2.0 ZONING BYLAWS

2.1 PURPOSE AND ADMINISTRATION

2.1.1 Purpose

This Zoning Bylaw is enacted pursuant to, and under the authority of, Chapter 40A of the General Laws, and amendments thereto, and of Article 89 of the Amendments to the Constitution, for the purpose of guiding the sound development of the Town of Bolton.

2.1.2 Administration

2.1.2.1 Compliance Certification

No “development” shall be undertaken without certification by the Inspector of Buildings that such action is in compliance with the then applicable Zoning Bylaw, or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state, or local law. "Development" for these purposes shall mean erecting, moving, substantially altering a building, sign, or other structure or constructing a driveway. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.

2.1.2.2 Zoning Review

Materials submitted in application for such certification shall upon receipt be reviewed and forwarded by the Inspector of Buildings to the Board of Selectmen, which within l4 days of receipt by it shall determine whether or not the proposal is in compliance with all Bylaws and is otherwise eligible to proceed and shall so notify the Inspector of Buildings.

2.1.2.3 Enforcement

The Selectmen shall take all such action as may be necessary to secure full compliance with the provisions of the Bylaw, permits issued thereunder and variances granted under the Bylaw or applicable statutes.

2.1.2.4 Penalties

The penalty for violation of any provision of this Bylaw, or any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals shall be Fifty Dollars ($50.00) for each offense. Each day that each violation continues shall constitute a separate offense.

The preceding paragraph notwithstanding, any person violating the provisions of any section of these zoning bylaws or condition to special permits and variances which is subject to a specific penalty may be penalized by a non-criminal disposition as provided in M.G.L. Chapter 40 Section 21D which includes the giving, to the violators, a written notice to appear before the clerk of the district court.

2.1.3 Applicability

2.1.3.1 Other Laws

Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of this Bylaw shall control.

2.1.3.2 Conformance

Construction or operations under a Building or Special Permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of six 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.

2.1.3.3 Pre-existing Nonconforming Uses and Structures

(a) Extension or Alteration: As provided in Section 6 of Chapter 40A, G.L., a pre-existing nonconforming single or two-family dwelling may be altered or extended provided that doing so does not increase the nonconforming nature of said structure, and other pre-existing nonconforming structures or use may be extended or altered, on Special Permit from the Board of Appeals if the Board of Appeals finds that such extension or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming structures or use. Generally an increase of not over 100% from the original floor area of the building at the time of the adoption of the Zoning Bylaw on April 13, 1972, or not over 50% of the ground area in use at that time, shall be considered as not substantially more detrimental to the neighborhood. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

(b) Restoration: Any legally pre-existing nonconforming building or structure may be reconstructed if destroyed by accidental or natural cause if reconstruction is begun within twelve months and completed within twenty-four months from the date of the catastrophe (unless a longer period is allowed through a Special Permit), or else such reconstruction must comply with this Bylaw.

(c) Abandonment: A pre-existing nonconforming use which has been abandoned, discontinued for a period of two years, or changed to a conforming use, shall not be re-established, and any future use of the premises shall conform with this Bylaw.

2.1.3.4 Nonconforming Lots ("The l973 Amendment")

This section shall not prohibit the erection of a single-family residence on a lot or parcel of land located within the residential zone of the Town of Bolton as set forth in the Base Map if said lot or parcel does not meet the minimum requirements of this amendment provided however that, prior to the effective date in 1958 of the original Bylaw, the lot or parcel of land was in single or joint ownership by a deed and/or a plan recorded in the Worcester District

Registry of Deeds or that the lot or parcel of land was in single or joint ownership by deed recorded in the Worcester District Registry or a plan recorded in the same registry between the effective date in 1958 of the original Bylaw and the effective date of 1973 amendment of this section, and that the plan or plans, as recorded, bear the proper approvals of the Planning Board of the Town of Bolton where required by law; and said deed or plans otherwise conform to the Bylaws existent between the effective date in 1958 of the original Bylaw and the effective date of the 1973 amendment, for use as a single family residential building lot.

2.1.4 Validity

The invalidity of any section or provisions of the Bylaw shall not invalidate any other section or provision hereof.

2.2 BOARD OF APPEALS

2.2.1 Establishment

A Board of Appeals of five members shall be appointed by the Selectmen in accordance with the provisions of Chapter 40A of the General Laws, as amended. The Board of Selectmen shall also appoint in like manner two associate members of the Board of Appeals; and in case of a temporary vacancy, absence, inability to act, or conflict of interest on the part of a member of said Board, his place may be taken by an associate member designated by the Chairman or Vice Chairman of the Board of Appeals.

2.2.2 Powers

The Board of Appeals shall have and exercise all the powers granted to it by Chapters 23B, 40A, 40B and 4l of the General Laws, and by this Bylaw, those powers being to hear and decide applications for Special Permits upon which the Board is empowered to act under this Bylaw; to hear and decide petitions for variance, excluding variances for use, to hear and decide other appeals from any aggrieved person, officer, or board; to issue comprehensive permits as provided by Sections 20-23, Chapter 40B, G.L.; in special cases to issue withheld building permits as provided by Section 81Y, Chapter 4l, G.L.; and to act on appeals under the Commonwealth of Massachusetts State Building Code, as provided by Section 23 of Chapter 23B, G.L.

2.2.3 Special Permits

2.2.3.1 Special Permit Granting Authority

Special Permit applications shall be heard and decided upon by the Board of Appeals, except in the case where some other Special Permit Granting Authority is specified by this Bylaw.

2.2.3.2 Criteria

Special Permits provided for in the Zoning Bylaws shall be granted only upon determination by the Special Permit Granting Authority that the activity may be carried out without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw,