

SECTION VII. GENERAL REGULATIONS:

1. Any building, use of building, or use of land not herein expressly permitted for the zone in which the building or land is located is hereby forbidden, except a building, use of building, or use of land legally existing at the adoption of this by-law, unless permission is obtained from the Board of Appeals as provided in Section VIII of this by-law.

2. Non-conforming Uses:

Prior lawfully existing, non-conforming structures.

- (1) A proposed addition or expansion that meets currently applicable setback requirements and that is not substantially more detrimental to the neighborhood than the existing non-conforming structure requires only a building permit.
- (2) A proposed reconstruction on the footprint of a prior lawfully existing, non-conforming structure requires only a building permit.
- (3) A proposed addition or expansion that does not meet currently applicable setback requirements requires a special permit from the Zoning Board of Appeals on a finding that the proposed addition or expansion is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and Site Plan Review by the Planning Board pursuant to Section XII.
- (4) No proposed addition, expansion, or reconstruction shall be permitted to exceed the currently applicable height regulations.

(C) New structures in a prior lawfully existing, non-conforming building lot.

- (1) On a lot that has at least 50 feet of frontage and an area of at least 5,000 square feet, a proposed new residence that meets the setback requirements in effect when the lot was created and that meets current height regulations requires only a building permit.

Any other proposed new structure requires a variance from the Zoning Board of Appeals.

(D) Addition, expansion, or change of prior lawfully existing, non-conforming uses.

Any addition, expansion, or change of a prior lawfully existing, non-conforming use requires a special permit from the Zoning Board of Appeals on a finding that the proposed addition, expansion, or change is not substantially more detrimental to the neighborhood than the prior lawfully existing non-conforming use, and Site Plan Review by the Planning Board pursuant to Section XII.

(E) Construction or use under a building permit or special permit shall conform to any subsequent amendment of these by-laws unless the construction or use is commenced within a period of not more than twelve (12) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

(F) Wherever a prior lawfully existing non-conforming use or structure has been abandoned or not used for a period of two (2) years or more it shall not be re-established and any future use shall conform to these by-laws, unless otherwise authorized by a special permit from the Zoning Board of Appeals on a finding that the re-establishment of the prior non-conforming use or structure is not detrimental to the neighborhood, and Site Plan Review by the Planning Board pursuant to Section XII.

- (G) The exemptions for lots for single and two-family residential use and for land shown on plans submitted under the Subdivision Control Law, as well as the waiver provision, all in section 6 of Chapter 40A, are included in the application of this Section VII.2.
- (H) The provisions of this section shall not apply to billboards, signs and other advertising devices subject to the provisions of Sections twenty-nine (29) through thirty-three (33), inclusive, of Chapter 93, and to Chapter 93D of the Massachusetts General Laws. (*Amended May 30, 1978, June 12, 2021*)