

Section 5.04.08 Inspection

Inspections may be made by the Commission or its authorized agent during the development to ensure that there is compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

Section 5.04.09 Release of Bond or Security

Upon completion of all work specified in the certified plan, the applicant shall notify the Commission thereof and submit a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved by the Commission. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release the portion of the bond or other security posted for the installation of the required measures upon finding that the provisions of the certified plan have been complied with. The portion of the bond or other security posted for assurance that the installed measures shall be adequately maintained with respect to any improvements which have been dedicated or deeded to the Town may be released, subject to the above inspection and reporting requirements, upon termination of a one (1) year the maintenance period, normally one (1) year.

Section 5.05 Home Occupations

Section 5.05.01 Standards (Revised Effective 08/01/11)

Home occupations shall be classified into three separate categories: Low Impact (“LIHO”), Moderate Impact (“MIHO”), and High Impact (“HIHO”). The following standards shall be applied to home occupations in all three categories: (i) the use must be clearly incidental and secondary to the use of the principal building as the residence of one or more persons conducting the use; (ii) no more than two home occupations are permitted per dwelling unit; (iii) the use must not change the residential character of the dwelling; (iv) no more than ten (10) non-residents may be employed on the premises; (v) accessory buildings and structures may be used for home occupations, provided that the other requirements of Section 5.05 are met; (vi) the total floor area used for the home occupations may not exceed thirty-five percent (35%) of the total finished floor area of the dwelling unit used by the person(s) conducting the home occupation or three thousand (3,000) square feet, whichever is less; (vii) persons who offer professional or personal services on site, including but not limited to doctors, dentists, lawyers, accountants, barbers and beauticians, shall conduct business on an appointment-only basis in order to manage parking requirements and minimize traffic conflicts; no clients or patients shall be housed overnight; (viii) no more than three (3) commercial-type vehicles, not to exceed 11,000 pounds gross weight per vehicle, may be parked on the site (for purposes of this section, “commercial-type vehicle” shall mean any motor vehicle other than an automobile, sport utility vehicle, motorcycle, mini-van, pick-up truck, or similar vehicle customarily used for personal transportation, or a farm, lawn or garden tractor); and (ix) except for fruits, vegetables, and other produce grown on the premises, no merchandise may be displayed so as to be visible from the street.

- a. Low Impact Home Occupations (LIHOs)

The Zoning Agent may issue a Certificate of Zoning Compliance for any home occupation that satisfies the requirements of Section 5.05.01 and other pertinent provisions of these Regulations, provided the following additional standards are met:

- 1) No more than one (1) commercial-type vehicle for the home occupation, not to exceed 11,000 pounds gross vehicle weight, will be parked on the premises.
- 2) The home occupation is one that does not involve on-site sales, classes, personal services, or other nonresidential activities likely to attract or require visits by persons who do not reside on the premises.
- 3) No portion of the home occupation will be conducted outside of the principal or accessory buildings and, except for permitted signs, there shall be no visible evidence or indication of the operation from outside any building or structure used for the home occupation.
- 4) No more than two (2) persons may be employed in the home occupation who does not reside on the premises.
- 5) The total floor area for all home occupations permitted on the lot would not exceed one thousand (1,000) square feet.

LIHOs include, but are not limited to, the production (but not the on-site sale) of arts, crafts, home preserves, and knitted, sewn or baked goods; as well as the offices of plumbers, house painters, electricians, and other persons whose services are not performed on the residential parcel. LIHOs are not required to provide additional off-street parking spaces for visitors, as required for MIHOs and HIHOs. Each LIHO may place one free-standing identification sign, not to exceed four (4) square feet in total sign area, on a mailbox or a light post at the site of the home occupation; plus one identification sign, not to exceed two (2) square feet in total sign area, on or near the entrance to the building in which the home occupation is conducted. LIHOs shall be deemed to be accessory uses to a primary residential use. A home occupation that exists on a state highway is permitted to have one (1) free-standing identification sign, not to exceed (8) square feet in total sign area, on a mailbox or a light post at the site at the site of the home occupation. (Revised Effective 06/15/12)

b. Moderate Impact Home Occupations (MIHOs)

The Zoning Agent may issue a Certificate of Zoning Compliance for any home occupation that would satisfy the standards for a LIHO, as set forth in subsection a, above, except that the use either (i) involves minor on-site sales, classes, or services; and/or (ii) involves the parking of no more than two commercial-type vehicles, each not to exceed 11,000 pounds gross vehicle weight; and/or (iii) would employ up to, but not more than, two (2) persons who do not reside on the premises. However, the following additional requirements must be met by any such home occupation:

- 1) The applicant must submit to the Zoning Agent a written estimation of the average and peak number of vehicles likely to enter and exit the site on both an hourly and daily basis, as well as a written explanation of how the numbers were estimated.
- 2) The estimated vehicle numbers must not exceed either (i) an average of two vehicles per hour in any one day or ten vehicles per day in one week (Sunday through Saturday), or (ii) a peak of four vehicles in any hour or fifteen vehicles in any day.

3) The Zoning Agent must determine, based upon all available information, that the applicant's estimates are reasonable. A Certificate of Zoning Compliance issued under this section may be revoked if the home occupation is later found to have generated vehicle trips in excess of the limits estimated by the applicant.

4) Enough additional parking spaces must be provided to alleviate the need to use Town roads for customer or employee parking. MIHOs shall provide at least two (2) off-street parking spaces for visitors and one (1) off-street parking space for each non-resident-employee.

Each MIHO shall be allowed the same type and number of signs as permitted for LIHOs pursuant to subsection a, above. MIHOs shall be deemed to be accessory uses to a primary residential use.

c. High Impact Home Occupations (HIHOs)

The Commission may grant a special permit for home occupations that satisfy the general standards of this Section 5.05.01 but do not satisfy the standards for a LIHO or a MIHO. In addition to the requirements for a special permit, HIHOs must also satisfy the following standards:

1) No such home occupation shall be permitted on a lot having an area of less than 220,000 square feet (five (5) acres).

2) The Commission shall require such screening as it may determine, in its sole discretion, to be necessary to preserve the residential character of the lot and neighborhood. Such screening shall always include, but shall not to be limited to, vegetative buffers to fully screen commercial-type vehicles and parking areas serving five or more vehicles from abutting roads and properties.

3) Enough additional parking spaces shall be provided to alleviate the need to use Town roads for customer or employee parking. A minimum of two (2) off-street parking spaces shall be provided for visitors and one (1) off-street parking space for each non-resident-employee. However, the Commission may require additional off-street parking spaces if the record indicates that there may be a need for such spaces.

4) The Commission may allow the parking of vehicles in excess of 11,000 pounds gross weight per vehicle.

Each HIHO shall be allowed the same type and number of signs as permitted for LIHOs and MIHOs pursuant to subsections a. and b. above.

d. Multiple Home Occupations

The Zoning Agent may issue a Certificate of Zoning Compliance for two home occupations on any one lot, provided the home occupations would individually and collectively satisfy the standards for a combination of LIHOs or MIHOs, as set forth in subsection a, above. The Commission may grant a special permit to allow two home occupations on any one lot when at least one of the home occupations is a MIHO or HIHO, as specified in subsections b and c, above, and the home occupations would individually and collectively satisfy all of the other standards of Section 5.05.

