

Cadman's Neck Road**William Darling****04/05/82**

DECISION: Variance granted to allow the subdivision of Lots 60 and 65, Assessor's Plan 50A in accordance with the revised plan of land entitled "Plan of Land in Westport, Massachusetts surveyed for William F. Darling by Seekonk Engineering, inc., 175 Garden Street, Fall River, Massachusetts, Scale 1"=30', dated December 21, 1981" consisting of four parcels of land subject to the following conditions: 1) The balance of Parcel 1 consisting of a total of 10,786 square feet is to be conveyed to the abutting property owner as shown on said plan; 2) The balance of Parcel 2 consisting of a total of 14,212 square feet of area is to be joined with the smaller parcel containing the house of the petitioner; 3) Parcel 3 and 4 are not to be further subdivided or changed in size or shape without further approval of this Board; 4) Each parcel will conform to the Board of Health requirements pertaining to location of wells and sewerage systems on the lots and/or any other Board of Health, Conservation Commission and any other Board's requirements; 5) The area reserved for roadway purposes will be kept clear and utilized for roadway purposes as indicated on the plan.

123 Cadman's Neck Road**John & Miriam Spooner****04/16/86**

DECISION: Variance granted to construct on Lot 10, Assessor's Plan 50 an addition on the easterly portion of the existing dwelling providing the addition is set-back no less than two (2) feet from the easterly abutting property line and in general accordance with the plan submitted and on file with the Board of Appeals.

135K Cadman's Neck Road**Sidney Sundheimer/Elizabeth Gelfand****5/24/21**

Application of Sidney J. Sundheimer and Elizabeth Gelfand for a Special Permit/Finding to allow change of use from single-family dwelling to a detached accessory apartment, as allowed by Recodified Zoning Bylaw Article 9, Section 9.5.2. The subject property is located at 135K Cadman's Neck Road (a/k/a Sunrise Ave) and is shown on Assessor's Map 50A, Lot 42.

DECISION: A motion was made to **GRANT** the Special Permit for the construction of an accessory apartment with the following conditions:

1. The merged lots (135K Cadman's Neck Road and 135L Cadman's Neck Road) shall be considered one (1) lot.
2. The unfinished basement shall only be accessible from the inside of the apartment as pursuant to the plan submitted by the Petitioners dated April 30, 2021, with no other access to the basement.
3. The project is approved subject to and in accordance with the plan dated April 30, 2021, as well as the photographs submitted by the Petitioners and their presentation before the Board.

The motion was seconded. The Board voted unanimously to **GRANT** the Special Permit.

135L Cadmans Neck Road**Florian & Hilda Souza****03/07/78**

DECISION: Variance granted to allow the enclosure of an existing porch on the south and west sides of Lot 43, Assessor's Plan 50A.

147-E Cadman's Neck Road**Mark & Rolande Sullivan****03/09/16**

DECISION: Variance granted as requested with conditions: Egress will be the same as shown on the plan (on the south side of the home); No bedrooms will be added; Excavation of the concrete patio and deck will not disturb the existing septic system; Height of the proposed structure will not exceed the existing gutter on the westerly side; Laneway as it exists prior to

Center Street/ High Street **Edwin & Mary Alvares** **08/09/83**
DECISION: Variance granted to allow the southerly 5.38 acres of Assessor's Plan 28, lot 5 to be subdivided from the remaining 11.5 acres more or less, of said Assessor's Plan 28, Lot 5, allowing said southerly portion to be conveyed to Ronald Alvares so that a single family dwelling may be constructed upon the combined lot of his existing land on the northerly side of High Street and the southerly 5.38 acres of Assessor's Plan 28, lot 5 subject to the condition that once the new lot of approximately six (6) acres is created, it will not be further subdivided.

61 Center Street **Gerald Bouchard** **01/08/88**
DECISION: Variance granted to allow the existing building to remain in its present location on Lot 204, Assessor's Plan 26 without complying with the side-line set-back requirements.

Charlotte White Road/ Main Road **Wilfrid & Phyllis Anctil** **06/27/79**
DECISION: Variance denied to allow the construction of an auto body shop on Lot 11, Assessor's Plan 67 on the basis that the petitioner's failed to demonstrate that a substantial hardship exists or that desirable relief may be granted without substantial detriment to the public good.

