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<b>ADDRESS</b>	<b>APPLICANT</b>	<b>DATE OF DECISION</b>
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<b>Acoaxet Road/ Atlantic Avenue</b>	<b>Margery B. Wheeler</b>	<b>05/17/72</b>
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**DECISION:** Variance granted to construct an extension 6 1/2 feet to the south of the existing front porch.

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<b>Acoaxet Road/ Prospect Avenue</b>	<b>Ralph C. Guild</b>	<b>01/07/76</b>
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**DECISION:** Variance denied on Lot 86, Assessor's Plan 89 on the basis that the petitioner failed to present sufficient evidence that there were conditions especially affecting this particular parcel of land, but not generally the zoning district in which it is located. The petitioner also failed to demonstrate that a substantial hardship exists or that desirable relief could be granted without substantial detriment to the public good and without nullifying or derogating from the intent or purpose of the Zoning By-Law.

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<b>23 Acoaxet Road</b>	<b>Linda S. Glohs &amp; Thomas J. Steinke, Trustees of the Bernard J. Steinke Revocable Trust U/D/T dated 2/21/02 and Linda S. Glohs &amp; Thomas J. Steinke, Trustees of the Lillian S. Steinke Revocable Trust U/D/T dated 2/21/02.</b>	<b>02/25/15</b>
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**DECISION:** Petition for a finding was allowed to be withdrawn without prejudice.

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<b>Adamsville Road</b>	<b>John Hart</b>	<b>03/26/79</b>
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**DECISION:** Special permit granted to allow the retail sale of fruits and vegetables on Lot 32, Assessor's Plan 85. This special permit is granted subject to the following express condition:  
1) A suitable sign is to be erected for off-street parking in the rear of the building.

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<b>16 Adamsville Road</b>	<b>Alfred &amp; Mary Oliveira &amp; James B. St. Martin</b>	<b>02/23/79</b>
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**DECISION:** Special permit granted to allow the sale of second hand motor vehicles on Lot 4, Assessor's Plan 80 in addition to the auto body shop. This special permit is granted subject to the following express conditions: 1) No auto vehicles for sale are to be displayed on the premises between the street and the front of the building; 2) Saleable vehicles are not to exceed seven; 3) The special permit is to be limited to the present lessee, James St. Martin.

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<b>304 Adamsville Road</b>	<b>Edward &amp; Dorothy Carreiro</b>	<b>11/26/89</b>
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**DECISION:** Petitioners allowed to withdraw without prejudice application for a variance to allow a kennel license on Lot 1, Assessor's Plan 81.

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<b>381 Adamsville Road</b>	<b>Joseph J. Carreiro &amp; Trig Tronstad &amp; Kendrick Snyder</b>	<b>03/18/85</b>
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**DECISION:** Petitioners and/or prospective buyers allowed to withdraw without prejudice application for a finding by the Board of Appeals under M.G.L. Chapter 40A, Section 6 and/or Zoning By-Laws Section Vi authorizing a change, alteration, or extension of the prior non-conforming use as follows: renovate existing building and/or replace with a new building for use as an office and warehouse for a general contracting business on Lot 1, Assessor's Plan 78.

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<b>500 Adamsville Road</b>	<b>Albert &amp; Diane B. Cambra</b>	<b>04/26/94</b>
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**DECISION:** Petitioners allowed to construct a 20' X 95' Addition to garage for additional work area, office space and storage. This was a finding.

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**500 Adamsville Road Robert A. Camara, Jr. 03/09/16**

**DECISION:** Special Permit granted in consideration of the application with the information provided to the Board, that there is a reduction in the prior number of parking spaces and the Board found that the plan presented by the applicant would not be substantially more detrimental to the neighborhood and would not denigrate from the intent and purpose of the bylaw. The following conditions were imposed: Hours are Monday – Friday 7am to 7pm and Saturday 7am to 12pm (with no work to commence before 8am or beyond 7pm) and no Sunday hours. There will be no additional lighting or signage and all will be in accordance with the presentation and the plan of record from SITEC Engineering dated November 2015.

