

<b>Highland Avenue</b>	<b>George Young</b>	<b>04/13/62</b>
<b>DECISION:</b> Variance denied on lot size exception.		
<b>Highland Avenue</b>	<b>Paula Bacon</b>	<b>09/05/96</b>
<b>DECISION:</b> Variance granted to allow the construction of a single-family dwelling on Assessor's Plan 10, Lots 82-111 without meeting frontage requirements.		
<b>Highland Avenue (west side)</b>	<b>John &amp; Carlene Ventura</b>	<b>03/19/75</b>
<b>DECISION:</b> Variance granted to allow construction of a duplex on Lot 10A, Assessor's Plan 12.		
<b>182 Highland Avenue</b>	<b>Beatrice Mendes</b>	<b>01/28/88</b>
<b>DECISION:</b> Variance granted to allow the frontage on Lot 46, Assessor's Plan 12 to be reduced by ten (10) feet providing the frontage on Lot 47 is not reduced and Lot 48 is increased by ten (10) feet.		
<b>182 Highland Avenue</b>	<b>Joan Antonelli</b>	<b>02/04/97</b>
<b>DECISION:</b> Finding made that the existing barn set-back less than 2 ft. from the rear lot line and 4.2 from the side-line may remain in its present location due to the fact that six years has passed since the construction of the structure.		
<b>430 Highland Avenue</b>	<b>David T. Estrella</b>	<b>07/22/70</b>
<b>DECISION:</b> Building permit denied due to the fact that substantial hardship was not proven and that it will derogate from the intent or purpose of the By-Law as written.		
<b>560 Highland Avenue</b>	<b>T-Mobile Northeast LLC</b>	<b>12/17/10</b>
<b>DECISION:</b> Relief to allow the 150 foot telecommunications tower at the revised location shown on the amended site plan provided to the Board by T-Mobile on 12/17/10 was denied under the Zoning By-law, but granted under the Federal Telecommunications Act, provided that all of the following conditions shall be met: The original proposed height of 170 feet and the original location shall be reduced to 150 feet and the tower shall be relocated to the location as shown on the revised site plan submitted by T-Mobile to the Board on 12/17/10. The Board found that the reduced height and revised location would mitigate the adverse visual impacts of the 170 foot tower at the original location; T-Mobile shall provide an engineered site plan to the Board, which shows the 150 foot tower at its revised location, in accordance with the revised site plan submitted to the Board on 12-17-10, within 60 days of this decision taking final effect; The tower facility shall be designed to the standard of TIAA 222G/Class 2 and shall be a monopole design; There shall be no lighting of the tower; The tower shall provide for at least three co-location opportunities; There shall be no microwave transmissions from the Property; The network connections shall be via landlines; There is no electrical generator proposed; however, if one is added, it shall be shielded to protect the residential abutters from noise; The impervious surface at the Property shall not be increased beyond, in the aggregate, a total of 30 feet by 30 feet to accommodate the tower facility; The tower shall be fenced and contain the necessary warning signs to protect public safety; There shall be no signage or advertising devices at all on the tower (i.e., no logos or other advertising devices). Any signage on the facility itself shall relate only to the use of the tower; Any modification to the relief granted hereunder shall require new relief from the Board; The tower shall be removed at the expense of the owner of the Property if it is abandoned or not used for a period of two years; and, if the owner does not timely remove the tower, the Town shall be granted a license to enter and remove the tower and the exercise of this permit shall be deemed agreement to allow the Town to place a lien against the Property to recover the reasonable costs of the Town to undertake the removal, including attorneys' fees and other legal costs. This decision shall be duly recorded within two years of its grant or such time as it becomes final, if there is an appeal, and it shall be exercised by		

undertaking the use within two years or this relief shall lapse, unless extended by the Board for good cause, upon an application for an extension before a lapse occurs.

---

**Hillcrest Acres (west side Horseneck Road) Phyllis Akerson & Robert Hale 12/30/80**

**DECISION:** Variance denied to allow the construction of a single family dwelling without meeting frontage requirements on Lot 1B, Assessor's Plan 72 on the basis that a substantial hardship did not exist due to the abundance of land available to create frontage.

---

**46 Hillside Road John & Angela Cummings 12/03/79**

**DECISION:** Variance denied to allow the subdivision of land without meeting area requirements on lots 161 and 163, Assessor's Plan 88 on the basis that the petitioner failed to demonstrate that a substantial hardship exists or that desirable relief maybe granted without derogating from the intent of the Zoning By-Laws.

