

DECISION: 06/02/75 Variance granted to allow the conversion of the present church building located on Lot 24, Assessor's Plan 1 to be used for one apartment for dwelling purposes and one office or retail store selling merchandise or goods to be used or consumed off the premises upon the following conditions: 1) There is to be no more than one dwelling unit and one commercial unit at any one time. 2) Off-street parking shall be provided for a minimum of five automobiles. 3) This variance supercedes all prior variances.

128 Old Bedford Road **Richard Astle** **03/07/78**

DECISION: Special permit granted to allow the sale of second hand motor vehicles on Lot 31G, Assessor's Plan 1 upon the following conditions: 1) This permit is personal to the applicant and shall not run with the land; 2) There shall not be more than eight unregistered motor vehicles on the premises; 3) Storage of all motor vehicle parts are to be under cover and shielded from public view.

131 Old Bedford Road **Daniel Hickey/Armand Theroux** **09/04/97**

DECISION: Appeals Board found that the addition to the existing garage of 16' X 45' would not be more detrimental than the prior non-confirming use.

131 Old Bedford Road **Daniel Hickey/Armand Theroux** **09/12/01**

DECISION: Appeals Board found that to allow a portion of the property to be leased to erect a commercial outdoor advertising structure would be contrary to the Town's Zoning By-Laws and substantially more detrimental than the existing prior non-conforming use.

140 Old Bedford Road **Dorothy M. Borden** **10/02/80**

DECISION: Variance granted to allow the construction of a garage building without complying with the set-back requirements, such building to be not less than 10 feet from Frontage Street on Lot 31F, Assessor's Plan 1.

DECISION 11/04/80: Special permit granted to allow the prior non-conforming use of a part-time auto repair business to be expanded into repair of vehicles to be conducted within the garage building presently under construction subject to the following conditions: 1) Hours of operation shall not extend later than 10:00 p.m.; 2) No repair work to be performed on Sundays or Holidays; 3) No employees to be hired; 4) All repairs and storage of motor vehicles to be confined within the building; 5) There shall be no outside storage of motor vehicle parts, including tires, batteries, and similar motor vehicle parts or equipment.

222 Old Bedford Road **Henry & Wordell Sampson** **11/23/81**

DECISION: Variance denied for permission to use as a licensee or a lessee under M.G.L. Chapter 140 and as owner or lessee receiving permission to keep, store, park, place, deposit, or remain on the premises unregistered cars on Lot 17, Assessor's Plan 2 on the basis that the petitioners failed to demonstrate and/or prove conditions that especially affected the land, but not affecting generally the zoning district in which it is located, which would involve a substantial hardship, nor did the petitioner prove that the variance could be granted without derogating from the intent or purpose of the By-Law and/or without substantial detriment to the public good.

248 Old Bedford Road **Rene St. Martin** **08/20/79**

DECISION: Variance denied to allow a motorcycle repair shop in the existing building on lot 21A, Assessor's Plan 2 on the basis that the petitioner failed to demonstrate that a substantial hardship exists or that desirable relief may be granted without substantial detriment to the public good.

320-322 Old Bedford Road

Doris J. Donnelly

02/07/89

DECISION: Variance denied to allow a waiver of area requirements for a two family residence on Lot 25, Assessor's Plan 2 on the basis of the determination that if a hardship existed, it was a self-created hardship through the division of the petitioner's property which was not in conformance with the Zoning By-Laws into two lots, one of which failed to meet the zoning requirements. The Board further determined that if a hardship exist, the property can be brought into conformance with the Zoning By-Laws through the use of the dwelling as a single family dwelling instead of a two family dwelling.

375 Old Bedford Road

Leanna Tripp

06/12/79

DECISION: Variance granted to allow the use of Lot 10, Assessor's Plan 5 for the keeping of a maximum of ten dogs for the personal use of the person(s) residing on the premises. This variance is limited to an expiration date of April 1, 1984.