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**564 Adamsville Road J. Grant & Debra Moore & Irving & Eileen Tripp 11/03/86**

**DECISION:** Variance granted to allow the subdivision of a parcel of land entitled "Plan of Land in Westport, Mass. surveyed for Irving F. & Eileen Tripp and J. Grant Moore" to allow Lot 3 to be annexed to Lot 2 without complying with area requirements on land located on the west side of Cornell Road as shown on Assessor's Plan 85, Lot 26C under the express condition that the portion of the Tripp lot to be conveyed to the Moore lot be merged under one deed and not considered as a separate buildable lot and in accordance with the aforementioned plan.

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**607 Adamsville Road James Burns 11-02-16**

**DECISION:** Petitioner was granted a Special Permit, with the plans as submitted, with the following conditions: The pantry (identified on the existing conditions as 64.19 sq.ft.) will be closed off from the interior of the building and not part of the dwelling; being accessible only from outside and used as storage; the upstairs (2<sup>nd</sup> floor) of the accessory building will be used as storage only.

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**634-638 Adamsville Road Gray's Grist Mill, Inc. 12/09/15**

**DECISION:** The application was approved as presented; allowing for the requested variances for frontage on both Properties A & B, and lot size and contiguous upland on Property B per engineered plan submitted. With the following conditions: A. no physical impediment, by either party of subsequent lots, which would impede traffic flow on the borderline between the two properties; B. there will be cross covenants that address the shared well and septic system and parking access; C. any subsequent owners must comply with this decision and previous decisions by the Zoning Board of Appeals dated March 26, 1979, January 9, 1990 and January 28, 2000; D. there will be restrictive covenants on the historic and unique character of the properties. The demonstrated hardship is related to the significant uniqueness of the property and historic grist mill; and, to the substantial wetlands and lowlands on the property.

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**638 Adamsville Road John Hart & Michael B. Fonseca 03/26/79**

**DECISION:** Special permit granted to allow the retail sale of fruits and vegetables on Lot 32, Assessor's Plan 85 subject to the following condition: 1) A suitable sign is to be erected for off-street parking in the rear of the building.

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**638 Adamsville Road Gray's Grist Mill, Inc. 01/09/90**

**DECISION:** Variance granted to allow the restoration of the building west of Gray's Grist Mill on Lot 32A, Assessor's Plan 85 for storage for said grist mill, for a business office open to the general public and a second office not open to the general public.

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**638 Adamsville Road**

**Ralph Guild**

**01/28/00**

**DECISION:** The application for a finding was granted to allow the construction of the proposed addition, as shown on a plan dated 12/9/99 drawn by W. J. Cass, Jr., A.I.A., to the pre-existing non-conforming use (Grist Mill) as presently exists on land located at 638 Adamsville Road. This plan is on file in the office of the Board of Appeals.

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**0 Adirondack Lane**

**BWC Connecticut River, LLC**

**03/29/17**

**DECISION:** Special Permit was granted in accordance with Article 8 of the Zoning Bylaws for approval of a commercial use of a solar array located within an Aquifer Protection District with the following findings and conditions:

**Findings:**

The Board made the following findings:

1. The Board found that the proposed uses of and proposed structures to the property satisfy the requirements of ZBL §8.3.3A.
2. The Board found that the proposed uses and structures do not pose an actual or potential threat of material damage to groundwater quality.
3. The Board found that all adverse impacts to groundwater and disturbance of natural vegetation have been avoided or minimized to the maximum extent reasonably practicable, giving due regard to the economic scope of the project, and the public benefits to be secured from the project.
4. The Board found that the proposed use is in harmony with the purpose and intent of the bylaw and purpose of the Aquifer Protection Overlay District.
5. The Board found that the proposed use is appropriate to the natural topography, soils and other characteristics of the site to be developed.
6. The Board found that no pesticides, fertilizers or chemicals shall be stored or used on the entire property, including buffered areas.
7. The Board found that no toxic substances shall be stored or used in or around the property.
8. The Board found that no salt or de-icing chemicals shall be stored or used; no off-site snow or ice shall be dumped and stored at the property.
9. There will be no roof structures on the property.
10. There will be no storage of chemicals or fuels or fuel-powered equipment on the property.