---

**Hix Bridge Road/ Horseneck Road Sanford & Stanley Goldstein 09/21/84**

**DECISION:** Petitioner allowed to withdraw without prejudice application for a variance or special permit to allow the selling and repairing of farm equipment, repairing of cars for owner, and welding metals on Lot 1, Assessor's Plan 44.

---

**54 Hix Bridge Road Town of Westport (Proposed Fire Station) 01-16-08**

**DECISION:** To approve the variance request, particularly in as much as there is a 30-ft. driveway for any overflow parking. The hardship being demonstrated as financial and with damage to the environment of the area if not granted. This request does not denigrate from the bylaw and is subject to the plans being submitted which show 28 parking spaces and the submittal of the as-built plans when they are available.

---

**61-65 Hix Bridge Road Westport Entrepreneurs, Inc. 02/01/82**

**DECISION:** Petitioners allowed to withdraw their petition for variance without prejudice.

---

**165 Hix Bridge Road Wendell Morris 01/30/84**

**DECISION:** Variance denied to allow the existing building to be used as a work shop, repairing small engines and selling used and new small engines, equipment, lawn mowers, chain saws, riding tractors on Lot 37, Assessor's Plan 55 on the basis that the petitioner failed to demonstrate a hardship whereas the land was being used for what it was zoned for, and failed to demonstrate that the requested variance would not derogate from the intent and purpose of the By-Law.

**DECISION: 6/18/84** Cease and Desist Order as issued by the Inspector of Buildings dated April 5, 1984 upheld by the Board of Appeals.

**DECISION: 10/19/87** Petition to allow continued use of the property for a work shop used for small engine repair with sale of parts and new and small engine tools and equipment allowed to be withdrawn without prejudice.

---

**382 Hix Bridge Road Alton Boan 04/09/85**

**DECISION:** Application approved for authorization of an extension of a prior non-conforming use to allow the removal of sand and gravel from an additional seven acres in area, including the approximate 2 1/2 - 3 acres presently being excavated on Lot 30, Assessor's Plan 38 subject to the restoration area and proposed excavation area to be delineated upon an engineered plan to be filed with the Board not later than the expiration of the twenty-day appeal period.

**DECISION: 4/25/85** The plan submitted did not meet the Board's requirements, and therefore, did not approve Mr. Boan's request for an extension. The Board voted unanimously that the petitioner be granted a 30 day extension from April 24, 1985 to supply the plan needed by the

Board of Appeals showing precisely the new two (2) acres requested for the removal of gravel and the three (3) acres to be restored. Said plan is to be similar to a subdivision plan and/or perimeter plan precisely defining the bounds of the two (2) areas in relation to the bench mark roughly to the east of the area in question and to where the "Douglas Lane" comes into Hix Bridge Road.

**DECISION: 12/9/85** The Board voted to accept the revised plan of October 2, 1985 as being the correct plan to indicate the area to be excavated in accordance with their decision of April 9, 1985.

**DECISION: 7/1/87** The Board made a finding that the removal of the stock-piled gravel from the area of the Boan Farm, formerly known as the Swartz Pit, would not be more detrimental to the neighborhood than the current use providing there is no new excavation and no removal of loam and the area is restored in accordance with Soil Board requirements. The Board declined to make a finding regarding the request to allow continuation of a new permitted area in a east-west line southerly of the restored area until all restoration is completed in this area and the area to be restored lying west of the area in question.

**DECISION: 5/16/90** The Board made the additional findings of fact: The two acre extension granted in 1985 has been completely excavated and is in the process of restoration. The Swartz Pit area granted in 1987 has been completely excavated and completely restored. The petitioners submitted a plan indicating a specific two-acre area extending 109 feet southerly from the previous excavated area. The area is approximately 109 feet by 800 feet. The Board made a further finding that the extension of the excavation and/or removal operations into a two-acre un-worked area lying southerly of the excavated area would not be substantially more detrimental to the neighborhood than the prior non-conforming use of the two acres existing in 1987. This two acres to be excavated to be additional to the area being restored. The above findings of the Board are made subject to the area to be excavated as specifically shown as the shaded area shown on a plan entitled "Site Plan for Gravel removal permit on Boan Farm, Westport, MA (Hix Bridge Road) prepared by Stanley Engineering, Inc." dated February 1990 which plan is on file in the Town Clerk's office.