Charlotte White Road **Mark R. Horan d/b/a** **03/14/90**
Pleasantview Estates, Inc. Corp.
DECISION: Based upon all of the evidence presented including all documents, plans, studies, reports, as well as testimony and comments from concerned citizens, abutters, the various Town boards and commissions and other interested parties, the Board determined that the proposed development shall proceed as modified subject to appropriate conditions. The comprehensive permit is granted to Pleasant view Estates Limited Divided Corp. to construct forty-six (46) dwelling units containing not more than one hundred fourteen (114) bedrooms on land located on Charlotte White Road encompassing 39.8 acres, more or less, and designated as Lots 7A through 7X, inclusive, on Westport Assessor's Map 67, such Lots having been created by a Planning Board approved Beauparland Subdivision in 1975, also known as Pleasantview Estates (See Comprehensive Permit Findings and Decision).

37 Charlotte White Road **Gina's Realty Corp. - Richard P. Moniz** **05/19/87**
DECISION: Petitioner seeking authorization for an extension of a 54' X 165' addition to the existing prior non-conforming structure on land located on Lot 6, Assessor's Plan 67. The Board made its finding that the proposed additions would not be substantially more detrimental than the existing non-conforming use to the neighborhood providing that the new structure is constructed and used in accordance with the findings.

37 Charlotte White Road **Excel Recycling, LLC** **10/22/09**
DECISION: Special Permit agreed with conditions:

- A. The hours of operation for heavy equipment, deliveries and noise generating activities at the Property shall be limited to Monday through Friday from 7 a.m. to 5:00 p.m. and on Saturdays 8:00 a.m. to 3:00 p.m. No heavy equipment or deliveries or noise generating activities shall be allowed on Sundays, July 4th, Christmas, Thanksgiving and New Year's Day. For all other federal and state holidays, Saturday hours shall be observed.
- B. The operations at the Property shall be conducted so as to prevent traffic back-ups on Charlotte White Road by implementing effective measures such as relocating the truck scale, rerouting of truck traffic and deliveries, proper scheduling of deliveries, use of signage and/or other appropriate means and measures.
- C. The operator of the Property shall make every effort to reduce and control noise at the Property, by relocating noising equipment and activities, installation of effective noise

barriers or other effective measures and shall conduct the use in conformance with all applicable local, state and federal requirements.

- D. This Administrative Finding shall continue in effect for two years from the date that it takes final effect and it shall be renewed automatically thereafter without a public hearing, provided that a written request for renewal is made to the Board and Town Clerk at least three months before the date of expiration and there is no call for a hearing as provided for below. Written notice of the request for renewal is provided to the Building Inspector/Zoning Enforcement Officer, Conservation Commission, Planning Board, Fire Department and Police Department, and Board of Health by the Zoning Board of Appeals. The request for renewal shall state that renewal shall be granted automatically by the Board without a further public hearing unless a written objection to the renewal, stating reasons for the objection based on specific public health, safety and welfare concerns, is received by the Board from one of the foregoing officials within 30 days of receipt by each of them of the renewal notice. If one or more timely objections are received, a public hearing on the renewal request shall be held and shall proceed in a manner identical to the course of proceedings in connection with an original administrative finding application, but only to review the specific public health, safety and welfare concerns raised by the objections, and, furthermore, renewal of the permit shall not be denied by the Board and no new conditions shall be imposed, except to address the specific public health, safety and welfare concerns raised in the objections.
- E. This Administrative Finding shall be recorded by the applicant 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.
- F. This Administrative Finding shall lapse if it is not duly recorded at the Registry of Deeds or if substantial use 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 is the applicant's favor), except for good cause or the final determination of an appeal.

