

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING - MASSACHUSETTS

Welch-Philippino v. Zoning Bd. of Appeals of Newburyport

Appeals Court of Massachusetts, Suffolk - September 9, 2014 - N.E.3d - 2014 WL 4410875

Neighbors appealed decision of city zoning board of appeals to issue special permit authorizing property owners to replace nursing-home facility, which was nonconforming use but dimensionally conforming structure, with modernized facility in residential zone. The Land Court Department determined that project was permissible as of right. Neighbors appealed.

The Appeals Court held, as an apparent matter of first impression, that replacement of a conforming structure devoted to a nonconforming use that does not result in a change or substantial extension of the use is permissible as of right under the zoning statute governing existing structures and uses.