388-C Old Bedford Road (Cahoon's Lane) Roland & Diane Lavoie

03/21/89

DECISION: The Board determined that there was a prior non-conforming use attached to Lot 41A, Assessor's Plan 2 for use of the parcel for year-round dwelling purposes. The Board then determined that the construction of a modern single family dwelling house to replace the trailer would constitute a modification or change of the prior non-conforming use and thereupon made a finding that the modification or change of the prior non-conforming use of the trailer for dwelling purposes to the use of a dwelling house for dwelling purposes would not be substantially more detrimental to the neighborhood than the prior non-conforming present use. This finding to allow the use of the premises for a single family dwelling is conditional upon the petitioner removing the trailers from the premises prior to the issuance of any occupancy permit, and the construction of the house not interfering with the service of electric power to the abutting property without financial burden to the abutting property owner.

388-F Old Bedford Road

Fernand Coulombe

03/25/92

DECISION: The petitioner questioned the status of Cahoon's Lane. The Town does not consider this Drift Way as a way suitable to be used for subdivision purposes under the provisions of M.G.L. Chapter 41, Section 81L. The Board has further taken the position that the Board has no power to grant a variance concerning frontage requirements of a lot with absolutely no frontage on a way as specified in M.G.L. Chapter 41, Section 81L. U.S. v. 176.10 Acres of Land 558 F. Supp. 1379. The Appeals Board concurs with the Planning Board in its decision that the plan is not entitled to endorsement "Approval Not Required," but in fact, requires subdivision procedures to be followed.

388-F Old Bedford Road

Robert & Lisa Grillo

05/13/14

DECISION: the following determinations were voted in the affirmative:

- 1) The access way shown on the 2013 ANR Plan as "Driftway" or "Cahoon Lane" or "Proprietor's Way" is not a duly accepted public way in the Town within the meaning of the definition of Frontage set forth under ZBL §1.1.
- 2) The access way shown on the 2013 ANR Plan as "Driftway" or "Cahoon Lane" or "Proprietor's Way" is not a way that is "not less than 40 feet wide [and is] shown on plan duly recorded after April 10, 1920" within the meaning of the definition of Frontage set forth under ZBL §1.1
- 3) The access way shown on the 2013 ANR Plan as "Driftway" or "Cahoon Lane" or "Proprietor's Way" is as shown on the 1908 Freeman's and Pocasset Purchases Plan and constitutes a way that falls within the language of "any other way equivalent to a public way for the purposes of subdivision control as specified in General Laws, Chapter 41, Section 81L" within the meaning of the definition of Frontage set forth under ZBL §1.1.

- 4) The four lots shown on the 2013 ANR Plan, based upon the title information and certificate provided to the Board, are bounded to the east by the way shown on the 2013 ANR Plan as “Driftway” or “Cahoon Lane” or “Proprietor’s Way”.
- 5) Lot 1 physically abuts the traveled portion of the way shown on the 2013 ANR Plan as “Driftway” or “Cahoon Lane” or “Proprietor’s Way”.
- 6) Lots 2-4 physically abut the traveled portion of the way shown on the 2013 ANR Plan as “Driftway” or “Cahoon Lane” or “Proprietor’s Way”
- 7) Lot 1 as shown on the 2013 ANR Plan intersects continuously with the street line for the way shown on the 2013 ANR Plan as the “Driftway” or “Cahoon Lane” or “Proprietor’s Way” within the meaning of the definition of Frontage set forth under ZBL §1.1.
- 8) Lots 2-4 as shown on the 2013 ANR Plan intersect continuously with the street line for the way shown on the 2013 ANR Plan as the “Driftway” or “Cahoon Lane” or “Proprietor’s Way” within the meaning of the definition of Frontage set forth under ZBL §1.1.
- 9) Lot 1 as shown on the 2013 ANR Plan has legal frontage on the access way shown on the 2013 ANR Plan as the “Driftway” or “Cahoon Lane” or “Proprietor’s Way” within the meaning of the definition of Frontage set forth under ZBL §1.1.
- 10) Lots 2-4 as shown on the 2013 ANR Plan have legal frontage on the access way shown on the 2013 ANR Plan as the “Driftway” or “Cahoon Lane” or “Proprietor’s Way” within the meaning of the definition of Frontage set forth under ZBL §1.1.
- 11) Based upon the above findings and determinations, the Board voted 5 to 0 to **reverse** the Building Inspector’s determination that Lot 1 does not have frontage on the access way shown on the 2013 ANR Plan as the “Driftway” or “Cahoon Lane” or “Proprietor’s Way” within the meaning of the definition of Frontage under ZBL §1.1.
- 12) Based upon the above findings and determinations, the Board voted 4 to 1 to **reverse** the Building Inspector’s determination that Lots 2 through 4 do not have frontage on the access way shown on the 2013 ANR Plan as the “Driftway” or “Cahoon Lane” or “Proprietor’s Way” within the meaning of the definition of Frontage under ZBL §1.1.

