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## ARTICLE 10: ZONING PROTECTION

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### **SECTION 10.00 APPLICABILITY**

- A. Except as herein after provided, these By-Laws shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building, Special Use Permit or Special Permit issued before the first publication of notice of the public hearing on these By-Laws or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit, Special Use Permit or Special Permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the non-conforming nature of said structure.
- B. Construction or operations under a building permit, Special Use Permit or Special Permit shall conform to any subsequent amendments to these By-Laws, unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

### **SECTION 10.01 NON-CONFORMING USES, STRUCTURES AND LOTS**

- A. The lawful use of any structure or land existing at the time of passage or amendment of these By-Laws may be continued although such structure or use does not conform with provisions of these By-Laws.
- B. Except as otherwise provided in these By-Laws, pre-existing, non-conforming structures and uses shall be governed by MGL, Chapter 40A, Section 6. *(Art. 17, 05/08/95 ATM)*
- C. The Building Commissioner may issue a building permit for an extension, reconstruction or alteration to a pre-existing, non conforming single family or two-family residential structure under the following circumstances
  - 1. The extension, reconstruction or alteration of the structure complies with current setbacks and building height requirements.
  - 2. The extension, reconstruction or alteration to the side or face of a structure that does not comply with a current setback requirement, where the extension, reconstruction or alteration will not result in a decrease in the distance between any lot line and the nearest point of the structure.
  - 3. The extension, reconstruction or alteration will not extend beyond the existing footprint of the structure, provided that the structure will comply with current building height requirements; *(Art. 15, 05/10/99 ATM)*
- D. A pre-existing, non-conforming structure damaged by fire or other causes may be repaired or reconstructed by only to the original square footage.

- E. Pre-existing, non-conforming structures or uses may be extended, reconstructed or altered, provided that no such extension, reconstruction or alteration shall be permitted unless there is a finding by the Board of Appeals that such extension, reconstruction or alteration shall not be substantially more detrimental than the existing, non-conforming structure or use to the neighborhood. *(Art.24, 05/14/01 ATM)*
- F. No pre-existing, non-conforming use shall be changed to another non-conforming use except upon finding by the Board of Appeals that such change shall result in a use more in keeping with the character of surrounding properties
- G. This Section allowing non-conforming uses to continue shall not apply to adult uses as defined in Section 9.12 hereof. All adult uses must comply in all respects with the provisions of Section 9.12. *(Art 10, 05/11/98 ATM)*

#### **SECTION 10.02 ABANDONMENTS**

- A. A non-conforming use which has been abandoned or not used for a period of two (2) years shall not be re-established and any future use shall conform with these By-Laws.
- B. Once changed to a conforming use, no structure or land shall revert to a non-conforming use

#### **SECTION 10.03 EXEMPTIONS**

- A. The exemptions from zoning regulations found in the provisions of Section 3, Chapter 40A, of the Massachusetts General Laws as amended, shall be afforded those uses as noted therein which are located within the Town.

#### **SECTION 10.04 ZONING FREEZE**

- A. The zoning protections found in the provisions of Section 6, Chapter 40A, of the Massachusetts General Laws as amended, shall be afforded all lots, subdivision plans and uses within the Town.