**Conditions:**

The Board imposed the following conditions on the exercise of any Special Permit relief granted and exercised hereunder:

1. All of the Findings of Fact and Conditions noted in the above Findings shall be in force and effect at all times.
2. This Special Permit shall be recorded by the Applicants as a condition of approval and shall not take effect or be exercised until and unless it is duly recorded at the Registry of Deeds.
3. This Special Permit shall lapse if it is not duly recorded at the Registry of Deeds if its substantial use or construction under the permit is not commenced within two (2) years from the date the permit takes final effect (i.e. either 20 days after the decision is filed with the Town Clerk, with no appeal having been filed, or upon final resolution of an appeal from this decision in the applicant's favor), except for good cause or the final determination of an appeal.
4. The applicant shall construct the project in accordance with the approvals as granted by the

Westport Planning Board and the Westport Conservation Commission.

5. The Plans of Record are as follows:  
Site Plans entitled: Proposed Solar Array – Adirondack Lane A&B Prepared by Field Engineering Co., Inc. for BWC Connecticut River, LLC Dated: 1/23/17 and last revised: 2/23/17 Applicant Project # 2117-3
6. The project will be built in accordance with the plans and data submitted to the Zoning Board of Appeals.
7. All equipment fluids shall be non-toxic (reference to MSDS sheets).
8. All provisions of Article 24 and applicable sections of Article 8 are to be adhered to.

**DECISION of 10-11-17:** The Board voted to approve the requested modifications to the original ZBA decision dated March 29, 2017, as follows:

1. Modify the language in Finding #6, to prohibit the use of pesticides, fertilizers, or chemicals only within the limits of the array and not on the entire parcel. This prohibition will apply to the array until such time that the array is decommissioned in accordance with Ch 24.3.16 of the Westport Zoning By-Law; and
2. Modify the language in Finding #10, to prohibit the storage of chemicals or fuels or fuel-powered equipment within the limits of the array until the array is decommissioned; and
3. To include an additional finding, that once the array is decommissioned in accordance with Chapter 24.3.16 of the Westport Zoning By-Laws, the pre-existing allowed agricultural use shall be restored over the entirety of the project site; and all in accordance with the stamped, engineered plan dated July 18, 2017.

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**3 Adirondack Lane                      Joseph & Genevieve Gouveia                      07/23/79**

**DECISION:** Variance granted to allow approximately 6,435 square foot portion of lot 27, Assessor's plan 3 to be annexed to Lot 28, Assessor's plan 3 upon the condition that there will be a surveyed plan drawn showing the location of the houses, wells, and sewerage systems as located on each lot and showing an equal amount of frontage on Adirondack lane and square footage; and that there will be no further changes in size and shape of lots involved and that such land will be properly annexed by deed, or plan, or covenant recorded in the Registry of Deeds.

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**Alberto Drive                      Gary & Joyce Conroy &                      03/22/84**  
**James & Clotilde Simmons & Susan Jorge**

**DECISION:** Variance granted to vary frontage and/or area requirements for the four lots shown on a plan of land entitled, "plan of Land in Westport, Mass. surveyed for Mary R. Alberto" dated November 1, 1972 - Scale 1" = 100' to give legal status to each lot as a separate buildable lot on land located on Alberto Drive as Shown on Assessor's Plan 3, lots 135, 135B, 134, 134D and to allow the plan as originally prepared to be recorded.

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**Almada Street                      Mrs. Sarah Ferreira                      11/12/63**

**DECISION:** Approved variance to enlarge approved Lots 10 & 11 to 120' X 110' and 145' X 110' respectively.

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**American Legion Highway/Robert Street                      Gaile Fletcher &                      06/20/01**  
**Lincoln Tripp, Karen Gavel/Kfoury**

**DECISION:** The Board denied a variance to allow the construction of a 80' X 100' structure with associated parking for the use of a restaurant/banquet facility on land located on the south side of American Legion Highway and west of Robert Street as shown on Assessor's Plan 61, Lot 1.