DECISION 08/15/12: To the extent that Excel's request to withdraw its appeal from the September 29, 2011 Cease and Desist Order with respect to Charlotte White Road, is unconditional, the Zoning Board of Appeals VOTED TO ACCEPT Excel's withdrawal request (with no acceptance of any condition by the Board and with no determination made by the Board as to any underlying fact upon which the Cease and Desist Order and the Appeal are based); but, to the extent that Excel's request to withdraw has any condition precedent or subsequent contained within it, the Board VOTED TO DENY Excel's withdrawal request and VOTED TO DENY the appeal from the September 29, 2011 Cease and Desist Order for failure by Excel to prosecute the appeal, which was pending from October of 2011 through August 2012 and was continued by the Board at Excel's written request multiple times without Excel appearing to present and prosecute the appeal.

96 Charlotte White Road Roger & Regina Chandanais 03/18/92
DECISION: Petition for a variance to allow the construction of a storage shed with loft for use in conjunction with repair business for storage of motor vehicle parts on Lot 8, Assessor's Plan 68 allowed to be withdrawn without prejudice.

96 Charlotte White Road Omnipoint Communications 10/06/06
DECISION: Variance granted for a wireless telecommunications facility as per plans and site plans submitted. The facility will consist of a 140' monopole with the capability to add on in the

future; the tower will allow up to three (3) additional carriers as shown on plan; the facility will be built on a 40' x 40' compound and surrounded by arborvitae; a \$13,000.00 removal bond will be obtained, which will be approved by Town Counsel; approval must be sought from the Building Inspector on any specifics; and the Town of Westport will have use of the tower free of charge.

115 Charlotte White Road Manuel & Joanne Branco 04/18/81

DECISION: Variance granted to construct a single family dwelling on Lot 6, Assessor's Plan 67 without meeting frontage requirements upon the express condition that there be no further subdivision of the land.

121 Charlotte White Road Antone & Judith Oliveira 09/05/85

DECISION: Variance denied to allow a two chair beauty salon in a room in the basement of the home for practice of a recognized profession of a hairdresser as an accessory use to the primary use as a residence on Lot 6B, Assessor's Plan 67 on the basis that the operation of a beauty shop was not a home occupation under the Westport Zoning By-Laws. The Board then considered that a variance would not be in order in as much as the petitioners failed to present evidence that a hardship existed pertaining to the property and/or structure(s).

140 Charlotte White Road Ext. Daniel D. & Pamela C. Tripp 09/30/05
Trustees of One Forty Nominee Trust

DECISION: Variance and/or Finding and/or Such Other Relief is denied without prejudice due to the lack of prosecution by the Applicants; no response having been provided to the Board as to the status of the application; and failure of the Applicants to procedurally follow through with the requirements of the LIP Petition. Property located on Assessor's Map-53, Lot 2C.

140 Charlotte White Rd (north side) Carole A. Plante Spooner 03/19/75
d/b/a Westport Bait & Tackle

DECISION: A permit was granted to change the present non-conforming use of Lot 2C, Assessor's Plan 53 to allow the sale of fish and seafood and related products on a take-out basis.

DECISION: 10/6/82: Carole & Arnold Spooner – Special permit granted to Carole's Fish and Chips to allow the sale of beer and wine to be consumed on the premises under the specific condition that the rights granted hereunder are limited to the petitioners unless approval is granted by this Board.

DECISION: 12/7/83: Variance granted to allow the subdivision of Lot 2C, Assessor's Plan 53 into two lots; the restaurant lot to contain 56,900 square feet of area and 425 feet of frontage on Charlotte White Road Extension; and the second lot to contain the dwelling and accessory buildings with 52,250 square feet of area, and 185.50 feet of frontage on Drift Road.

140 Charlotte White Rd Extension Compton Clambake LLC 5/2/2018

Decision: Applicant requests a finding to allow the serving of beer and wine. The property is located at 140 Charlotte White Road Extension and is shown on Assessor's Map 53, Lot 2C.

