

SECTION XVIII: HOME OCCUPATIONS

Purpose and Intent. Conducting limited business activity from home has become more feasible and more widespread with modern technology and telecommunications. Residents of Princeton should have the ability to conduct reasonable business activities from home that are ancillary to the residential use and that have no visibility to or impact on the neighborhood. In addition, some business activities within the residential agricultural district may be desirable even if they have limited visibility or impact, provided there is a permitting procedure in place that ensures that any impact on the neighborhood will be minimal and regulated and ensures that the integrity of the residential/agricultural district is maintained.

The purpose of this bylaw is to regulate the two categories of home occupations that are permitted in the residential/ agricultural district: those that are permitted as of right under Section III. 1. (G)(a) of the Zoning Bylaws of Princeton and those that are permitted only upon issuance of a special permit under Section III.1.(G)(b) of the Zoning Bylaws of Princeton. The intent of this bylaw is to ensure that any home occupation conducted in the residential/ agricultural district is compatible with surrounding permitted uses, does not adversely affect property values, and does not create any significant adverse impact on the quiet enjoyment of a residential neighborhood by others residing in the vicinity.

1. Types of Home Occupations. In this Bylaw, home occupations are regulated according to those permitted as of Right, those allowed only by Special Permit, or those considered unregulated home offices.

(A) Home Occupations Permitted as of Right under Section III.1.(G) (a) of this Bylaw:

- (1) Home-based Office: A home office providing services, which may include services to clients on the premises, including but not limited to medicine, law, engineering, fine or domestic arts and crafts, software development, insurance, notary public, real estate broker, appraiser, surveyor, accountant, tax preparer, clerical services, tutoring, financial advisor, consultant and similar services.
- (2) Home Farm Stand: The sale of products raised and grown on the premises of an agricultural use on less than five acres of land. (A farm stand associated with agriculture on five or more acres is exempt under M.G.L. c.40A, Section 3.)
- (3) Home Business Workshop: the business or shop of a painter, carpenter, landscaper, electrician, computer technician, hairdresser or similar trade, which may include crafting products or providing services to clients on the premises.

(B) Home Occupations Allowed Only by Special Permit under Section III.1.(G)(b) of this Bylaw:

- (1) Bed and breakfast with transient overnight lodging having not more than three guest rooms, with guest meals limited to breakfast prepared in a central kitchen and no cooking facilities located in individual guest rooms or suites. Rooms used for lodging in a bed and breakfast shall not be used as long-term rental units or apartments.
- (2) Home Specialty Retail: the sale to customers at the premises of specialty products made on the premises, including but not limited to dressmaking, home baking or catering, or arts and crafts; or collector's items, such as antiques, books, art work and similar products.

(C) Unregulated Home Offices. This bylaw does not regulate a home office in a residential dwelling or accessory building in which a resident works solely on personal, family or household matters; or does ancillary work for a business or profession that is conducted off-site; or conducts a business that does not employ non-resident workers on the premises or receive non-resident customers or clients on the premises, provided that such occupation does not violate subsection 2(G) below. Such uses, which are invisible and inoffensive to adjacent properties, are deemed to be a normal part of a residential use.

2. General Regulations for Home Occupations. In any zoning district, a home occupation listed as a permitted use under Subsections 1(A) and (B) above must comply with all of the following requirements:

- (A) Except for a Home Farm Stand, the occupation shall be conducted within a detached single-family dwelling or in an accessory building attached to a single-family dwelling, and occupy an area not exceeding twenty-five percent (25%) of the gross floor area of the dwelling.
- (B) The occupation must be operated by the resident occupant of the dwelling or a member of the resident's family, and may employ not more than one (1) person on site who is not a resident therein.

- (C) There shall be no evidence of the occupation through persistent or excessive sound, or through vibration, smell, or sight discernable at the boundaries of the premises, except for a sign not exceeding the display area permitted in Section XXII.2.A. *(Amended May 15, 2018)*
- (D) Any exterior storage of materials or equipment or business related parking shall be so located and screened, through location, grade or landscaping as to be invisible from and inoffensive to adjacent properties and public ways.
- (E) Not more than one (1) commercial vehicle shall be regularly parked outdoors on the premises. Such vehicles shall not weigh more than 15,000 lbs. or have more than two (2) axles.
- (F) Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from residential development considering volume, type, hours and other traffic characteristics.
- (G) No occupation shall be conducted that, in the opinion of the planning board, could be unreasonably hazardous or incompatible with the quiet enjoyment of residential neighborhoods by other residents because they:
 - (1) Utilize chemical, biological, radiological or explosive materials or processes which are potentially dangerous; or
 - (2). Present a danger of pollution to the environment or injury to plant or animal life in the vicinity (such as auto repair shops and similar occupations).

3. Home Occupations by Special Permit. A home occupation allowed by Special Permit under Subsections 1.(B)(1)-(2) above shall require a special permit from the Planning Board. It shall comply with all of the requirements of Subsection 2 above, except as provided herein, and with the additional requirements set forth in this Subsection.

- (A) In its discretion, in a special permit proceeding, the Planning Board may
 - (1) Allow a home occupation employing not more than three (3) persons on site who are not residing on the premises.
 - (2) Allow a home occupation located in a detached accessory building, such as a barn or detached garage.
 - (3) Allow a home occupation exceeding twenty-five (25%) of the gross floor area of the dwelling where the home occupation is conducted in an attached or detached accessory building.

(Amended at the Annual Town Meeting May 13, 2014)

- (B) The Planning Board may grant a Special Permit only upon determining that the use will not create a hazard, disturbance to any abutter, or injury to the neighborhood, will not create unsightliness visible from any public way or neighboring property and will not substantially impair the quiet enjoyment of the neighborhood by other residents.
- (C) A home occupation authorized by Special Permit may not be transferred to a different operator without a new Special Permit. The Planning Board may require that the occupation be subject to compliance review by the Building Inspector at periods specified in the Special Permit. Such permit may be revoked by a majority vote of the Planning Board at any time after notice and hearing, upon the Board's determination that the terms of the Special Permit are being violated.
- (D) In its discretion, the Planning Board may impose additional conditions and limitations as necessary to protect abutting properties and the public.
- (E) Although Site Plan Review under Section XII is required in all applications for special permits the Planning Board may, in appropriate cases under this Section, where no significant alteration of the residential character of the property is proposed, waive those submission requirements of Section XII which it deems unnecessary and unduly burdensome, given the scale of the proposal and the impact on the neighborhood. The Planning Board may adopt by regulation a reduced application fee for Site Plan Reviews required under this Section.

4. Enforcement. Home occupation uses shall be enforced as follows:

- (A) A certificate of Use and Occupancy must be obtained from the Building Inspector indicating compliance with these requirements prior to initiation of any home occupation, except for unregulated home offices under subsection 1(C) above.
- (B) The Building Inspector shall enforce these provisions and any person may request enforcement where a violation is believed to exist, as provided in M.G.L. c. 40A, Section 7, and if dissatisfied with the outcome, an aggrieved person may bring an appeal to the Planning Board for hearing and action as provided in M.G.L. c.40A, Section 8.
- (C) For home occupations requiring a Special Permit under Subsection 1.(B) above, applicants are required to file an application for Special Permit and satisfy the procedures and requirements set forth herein. Fines shall be levied in accordance with Section VII. 1. (A) of this bylaw if the owner of an existing home occupation regulated under Subsection 1(B) above fails to apply to the Planning Board for a special permit before December 31, 2011.

(Section XVIII - Adopted May 11, 2010)