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**158 American Legion Highway     Roger J. Deveau & Byron G. Gregg     05/27/81**

**DECISION:** Variance denied to allow the use of Lots 2AP & 2AR, Assessor's Plan 21 for an unlimited kennel for the breeding/showing of dogs on the basis that the petitioner failed to prove that a substantial hardship existed or that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law.

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**170 American Legion Highway     Manuel T. Cabral, Jr.     02/06/89**

**DECISION:** Variance denied to allow the conversion of the existing barn into a single family dwelling without meeting frontage and density requirements on lot 5D, Assessor's Plan 21 on the basis that the petitioner had failed to demonstrate a substantial hardship which affected the land or structure or that the proposed use would not derogate from the intent and purpose of the Zoning By-Law due to the fact that there is no physical reason the property could not be subdivided to meet all intensity requirements.

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**210 American Legion Highway     Louis Fernandes, Jr.     11/21/75**

**DECISION:** Variance granted to allow the storage of seven school buses in addition to the equipment and motor vehicles that can presently be used or stored on the premises on Lot 6, Assessor's Plan 21.

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**212 American Legion Highway     Westport Poultry, Inc.     03/27/81**

**DECISION:** Variance granted to allow the construction of a single family dwelling on Lot 7, Assessor's Plan 21 upon the express condition that: 1) It shall not be used as a precedent for any other parcels of land lying along the passway or laneway; and 2) Any further subdivision or additional dwelling to be built upon the premises in question shall have to comply with the Zoning By-Laws or the Building Codes.

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**212 American Legion Highway     Jeremias Torres     09/24/14**

**DECISION:** Variance was denied due to the lack of a demonstration for a hardship.

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**216 American Legion Highway     Kenneth F. Branco     10/21/04**

**DECISION:** Special Permit is denied on the grounds that there is no provision for the granting of a special permit under these condition that the Board is not authorized to consider a special permit for an unattached building under these circumstances, in the Zoning By-Laws. Property is located on Assessor's Map-22, Lot 1.

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**265-267 American Legion Highway     Jean & Maurice St. Gelais     07/14/10**

**DECISION:** A variance was granted for the shed located at 265-267 American Legion Highway due to the fact that ledge under the ground is causing a hardship in having to move the shed further away from the property's side yard line, as shown in the photos and plans presented. Also, there appears to be structures within 10 ft. of the abutting property. The shed in its location is not more detrimental to the surrounding neighborhood.

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**291 American Legion Highway Westport Market (Rabih Salibi) 12/17/08**

**DECISION:** To grant the request for a Finding subject to a legible set of plans being filed with the Board, showing the distance of the property boundaries from the structure; a parking plan being filed with the Board, which is acceptable to the Building Inspector (does not have to be drawn by an engineer); and that the Board recognizes the need of signage, which exceeds that allowed in the Zoning bylaw, thus allows the external visible signage not to exceed 32 sq.ft. The proposed addition and the extra signage are not substantially more detrimental to the neighborhood and will not denigrate from the intent of the bylaw.

**05/04/11 DECISION:** the Board finds that the proposed building expansion and new reconfiguration of the parking area is not more substantially detrimental than the pre-existing non-conforming use; this proposal is subject to site plan review by the Planning Board; and plans are to be submitted for the interior and exterior layout and the new configuration of the parking lot without the variance request for gas service. **ALLOWED:** the request to withdraw the fueling location. **PART-TWO OF DECISION:** to grant the request for a drive-thru subject to the Planning Board approval of a Special Permit due to economic hardship and that this proposal is not more detrimental to the neighborhood.

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**293 American Legion Highway Westport Market, Inc. (Mario J. Barbosa) 10/31/95**

**DECISION:** The Board voted unanimously with Kendal Tripp, Raymond Medeiros, Gerald Coutinho, Thomas Costello and Eliot Holden voting in the affirmative to grant the variance to allow the construction of a 16' X 60' addition without meeting side-line set-back requirements in accordance with the plan submitted and on file with the Appeals Board.

