

Brookfield Planning Board
Commerce, Home Occupation and Cottage Industry Committee

Minutes

Wednesday, August 12, 2009

Attendance: Geary Ciccarone, Rob Collins, Bill Gaver, Jim Murfey, Dave Towle. Public: Cliff Camp

The meeting was called to order by Chairman Jim Murfey at 6:40 pm

Minutes of the Meeting of August 5, 2009. Motion was made by Bill Gaver and seconded by Rob Collins to approve the minutes of the meeting of August 5, 2009. Agreed: Geary Ciccarone, Rob Collins, Bill Gaver, Jim Murfey (those in attendance who were in attendance at the August 5 meeting.)

Old Business:

- Make-up of the Committee. Bill Gaver developed a hand-written list of townspeople who might be asked to serve on the committee. Bill and Geary agreed to split up the list and call asking if the people on the list would consider serving. Cliff Camp agreed to call Mr. Walpole.
- Bill Gaver made contact with the UNH Cooperating Extension. Jim Murfey will follow up before the next meeting.
- Geary reported a promising discussion with an attorney, David Connell of LGC who will assist with questions and the legal ramifications.

The next meeting of the Commerce, Home Occupation and Cottage Industry Committee of the Planning Board was scheduled for Wednesday, August 26, 2009 at the Town Offices.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

James J Murfey

Attachments:

- Rob Collins – Examples of Home Occupation Ordinances
- Brookfield Planning Board Voter's Survey 2007 – Questions A 1, A 2, A 3

Deschutes County, OR

<http://www.co.deschutes.or.us/go/living-here/construction-and-land-use/special-planning-projects/home-occupation-ordinance>

"Home occupation" means an occupation or profession carried on within a dwelling and/or a residential accessory structure by a resident of the dwelling or employees, depending on type pursuant to DCC 18.116.280 and is. The occupation or profession shall be secondary to the residential use of the dwelling and/or the residential accessory structure.

Type 1 (zero impact) are permitted. Type 2 (some impact) requires conditional use permit. Type 3 (moderate impact) requires conditional use permit.

Waveland City, MS

<http://www.wavelandcity.com/2008/09/home-occupation-ordinance.html>

"HOME OCCUPATIONS: Any use conducted within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling or residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part, which creates little additional traffic, where no persons are employed other than the residents and domestic help, and where there is no outdoor storage of materials, equipment and/or supplies."

Lemont, IL

<http://www.lemont.il.us/PDF%20Files/HomeOccupationsOrdinance.pdf>

O. HOME OCCUPATIONS

The standards for home occupations are intended to ensure compatibility with the other permitted uses in the zoning district where they are found, maintain the residential character of surrounding areas, and limit adverse impacts on surrounding residents.

1. Location. The location of home occupations shall be limited to any dwelling unit or any building or structure that is accessory to the dwelling unit in any zoning district in which dwelling units are permitted. Outside storage, display, or use of land is prohibited. The building in which the home occupation is located shall be subject to the regulations of the zoning district in which it is located.
2. Operation. Home occupations shall be conducted only by residents of the subject property.
3. Nuisance. The home occupation shall not generate noise, vibration, glare, fumes, odors, electrical interference, or garbage beyond which normally occurs in the zoning district or planned unit development in which the home occupation is located.
4. Signage. Signage or other external indication of the home occupation shall be limited to one nameplate, not more than 72 square inches and containing only the name of the

occupant of the dwelling and the home occupation. Such a nameplate shall be attached to the dwelling unit and illumination shall be limited to one incandescent light bulb.

5 Traffic, Deliveries and Parking

The home occupation will not generate traffic beyond what is normally expected in the zoning district or planned unit development in which it is located. In no case shall it exceed twenty (20) vehicle trips per day, including deliveries, state-licensed day care homes and day care facilities are exempt from this provision.

b. Deliveries to home occupations shall not exceed two per day. This does not include US Postal Service mail delivery.

c. The presence of a home occupation and the property owner's attendant parking space desires shall not be grounds for granting a variation to deviate from impervious surface, lot coverage, or driveway width requirements.

6. Prohibited Activities. The following activities are expressly prohibited as home occupations:

a. Animal hospitals (animal grooming services are permitted);

b. Kennels;

c. Medical and dental clinics;

d. Eating and drinking establishments;

e. Jobbing, wholesale, or retail business, unless it is conducted entirely by mail, parcel post service, or telephone and does not involve the receipt, sale shipment, delivery or storage of merchandise on or from the premises, provided, however, that articles produced by members of the family residing on the premises may be sold from and stored upon the premises.

f. Undertaking establishments and funeral parlors;

g. Repair or maintenance of motor vehicles, to include trucks and motorcycles.

