

SECTION 6.0 GENERAL PROVISIONS

6.1 Nonconforming Structures, Uses and Lots

6.1.1 Existing Buildings Not Affected. The use of any building or structure not a non-conforming use, may continue for any use permitted under the provisions of this by-law and may be structurally altered or enlarged for any such use, provided such alteration for enlargement is in accordance with the dimensional requirements set forth in Section 5 of this by-law.

6.2 Existing Lots May Be Built On

Any change in the area, frontage, width, yard or depth requirements of this by-law shall not apply to a lot for single or two-family residential use which was separately recorded at the time of the adoption of such a change, provided that as of the effective date of said change, the lot in question was not held in common ownership with any adjoining land, conformed to the then-existing zoning requirements, and had at least five thousand square feet of area and fifty feet of frontage.

6.2.1 Lots on Subdivision Plans. Notwithstanding any other provision of this by-law and the accompanying Zoning Map, any lot of land laid out for residential use on a definitive subdivision plan, or a preliminary plan followed within seven months by a definitive plan, which has been submitted to the Planning Board for approval under the subdivision control law, and written notice of such submission has been given to the Town Clerk, shall be governed by the applicable provisions of the By-law in effect at the time of the first such submission while such plan is being processed under the subdivision control law, and if such definitive plan or an amendment thereof is finally approved, for eight years from the date of the endorsement of such approval. Said eight year period shall be extended by a period equal to the time which the Town of Somerset imposes or has imposed upon it by a state or federal agency or court, a moratorium on construction, the issuance of permits or utility connections.

When a plan has been submitted to the Planning Board pursuant to General Laws Chapter 41, Section 81P (a so-called "Approval Not Required Plan"), and written notice of such submission has been given to the Town Clerk, the use of the land shown on such plan shall be governed by the applicable provisions of this by-law in effect at the time of the submission of such plan while such plan is being processed under the subdivision control law, including any appeal under said law, and for a period of three years from the endorsement by the planning board that approval under subdivision law is not required. (Amended – deleted ATM 5/20/19)

6.3 Non-Conforming Uses Any lawful building or structure or any lawful use of a building, structure or land which does not conform to the regulations applicable in the district in which it is located by virtue of the adoption or subsequent amendment of this by-law is a non-conforming use and may be continued subject to the following provisions.

No building, structure or land where a non-conforming use has been changed to a conforming use or abandoned for more than two years shall be permitted to continue as or revert to a non-conforming use.

Single-family and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the non-conforming nature of such structure. Exterior walls can be extended at or along the same non-conforming distance within a required yard, provided that the Building Inspector finds that the proposed modification will not be substantially more detrimental to the neighborhood than the existing non-conforming structure.

(Amended Art 46 – ATM 5/18/15)

Except as provided elsewhere in this By-law, an alteration or increase in the extent of a non-conforming building or use may only be permitted upon the issuance of a special permit by the Board of Appeals as provided in Section 7.6.

This shall not apply to the replacement or restoration in the same location and manner and approximately to the same dimensions of a lawfully existent non-conforming building or structure (including accessory signs) damaged by fire or other natural or accidental causes.

6.4 **Swimming Pool Enclosures**

6.4.1 Reference Massachusetts Building Codes

(Amended ATM 5/20/19)

6.5 **Transition Requirements**

6.5.1 Where part of a lot in a Business or Open Recreation District is directly adjacent to a Residence District Boundary, no building or structure shall be erected closer to an adjacent side or rear line of said lot than would be allowed in the adjacent Residence District.

6.5.2. Where a district boundary divides a lot, the regulations applicable to the less restricted portion of such lot may extend not more than thirty feet into the more restricted portion.

6.6 **Corner Lots**

6.6.1 A corner lot or a lot opening on two streets shall be subject to the regulations for front yards set forth in the Table of Dimensional Requirements with respect to every street on which it opens.

On a corner lot, no planting, fence, structure or wall shall be an obstruction to vision between three (3) feet and eight (8) feet above the street elevation within the triangle formed by the intersecting street lines and a line between points on the street lines twenty-five (25) feet from their intersection.