491 Old Bedford Road Peter & Donna Dragon – The Henry Gonsalves Co. 06/25/85

DECISION: Variance denied to allow a sawmill business to be operated on Lot 44, Assessor's Plan 2 on the basis that the Board determined that the property could be utilized for several permitted uses and the petitioner failed to demonstrate a substantial hardship to warrant granting a variance for sawmill operations owing to circumstances relating to the soil conditions, shape, or topography of such land and especially affecting such land but not generally affecting the zoning district in which it is located, and 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 such ordinance or By-Law.

555 Old Bedford Road John & Beatrice Rodrigues 04/24/79

DECISION: Variance granted to allow Lot 8A, Assessor's Plan 5 to be subdivided into two separate lots, each such lot to contain a single family dwelling. It is expressly understood the front lot shall consist of a minimum of 150 feet of frontage and 20,000 square feet; the rear lot shall consist of a minimum of 60,000 square feet and 150 feet of frontage. It is understood that the frontage for the rear lot should not be construed to require the actual construction of a new way if the Westport Planning Board deemed advisable to waive construction requirements.

DECISION 01/8/81: Variance granted to allow Lot 8a, Assessor's Plan 5 to be subdivided on Old Bedford Road into two (2) separate lots, each lot to contain a single family dwelling. It is expressly understood the front lot containing a house and garage shall consist of a minimum of 150 feet of frontage and 20,000 square feet; the rear lot shall consist of a minimum of 60,000 square feet and 58 feet of frontage.

567 Old Bedford Road Man Car, Inc. 05/17/83

DECISION: Petitioner allowed to withdraw its petition for variance without prejudice.

DECISION 8/21/84: Variance granted to allow the premises located on Lot 10, Assessor's Plan 5 to be utilized for a three family residence subject to the following condition: 1) Parcel B as shown on a plan of land entitled "Plan of Land in Westport, Mass. for Man Car, Inc., dated May 19, 1984, surveyed by Allen D. Quentin, R.L.S. Scale 1"=60'" be annexed to Parcel "A" as shown on such plan; 2) Any deeds necessary to conform the original parcel conveyed in 1982 to Parcel "A" as shown on such plan to be executed and recorded; 3) This variance shall not be construed as an approval of the subdivision made in 1982 nor in any way grant legal status to the remaining land of Roland and Eva Daignault which does not presently conform to zoning.

567 Old Bedford Road/ 560 Highland Avenue Robert Desmarais 12/29/87

DECISION: The petitioner requested an appeal from the Building Inspector's decision as Zoning Enforcement Officer indicating the land off Old Bedford Road was subdivided without complying with Westport Zoning By-Laws Section VA and VD and that such parcel is being used for commercial purposes in violation of the Westport Zoning By-Law Section IV. The Board made a determination that the decisions of the Building Inspector as set forth in a letter forwarded by town Counsel to Mr. Desmarais on his behalf dated October 26, 1987 were in compliance with the factual background and Zoning By-Laws. Therefore, the Board voted to uphold such decisions made by the Building Inspector in the letter dated October 26, 1987.