7. Permitted Home Occupations. The Zoning Ordinance does not attempt to define all permitted home occupations. However, the following activities and uses are expressly permitted, provided that the other provisions of this section are met:

a. Barber/beauty shop;

b. Animal grooming service;

c. Baby-sitting services and day care activities that do not meet state law thresholds for licensing and regulation.

d. State-licensed day care homes;

e. Instruction in music, dance, home crafts and arts, provided that the total class size does not exceed four students at any time;

f. Offices of real estate agents, urban planners, landscape architects, accountants, and secretarial services;

g. Offices of ministers, priests, rabbis, or other leaders of religious congregations;

h. Workrooms of dressmakers, seamstresses, and tailors; and

i. Workrooms for home crafts, such as model making, rug weaving, or cabinet making providing noise levels and other nuisances are not above what normally occurs in the neighborhood.

Mono County, CA

http://www.monocounty.ca.gov/online_services/documents/homeoccupation.pdf

Requires filing compliance statement

“Home Occupation” means any use that can be carried on within a dwelling by the inhabitants thereof and that is clearly incidental and secondary to the residential use of the dwelling, and that:

- A. Is confined completely within the dwelling, and occupies not more than 25 percent of the gross floor area of one floor thereof;
- B. Involves no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the occupation, as long as no other violation of any other subsection occurs;
- C. Is carried on by members of the family occupying the dwelling, with no other persons employed;
- D. Produces no evidence of its existence in the external appearance of the dwelling or premises, or in the creating of noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood (i.e., no delivery trucks);
- E. Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which located;
- F. Requires no structural, electrical or plumbing alterations in the dwelling;
- G. Involves no equipment other than that customarily used in dwellings;
- H. Involves no outdoor storage or advertising.

El Dorado County, CA

http://co.el-dorado.ca.us/Planning/ZoningOrdinance/pcagn081006_Ordinance.pdf

“Home Occupation” means a commercial activity conducted solely by the occupants of a particular dwelling unit in a manner incidental to and subordinate to the use of the dwelling unit as a residence.”

Defines limits on home occupations. Allows “expanded” home occupations with special use permit.

Maquoketa, IA

<http://www.maquoketaia.com/city/downloadcenter/homeoccupationordinance.pdf>

Limits scope of home occupations, establishes Home Occupation Inspector for enforcement, requires permit and provides for penalties.

Hood River County, OR

<http://www.co.hood-river.or.us/vertical/Sites/%7B4BB5BFDA-3709-449E-9B16-B62A0A0DD6E4%7D/uploads/%7BC3FCA1BE-61CE-4ADF-8C56-C26DCA28389C%7D.PDF>

A home occupation is a business or professional activity operated for income purposes, only by residents in a dwelling or pre-existing building on the same lot or parcel as the resident's dwelling, provided the home occupation is a secondary use and is clearly incidental, accessory or subordinate to the residential use or the pre-existing building. A home occupation shall also be in conformance with provisions in Article 53 Home Occupations.

HOME OCCUPATION: The occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or an accessory building which is incidental or secondary to residential use provided the occupation is conducted so that (1) It does not give the appearance of a business; (2) It does not change the character of the dwelling; (3) There is no display, except by a non-illuminated sign, no larger than one square foot, which may not protrude more than six (6) inches from the exterior of the dwelling unit; (4) No assistants are employed on the site; (5) There is no increase in noise outside the dwelling unit; and (6) There is only minor increase, if any, in the traffic traveling to and from the dwelling unit.

Permitted outright in commercial and industrial zones; conditional use in other zones. Requires site plan to be submitted and permit issued. Permit is for the individual (not property) and expires in two years.

Manitou Springs, CO

<http://manitousprings-co.gov/PDF/Home-Occupation-Ordinance.pdf>

Requires acknowledgement of regs:

When a dwelling unit located in a residential district is used for business purposes said business may be authorized as a “Home Occupation” provided that it is not detrimental to the residential character of the district. Authorization of a “Home Occupation” is contingent upon the following which, when the applicant signs his or her name to the face of this form, he/she acknowledges compliance therewith.