Motion was made, seconded, and voted unanimously to find that the serving of beer and wine would not be substantially more detrimental to the neighborhood than the existing use, but only with and subject to, the following conditions:

1. Beer and wine only served and consumed inside existing dining area in the building and only with meals or with tasting demonstrations for catering business potential clients.
2. Hours for serving of beer and wine not to exceed noon to 9:00 p.m. seven days a week.
3. No business operations of any kind on premises between 11:00 p.m. and 5:00 a.m.
4. No music or entertainment (other than background music inside of building) at any time.
5. No beer and/or wine signage or advertising visible from outside of building.
6. Total business signage viewable from exterior not to exceed 20 sq. feet, with no neon or moving image signage, e.g., banners, changing images or lettering, scrolling, etc.
7. Lighting shall be down-facing to avoid shining onto, or lighting, neighbors' properties.
8. Hours of service or product deliveries limited to between 8:00 a.m. and 6:00 p.m.
9. Approval by appropriate Town official(s) of an engineer-approved parking plan, which must include provision for (a) stated limit of interior seating; (b) existing outside seating (i.e., 6 picnic tables, each seating up to 8 people); (c) spaces for employees; and (d) at least two catering business service vehicles.

Charlotte White Road/Rte 88 **Richard P. Desjardins** **12/22/93**
DECISION: Variance denied to allow the construction of a house-like building to house two law offices.

235-237 Charlotte White Road **Janice Magnifico** **08/16/07**
DECISION: To grant the request for a variance to legalize the existing two-family dwelling, without meeting frontage and area requirements of the Zoning By-Law on Map-65, Lot-3M and due to the fact that the Board determined that in view of the circumstances relating to the structure (duplex) which was constructed in 1971 under an official building permit by the Town, and has been used as such for more than thirty years and continually taxed as a two-family dwelling, that literal enforcement of the provisions of the By-Law would involve substantial hardship. The Board determined that the continued use of the two-family dwelling on the lot would not adversely affect the zoning district in which it is located (Residential/Agricultural District). The Board determined 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-Laws whereas the continued use of the two-family dwelling is the same use as the abutting property and several others in the area on similar sized lots.

239-241 Charlotte White Rd. **Robert R./Muriel Comtois** **10/13/00**
DECISION: Variance granted to legalize the existing two-family dwelling created in 1971 with a building permit, without meeting frontage and area requirements of the Zoning By-law, on Lot 3L as shown on Assessor's Plan 65.

Cherry & Webb Lane (south side) **Sheldon & Evelyn Judson** **04/18/75**
DECISION: Variance granted to allow the conversion of an existing garage on Lot 62, Assessor's Plan 91 to a refreshment stand on a take-out basis only subject to the following specific limitations: 1) Adequate off-street parking shall be provided for a minimum of fifteen motor vehicles. 2) Adequate and suitable refuse containers shall be provided at all times.

Cherry & Webb Lane/ Bridge Rd. **David A. Lees** **06/14/76**

DECISION: The Board voted unanimously to allow the petitioner to withdraw his request for a variance on land located on the south side of Cherry & Webb Lane as shown on Lot 62, Assessor's Plan 91.

DECISION: 7/6/76 Variance granted to allow the conversion of the present take-out refreshment stand located on Lot 62, Assessor's Plan 91 into a restaurant serving on a take-out or sit-in type of operation. This variance is subject to the following conditions: 1) Adequate off-street parking shall be provided for a minimum of fifteen motor vehicles; and 2) Adequate and suitable refuse containers shall be provided at all times.

DECISION: 4/27/77 Variance granted to allow the conversion of a refreshment stand to an antique shop on Lot 62, Assessor's Plan 91.

15 Cherry & Webb Lane (north side) Robert & Milicent Therrien 04/18/75

DECISION: Variance granted to allow on Lot 59, Assessor's Plan 91 the retailing of groceries, to process food for the wholesale-retail market, and to sell gifts, arts-crafts, clothing and other dry goods.

DECISION: 5/14/75 Special permit granted to allow on Lot 59, Assessor's Plan 91 the sale of beer and wine for consumption off the premises.

DECISION: 6/18/75 Variance denied on the basis that the petitioner failed to demonstrate that a substantial hardship exists; that desirable relief could not be granted without substantial detriment to the public good and without nullifying or derogating from the intent and purpose of the Zoning By-Law.