Old County Road/ Drift- Road (north) People's Realty & Trading Corp. 08/29/68

DECISION: Revoked building permit for seventeen unit apartment house on Lot 23, Assessor's Plan 51.

26 Old County Road Florence Lekom 09/06/77

DECISION: Variance granted to allow for the storage and sale of firewood and wood chips on Lot 1, Assessor's Plan 35.

165 Old County Road (west side) Russell & Elsie May Bates 11/18/74

DECISION: Variance granted to allow Lot 5, Assessor's Plan 66 to be subdivided into two lots, one containing 60,000 square feet in area with 131.12 feet frontage, and one containing approximately twenty-four acres with 150 feet frontage.

244 Old County Road Douglas & Nancy Cardin 02/21/90

DECISION: Variance granted to allow the construction of a storage building on Lot 22, Assessor's Plan 35 for storage and sale of livestock and the following agricultural products: beddings, hay, grain, veterinary supplies, fertilizer and seed for agricultural purposes.

316 Old County Road Bruce D. Beaulieu 10/19/70

DECISION: Building permit denied to construct dwelling on Lot 11 due to lack of frontage.

332 Old County Road(north side) Edward P. Estate & Genevieve Whitty 02/04/83

DECISION: Variance granted to allow the subdivision of Lot 28, Assessor's Plan 35 into two lots, one lot containing the present house, 120 feet of frontage and a minimum of 20,000 square feet; the second lot to contain 150 feet of frontage and a minimum of 60,000 square feet.

DECISION: 5/2/83 Petitioner allowed to withdraw without prejudice his application for a variance to allow the subdivision of one lot into two lots without meeting area and frontage requirements; one lot to contain the dwelling, 120.90 feet of frontage and 15,986 square feet of area; the other lot to contain 150 feet of frontage and 60,000 square feet of area on land located on the north side of Old County Road as shown on Assessor's Plan 35, Lot 28.

408 Old County Road Town of Westport-Public Library 08/27/08

DECISION: To approve the request for variances from Zoning Bylaw Article 5, Section 5.1.0 for a reduction of parking space size, the continuation of existing driveway at the south side of the building for staff parking and the continuation of the existing main entrance driveway at 408 Old County Road with the reason being the size and topography of the area and the non-detriment to the purpose of our bylaw.

423 Old County Road Antonio & Jean Gracia 07/29/88

DECISION: Variance granted to allow an existing garage on Lot 22, Assessor's Plan 51 to be set-back less than the 25 foot current set-back requirements from the layout of a new street on land located at 423 Old County Road.

493 Old County Road Landing Commissioners & Anthony Vincent 05/21/81

DECISION: Special permit granted to allow the area (Town Landing) on the east side of the structure on Lot 1, Assessor's Plan 39 to be used for the sale of motor vehicles upon the following conditions: 1) the motor vehicles to be displayed shall not exceed five; 2) There shall be no outside storage of motor vehicle parts, and is to be kept neat and clean; 3) A passageway, a minimum of fifteen (15) feet in width along the east side of the building to the land, shall be maintained for access to the river; 4) There are to be no alterations to the premises, and no additional lighting; 5) There are to be no junk vehicles stored on the premises; 6) The hours of operation are to be limited to 7:00 a.m. to 12:00 p.m. on Saturdays.

493 Old County Road Westport River Watershed Alliance 05/25/16

DECISION: Petition for a Finding was allowed to be withdrawn without prejudice.
DECISION 09-22-16: Petition was for a Finding and Special Permit - the Board voted to grant the Special Permit based upon the facts and with the conditions as discussed and based upon the plans and exhibits referenced herein, with the notation, however, that the septic plan and location shown on the plan (Exhibit 1) is not approved under this decision and will be required to obtain all necessary approvals.