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**328 American Legion Highway Manuel Rocha, Betsey 11/21/90**  
**MacDonald & Bill Connelly**

**DECISION:** Variance denied to allow the petitioners to conduct a Companion Animal Shelter on Lot 7, Assessor's Plan 22 on the determination there was no prior non-conforming use whereas the silversmith business had been abandoned for more than four years. Since the present owner purchased the property, it has been used as a single family dwelling. The Board further determined that the petitioners had failed to prove a substantial hardship which affected the land or structures or that the proposed use would not derogate from the intent and purpose of the Zoning By-Laws.

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**337 American Legion Hwy. John L. Silva 09/06/06**

**DECISION:** Finding granted of the following proposed uses (see list of "Additional Allowed Uses" below). The proposed uses would not be more detrimental to the property than the prior non-conforming use; also photos and a plan of the property have been submitted as benchmarks in the permanent file to determine any future alterations or expansion of the building footprint. The hours of operation will be 7:00 a.m. to 10:00 p.m. No more than seven businesses plus the residential apartment or office allowed on the second floor. No bulk hazardous waste. Approval of a sign, 48 sq.ft., to accommodate businesses that will be located there. No uses such as truck, motorcycle, auto sales or service or repairs allowed. No onsite auctions to be held. This finding will not be restricted to the present owner.

**Additional Allowed Uses For 337 American Legion Highway, Westport**

Alterations for clothing - agricultural consultant and service - antique sales - no auctions - baby & child accessories sales - broadcasting station - brokers - building products sales - business

services - candy, confectionery, & beverage sales - carry out food sales – catering - chauffeur service - church & clergy supplies - closet & storage systems service - coffee shop - collectible sales - communication products sales & service - contractor sales or services - cosmetic sales - costume rentals - dairy product sales - day care – delicatessen - driving instruction class - diving service - doughnut shop - education, training, instructional service - electrical equipment & supplies sales - energy conservation & management services - engine parts sales - environmental and ecological product sales - ethnic food product sales - fence product sales - financial services - fitness and exercise services - flags, banners, awnings, & supplies sales - frozen dessert sales - fruit, vegetable, & nut sales - games & game supplies sales - garden tractor & mower sales - general store - generator sales & service - gift service - glass & mirror sales - gourmet sales shop - grocery and food sales health care equipment & supplies sales - health foods, vitamins, & nutrition sales store - heating & cooling service - home brewing supplies sales - household items sales - hydraulic parts sales - ice cream parlor - ice cream take-out - ice cream sales - internet services - import items sales - leasing agent services - light lunch sales - masonry product sales - meat pie sales - meat, poultry, seafood sales - mechanical equipment & supplies sales such as air conditioners - medical and health office or service - meeting room rental - moving equipment service - novelties sales – offices - outboard motor sales - parcel shipping - parts sales - personal services (nails, skin care, weight control, etc.) - pest control services - pet grooming - pipe, cigar, & newsstand sales - pool supplies - preserves, jams, jellies sales - produce sales - propeller sales service - redemption services - religious goods sales - rental service store (equipment for construction, chairs, tables, etc) - retail/ wholesale product sales - horseback riding apparel & equipment sales - sandwich shop (including hot dogs & pizza) - secretarial services - snack food sales - social service agency - soda & snack bar - soup & salad sales shop - spa, pool, patio, & sauna sales - specialty desserts sales - statuary, sundial, & monument sales - survival products and supplies sales - taxi or limosine service - ticket sales - tool sales - trailer hitch service - variety store and/or convenience store (including hot dogs & pizza) - vehicle accessories sales - vehicle appearance services - vending machines – veterinarian - window & door sales – woodworking - yard storage for construction materials only (no toxic material or chemicals, no cars or heavy equipment machinery).