DECISION: 7/23/75 Variance granted to allow on Lot 59, Assessor's Plan 91 the construction of four apartments to be placed on the third floor section substantially upon the following conditions: 1) The land lying directly across the street consisting of approximately 34,000 square feet is to be used in conjunction with this building, and there will be no dwelling units or other buildings erected thereon without obtaining prior approval from the Board of Appeals; 2) That said land shall be used to provide off-street parking for motor vehicles using the apartments; 3) Such land shall be retained to provide sewerage and water facilities for the building providing such use is approved by the Board of Health.

15 Cherry & Webb Lane Club 480 Trust 10/07/86

DECISION: Variance granted to allow the conversion of the existing structure into five (5) one (1) bedroom apartments subject to the following conditions: 1) The land lying directly across the street consisting of approximately 34,000 square feet is to be used in conjunction with this building, and there will be no dwelling units erected thereon; 2) That said land shall be used to provide off-street parking for motor vehicles using the apartments and shall be retained to provide sewage and water facilities for the building providing such use is approved by the Board of Health; 3) All non-conforming uses on Lots 59 and 64 are hereby null and void; 4) The property cannot be converted to condominiums without consent of the Appeals Board which may be granted after a hearing thereon; and 5) The conversion is to be substantially in accordance with the plans on file in the office of the Board of Appeals.

DECISION: 3/28/91 Variance granted to allow the use of the southerly apartment on the first floor for business or professional offices.

DECISION: 4/22/92 Amendment to variance granted 10/7/86 to delete in its entirety Condition #4 which reads as follows: "4) the property cannot be converted to codominiums without consent of the Appeals Board which may be granted after a hearing thereon;"

48 Cherry & Webb Lane Raymond Williams 05/12/82

DECISION: Variance granted on Lot 53, Assessor's Plan 91 allowing the petitioner Raymond H. Williams to convey Lot 2 as shown on a Plan entitled "Plan of Land in Westport, Massachusetts prepared for Raymond H. Williams", dated March 25, 1982 to Bernard A.G. Taradash and allow the conveyance of Mr. Taradash of Parcel 3 on said plan to Raymond H.

Williams.

156 Cherry & Webb Lane **Drusilla Dimant** **05/2/91**
DECISION: Petition for a variance to allow the construction of a single-family dwelling with a height of 45 feet on Lot 49, Assessor's Plan 91 allowed to be withdrawn without prejudice.

193 Cherry & Webb Lane **Westport Yacht Club** **06/05/79**
DECISION: Variance denied to locate a trailer for security purposes on Lot 6, Assessor's Plan 91 on the basis that the petitioner failed to demonstrate that a substantial hardship exists.
DECISION: 4/21/90 Petitioner's allowed to withdraw without prejudice application for a variance and/or finding to allow the extension of 100 lineal feet (10 slips each dock) to each of the two existing docks on land located on Lot G-7, Assessor's Plan 91.

211 Cherry & Webb Lane **F.L. Tripp & Sons, Inc.** **09/17/85**
DECISION: Construction allowed of an additional pier extending from the northwest corner of Lot 1, Assessor's Plan 91 to be used in conjunction with the pre-existing non-conforming use and will accommodate 10 boats, plus some floats.
DECISION: 7/25/91 Special permit granted to place a trailer on the lot for five months for a bait ant tackle shop. This permit is to expire 10/1/91.

211 Cherry & Webb Lane **Omnipoint Communications/
FL Tripp & Sons, Inc.** **12/14/00**
DECISION: Variances granted (1) a use variance pursuant to Section 2.4.2.2 of the Zoning Bylaw to allow a telecommunications facility in a residential district; and (2) a variance to allow a telecommunications facility to be located closer to a lot line than its vertical height as required by Section 9.2.2.3 of the Zoning Bylaw and (3) a variance from the requirements of Section 9.2.2.5 of the Zoning Bylaw requiring that a facility support three (3) carriers, with certain conditions. See actual decision for conditions.

Chestnut Hill Drive **John & Constance Majocka** **01/10/02**
DECISION: Variance denied because Lot 78A not deemed buildable lot in 1975 and, even if it was, the statute of limitations had run, the owners having lost their rights to build after seven years, pursuant to paragraph 5 of MGL Chapter 40A, Section 6. The intent of the Town Meeting was to increase the lot size to 60,000 square feet and Lot 78A does not comply with this increase. The owners no longer have legal standing as a result of their failure to take action during the seven year time frame, thereby not complying with land area requirement of 60,000 square feet and 150 feet of frontage.

