

## SECTION IV

### Nonconforming Uses

Any use or structure not conforming to this By-law may be continued if the use or structure lawfully existed at the time it became nonconforming, subject to the following:

**A. Alteration, Extension, or Change.** As provided in M.G.L.A. ch. 40A. §6, as may be amended, the alteration, reconstruction, extension or structural change (hereinafter collectively “alteration”) to a nonconforming single or two family residential structures shall not be considered an increase in the non-conforming nature of the structure and shall be permitted as a matter of right under the following circumstances:

- i. Normal repairs or replacement of parts of any non-conforming structure provided that such repair or replacement does not constitute an extension of a non-conforming use of such structure.
- ii. Alteration to a conforming structure where the alteration will also comply with all applicable sections of the zoning bylaws in effect at the time of application, if the existing structure is located on a lot which is non-conforming as the result of a zoning change.
- iii. Alteration within the existing footprint of a non-conforming structure to comply with requirements of the Massachusetts Building Code.
- iv. Alteration to a non-conforming structure where the alteration will comply with all applicable sections of the zoning bylaws in effect at the time of application, and will not increase the habitable space.
- v. Alteration to a non-conforming structure on a lot of at least 20,000 square feet, where the alteration will comply with all applicable sections of the zoning bylaws in effect at the time of application, including, but not limited to setback, yard, building coverage, and height requirements.
- vi. In cases where the applicant seeks to increase the height of any structure that encroaches on a required setback, where any increase in height will occur within such encroachment, there shall be no alteration as of right under this section.

Other preexisting nonconforming structures or uses may be extended, altered, or changed in use on Special Permit from the Board of Appeals, upon a finding by the Board that such alteration, extension, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming use. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

**B. Abandonment.** A nonconforming use which has been abandoned, discontinued for a period of two years (five years for agriculture, horticulture, floriculture, or viticulture), or changed to a conforming use, shall not be reestablished, and any future use of the premises shall conform to this Zoning By-Law.

**C. Restoration.** Any legally existing nonconforming building or structure may be reconstructed if destroyed by fire or other accidental or natural cause if such reconstruction is completed within twenty-four (24) months from the date of the catastrophe (unless a longer period is granted by Special Permit by the Board of Appeals).

**D.** Premises may be changed from one category of nonconforming use to another only on Special Permit from the Board of Appeals. Such Special Permit shall be granted only for uses no more damaging or inharmonious with the environs than the use being replaced.