

Article I: Miscellaneous Provisions

§ 174-9 Special permit requirements.

[Amended 4-14-1986 ATM by Art. 46]

E. Nonconforming uses, lots and structures. Special permits may be issued for the extension, alteration, reconstruction or otherwise structure change of legally nonconforming uses, structures and lots, including a change in the nonconforming use to another nonconforming use, provided that the Board of Appeals finds that such extension, alteration, reconstruction or otherwise structural change shall not be substantially more detrimental to the neighborhood, will not increase the extent of nonconformance in size or in impact and that the cost thereof shall not exceed 50% of the assessed value of the nonconforming structure at the time of application, and further provided that the estimate of the cost of any extension or alteration utilized by the Board of Appeals in evaluating the above specified 50% requirement of the assessed value shall not be less than a cost estimate of such extension or alteration based on a nationally recognized building cost estimate manual or system acceptable to the Zoning Board of Appeals.

[Amended 4-15-2008 ATM by Art. 38]

Deleted:

Deleted: or

Deleted: No special permits under this subsection shall be granted for nonconforming signs subject to Chapter 93 or 93D of the General Laws.

Article V: Nonconforming Uses and Structures

§ 174-18 Exemptions.

Any structure lawfully erected and existing and any use lawfully being made of land or buildings which do not conform to this chapter, as adopted or as amended, may be continued to the same extent and for the same purpose but shall not be expanded or altered, except in conformance with this chapter. This exemption shall include buildings, structures and uses authorized by a building or special permit issued prior to the publication of the first hearing notice for an amendment to this chapter which would make them nonconforming, provided that the construction or use under such a permit is commenced within six months after the permit is issued and, in case of construction, is continued to completion in a reasonably expeditious manner.

§ 174-19 Extensions, alterations, reconstruction or structural changes,

[Amended 4-10-2000 ATM by Art. 55]

A. Nonconforming structures or uses shall not be extended, reconstructed or structural changes made, except to make them conforming, unless the Board of Appeals authorizes such extension or alteration by special permit upon making findings as provided in § 174-9E. Any alteration, extension, reconstruction or structural change not listed in subsection B (1) (2) (3) or (4) will require an application to the Board of Appeals.

B. Single-family and two-family residential structures. In the following circumstances, alterations, reconstruction, extension or structural change to a single-family or two-family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted as of right:

[Amended 10-7-2013 STM by Art. 9]

- (1) Alteration, extension, reconstruction or structural change to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements;

Deleted: or

Deleted: .

Deleted: or altered,

(2) Alteration, extension, reconstruction or structural change to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements;

(3) Alteration, extension, reconstruction or structural change to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open lot coverage and building height requirements. The provisions of this Subsection **B(3)** shall apply regardless of whether the lot complies with current area and frontage requirements.

(4) Alteration, reconstruction, extension or structural change as proposed and constructed does not intensify any existing nonconformities or result in any additional nonconformities.