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Home Occupation Use 8.2.18

To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by striking every instance of the words "Town Clerk" and replacing the words "Building Commissioner" in paragraphs 1, 2, and 12, and by striking every instance of the words "a business certificate" and replacing with the words "an occupancy permit" in paragraphs 1, 12, 13, 14, and 15 of Section III.A.10. The revision of this language shall indicate that occupancy permit for home occupation use shall be issued by the Building Commissioner.

As amended Section III.A.10. shall read:--

"The following use, if authorized by an occupancy permit issued by the Building Commissioner to a resident or residents upon payment of a fee and subject to the following conditions: A Home Occupation.

(a) The home occupation shall be conducted in no more than 400 square feet within the dwelling and all materials, equipment, and facilities related to the home occupation shall be included in that space. Outside storage shall not be permitted in a home occupation. A floor plan drawn to scale that details the area in which the home occupation will be conducted and such other material as specified by the Building Commissioner shall be included as part of the permit application. A detailed description of the home occupation shall also be included as part of the application.

(b) Only persons residing in the dwelling may engage in the home occupation and there shall be no more than three persons engaged in the home occupation.

(c) Merchandise, operations, signs or other indications of any kind regarding the home occupation shall not be visible from outside the dwelling.

(d) The appearance of the dwelling shall not be altered in any manner which reflects or indicates that the home occupation is being conducted in the dwelling.

(e) The home occupation shall not generate excessive pedestrian and/or vehicular traffic to or from the dwelling.

(f) There shall be no use of commercial vehicles for regular deliveries of goods or materials to or from the dwelling related to the home occupation.

(g) The home occupation shall not create noise, odor, dust, vibration, fumes, or smoke discernible at any boundary of the lot on which the home occupation is situated; it shall not create any electrical disturbance affecting electrical appliances located on adjacent properties; and it shall not create any hazardous or potentially hazardous condition or conditions.

(h) The home occupation shall be permissible under any applicable lease or rental agreement, or in the case of a condominium project, any applicable covenants, conditions, or restrictions.

(i) Home occupations shall not involve sexually oriented conduct.

(j) Home occupations shall be conducted in accordance with all applicable state and federal laws and regulations and with all applicable municipal requirements.

If all the foregoing conditions are satisfied, the Building Commissioner shall issue an occupancy permit for the home occupation. An occupancy permit issued in accordance with this section shall be in force and effect for four (4) years from the date of issue and upon payment of a fee for each renewal may be renewed for additional four (4) year terms so long as the home occupation shall have been conducted in accordance with these conditions. The certificate shall lapse and be void at the end of its term unless so renewed.

Any violation of the conditions imposed in this Paragraph 10 on a home occupation shall be cause for the revocation of the home occupation occupancy permit by the Building Commissioner pursuant to Section VIII.A. Upon such revocation, such home occupation shall cease immediately.

In the event that such home occupation shall continue following revocation or expiration of a occupancy permit and notice to the resident(s), the resident(s) shall be subject to a fine of no more than \$50 for each offense with each day that business continues following such notice being deemed a separate offense.

No home occupation shall be conducted except in compliance with the foregoing conditions pursuant to an occupancy permit or as otherwise authorized by special permit issued by the Board of Appeals pursuant to Section III, Subsection A, Paragraph 7 (i).”

and to act on anything related thereto.

Submitted by the Planning Board