
**DECISION:** Variances granted on both Parcel A and Parcel B.

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**River Road**    **James W. Smith**                                      **03/29/68**  
**DECISION:** Special permit granted to operate bath houses, beach club, boat landing, wharf and boatyard for construction, storage, maintenance and repair of boats on Lot 142, Assessor's Plan 89 with the following restrictions: 1) All buildings shall not exceed fourteen feet in height;

2) The number of bath houses, cabanas, lockers, or any other cubicle shall not exceed 154; 3) The above referred bath houses, cabanas, lockers, or any other cubicle shall be rented or leased on a seasonal or yearly basis, except that 10% of the 154 units shall be available to be rented by transients and on a weekly or daily basis; 4) The above bath houses, cabanas, lockers, or any other cubicle shall not be used for remaining overnight on the premises, and no dormitory and/or sleeping quarters shall be established; 5) Parking facilities are to be provided on the premises for all members, guests, transients, and uses of the premises, and none of the above shall be required to use River Road for parking while using the facilities; 6) In order to preserve the existing residential and natural forms, all walls facing River Road shall be backed with sand to the edge of the roof as proposed by the petitioner.

**DECISION 11/4/82:** Special permit granted to James W. Smith and/or Spindle Rock Trust to allow the operation of a marina substantially in accordance with plans entitled "Plot Plan of Land in Westport Harbor - Westport, MA prepared for Spindle Rock Trust - dated July 23, 1982 - Arthur C. Thompson, Inc. Engineers & Surveyors - Marion, MA Revised August 27, 1982 and September 15, 1982". The marina shown on the plan basically consist of 85 boat slips, a proposed 40 car parking lot, proposed office and clubhouse, a former restaurant now used for storage and occasional dance hall, and forty lockers. This special permit is subject to the following conditions: 1) No gasoline storage or sales requiring a permit; 2) Petitioners may increase locker storage to a maximum of 100 units; 3) No commercial boat repair or sales; 4) Adequate off-street parking is to be provided; and 5) The petitioners may in conjunction operate a snack bar to service members and guests.

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**215 River Road** **Kevin & Mary Phelan** **01/20/16**

**DECISION:** Variance was granted based on the steep topography of the property, shape of the land, the surrounding wetlands, and given there is no chance of further subdivision; this request is compliant with the intent of the bylaw to reduce damage and water runoff.

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**227 River Road** **David Megna** **05/20/87**

**DECISION:** The Board made its finding that a 25' X 35' addition to be constructed on the south side of the existing building on Lot 26, Assessor's Plan 86 with five (5) garages to be constructed on the ground floor or basement area underneath the apartments, together with complete renovations of the interior and exterior of the existing building in such a manner that the building after completely constructed will consist of five (5) one-bedroom apartments, would not be substantially more detrimental to the neighborhood than the existing use and would be in harmony with the intent and purpose of the By-Law providing off-street parking is maintained adequate for the tenants and visitors in accordance with the provision in Section VI-I of the Zoning By-Laws.

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**381 River Road (west side)** **Patricia Cumming** **11/20/68**

**DECISION:** Building permit granted to construct a single family dwelling on Lot 11, Assessor's Plan 5.

**DECISION 12/6/90** Variance granted to allow the construction of a third floor addition to the existing dwelling without meeting height requirements on Lots 39A & G, Assessor's Plan 87 in accordance with the plan on file with the Appeals Board.

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**460 River Road (east side)** **Richard G. Manchester** **10/07/68**

**DECISION:** Building permit granted to construct a single family dwelling on Lot 54, Assessor's Plan 5.

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**504 River Road** **Godfrey Bessette** **10/26/61**

**DECISION:** A court case resulted from Mary Brady's appeal to enforce the Zoning Bylaws against Godfrey Bessette, 498 River Road to conduct or expand a marina was entered.