493 Old County Road Landing Commission & Paul & Elizabeth Mercer Izyk 04/28/81

DECISION: Special permit granted to allow the use of Lot 1, Assessor's Plan 39 (Town Landing) as a retail garden shop subject to the condition that there is to be no increase in the size of the building.

493 Old County Rd Thomas Schmitt 9/12/2018

DECISION: Applicant request a determination if recent proposed changes to the WRWA River Center impacts a previous Zoning Board of Appeals (ZBA) decision.

Motion was made, seconded, and voted unanimously that the proposed changes are not substantial and will not impact the neighborhood. No formal hearing will be required. Mr. Menard added that when the WRWA has a final set of plans, the plans are to be provided to the ZBA for review and approval.

502 Old County Road Albert & Elizabeth Grundy & 05/14/84
Mary Gordon Emsley & Thomas Fleming

DECISION: Special permit granted to allow the change in use of the premises on Lot 3, Assessor's Plan 39 to be used for a fitness club, to operate a real estate office and a building and engineering office subject to the following conditions: 1) Hours of operation - a) Body Works - Monday - Friday 8:30 a.m. - 6:30 p.m.; Saturday 8:30 a.m. - 12:00 Noon; b) Real Estate Office - unlimited; c) Building and Engineering Office - 7:00 a.m. - 6:00 p.m. Monday - Friday; Saturday - 1/2 day; 2) The plans as filed cannot be enlarged or changed; 3) Parking is limited to 22 spaces

as shown on the plan only; 4) There is to be no lighting on the entrance at least 310 feet back from Old County Road; 5) There is to be no outside storage of equipment of any kind, materials, or vehicles of any kind; 6) The plan is to be strictly adhered to - no changes in design etc.; 7) No alcoholic beverages will be allowed; 8) No wholesale or retail sales will be allowed.

505 Old County Road **Portuguese American Holy Ghost Society, Inc.** **09/06/77**
DECISION: Special permit denied to allow the operation of a flea market two days per week on Lot 3, Assessor's Plan 39, whereas, the petitioner failed to present sufficient evidence that the change in use was not substantially different in character; and further, that the change in use was not more detrimental to the neighborhood or district.

513 Old County Road **Stephen Mercer** **11/09/79**
DECISION: Variance denied to allow the construction of wood heaters on Lot 5, Assessor's Plan 39 on the basis that the petitioner failed to demonstrate that a substantial hardship exists or that desirable relief may be granted without derogating from the intent of the Zoning By-Law.

513 Old County Road **Phyllis R. Souza d/b/a Captain Allie's S.E.A. Chest** **04/17/84**
DECISION: Variance denied to allow a nautical gift shop on Lot 5, Assessor's Plan 39 on the basis that the petitioner failed to demonstrate a hardship and that desirable relief may be granted without substantial detriment to the public good.

536 Old County Road **Westport Sand & Gravel Corp.** **05/19/87**
DECISION: Finding requested that the addition of a 30' X 75' storage garage for equipment and the demolition of two existing buildings would not be substantially more detrimental than the existing non-conforming use to the neighborhood on Lots 7, 8, & 52, Assessor's Plan 34. Town Counsel advised the Board that it was his opinion based upon his research and previous court cases that the construction of a new building did not fall within the perimeters of the definition of an "extension", "alteration" or "change" of a prior non-conforming building or structure and, therefore, it was his opinion that the petitioner required a variance rather than a finding under Section VI of the Westport Zoning By-Laws. Based upon the Town Counsel's opinion the Board voted unanimously not to make the requested finding due to its lack of authority to make such a finding under the circumstances.

536 Old County Road **Cardi Corporation** **06/04/92**
DECISION: The Board voted unanimously to allow the request for a finding to allow the display of a sign approximately 32 sq. ft. in lieu of the 6 sq. ft. to withdraw without prejudice.

536 Old County Road **Westport Stone & Sand** **10/04/17**
DECISION: The Board voted that the applicant has not abandoned the pre-existing, non-conforming use.