**DECISION: 06/26/98:** The Board further found that the extension of the excavation/removal operations into a new 2-acre section (Section A) lying southerly of the excavated area with specific conditions would not be substantially more detrimental to the character of the neighborhood than the prior non-conforming use. The Board voted unanimously with the five members present and voting throughout, on Costello's motion, seconded by Coutinho to grant the application for a finding to allow the extension of the prior non-conforming use for the removal of gravel from approximately two acres on land located at 382 Hix Bridge Road as shown on Assessor's Plan 38, Lot 30 subject to the following conditions: a) Work on the premises shall be limited to the hours of 7:30 a.m. to 5:00 p.m. Monday through Friday and Noon on Saturdays. No work is to be performed on Sundays and Holidays. b) No loam is to be removed for any reason. c) No excavation below the sixteen (16') foot elevation. d) The Soil Board conditions contained in their letter dated April 29, 1998 ("Exhibit A") are to be incorporated with this decision. e) These findings were made subject to the aforementioned plan submitted, and more specifically Section A, entitled, "Gravel Pit Expansion Plan for John A. Boan and Nancy B. Rodrigues, dated 1-8-98" on file with the Board of Appeals and Soil Board.

**DECISION: 10/18/01:** The Board found that the extension of the excavation/removal operations into a new approximately 2-acre section (Section A) lying southerly of the excavated area with specific conditions would not be substantially more detrimental to the character of the neighborhood than the prior non-conforming use. The Board voted unanimously with five members present and voting throughout, on Donna Lambert's motion, seconded by Craig Graham, to grant the application for a finding to allow the extension of the prior non-conforming use for the removal of gravel from approximately two acres on land located at 382 Hix Bridge Road as shown on Assessor's Plan 38, Lot 30.

---

**417 Hix Bridge Road /  
Cadman's Neck Road**

**David G., William J. &  
Robert L. Smith dba Long Acres Farm**

**11/21/75**

**DECISION:** Variance denied on Lots 8 & 9, Assessor's Plan 50 on the basis that the petitioners failed to prove that the relief desired could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-Laws. To the contrary, it was further the Board's opinion that the proposed use would be detrimental to the public good, and further that to allow a large commercial operation to be placed upon land suitable for permitted uses under the Zoning By-Law would in fact substantially derogate from the intent or purpose of the By-Law.

**DECISION: 1/27/76** Special permit granted to allow the removal of gravel from a portion of the Smith Brothers farm for private and/or commercial purposes in addition to the present removal operations of the Town of Westport subject to the following conditions: 1) The permit shall be granted to the present owners of the property and shall not run with the land nor be transferable; 2) The area covered by such permit for zoning purposes shall be all of the portion of the farm lying southerly of the present roadway leading from Cadman's Neck Road to the present town pit located on said farm; 3) The days and hours that work and/or removal operations may be conducted shall be a maximum as follows: a) From October 1st through May 14th - Monday through Saturday 7:00 a.m. to 4:00 p.m. b) From May 15th through September 30th - Monday through Friday 7:00 a.m. to 4:00 p.m. 4) There shall be no rock or stone crushers or other type of processing other than grading and screening at the site; 5) The removal operations shall be confined to and not exceed five acres at any one time and all acres previously worked shall be finished to satisfaction of Soil Conservation Board prior to the removal from additional areas of acreage; 6) No excavation shall be permitted below 12' above mean sea level. This permit shall remain in force for five years at which time it may be extended in the sole discretion of the Appeals Board.

**DECISION: 6/1/82** Variance granted to allow a winery to process and bottle wine on the premises, conduct tours of the vineyard and production facilities, and to sell wine at wholesale and operate a wine bar providing limited retail sales and for on premises consumption of wine produced in the vineyard on Lots 4, 8, 12, & 20, Assessor's Plan 50. Recorded in Book 1842, Page 1187.

---

**417 Hix Bridge Road**

**Robert & Carol Russell**

**04/21/90**

**DECISION:** Petition for a variance to define agriculture use to permit a winery and picnic area on land located on the south side of Hix bridge Road and off of Cadman's Neck road as shown on Assessor's Plan 50, Lots 4, 8, 12, & 20 allowed to be withdrawn without prejudice.

---

**417 Hix Bridge Road**

**Edward Howe**

**10/14/15**

**DECISION:** Request for an Administrative Appeal was denied; the Board voted to uphold the Building Commissioner's denial of Applicant's Enforcement Request.

