#### **15 Fairway Drive**

#### Lewis Maker

05/21/81

**DECISION**: Variance granted to allow the construction of a single family dwelling on Lot 196, Assessor's Plan 88 without meeting area and frontage requirements.

DECISION: 11/30/82: Variance granted on 5/21/81 reestablished and the construction of a single family dwelling without meeting area and frontage requirements allowed.

#### **2** Faulkner Street

#### **Ronald J. Santos**

09/23/68

DECISION: Variance granted to construct a house on a 100' x 100' lot due to unnecessary hardship.

#### 28 First St

**Howayeck Beach House Trust** 

9/15/2020

**DECISION:** Applicant petitioned for a finding that: elevating the existing structure to construct a new concrete pier foundation above the VE flood elevation; construct a new deck within setback requirements; and existing front yard setback to remain non-conforming, i.e. 21 feet, will not be substantially more detrimental to the neighborhood than the existing non-conforming use, as mandated by Zoning Bylaw Article 4, Section 4.1.3. The subject property is located at 28 First Street and is shown on Assessor's Map 76, Lot 15.

The Board members stated that they did not find the new structure with pilings to be substantially more detrimental to the neighborhood; that the new structure would be an improvement to the neighborhood and would stabilize the structure.

Motion made to Grant the finding that the proposed project is not substantially more detrimental to the neighborhood than the existing non-conforming use as mandated by Zoning Bylaw Article 4, Section 4.1.3., with the condition that the two (2) lots shall become legally merged. The motion was seconded and the Board voted unanimously to grant the finding.

#### **Fisher Road**

#### **George M. Forrester**

**DECISION**: Variance granted to construct a single family dwelling on Lot 26P, Assessor's Plan 40.

#### **119 Fisher Road**

#### **Ralph & Nancy Mosher**

**DECISION**: Variance denied to allow the sale of used cars in a separate garage on Lot 32, Assessor's Plan 40 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 was located, which would involve a substantial hardship. Additionally the petitioner failed to demonstrate or prove that desirable relief could be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the local Zoning By-Law.

#### **167 Fisher Road**

**Gerald & Vivian Coutinho DECISION**: Variance denied allowing an apartment be added to the upstairs portion of the garage building presently being constructed on Lot 36, Assessor's Plan 40 on the basis that the petitioners could not prove a hardship, nor did they prove that the addition of another dwelling unit would not be more detrimental to the neighborhood.

#### **215 Fisher Road**

**Joseph Souza** 

11/10/75

04/18/78

**DECISION**: Variance granted to allow construction of an auto body shop for repairs on Lot 26B, Assessor's Plan 40 upon the following conditions: 1) The business is to be located at least two hundred feet from the road; 2) A ten foot wide tree line on the east and south sides of the building is to be provided to shield the vehicles and building from the sight of the roadway and abutting property and/or a suitable fence to provide the same protection from the roadway and to

### 09/20/73

03/31/80

the abutting property; 3) Such tree line and/or fence is to be maintained in adequate and presentable condition at all times; 4) Hours of Operation - No objectionable noise will be allowed after 8:00 p.m. No work will be allowed on Sundays and Holidays; 5) No more than seven cars are to be stored on said property and are to be away from the view of the roadway and abutting property owners; 6) No excessive body parts and tires are to be stored on said property.

**Fisherville Lane** Llewellyn Howland, Jr. 05/01/70 **DECISION**: Building permit granted to construct a single family dwelling on Lot 4, Assessor's Plan 75.

Tamar Dor-Ner/Dan Krockmalnic **176 Fisherville Lane** 11/30/21

Petition of Tamar Dor-Ner and Dan Krockmalnic for a Special Permit to construct a 1-1/2 story one-bedroom detached accessory apartment/pool house pursuant to Recodified Zoning Bylaw Article 9, Section 9.5.2. The subject property is located at 176 Fisherville Lane, Westport, MA and is shown on Assessor's Map 74, Lots 25 and 26.

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

(a) The construction shall be in accordance with the plans as submitted to the Board dated September 20, 2021, with a written and signed notation on the plan that the storage loft is to be unheated with door access from the inside;

(b) The only access to the storage loft will be from the inside with usage of a vertical ladder:

(c) 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); and

(e) The Petitioners shall obtain approval from the Board of Health as to the septic system for the accessory apartment.

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

#### Forest Street/High St. L. Silva & R. Bouchard & Gerald Rego 11/22/93

**DECISION**: Variance denied to allow the construction of a single-family dwelling on 19,200 sq. ft. of area and no qualified frontage.

#### **0** Forge Road

#### **P & E Enterprises**

**DECISION:** Special Permit was granted based on the Board finding that the proposed use does not pose an actual or potential threat of material damage to groundwater quality, and 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. For the record, all maps, plans and reports on Stormwater Management and the Drainage Report submitted by applicant are to be considered as a permanent part of the record. The Board also determines that the only portion of the property and proposed use that falls within the Board's jurisdiction is the portion of the property that falls within the Aquifer Protection District. The applicant is required to comply with all other Town, State and Federal Rules and Regulations as required by the Aquifer Protection and the applicant is required to provide monthly inspections and maintenance records as required by the Stormwater Plan, as shown in Operations/Maintenance Plan for Stormwater Maintenance System, shown on sheet 6 of the stamped and signed submitted plans by SITEC Engineering.