536 Old County Rd **Frank Epps** **1/23/2019**
DECISION: Applicant requests a Special Permit per Article 8 authoring the installation and use of a solar facility in an Aquifer Protection District located at 536 Old County Rd. The property is shown on Assessor's Map 34, Lots 7, 8, and 52.

Motion made, seconded, and voted unanimously to grant the Special Permit for installation of a solar array in an Aquifer Protection District at 536 Old County Road with findings and conditions as follows and to be incorporated in the decision:

Findings:

1. The Board found that the proposed uses of and proposed structure to the property satisfy the requirements of Zoning Bylaw Section 8.3.3A.
2. The Board found that the proposed uses and structure 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, chemicals or fuels 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 on 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/or stored at the property.
9. There will be only one (1) roofed structure on the property, which will not be used to store any chemicals, fuels, or fuel-powered equipment or any other materials and is primarily used for aesthetic purposes at the entrance to the site.

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 or 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. Any change to the plans in the area of the Aquifer Protection District must be approved by the Zoning Board of Appeals.
5. The project will be built in accordance with the plans and data submitted to the Zoning Board of Appeals.

6. All equipment fluids shall be non-toxic (reference to MSDS sheets).
7. All provisions of Article 24 and applicable sections of Article 8 are to be adhered to.
8. The sand & gravel operation shall cease and there shall be no commercial activity on the property other than the solar array.

536 Old County Road Westport Stone & Sand Solar 4/8/21

DECISION: Applicant has requested a 12-month extension for commencement of construction of a solar facility in an Aquifer Protection District, pursuant to General Conditions, Number 3 of Special Permit granted on February 5, 2019.

After consideration of the reasons outlined in the Applicant's letter of February 18, 2021, as well as the comments and reasons presented to the Board by the Applicant's representative, a motion was made, seconded and voted unanimously by the Board to **GRANT** the 12-month extension for commencement of construction to February 5, 2022.

552 Old County Road Robert & Alyce Gagnon 10/19/87

DECISION: Variance denied to allow the operation of a gift boutique in the garage on Lot 56A, Assessor's Plan 34 on the basis that the petitioners 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-Laws.

561 Old County Road Dorothy Hopkinson 07/30/88

DECISION: Variance granted to allow the removal, on Lot 10, Assessor's Plan 39, of approximately two acres of sand, gravel, or fill as shown on a plan of land entitled "Gravel Removal Plan in Westport, MA prepared for the Town of Westport", prepared by Brant S. Haworth Assoc., dated May, 1988 subject to the following conditions: 1) The removal operations will be completed within one (1) year from the date that the soil removal permit is issued by the Soil Board; 2) If removal operations are to be performed other than the Town of Westport, further approval of the Appeals Board must be obtained to verify that the removal operation will be in compliance with the presentation made to the Appeals Board and the Town's people; 3) Hours of operation shall be limited to five days per week between the hours of 8:00 a.m. to 4:00 p.m. No weekends or holidays; 4) No processing of materials or crushing of stones is to be conducted on the premises.

DECISION 11/7/89: The Board voted to extend the permit to April 17, 1990 subject to the same terms and conditions of the original variance with the exception that removal operations may be conducted on Saturdays between the hours of 8:00 a.m. and 4:00 p.m.

603 Old County Road Jonathon Potter 07/08/77

DECISION: Variance granted to allow the subdivision of Lot 1, Assessor's Plan 40 into two lots with the lot south of the homestead to contain 60,000 square feet of area and a minimum of 150 feet of frontage.

DECISION: 11/03/98 Board of Appeals upheld Inspector of Buildings decision to issue a building permit for an apartment in denial of the Field's enforcement petition or appeal.

603 Old County Road Jonathan Potter/Robin Erickson 06/13/96

DECISION: Variance denied to complete apartment and for a retail florist shop.

DECISION 08/24/98: Administrative Appeal of Brian & Patricia Field withdrawn without prejudice.

616 Old County Road (north side) Janice L. Field & Viola M. Lawton 05/03/73
DECISION: Variance granted to convert a two-story garage into a single family dwelling on Lot 53, Assessor's Plan 34.