1. Only the inhabitants plus one other shall conduct the business.

2. No noise, electronic nuisances, odor, debris, smoke, dust or adverse health or safety conditions shall be created which are objectionable and discernable to the neighborhood.
3. No alterations to the dwelling unit or outside storage which detracts from the residential character of the neighborhood shall be permitted.
4. Only incidental sale of stocks, supplies or products shall be conducted on the premises.
5. No excessive traffic shall be generated by the business nor shall it require additional parking spaces or unduly interfere with the public use of adjoining streets, alleys or driveways.
6. Off-street parking shall be consistent with all ordinances.
7. No signs shall be permitted other than a single sign sized no larger than one-half (½) square feet which shall be affixed to the dwelling unit.

Fremont, NH

<http://www.fremont.nh.gov/documents/ZoningBoard/fnhgHome%20Occupation%20Permit%20Application.pdf>

Requires a permit: Cover letter describing occupation and signed checklist of limitations and standards.

New Durham, NH

http://www.newdurhamnh.us/pages/newdurhamnh_planning/ordinances/Home%20Occupation.pdf

Requires permit. Application is submitted to Planning Board, which forwards to Building Inspector with comments. \$25 application fee.

5. **Traffic.** Traffic generated by the home occupation shall not significantly increase the volume of traffic so as to create a traffic hazard, traffic nuisance, or disturbance or the residential character of the neighborhood; traffic generated by the business shall not involve the regular use of heavy commercial vehicles.
6. **Nuisance Control.** The home occupation shall not create objectionable conditions including, but not limited to the following nuisances detectable by ordinary senses off the premises; noise, vibration, glare, heat, dust/airborne particles, odor/fumes, smoke or electrical interferences.

Warner, NH

http://www.warner.nh.us/downloads/Home_Occupation_Application_Form.pdf

Requires application and site plan review (Planning Board can waive).

- "Home Occupation"** shall mean any business or profession conducted entirely within a dwelling, or an accessory building located on the same premises as the dwelling, which
- a. entails contact with the general public at the premises;
 - b. is capable of being unobtrusively pursued;

- c. creates no nuisance nor any environmental, health or safety concerns;
- d. is clearly incidental and subordinate to the dwelling use;
- e. does not change either the character of the dwelling as a residence or the character of the neighborhood in which the Home Occupation is established;
- f. is conducted by the resident owner(s) of the dwelling;
- g. employs not more than the equivalent of one full time (40 Hours) person outside the family and
- h. utilizes an area (either in the dwelling or in an accessory building) of not more than twenty-five (25%) of the total floor area of the dwelling (including any functional basement). [Approved March 2000, Amended March 2002]

Article IV

General Provisions

P. Home Occupation: No new Home Occupation may be conducted or Existing Home Occupation expanded without first obtaining a Use Permit from the Board of Selectman. In addition to meeting the definition set forth in Article III, Section I, the applicant must agree to and demonstrate compliance with each of the following conditions in order to receive a Use Permit for a Home Occupation:

1. The use shall be carried out entirely within the dwelling or an accessory building located on the same premises as the dwelling, subject to the area limitations set forth in Article III, Section I
2. There shall be no display of goods or wares visible from the street.
3. The dwelling or accessory building in which the Home Occupation is conducted shall not be rendered objectionable to the neighborhood because of exterior appearance, emission of odors, gas, smoke, dust, noise, electrical disturbance, hours of operation or in any other way.
4. In a multi-family dwelling, the Home Occupation uses shall in no way become objectionable or detrimental to any residential use within the multi-family dwelling. It shall include no features of design not customary in buildings for residential use.
5. The use shall not create a traffic safety hazard, nor shall it result in a substantial increase in the level of traffic congestion in the vicinity of the dwelling.
6. No outside storage of equipment will be allowed in connection with the Home Occupation.
7. Any Use Permit for a Home Occupation (i) shall be nontransferable, (ii) shall automatically expire when the applicant(s) is no longer the resident owner(s) of the dwelling.
8. Commercial vehicles in connection with the Home Occupation may be stored on the premises. In connection with site plan review, the Planning Board may require that any parking area associated with or needed for the Home Occupation be effectively screened from abutting and facing residential properties by appropriate fencing or landscaping.
9. Site plan review by the Planning Board shall be required unless waived by the Planning Board.

Stoddard, NH

http://www.stoddardnh.org/pages/zbadocs/com_plan_ord.pdf

Requires permit. Notice to abutters is required if non-resident employee is hired.