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**521 American Legion Hwy.                      James Long &                      01/16/03**  
**Tower Ventures II, LLC**

**DECISION:** Special Permit was granted for the construction of a 190 ft. lattice-type communications tower, in compliance with the testimony and plans dated November 4, 2002, as submitted at the hearings and other evidence presented with the following conditions: 1. That the pad be surrounded on three (3) sides facing Route 177 by arborvitae trees no less than two (2) feet on center and initially planted at least six (6) ft. in height. Tree barrier to be continually maintained for the life of the tower. 2. Municipal, non-commercial use will be accommodated rent free, so long as it does not interfere with revenue production. 3. The tower shall be engineered and constructed to accommodate a minimum of seven (7) carriers, plus municipal use. 4. Applicant to provide security for the removal of the tower in an amount approved by the Building Inspector, but no less than \$13,000.00, in a form of security to be approved by Town Counsel.

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**567 American Legion Hwy.      Westport Youth Athletics Association                      06/27/12**

**DECISION:** to approve the Special Permit for the Westport Youth Athletic Association with the following conditions: Hours of operation will be 7:30 AM to 10:00 PM everyday; Special Events, athletic and/or non-athletic related activities such as fundraisers, Easter Egg Hunts, etc. will be allowed at the rate of 12 events per year with noise levels not to disturb the neighbors; The responsibility for the operations of the facility lies with the WYAA; The facility will be gated and locked when not in use; Westport Youth Leagues will be given preference for use of the facility; Organizations utilizing the facility shall be civic or nonprofit entities; and to be included in the file, the materials presented, maps and plans submitted dated September 10, 2009, the Planning Board's approved conditions dated August 12, 2008 including Exhibit "A", which are to be complied with; a minimum 20 ft. buffer to screen abutting properties, which is to be maintained by WYAA and approval is subject to MA DOT approval for an ingress and egress on Route 177.

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**708 American Legion Hwy.                      Brian Esten/B & S Realty                      06/11/01**  
**DECISION:** Denied a variance and approved a special permit for a golf course with several conditions (see decision).

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**930 American Legion Highway                      Mary Lou Dias                      08/11/83**  
**DECISION:** Variance granted to allow the construction of a duplex without meeting area requirements on Lot 153, Assessor's Plan 28.

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**954 American Legion Highway                      Richard & Barbara Medeiros                      02/03/84**  
**DECISION:** Variance granted to allow the subdivision of Lot 4G, Assessor's Plan 28 into two lots without meeting area requirements in accordance with the plan of land entitled "Plan of Land in Westport, Bristol County, Mass. owned by Richard G. and Barbara A. Medeiros, dated November 26, 1983."

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**1175 American Legion Highway                      Pauline Quinn                      06/29/83**  
**DECISION:** Special permit denied to allow the use of the premises on Lot 47, Assessor's Plan 33 for a 150-site campground on the determination that the proposed use was not in harmony with the intent and purpose of the By-Law and that the petitioner failed to demonstrate that the use of the premises for 150 campsites would not be more detrimental to the neighborhood.

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**16 Arlington Avenue                      Antone Brillhante                      09/24/79**  
**DECISION:** Variance granted to allow the construction of a carport on the east side of the present garage on Lot 62, Assessor's Plan 25 without meeting the setback requirements, such carport to be located no closer to Arlington Avenue than the existing garage.

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**44 Arlington Avenue                      William & Elaine Rioux                      05/26/81**  
**DECISION:** Special permit granted to allow the construction of three (3) additional dog runs on Lots 123 & 124, Assessor's Plan 25 with such runs to be constructed to the rear of the property facing the field and the issuance of a kennel license under the following conditions: 1) The dogs are to be confined to the building after dusk and not to be let out prior to 7:00 a.m.; 2) The special permit shall be limited to the petitioners, William and Elaine Rioux.

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**16 Atlantic Avenue                      Marion B. Hinman                      03/29/88**





**181 Atlantic Avenue      Ann E. Grape 2000 Trust**  
**DECISION:** Application for a variance was withdrawn.

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**08/25/16**