

Article ____ Nonconforming Uses and Structures

To see if the Town will vote to amend Section 5.5 of the Zoning Bylaw, Nonconforming Uses and Structures, to conform to recent amendments to General Laws chapter 40A, as follows, new language shown in bold, deleted language shown in strikethrough:

1. Amend Section 5.5 Subsections A, B, and D as follows:

A. Except as herein after provided, this Zoning Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit **or other entitlement applied for under G.L. chapter 40A** ~~issued~~ before the first publication of notice of the public hearing on this Zoning Bylaw or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice of 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 one-family or two-family residential structure does not increase the nonconforming nature of said structure.

B. Construction or operations under a building permit shall conform to any subsequent amendments to this Zoning Bylaw, unless the use or construction is commenced within a period of not more than ~~twenty-four~~ **twelve** months after the issuance of the ~~last~~ permit **necessary for construction** and, in ~~any~~ cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. **The twenty-four month period shall be tolled during any time the applicant is actively seeking or obtaining other necessary permits.** Construction or operations under a special permit **issued pursuant to G.L. c. 40A, §9** or site plan approval **pursuant to this Zoning Bylaw** shall conform to any subsequent amendments to this Zoning Bylaw or of any other local land use regulations unless the use or construction is commenced within a period of 3 years after the issuance of the special permit or site plan approval and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. For the purpose of the prior sentence, construction involving the redevelopment of previously disturbed land shall be deemed to have commenced upon substantial investment in site preparation or infrastructure construction, and construction of developments intended to proceed in phases shall proceed expeditiously, but not continuously, among phases.

D. Nonconforming Uses. Legally pre-existing nonconforming uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Zoning Board of Appeals as the special permit granting authority that such extension or alteration shall not be substantially more detrimental than the existing nonconforming use **or structure** to the neighborhood. The Zoning Board of Appeals may grant a special permit to change or substantially extend a nonconforming use only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

2. Add a new Section 5.5.F as follows, and re-lettering the remaining subsections accordingly:

F. Notwithstanding the above provisions, legally existing pre-existing nonconforming structures or residential uses that do not conform to zoning because of lot size or shape, frontage, lot coverage or floor area ratio requirements may be extended or altered as of right, without the need for a finding by the special permit granting authority under this paragraph, if such extension or alteration complies with the current dimensional regulations regarding height, stories, and setback.

3. Amend current Section 5.5.F, Abandonment or Non-use

F. Abandonment or Non-Use. Any nonconforming use that has been abandoned, or not used for more than two years, or more than four years effective July 1, 2026, shall lose any protected nonconforming status, and shall be subject to all of the provisions of this Zoning Bylaw.

Or act in any manner related thereto.