629 Old County Road (south side) Anthony & Linda Martin 08/12/76
DECISION: Variance granted to allow the petitioner to keep and maintain up to ten dogs for hunting and field trial purposes on a personal basis on Lot 3, Assessor's Plan 40. The variance is granted upon the express conditions: 1) That such kennel license is limited to the above uses only and there shall be no boarding, breeding, selling of dogs and other uses normally associated with a commercial licensed kennel; 2) That the present buildings and premises will not be expanded without permission of the Board; and 3) That the keeping and maintaining of dogs shall be limited to four months per year

703 Old County Road (south side) Mark Realty & Virgilio Zanin Development 04/28/81
DECISION: Variance granted to allow the construction of a single family dwelling upon the combined Lots 17 and 53, Assessor's Plan 40 without meeting frontage requirements upon the express condition that the two parcels be considered as one parcel and that such parcel would not be further subdivided.

726 Old County Road Barbara Smith 09/06/77
DECISION: Special permit granted to allow the use of Lot 6, Assessor's Plan 34 for a horse breeding farm and training farm in addition to a stable for the keeping of horses for personal and show purposes.

7 OLD FARM ROAD Andre Brum Soares/Whitney Pacheco 7/7/20
DECISION: Petition of Andre Brum Soares and Whitney Pacheco of 7 Old Farm Road for a Special Permit to install a 728-square-foot one-bedroom accessory apartment on the second level of a two-level garage to be constructed, as mandated by Zoning Bylaw Article 4, Section 4.1.1.D.13. The subject property is located at 7 Old Farm Road and is shown on Assessor's Map 68, Lot 23.

Motion made to **ACCEPT** the Petitioners' request to withdraw their application for Special Permit with prejudice on the grounds that the house is being sold and the Special Permit is no longer required. Motion was seconded and the Board voted unanimously to accept the withdrawal of the application.

30 Old Farm Rd Mark Cipollini 2/13/2019
DECISION: Petition of Mark F. Cipollini for a special permit for a detached in-law unit pursuant to the allowances found in 4.0.1. D,13 et seq., and a variance approving such detached in-law unit to be approximately 90 square feet in excess of the allowed 750 square feet as defined under 4.0.1. D,13 et seq. The property is located at 30 Old Farm Road, Westport, MA and is shown on Assessor's Map 68, Lot 23J.

Motion made, seconded, and voted unanimously to approve the petition for a special permit for a detached accessory apartment, pursuant to the allowances mandated in 4.0.1.D,13, such detached accessory apartment to contain no greater than 840 square feet as defined in 4.0.1.D,13. The property is located at 30 Old Farm Road, Westport, MA and is shown on Assessor's Map 68, Lot 23J, with the following conditions:

and control any odor that may occur at the site; 7. All dogs at the site shall be properly licensed. This special permit is for the existing dogs only, to a maximum of six (6). At the expiration of any of the dogs, said dog shall not be replaced until the number of dogs are brought into compliance with the non-special permit bylaws in place at the time of expiration. 8. The petitioner is hereby required to submit a letter requesting an on-site inspection for a six-month review of compliance with the conditions and restrictions hereby imposed.

245 Old Harbor Road **Everett Mills** **02/21/90**

DECISION: Variance denied to allow the use of a separate office/rooms in a detached garage building in conjunction with a recognized profession on Lot 6A, Assessor's Plan 86 on the determination that the petitioner had alternative options available to place the professional office within the dwelling which would comply with the Zoning By-laws standards. the Board further found that the petitioner failed to prove 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-Laws.

DECISION: 11/17/94 The Board found that the use of the easement area over the Mills property as shown on a plan of land entitled "Plan of Land in Westport, MA drawn for Beverly J. Anarumo" recorded in Bristol County (S.D.) Registry of Deeds Plan Book 112, Page 124 for access to the land lying in Little Compton, RI is not a violation of the Westport Zoning By-Laws subject, however, to the condition that: Any further use beyond the existing use of the easement to service the existing two parcels in Little Compton, RI will require compliance with subdivision regulations and the approval of the Planning Board.

