

## **SECTION 1. GENERAL**

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### **1.5 Nonconforming Uses and Structures**

#### **A. General Residence Zoning Districts**

#### **B. Single Residence B Zoning Districts**

- (1) In the Single Residence C Zoning Districts, a nonconforming ~~dwelling single-and-two-family residential structure~~ may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure.

The Building Commissioner may issue a Building Permit under any of the following circumstances:

- a) An alteration to a structure which complies with all current setbacks, open space, lot coverage and building height. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements;
- b) An alteration to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open space, lot coverage and building height requirements. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements;
- c) A half-story addition to a nonconforming structure, that will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, provided that the existing height restrictions shall not be exceeded. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements.

If the Building Commissioner determines that the proposed alteration or structural change does not meet any of the clauses listed above, a Special Permit shall be required from the Board of Appeals.

- (2) If the Building Commissioner determines that such proposed alteration or structural change increases the:

**a) Height in feet to the ridge or the number of stories; or,**

**b) Gross floor area of the existing nonconforming structure by more than the lesser of thirty percent (30%) or 700 square feet, either as:**

- i. A standalone application, in and of itself, or
- ii. When combined with the gross floor area added to the structure during the five-year period preceding the date of the pending application

then the proposed alteration or structural changes shall require a Special Permit from the Planning Board.

- (3) A nonconforming ~~dwelling single-or-two-family-structure~~ may be reconstructed after voluntary demolition if the building as reconstructed will be located on the same footprint as the original nonconforming structure, and will be no greater in volume, **height in feet to the ridge**, or gross floor area as the original nonconforming structure.

If the Building Commissioner determines that the proposed reconstruction would:

- a) cause the structure to exceed the volume, **height to the ridge**, or gross floor area of the original nonconforming structure or
- b) cause the structure to be located other than on the original footprint,

then a Special Permit shall be required from the Planning Board prior to such reconstruction.

- (4) The Planning Board may grant a Special Permit under this Section 1.5.4.B. (2) or (3) if it finds that the enlarged building:

- a) Is generally in harmony with the neighborhood;
- b) Will neither generate excessive traffic, parking, noise or density impacts on the abutters, nor create other detrimental effects on the neighborhood;
- c) Is appropriate in scale and mass for the neighborhood, **and addresses topographic conditions to avoid the disproportionate distribution of bulk and mass**, with particular consideration **for the minimization of impacts imposed upon** abutting properties;
- d) Will not increase the existing nonconforming lot coverage, if it exists; and,
- e) Will not be substantially more detrimental than the existing nonconforming building to the neighborhood.

- (5) In making any Special Permit decision pursuant to this Section 1.5.4.B. (2) or (3), the Planning Board shall consider the following:

- a) Scale and design of the structure;
- b) The siting of the structure and driveway;
- c) **Topographic conditions faced by Applicants, and the degree to which Applicants mitigate potential detrimental impacts upon abutters;**
- d) Walkway, driveway and parking circulation;
- e) Exterior lighting;
- f) Open space and screening; and,
- g) Drainage.

- (6) For the purposes of this Section 1.5.4.B., a nonconforming **dwelling single-or-two-family structure** shall be defined as a **dwelling single-or-two-family structure** on a lot that does not comply with the existing minimum lot area and/or frontage requirements and/or the **dwelling single-or-two-family structure** encroaches or otherwise does not comply with one or more setbacks, open space, lot coverage or building height requirements.

An application for a Special Permit under this Section 1.5.4.B. shall comply with the procedures and requirements set forth in Section 7.4 of the Zoning By-Law.

### **C. Single Residence C Zoning Districts**

## **SECTION 4. INTENSITY REGULATIONS**

### 4.2.2 Linear Requirements for Residential Districts

RESIDENTIAL DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
SR-B					
➤ Dwelling	25	10	30	<del>36</del> 30	2½
➤ Other	25	10	25	<del>36</del> 30	2½
SR-C					
➤ Dwelling	25	10	30	30	2½
➤ Other	25	10	25	30	2½

#### A. Setbacks

1. In the Single Residence **B and C** Districts, the placement of ground-mounted outdoor mechanical and fuel storage equipment on a lot shall be subject to the following requirements:
  - a. Not within the front yard - The front yard is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot;
  - b. Not within the required side or rear setbacks;
  - c. Not within at least 10'-0" of the front elevation; and,
  - d. Screened so that it is not visible from the street or adjacent properties.
4. Notwithstanding the front setback requirements listed in Section 4.2.2, the front setback for the Single Residence **B and C** Districts shall be the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.

#### B. Height

2. In the Single Residence **B and C** Districts, the height of a Dwelling or other structure shall not exceed 34 feet to the ridge. Notwithstanding the definition of 'Height' in Section 1.4, the height of a Dwelling or other structure with a flat roof shall not exceed 30 feet to the highest point of the roof.