

By Mr. Creedon, a petition (accompanied by bill, Senate, No. 969) of Robert S. Creedon, Jr., for legislation to provide for certain variances in the zoning law. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT RELATIVE TO THE ZONING ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Massachusetts General Laws, Chapter 40A, Section 6 (as
2 amended) is hereby further amended by adding at the end of the
3 first paragraph the following: — “and said finding shall be the
4 sole criterion for the extension or alteration. No zoning ordinance
5 or by-law shall further restrict the extension or alteration of a non-
6 conforming use.”

7 Section 6 is further amended by inserting after the word “uses”
8 in the second sentence of the first paragraph the following:—
9 “other than the aforementioned residential exception”

10 Section 6 is further amended by striking the fourth paragraph
11 and inserting in its place the following:—

12 “Any increase in area, frontage, width, yard, or depth require-
13 ments of a zoning ordinance or by-law shall not apply to a lot
14 zoned for single or two-family residential use which at the time of
15 the increase was not held in common ownership with any
16 adjoining land, conformed to requirements existing at the time of
17 transfer into separate ownership, and had less than the proposed
18 requirement but at least five thousand square feet of area and fifty
19 feet of frontage. If such lot was held in common ownership with
20 adjoining land and conformed to existing zoning requirements,
21 and has less area, frontage, width, yard or depth requirements but
22 contained at least seven thousand five hundred square feet of area
23 and seventy-five feet of frontage. The provisions of this paragraph
24 shall not be construed to prohibit a lot being built upon, if at the

25 time of the building, building upon such lot is not prohibited by
26 the zoning ordinances or by-laws in effect in a city or town.”

27 Section 6 is further amended by adding at the end of the fifth
28 paragraph the following:—

29 “If a lot shown on such a definitive plan is lawfully transferred
30 into ownership separate from any adjoining land after the adop-
31 tion of increased dimensional requirements, but before the expira-
32 tion of the protection hereunder, the dimensional requirements
33 applicable to said lot shall remain those in effect at the time of the
34 submittal of the plan.”