2. Home Occupations: A home occupation will be permitted in all districts if it conforms to the following:

Definitions:

1. A Home Occupation shall be carried out by resident members of the premises and not more than (1) one other, on site full-time equivalent worker. It shall involve only a service provided or a product produced by those persons.
2. It shall be operated entirely within a principal living unit and/or existing accessory structure. The primary purpose of the building shall be for dwelling and the home occupation shall be secondary.
3. It shall result in no external evidence of the enterprise except for a permitted sign (see Article XIV of the Community Planning Ordinance). Exception: locally grown agricultural products, produced or grown on the premises, may be displayed. It shall not have an adverse effect on the environment or the surrounding properties as a result of noise, odors, smoke, dust, lights, soil, water or air pollution, significant increases in traffic or in parking requirements, or as a result of other nuisances.

Permitting Process:

1. The Selectmen require that, prior to the start up of a home occupation, the owner shall obtain a copy of the Home Occupations Ordinance.
2. Any operator of a home occupation who wishes to use an on-site employee shall :
 - A. Notify Abutters, Planning Board, Zoning Board of Adjustment, by certified mailing, of plans to start a home occupation and hire an on-site full-time worker. The certified mailing must be sent at least 10 days prior to submitting the application to the Selectmen for consideration. The 10 days can not include the day of mailing or the day of the meeting with the Selectmen. The notification must include a copy of the Town of Stoddard Home Occupation Application. Receipts of such mailing will be submitted as proof of the mailing at the time of the application for a home occupation.
 - B. Submit a Home Occupation Application to the Selectmen for review and approval by a majority of the Selectmen. Home Occupation Applications may be obtained from the Selectmen's Office or the Town Clerk.
3. Any activity that exceeds these standards is subject to the requirements applicable to commercial or industrial uses under the Community Planning Ordinance.

Belmont, NH

<http://www.belmontnh.org/docs/ords&apps/HomeOccAppl.pdf>

Requires permit from Planning Board.

Any home occupation shall be permitted in all zones subject to the following conditions:

1. A home occupation is clearly an accessory use of the property. Home Occupations shall include such uses as offices for an engineer, doctor, architect, lawyer or other recognized profession or for a real estate or insurance business. It shall also include such home occupations as hairdressing, dressmaking, manufacture of craft or food products for sale.
2. The home occupation is carried on by not more than four persons at least one of which shall be a resident of the property.

Examples of Home Occupation Ordinances – 8/12/2009

3. The home occupation shall be carried on only within the principal or accessory structure, and there shall be no commercial interruption of the residential appearance of the area.
 4. A home occupation shall be allowed one sign.
 5. Operations which are abusive to the residential atmosphere or that cause interference with radio or television reception or that generate undue noise shall not be allowed.
 6. A home occupation shall not display or create any evidence of the operation of the home occupation outside the building except for the permitted sign.
 7. No more than two Home Occupations shall be established on a lot at one time. However, the total number of persons, including residents, carrying on the Home Occupation(s) shall not exceed 4 per lot.
8. Home occupations shall not utilize more than a total of 1,000 square feet of the principal and/or accessory structure.

Littleton, NH

<http://www.townoflittleton.org/docs/GenDef9.html>

Very short ordinance:

94. Home Occupation: The accessory use of a parcel that shall constitute, either entirely or partly, the livelihood of a person living on the parcel, subject to the conditions in Article VIII, Section 8.03. The home occupation shall be clearly secondary to the use of the parcel as a residence. The home occupation may take place within any structure on the parcel (i.e. house, outbuildings, etc.) but must occupy an area that is minor compared to the area used for living. Only one non-resident may be employed in a home occupation.

Also found this:

<http://www.townoflittleton.org/docs/HomeOcc.html>

ARTICLE VIII. HOME OCCUPATIONS

8.01 Purpose

Home occupations may be conditionally allowed through the process described in order to allow diversity in employment available to Town residents, to support the variety of uses characteristic of small towns, and to allow reasonable growth. At the same time, the Ordinance intends to protect the character of the Town's residential neighborhoods and keep neighborhood residents free from nuisance.

8.02 Definition

Home Occupation ([see section 2.01.01](#))

8.03 Standards

8.03.01 Prohibited Activities

No home occupation shall be permitted that:

1. Changes the outside appearance of the dwelling or is visible from the street;
2. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
3. Creates a hazard to persons or property, results in electrical interferences, or becomes a nuisance;
4. Results in outside storage or display of anything.

8.03.02 Parking

Parking for the home occupation shall be provided on-site.