Christine Drive **Irene & Eduardo Rego** **03/19/82**
DECISION: The petitioners were allowed to withdraw their request for a variance to allow the construction of a single family dwelling without meeting area and frontage requirements on Lot 103, Assessor's Plan 5 without prejudice.
DECISION: 5/10/82 Variance denied to allow the construction of a single family dwelling on Lot 103, Assessor's Plan 5 on the basis that the petitioner failed to demonstrate that to grant a building permit for this lot would not derogate from the intent or purpose of the Zoning By-Laws and that a hardship applicable to this particular lot that did not apply to other lots on this subdivision and other similar lots in the Town was not demonstrated.

10 Christine Drive **Fernando Fragata** **10/05/81**
DECISION: Variance denied to allow the construction of a single family dwelling on Lot 102, Assessor's Plan 5 on the basis that the petitioner failed to demonstrate and/or prove conditions that especially affected the land or structures, but not affecting generally the zoning district

in which it is located, which would involve a substantial hardship under the provisions of M.G.L. Chapter 40A, Section 10. (The petitioner was the owner of a parcel of land shown on a subdivision plan called "Juniper Heights, Section 2", Lot #85; the petitioner applied for and had received a building permit from the Building Inspector for a single family dwelling; The Building Inspector then issued an order to stop building on the basis that the lot was an unbuildable lot under the Zoning By-Laws. Subsequently, town Counsel ruled that this was a buildable lot after the variance had been applied for, whereas, Section 2 of this subdivision was valid until July 21, 1981 and the building permit had been applied for prior to, and therefore, the Building Inspector must lift the Stop Work Order.

12 Cleveland Street/ Adams Street Joseph Araujo

05/17/72

DECISION: Variance denied due to the lack of any practical difficulty or unnecessary hardship.

22 Cleveland Street

Paul & Ina Raposa

07/09/81

DECISION: Variance granted to allow the property as shown on Lots 510 to 516 and 490 to 496, Assessor's Plan 11 to be treated or have legal status as a valid qualified residential lot without meeting area requirements.

26 Cleveland Street

Dorothy Parker

05/05/83

DECISION: Special permit denied to allow the use of the former sheet metal shop for a warehouse and office for insulating and roofing on Lots 256-261, 273-281, 477-489, 497-509, Assessor's Plan 11 on the basis that the Board found that if a prior non-conforming use existed, it was for an auto body shop and that such use was terminated not later than 1976 and was considered as abandoned. The Board further found that the Parker's had not established a new use of the premises as a sheet metal shop due to their failure to apply to the Appeals Board for a change in use. The Board then determined that since the prior non-conforming use had been abandoned, a request for a special permit was out of order and would exceed their authority to grant such special permit.

DECISION: 10/16/84 Variance granted to allow the storage of carpeting and tiles subject to the following conditions: 1) All use of the premises for loading, unloading, deliveries, and other action shall be conducted during the hours of 8:00 a.m. to 5:00 p.m.; 2) The premises are to be kept clean at all times; 3) there is to be no outside storage of any materials, equipment etc.; 4) No retail or wholesale sales will be allowed from these premises; 5) No tractor/trailer trucks will be allowed for deliveries, loading, or unloading or used on the premises.

32 Cleveland Street

Raymond & Ruby Choquette

10/12/78

DECISION: Variance granted to allow a change in use on Lots 48 - 60, Assessor's Plan 11 from the truck terminal and repair shop to an auto body and repair shop. This variance is granted subject to the following express conditions: 1) Hours of operation shall be limited between the hours of 7:00 a.m. and 7:00 p.m.; 2) No noise or operation of power tools will be permitted before 8:00 a.m. or after 5:00 p.m.; 3) No operations to be conducted on Sundays or Holidays; 4) A six foot stockade fence shall be erected and maintained in the rear of the present garage building to provide an enclosure for the storage of usable motor vehicle parts; 5) No outside spraying of paint; 6) Total number of vehicles held for repair including customer's vehicles shall be limited to ten.