---

**426 Hix Bridge Road**

**Amy & Tony O'Hara**

**01/30/08**

**DECISION:** Request for a Variance was allowed to withdraw without prejudice.

---

**450 Hix Bridge Road**

**Raymond & Kenneth Manchester**

**04/28/81**

**DECISION:** Variance granted to allow the subdivision of Lot 24, Assessor's Plan 38 into two parcels, one parcel to contain 150' of frontage and 60,000 square feet of area, such parcel to include the house and other buildings, the second parcel to contain 50' of frontage and all remaining area believed to be in excess of nine acres. This variance is granted upon the express condition that the large parcel will be limited to the construction of a single family dwelling with normal accessory out buildings.

---







**DECISION:** Special permit granted to allow the sale of boats and boat trailers on Lot 69, Assessor's Plan 76 subject to the following conditions: 1) That the special permit be limited to William E. and Garry A. Small; 2) That the operations will be conducted at the same general area of the ninety acre site that they presently occupy.

**DECISION: 12/18/79** Special permit granted to construct an addition to the existing building approximately 30' X 40' in size and allow the use of the newly constructed building to be used in conjunction with the prior non-conforming use and special permit dated 4/24/79.

---

**1143 Horseneck Road                      Garry A. & Lois M. Small                      10/21/04**

**DECISION:** Variance granted with the following conditions: 1) The sale of the property is for a single-family residence, to be built 900 feet off of Horseneck Road, in the wooded portion, westerly end of the lot, according to an aerial plan and flat plan, both of which are dated July 21, 2004 and shown as Project No. 9800101. Said Plans are incorporated in this decision. The Board also refers to a plan entitled "Plan of land in Westport, MA owned by William E. and Harold A. Small, Scale 1"=100", August 28, 1975, Hayward-Boynton & Williams, Inc. Surveyors, Civil Engineers, 47 West Elm Street Brockton, MA" which shows the original subdivision of these properties. 2) Access to the property will not be from the limited 64' frontage off of Horseneck Road, but, in fact, will be through an easement from the Smalls to Mr. Preston. 3) The granting of the variance is subject to this Board's receiving a copy of the recorded easement. 4) There shall be no further subdivision or development of the property. 5) The open space will continue to be farmed with the contiguous land currently owned by the Smalls. 6) There will be no curb cutting or driveway on Horseneck Road, as the only access to the dwelling is by an easement through the Small's adjacent property. Property is located on Assessor's Map-769, Lot 69-L.

---

**1227 Horseneck Road                      Garry & Ronald Small & Patricia Mayall                      02/04/83**

**DECISION:** Special permit denied to allow the construction of a 40'x100' boat storage shed on land located at 1227 Horseneck Road as shown on Assessor's Plan 76, Lot 69 on the basis that the petitioner failed to demonstrate and/or prove that the proposed use would not be more detrimental to the neighborhood than the existing use due to the close proximity of Horseneck Road, the residential character of the neighborhood, and the substantial distance away from the other group of buildings being used for business purposes.

**DECISION: 3/7/83** Special permit granted to allow the construction of the proposed 40'X 100' storage shed for boats, marine equipment and supplies and that the height and location of the proposed building was to be in accordance with such plan as submitted.

**DECISION: 11/16/84** Special permit granted to allow the storage of trailers/mobile homes in excess of the existing grandfather's rights established subject to the following conditions: 1) The number of trailer/mobile homes are not to exceed twenty-five; 2) Storage is for winter storage only and not for year-round; 3) Storage is to be on the west side of the new building.

---

**1253 Horseneck Road                      Robert & Nance Carroll d/b/a Bayside Restaurant                      03/07/78**

**DECISION:** Special permit granted to allow the sale of beer and wine to be consumed on the premises of Lot 40, Assessor's Plan 76 provided such permit is limited to the petitioners and/or a corporation wholly owned by them.

**DECISION: 08/29/80** Special permit granted to construct an addition to the existing building approximately 10' X 16' in size and allow this portion to be used as a kitchen or other service use, but not to be used to increase the seating capacity.

**DECISION: 05/31/88** Petition for a finding that a seasonal all alcoholic beverages liquor license in addition to the existing year-round wine and malt beverages liquor license on the same licensed premises would not be more detrimental than the existing use, was allowed to be withdrawn without prejudice.



