



# Town of Hudson

## Planning and Community Development Department

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## Memorandum

**TO:** Thomas Gregory, Executive Assistant  
**FROM:** Kristina Johnson, AICP, Director of Planning and Community Development  
**CC:** Katie Evangelisti, Administrative Manager  
**DATE:** August 15, 2023  
**RE:** Zoning Article Summary - Non-Conforming Uses and Structures

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When Zoning By-laws are first enacted and amended over time, local boards and officials are confronted with uses and structures that were lawfully in existence prior to the initial enactment or amendment of the Zoning By-laws. MGL Chapter 40A, Section 6 provides the statutory framework for how the local Special Permit Granting Authority (in Hudson this is the Zoning Board of Appeals) reviews changes, extensions, or alterations of non-conforming uses and structures.

As you are all well aware, the language within the existing Hudson Zoning By-laws concerning non-conforming uses and structures has been problematic for the Zoning Board of Appeals. This Article will replace the existing languages with more user-friendly language for the Zoning Board of Appeals, relative to nonconforming uses and structures in order to ensure compliance with applicable State Statute (s) and facilitate more efficient decision-making.

It should be noted that the adoption of this updated language **does not expand the jurisdiction of the ZBA or take away any discretion afforded to the ZBA as the Special Permit Granting Authority under MGL Chapter 40A Section 6 and Section 8.3.2.4 of the Hudson Zoning By-laws.** Any alteration and/or expansion will still require a Special Permit from the Zoning Board of Appeals underpinned by a legal finding pursuant to Chapter 40A Section 6 ***“that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.”***