42 Cleveland Street

Armand E. Garant

09/01/89

DECISION: Finding/variance denied to allow the use of the premises on Lots 48-60, Assessor's Plan 11 for the rental of recreational vehicles on the basis that the Board concluded that the property was vacant when the Town Meeting vote to zone the area residential and there was no prior non-conforming use attached to the property. The Board then considered the request of the petitioner under the standards for the granting of a variance and determined that the petitioner

had failed to demonstrate that owing to circumstances relating to the soil conditions, shape, or topography of said land or structures that a literal enforcement of the By-Laws would involve substantial hardship, and further failed to demonstrate 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-Laws. The Board further determined that the proposed use of the rental of recreational vehicles would increase the public traffic through the residential streets in a high residence area. The property is situated on the corner of a residential subdivision with only one road leading in and out of the subdivision which would worsen the traffic situation.

DECISION: 5/23/91 The Board voted unanimously to grant the requested finding to allow the use of the premises to keep and maintain one (1) owner-owned truck-tractor, two (2) owner-owned support trailers, one (1) owner-owned service truck, and thirteen (13) recreational vehicles owned outright or leased by the occupant of the premises for periods of time and rented to others subject to the following conditions: 1) The premises would be used only for one (1) owner-owned truck tractor, two (2) owner-owned support trailers, one (1) owner-owned service truck, and thirteen (13) recreational vehicles which would be owned outright or leased by the occupant of the premises for periods of time and rented to others; 2) The hours of operation for the rental of recreational vehicles would be 9:00 a.m. to 4:00 p.m. Mondays through Fridays, 10:00 a.m. to 3:00 p.m. on Saturdays and by appointment only on Sundays; 3) There will be no bulk storage of propane and there will be no filling of propane tanks on the premises to be used in conjunction with the recreational vehicles business or for use off premises; 4) No repairing of vehicles other than those vehicles in item #1 above; 5) The occupant shall store, handle, and dispose of hazardous waste and materials in a proper manner and there shall be no substantial painting; and 6) All prior non-conforming uses are considered to be abandoned.

10/27/10 DECISION (Soares): The Board voted 4-1 to deny the use variance application because the Board found that the requested relief (i.e., to increase the nonconforming commercial use at the undersized parcel at the Property from the storage and maintenance of 4 vehicles/trailers to up to 16 vehicles and pieces of off road equipment) could not be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-law as the Property is inappropriate for the proposed expansion of the commercial use because the Property is undersized, the street system in the area is too narrow to safely accommodate the proposed trucking activity, the area is densely populated with residential uses, with small children who would be endangered by the truck traffic, and there is no water and sewer at the Property to accommodate the employees.

9 Conserve Avenue

Theresa Petrin

10/16/85

DECISION: Petition to establish a second dwelling unit (apartment) within the existing structure and to waive all minimum lot size and set-back requirements on Lots 554 & 555, Assessor's Plan 16 allowed to be withdrawn without prejudice.

50 Conserve Avenue

Armand Levesque

07/19/78

DECISION: Variance denied allowing the use of the present garage for an auto body and repair shop on Lot 434A, Assessor's Plan 16 on the basis that the petitioner failed to demonstrate that a substantial hardship exists; nor did the petitioner prove that the variance would not be more detrimental to the public good or nullify or substantially derogate from the intent or purpose of the Zoning By-Laws.

Conscript Avenue

Roger Audette

12/02/85

DECISION: Variance denied to allow the subdivision of an existing lot of which there is a clouded title which was recently combined to a larger existing lot (merger) and which has clouded the entire title on land located on Lot 408, Assessor's Plan 17 on the basis that the

petitioner had created whatever problems existed through his intentional merger of the lots in 1981 and that the petitioner has alternative means such as the Land Court to correct any cloud upon the title. Further, the Board determined that the petitioner failed to demonstrate a hardship that would warrant the granting of a variance and failed to demonstrate that the creation of such a small substandard lot would not derogate from the intent and purpose of the By-Law.