**DECISION: 06/15/90** The Board made a determination that the proposed expansion of an existing storage shed on the northeast corner of the existing restaurant to 12' X 18' and the extension of the outside deck 8' X 30' on the west side of the existing deck to establish a gallery/gift shop for the sale of art work, crafts and gift items would not be more detrimental to the neighborhood than the existing use. Therefore, the Board voted to allow the expansion of the existing shed to a size approximately 12' X 18' to be used for a gallery/gift shop and to allow an addition to the existing deck approximately 8' X 30' on the west side of the existing deck.

**DECISION: 06/27/01** The Board determined that to add an entertainment license for outside entertainment to the existing non-conforming use as a restaurant would be substantially more detrimental to the neighborhood and not in harmony with the purpose and intent of the by-law.

---

**Howland Road** **Manuel & Eleanor Bairos** **11/02/83**

**DECISION:** Petitioner allowed to withdraw without prejudice an application for a variance to allow the construction of a single family dwelling without meeting frontage requirements on Lot 11, Assessor's Plan 88.

---

**Howland Road** **C. Reed Baker** **04/18/75**

**DECISION:** Variance denied on Lot 121, Assessor's Plan 88 on the basis that the petitioner failed to demonstrate that 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 or purpose of the Zoning By-Law.

---

**152 Howland Road** **Acoaxet Club, Inc.** **05/20/87**

**DECISION:** Application approved to allow an addition 7' X 27' for use as an outside bar and storage area on the north side of the east deck of the existing clubhouse on Lots 203, 204, 213 & 214, Assessor's Plan 88 on the finding that the proposed addition to the main building would not be substantially more detrimental to the neighborhood than the present use and would be in harmony with the intent and purpose of the By-Law.

---

**246 Howland Road** **Angela Nanni** **04/05/17**

**DECISION:** Petitioner was allowed to withdraw without prejudice.

---

**246 Howland Road** **Matthew Grosshandler/246 Howland SP, LLC** **6/30/20**

**DECISION:** Petition of Matthew Grosshandler for a finding that the proposed introduction of a door providing access to the crawl space that had been previously approved by the Zoning Board of Appeals on October 2, 2019 will not be inconsistent with the prior approval; said crawl space is not contiguous with the existing basement and will only have access to the outside. The subject property is located at 246 Howland Road, Westport MA and is shown on Assessor's Map 88, Lot 150.

**Motion** made, seconded and voted unanimously to **APPROVE** the petition with the following conditions:

1. The subject floor is to be filled-in such that there is no more than five (5) feet from the bottom of the ceiling floor joist to the floor.
2. One access opening on the outside wall is allowed and shall be no greater than four (4) feet wide by four (4) feet in length.
3. The access opening shall be installed on the east-facing wall.

**246 Howland Rd**

**Matthew Grosshandler**

**10/15/2019**

**Decision:** Applicant requests a finding that the proposed alteration 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 246 Howland Road and is shown on Assessor's Map 88, Lot 150.

Motion made to APPROVE the finding that the project is not substantially more detrimental to the neighborhood, with conditions as follows:

1. A 2-bedroom deed restriction be placed immediately in effect; such restriction is subject to re-evaluation or removal/abatement if and when municipal water and sewer are made available.
2. The structure meet all zoning regulations, including the height maximum of forty (40') feet.
3. The petitioner must manage water runoff with water runoff containment.

The motion was seconded, and the Board voted unanimously in favor of approving the finding.

**246 Howland Ave**

**Matthew Grosshandler**

**8/21/2019**

**DECISION:** Applicant requested a variance from the setback requirements under Zoning Bylaw 4.1.3, to allow the construction of a three-level single-family dwelling to contain 1,781 square feet of living space, including entry with cantilevered window seat and third-floor deck. The subject property is located at 246 Howland Road and is shown on Assessor's Map 88, Lot 150.

Motion made, seconded, and voted unanimously to grant the request of Matthew Grosshandler/246 Howland SP, LLC to withdraw the application for variance dated July 30, 2019 without prejudice.

---

**252 Howland Road**

**William & Kimberly O'Donnell**

**09/06/17**

**DECISION:** The Board found that the proposed project, including all the records and plans as presented, will not be substantially more detrimental to the neighborhood; in fact, it will enhance the neighborhood, where as the neighborhood is changing and this proposal goes right along with such change as shown in the other houses in the vicinity.

---

**297 Howland Road/ Atlantic Avenue**

**C K Beach Club**

**07/17/70**

**DECISION:** Special permit granted to erect eleven bathhouse units.

**DECISION: 07/03/71** Special permit denied for the addition of seventeen bathhouse units on the basis that the use will be detrimental to the established character of the neighborhood and substantial hardship was not shown.