356 Old Harbor Road **Eugene & Eugenie Fortin** **06/12/78**

DECISION: Variance denied allowing the operation of a gift shop on Lot 16, Assessor's Plan 86 on the basis that the petitioners failed to demonstrate that a substantial hardship exists, nor did they prove that the variance would not be a detriment to the public good.

435 Old Harbor Road **Elizabeth Atwood Lawrence** **09/08/59**

DECISION: Variance granted to practice veterinary medicine on Assessor's Plan 5 (old #), Lots 12 & 31 (east & west sides of Old Harbor Road).

559 Old Harbor Road **Oscar M. Sylvia, Jr.** **10/12/70**

DECISION: Variance granted to conduct lawn & garden service business only and to be contained in the existing building.

DECISION 1/30/75: 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.

45 Old Horseneck Road **Sandra Hayes** **02/17/16**

DECISION: Variance was granted to build a 22' x 27' garage to the existing single family dwelling with a proposed setback from Shirley Street of 18' due to the hardship being the size of the lot, the odd-shape of the lot and the placement of the well, which prohibits the placement of the garage to a different direction and due to the location of the neighbor on the opposite side of the property, prohibiting placement of a garage.

55 Old Horseneck Road **Cynthia A. Capone** **07/24/13**

DECISION: to deny the application due to no hardship being presented and no consent being presented from the homeowner.

155 Old Pine Hill Road **Helen & Linda Medeiros** **06/18/84**

DECISION: Variance granted on Lots 23 & 24, Assessor's Plan 43 to allow Linda Medeiros to convey a parcel of land with 11 feet + or - of frontage and 788 square feet of area to Augustine Medeiros, Jr. and Helen Medeiros to convey a parcel of land consisting of 40,688 square feet to Augustine Medeiros, Jr. all as shown on a plan entitled "Plan of Land in Westport, Mass. owned by Linda J. Medeiros & Helen Medeiros, Scale 1"=50", dated March 19, 1984, Allen D. Quinton, R.L.S., 28 Costa Street, No. Dartmouth, MA" which would result in a legal lot under the Westport Zoning By-Laws standing in the name of Augustine Medeiros, Jr. and Linda Medeiros for a parcel of land containing 300 feet of frontage and over (70 acres in area.

163 Old Pine Hill Road Augustine & Helen Medeiros 05/28/74

DECISION: Variance granted to allow the conveyance of a portion of the property containing a dwelling house to be annexed to adjoining land on the south side of the premises, with the remaining portion after such conveyance also containing another dwelling house and having 130 feet frontage on Old Pine Hill Road.

7 Olin Howland Way New Cingular Wireless (AT&T) PCS, LLC 2/26/14
- Tower Resource Management

DECISION: The petitioner was allowed to withdraw without prejudice.

Orlando Drive Manuel & Mary Papoula/ Joao & Maria Botelho 10/26/76

DECISION: Variance denied to allow a ten-dog kennel license on Lot 29N, Assessor's Plan 68 on the basis that the petitioners failed to present sufficient evidence that there were special conditions affecting this particular parcel of land and that the petitioners failed to demonstrate that a hardship exists; that desirable relief could not be granted without substantial detriment to the public good.

61 Osborn Street John Tripp, Jr. 05/04/83

DECISION: Variance granted to allow the construction of a 18' X 24' residential garage on Lots 97, 98 & 98A, Assessor's Plan 25 without meeting side-line and rear-line set-back requirements subject to the following conditions: 1) The garage is to be located no closer than four (4) feet from the side lot line and no closer than four (4) feet from the rear lot line; and 2) The height of the garage is not to exceed one (1) story.

65 Osborn Street Virginia I. Graham 10/14/93

DECISION: Variance denied to allow an existing storage and loam screening business to continue in a residential area.