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**504 River Road****Edward Carey****4/17/98**

**DECISION:** The Board voted unanimously with the five members present and voting throughout, on Mr. Costello's motion, seconded by Joseph Keith to grant the application for a Special Permit to allow the use of the premises located at 504 River Road as shown on Assessor's Plan 67, Lots 58A-C for a boatyard and marina, including the storage and repair of up to twenty-four (24) boats subject to the following conditions: a) Ordinary work on boats located on the premises shall be limited to the hours of 8:00 a.m. to 4:30 p.m. with the exception of emergencies or emergency repair; b) Boats may not be used for living accommodations overnight; c) No signs will be allowed to advertise the business; d) Seasonal sanitary facilities are to be provided for customers; and e) An as-built site plan, which is to be tied into the Chapter 91 plan, must be submitted to the Appeals Board showing the location, dimensions, and property line set-backs of all the buildings on the premises. The plan shall also include a parking plan for boat storage and customer parking.

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**512 River Road****Joseph E. Mullaney****12/22/93**

**DECISION:** variance allowing the conversion of the existing stable and barn into a guest house and to vary the set-back requirements on both buildings not to encroach beyond the existing set-backs as mentioned above and in accordance with a plan on file with the Appeals Board entitled, "Exhibit Plan to Accompany a Request for Variance from the Westport Zoning Board of Appeals prepared for Joseph E. Mullaney dated October 15, 1993, William I. Morse, P.L.S. subject to the following conditions: 1) The petitioner must maintain the present set-backs on the north sides of the two existing buildings in accordance with the above-mentioned plan; 2) The petitioner must renovate and connect the stable and barn buildings in accordance with the building plan on file with the Appeals Board and the Building Department for use as a guest house; 3) The guest house shall not be used by any persons other than the owner of the main house, the owner's of the main house's family and guests and, further, shall not be rented or leased by the owner of the main house, his heirs or assigns or any individual, corporation or entity; 4) The so-called boat house shall be stripped of all plumbing and shall not be used for any human habitation purposes; 5) There shall be no subdivision of the property without first applying to the Zoning Board of Appeals and receiving the Board's permission/approval concerning any subdivision plan. The reason for this condition is that if the property owner planned at this time to subdivide the subject parcel then the Board possibly would not have found the hardship necessary to sustain the granting of a variance. Thus prior to the land being sub-divided at some time in the future, the property owner agrees to allow the Board to reconsider this variance in light of such future sub-division plan; and 6) The petitioner must file a separate covenant which will run with the land along with this variance in the New Bedford (S.D.) Registry of Deeds listing all the specific conditions numbered one (1) through six (6) contained herein before obtaining a building permit. The Covenant must be approved by Town Counsel.

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**523 River Road****Beatrice & Leonard Mullaney****11/16/73**

**DECISION:** Variance granted to convert a garage into a guest house, such dwelling to be located not closer than forty feet from the abutting property line.

**DECISION: 9/19/80** Variance denied to allow the subdivision of one lot into two lots without meeting area and frontage requirements on Lot 34, Assessor's Plan 87 on the basis that the petitioner failed to demonstrate and/or prove conditions that especially affected the land or structures, but not affected 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.

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**DECISION:** Petitioner requested a Special Permit to construct an accessory apartment within a detached garage, with 2 bathrooms, exceeding the allowed amount of square footage to facilitate access and mobility for long-term care of its occupants, as mandated by Zoning Bylaw Article 4, Section 4.0.1.D.13. The subject property is located at 539 River Road and is shown on Assessor's Map 87, Lot 33.

Board members agreed that the project would not be detrimental to the neighborhood; and that there was ample reasoning to approve the accessory apartment with 2 bathrooms, one bathroom of which to be utilized by the daughter of the Petitioner, who has medical issues, and the other bathroom to be utilized by nursing aides; and with minor increase in square footage to accommodate the occupants.

The Board also stated that the Petitioner must adhere to the requirements under the Bylaw; to be constructed pursuant to the plan submitted to the Board dated October 27, 2020; and the Petitioner must request relief from the Board, should they require further changes to the dimensions of the structure.