#### 04/21/10

#### **0** Forge Road

#### Americo Padinha

09/28/11

**DECISION:** to grant the Special Permit based on the Board finding that the proposed use does not pose an actual or potential threat of material damage to groundwater quality, and 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. For the record, all maps, plans and reports on Stormwater Management and the Drainage Report submitted by applicant are to be considered as a permanent part of the record. The Board also determines that the only portion of the property and proposed use that falls within the Board's jurisdiction is the portion of the property that falls within the Aquifer Protection District. The applicant is required to comply with all other Town, State and Federal Rules and Regulations as required and the applicant is required to provide monthly inspections and maintenance records as required by the Stormwater Plan, as shown in Operations/Maintenance Plan for Stormwater Maintenance System, shown on sheet 6 of the submitted plans by SITEC Engineering dated May 27, 2011. It is noted that the plan does include the well and septic system on the property per Town/State regulations without any deviations. A condition of granting this Special Permit is the applicant will provide proof of ownership of the property for inclusion in the permanent file such as a copy of the deed.

#### 85 Forge Road Carlos Ferreira/Omnipoint

09/11/01

**DECISION:** A Special Permit was granted with site plan approval and variances to allow a wireless communications facility (WCF) subject to the following conditions: (a) the one-hundred ninety (190) foot high monopole tower shall be located at least 165 ft. from the rear lot line, at least 140ft. From the southerly side lot line, 30ft from the northerly side lot line that abuts the property on which there is an existing tower and at least 258ft from Forge Road; (b) the monopole shall be maintained in good appearance at all times; (c) Omnipoint's wireless communications facility shall accommodate a minimum of three (3) carriers; (d) any structures containing associated equipment necessary to support the WCF shall be constructed to blend as much as possible with the surrounding structures; (e) all construction of the WCF shall be in accordance with the original plans with the exception of the revised location; and (f) Omnipoint shall post a bond in an amount satisfactory to the Westport Inspector of Buildings to ensure, upon discontinuance of use as a telecommunications facility, the timely dismantling of the WCF. **DECISION 06/28/00**: Petitions for a special permit and variance to allow the construction of a 190-foot telecommunications facility without meeting set-back requirements was allowed to be withdrawn without prejudice.

**DECISION 03/31/00**: Petitions for special permit and variances were withdrawn which would allow the construction of a telecommunications facility to be constructed closer to a lot line than its vertical height and without meeting set-back requirements.

#### 210 Forge Road

#### Norman & Shirley Gifford

12/11/95

**DECISION**: Allowed a change of use from an outside truck terminal to the sales and service of new and small engines, equipment and parts.

#### 210 Forge Road

#### Norman & Shirley Gifford

12/11/95

**DECISION**: The Board found and determined that the proposed change of use from an outside truck terminal to the sales and service of new and small engines, equipment and parts would not be substantially more detrimental to the neighborhood and would not nullify or substantially derogate from the intent and purpose of the By-Law.

The above findings were made by a unanimous vote by Kendal Tripp, Clayton Harrison, Joseph L. Keith III, Gerald Coutinho and Raymond L. Medeiros. In addition the Board voted unanimously that the approval was subject to the acceptance of a site plan showing the parking

and display areas by the Clerk of the Board of Appeals to be kept on file with the Appeals Board and Town Clerk. The hours of operation are not to exceed Monday through Saturday - 8:00 a.m. to 7:00 p.m.

**1 Freedom Court Christopher & Sara Quintal DECISION:** The request for a variance was denied based on the fact that the petitioner could fit their addition on their property without affecting any of their property lines.

#### **0** Frontage Street

**DECISION:** To deny the request for a variance due to the fact that the request does not meet the required criteria; changing the use of residential to commercial would be detrimental to the neighborhood; no legal hardship was demonstrated.

**Michael Goes** 

**Michael Goes** 

#### **0** Frontage Street

**DECISION:** To approve the request for a variance with the criteria of a hardship being demonstrated in the shape, topography and property lines inaccuracy as shown on the Town map in determining frontage. An onsite of this property proved that there is no water present but that there is a road. Granting of this variance does not derogate from the intent of this bylaw and it is not detrimental to the surrounding area. The lot exceeds the minimum sq. footage required.

#### **34 Frontage Street**

#### Philip & Nancy Hathaway & J. Douglas Borden Estate

DECISION: Variance granted to allow the exchange of land on lots shown as Lots "A" & "B" on Assessor's Plan 1, Lots 31 & 31H on a plan of land entitled "Plan of land in Westport, Mass. owned by Philip I. & Nancy A. Hathaway & J. Douglas Borden Estate" dated March 16, 1981 without meeting area requirements.

#### **34 Frontage Street**

#### **Pamela Cabeceiras**

**DECISION**: Variance denied to allow the use of the property for the keeping of a maximum of twelve dogs on the basis that the petitioner had failed to prove that a substantial hardship existed which affected the land or structures or that the use would not derogate from the intent and purpose of the Zoning By-Law.

# 07/08/81

07/07/89

### 06/23/07

## 08/01/07

12/06/17