Cornell Road (south side) Warren Lincoln, Jr. & James Rainville 03/14/86

DECISION: Variance denied to allow the subdivision of Lot 14, Assessor's Plan 85 into two lots without meeting frontage requirements on the basis that the petitioner 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, neither of which would meet frontage requirements, would not derogate from the intent and purpose of the By-Law.

Cornell Road (south side) Elliot H. Taber 03/29/68

DECISION: Building permit granted to construct a single family dwelling on Lot 26, Assessor's Plan 84.

248 Cornell Road William Barker 04/17/73

DECISION: Variance granted to construct an addition to the garage for a workshop and to allow him to build within 5' 10" of the right of way.

400 Cornell Road (north side) Elliot H. Taber 06/06/69

DECISION: Variance granted to divide a lot having a frontage of 44 feet on the north side of Cornell Road due to hardship inflicted on the petitioner.

408 Cornell Road Joseph & Helen Sonntag 12/30/80

DECISION: Variance granted to allow the land shown on deed recorded in the Bristol County Registry of Deeds Book 1416, Page 423 to have the status of a legally valid building lot under the provisions of the Westport Zoning By-Laws as currently in effect.

476 Cornell Road (north side) Frank & Miriam Brayton 01/23/78

DECISION: The Board after hearing all facts and evidence presented, voted unanimously not to take any action due to the fact that evidence presented substantiated that the petitioners have a legal lot stamped by the Westport Planning Board dated January, 1972.

497 Cornell Road Frank Perry, Jr. 09/04/13

DECISION: the petition request for a variance be approved with the hardship being demonstrated to the Perry property as follows:

- The unintended placement of the septic leaching field for the abutter is mostly located on the Perry property;
 - The entire area of these two properties consists of mostly wetlands and wetlands are inadequate for the proper placement of a septic system;
 - There will be a hardship to all, if not granted, because of the possible condemnation of the Petrosso property;
 - There will be a reduced value to the Perry property and the neighboring properties;
 - By granting this variance, it will not substantially denigrate the neighborhood and the neighbors of this property will not suffer. Also, to be submitted for the ZBA file will be the approved septic plan from the Board of Health and the approved site plan from the Planning Board. This material will be on file along with all the supplemental briefs that were submitted by the petitioners' counsel.
-

DECISION: Variance granted to allow a lot size exception.

94 Cross Road

Jason B. Vagliano

6/21/21

Application of Jason B. Vagliano for a Special Permit to convert the ground level of the existing barn into a detached one-bedroom accessory apartment, as allowed by Recodified Zoning Bylaw Article 9, Section 9.5.2. The subject property is located at 94 Cross Road and is shown on Assessor’s Map 49, Lot 5.

DECISION: A motion was made and seconded at the prior hearing, and with the revisions made to the plan as requested by the Board, the conditions are updated as follows: Condition No. 1 shall be removed from the original conditions, as the Petitioner has made the appropriate revisions in the plan that will correct and comply with the removal of the existing stairs. Accordingly, the final conditions of the granting of the Special Permit are as follows:

1. The accessory apartment shall be constructed per the signed drawing of June 7, 2021 and access to the attic shall be constructed pursuant to the plan dated, signed and filed with the Board on June 7, 2021, which indicates removal of the existing staircase.

2. Petitioner is to comply with all Building Code regulations.

3. Petitioner is to comply with the requirements of Recodified Zoning Bylaw Article 9, Section 9.5.2., including Subsections (a) through (j) (which include, but are not limited to, that the Petitioner must reside in either the main house or the accessory apartment; there is a maximum of one (1) bedroom in the accessory apartment; and only two (2) persons may reside in the accessory apartment).

A motion to approve the project and **GRANT** the Special Permit. The motion was seconded. The Board voted unanimously to Grant the petition by individual roll call votes. Petitioner shall comply with the conditions as noted herein and incorporated in the decision granting the Special Permit.

Cummings Lane/ Horseneck Road

Ray Lorne & Clarisse Hurd

09/09/77

DECISION: Variance granted to allow the construction of an addition to the existing dwelling on Lot 118, Assessor's Plan 71 upon the condition that the said addition shall not be constructed closer than sixteen feet from Cummings Lane.