8.04 Permitted Home Occupations

The following are permitted home occupations provided they do not violate any of the provisions of the previous standards or definitions:

1. Dressmaking, sewing, tailoring, knitting and shoe lacing;
2. Painting, sculpturing or writing;
3. Telephone answering;
4. Home crafts, such as model making, rug weaving, lapidary work and cabinet making;
5. Tutoring, limited to four students at a time;
6. Home cooking and preserving;
7. Computer programming;
8. Baby-sitting services for one to three non-resident children from one or more unrelated families.

8.05 Procedure

Any proposed home occupation shall meet the above standards. If not specifically permitted by 8.04, it shall be considered a conditional use. Such a conditional use shall be granted or denied by the Zoning Board of Adjustment upon consideration of the standards of 8.03, in which case, the general requirements for special exception must also be met. (See Article XIV)

Somersworth, NH

<http://www.somersworth.com/vertical/Sites/%7B6C0E14C8-E211-49B5-B0FF-991673FFDBC8%7D/uploads/%7B28DED3A0-B6C4-4CF5-A2F1-322A3861C569%7D.PDF>

Application for permit.

Gardiner, ME

http://www.gardinermaine.com/public_documents/GardinerME_PCode/

Home Occupations requires permit and site plan review. Minor Home Occupations do not require permit.

(Scanned and converted with an optical character reader)

Brookfield Planning Board
Voter's Survey

Question A 1: Are you in favor of creating a Commercial zone in Brookfield?

- There is (sic) commercial parcels all over Brookfield anyway;
- Perhaps one that people in town still have a voice to keep things in balance; ➤ Yes and no;
- Good question. First thought is no. However, I have enjoyed going to the Tumbledown Farm I don't know how to have something like that and not have a Home Depot?
- Yes, but only if we can control the type of business and look of building;
- Yes, if it would lower taxes;

Question A 2: What types of commercial businesses do you want to see:

- The type that may help resident taxes keep to a minimum. One that pay taxes;
- Concerts at the barn — Tumbledown;
- Only small garden/craftfarm stands — no large land clearing;
- Quaint, farm oriented, agriculture
- Small (4);
- Farm, nursery, convenience store (small);
- Clean (would rather not see an oil change facility), restaurants, antiques, crafts, hardware would be ok for example; Buildings should have a residential appearance;
- Restaurant, small office park, limited small light industry;
- Small professional type & sales & service type;
- Home industries — hairdressers, florist, light commercial — restaurant, bed and breakfast;
- B&B;
- Any in-home business; ➤ Ski area, general store;
- Antique, home business, agriculture;
- Light industry, office complex, nursing home, Sr. housing complex;
- Lite;
- Not sure;
- Small, non-industrial;
- Farmer & Bowling alley, so kids have a place to go;
- Varied;
- Light manufacturing, office/retail bldgs (craft or gift shops, doctor/dentist office/ hair salons, gyms, etc.);
- Low impact, professional, retail, restaurants, B&B (2);
- All;

- I don't know but they would be low impact in terms of noise/size but would contribute to taxes to ease residential taxes;
- Any if done appropriately;
- Town General store, B&B, no supper clubs;
- Any in home business with proper setbacks;
- Light retail commercial: general store, craft and gift shops, offices, B&B. small restaurants, no chain stores or gas stations; with strict architectural design control;
- I am open. A grocery store, a drug store, etc. - something that would help the community with conveniences;
- Light commercial-retail-offices-B&Bs, no gas stations, heavy equipment facilities, chain stores, strict architectural design control
- Light commercial such as professional, health or elderly care, retail with limited use (no national franchise) and limited manufacturing which is clean and limited to 10 employees;
- Cottage industries — agriculture with town controls;
- Grocery stores, Dunkin Donuts, pharmacy;
- Professional office building, small store perhaps;

Questions A 3: Where should a commercial zone be located?

- Route 109 (12); ➤ Main streets;
- Central; Near Town Hall or on 109 or Governor's Road (2);
- Along 109 corridor — state maintained roads; the Albee gravel pit for light industrial, the Welton subdivision property would be a neat small office park;;
- Spot zoning (2);
- Scattered through town — would reduce traffic congestion;
- Together;
- Any appropriate location with enough land;
- Moose Mtn.;
- Anywhere;
- Wherever necessary to generate tax revenue;
- Unsure (2);
- Centrally (2);
- Rte. 109 from Fletcher Farm to Rte 16; possibly Governor's Road from 109 to town line near Rte 16;
- Lyford Road on the right side lower or upper end of road;
- Commercial can be anywhere if done appropriately (2);
- Near Town Hall (4);