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

**580 River Road****Florence Meader****12/27/85**

**DECISION:** Variance granted to allow the construction of a duplex without meeting frontage requirements on Lot 87, Assessor's Plan 87.

**635 River Road****Peter Lisle****03/21/84**

**DECISION:** Special permit granted to allow the conversion of the rear portion of the building on Lot 127, Assessor's Plan 89 formerly used as a plumber's building into a summer house for single family use with the addition of a deck subject to the following conditions: 1) The front portion of the building will be removed to a depth of twenty-five (25) feet from the street line; 2) No addition to the existing building is to be constructed closer to the south boundary line; 3) All new construction and/or additions are to be limited to the north and west side of the building; and 4) This permit will not be construed to allow more than a single family dwelling unit on the property as it currently exists.

**Riverside Street****Arthur & Della Tripp****01/06/69**

**DECISION:** Variance granted allowing the re-subdivision of Lots 15 and 16 on the Plan of Land belonging to Henry H. and Frederick W. Lawson recorded in the Bristol County Registry of Deeds, Plan Book 25, Page 13.

**Robert Street****Norman R. Manchester****06/01/82**

**DECISION:** Variance granted to allow the construction on Lot 3 - 7A, Assessor's Plan 62 of a single family dwelling on the petitioner's south lot without meeting frontage requirements.

**253-255 Robert Street****Robert & Shirley DeMello****04/16/98**

**DECISION:** Based upon the evidence and findings, with five members present and voting throughout, it was unanimously voted, with Thomas Costello making the motion and seconded by Joseph L. Keith III, to grant the application for a variance to subdivide the property on Robert Street as shown on a plan of land entitled "Plan of Land prepared for Robert & Shirley DeMello, Robert Street, Westport, Massachusetts, dated December 9, 1993 prepared by N.A.S.R. Land Surveyors, Inc." without meeting frontage and area requirements and on file with the Zoning Board of Appeals.

**34 Robbins St**

**Elizabeth Grenier**

**12/11/2019**

**DECISION:** Applicant requests a Special Permit to allow a portion (approximately 750 square feet) of the structure to be utilized as a one-floor accessory apartment, as allowed by Zoning Bylaw Article 4 at property located at 34 Robbins Street, Westport MA, shown on Assessor's Map 83, Lot 99-100, and recorded in the Bristol County (S.D.) Registry of Deeds in Book 12401, Pages 100-02.

A motion was made, seconded and voted unanimously to **approve** the Special Permit with the condition that the livable space is not to exceed 900 square feet to allow for handicapped access and mobility; and the petitioners must comply with Zoning Bylaw 4.0.1.D13. The petitioners had met all the criteria under the Bylaw (i.e. the apartment will not impair the integrity or character of the neighborhood in which it is located, and it will not be detrimental to the abutting properties). It was also noted that the granting of a Special Permit is for an accessory apartment to help elderly parents fulfill the intent of the Special Permit by-law.

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**Route 6/ Rock Street**

**James Bouchard**

**12/30/80**

**DECISION:** Variance denied to construct a single family dwelling on Lots 139 - 142, Assessor's Plan 8 on the basis that the petitioner failed to demonstrate that a hardship exists or that desirable relief may be granted without derogating from the intent of the Zoning By-Law.

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**28 Rock St**

**Sean J. Connolly**

**1/30/2019**

**DECISION:** Applicant requested an Administrative Appeal, seeking a declaration that the land in question remains buildable for residential purposes per Zoning Bylaw 7.0. The property is vacant land located at 28 Rock Street and is shown on Assessor's Map 7, Lots 119-124 (formerly Lots 119, 120, 127, 128).

Motion made, seconded and voted unanimously to approve Administrative Appeal, seeking a declaration that the land in question remains buildable for residential purposes with the merger of the four (4) lots.