

**§ 218-5.3. Accessory uses.**

**A. General.**

- (1) Accessory uses shall be on the same lot with the building of the owner or occupant, except as otherwise permitted herein, and shall not alter the character of the premises on which they are located nor impair the neighborhood.
- (2) Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit, provided that the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

**B. Home occupation.**

- (1) Allowed occupations. Home occupations shall be allowed without need for a special permit only if meeting all of the following:
  - (a) The occupation shall be operated by a person residing on the premises and shall employ not more than one person not resident thereon.
  - (b) 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 as permitted at Section 5.2<sup>1</sup> or for display of produce raised on the premises.
  - (c) Any exterior storage of materials or equipment or business-related parking shall be so located and so screened (through location, grade or vegetative screening) as to be in compliance with Subsection B(1)(b) above.
  - (d) Not more than two vehicles requiring registration as taxis, buses or commercial vehicles shall be regularly parked outdoors on the premises.
  - (e) 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.
  - (f) The occupation shall be conducted within a dwelling with no use of accessory structures except for parking or incidental storage in an existing accessory structure.
- (2) Occupations on special permit.
  - (a) A special permit from the Board of Appeals may authorize any or all of

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1. Editor's Note: Original Section 5.2, Signs, was repealed 5-3-1988 ATM, Art 37. For current sign provisions, see Ch. 196, Signs.

the following for a home occupation:

- [1] Employment on the premises of two or more persons not resident thereon. Not more than three such persons shall be authorized except when, because of the circumstances of the location or the occupation, such additional employment will not adversely affect the neighborhood.
  - [2] Reasonable modification of the limitations in Subsection B(1)(b) above.
  - [3] Parking or outside storage not capable of being located and screened as required at Subsection B(1)(c) above.
  - [4] Parking of vehicles other than as allowed under Subsection B(1)(d) above.
  - [5] Activity likely to result in more traffic than allowed under Subsection B(1)(e) above.
  - [6] Use of an existing accessory structure for other than parking or incidental storage.
  - [7] Storage of equipment or materials on premises other than the residence of the operator.
- (b) Such special permit shall be granted only if the Board of Appeals determines that the activities will not create hazard, disturbance to any abutter or injury to the neighborhood and will not create unsightliness visible from any public way or neighboring property.
- (c) Such special permit shall impose conditions and limitations as necessary to protect abutting properties and the public, including the limitation that the home occupation authorized by the special permit may not be transferred to a different operator without a new special permit, that the occupation shall be subject to compliance review by the Building Inspector at periods specified in the special permit and that such special permit may be revoked by a majority vote of the Board of Appeals at any time after notice and hearing, upon the Board's determination that the terms of the special permit are being violated.
- (3) Enforcement.
- (a) A certificate of use and occupancy must be obtained from the Building Inspector indicating compliance with these requirements prior to initiation of a home occupation.
  - (b) Any person may request enforcement of these provisions by the Building Inspector where a violation is believed to exist, as provided at MGL c. 40A, § 7, and if dissatisfied with the outcome, such person may bring an appeal to the Board of Appeals for hearing and action as provided at

## MGL c. 40A, § 8.

- C. Family dependent care. Facilities required for the care of an elderly, infirm or otherwise dependent family member may be provided through placement of not more than one mobile home on the same lot as the residence of the caretaker, if authorized as an accessory use on a special permit granted by the Board of Appeals subject to the following:
- (1) Authority granted by such special permit shall expire when the dependent family member permanently vacates the facilities, and the mobile home shall forthwith be removed.
  - (2) The special permit shall provide that occupancy by the dependent family member shall be annually certified to the Board of Appeals as a condition to the continuation of the special permit.
  - (3) Any mobile home so used within the Floodplain Zone shall meet Federal Emergency Management Agency requirements for stand elevation, access, drainage and pile engineering.
- D. Temporary permits. A trailer or mobile home may be used on any lot as provided below:
- (1) The owner or occupier of a residence which has been destroyed by fire or natural disaster may place a mobile home on the site of such residence and may, by right, reside in such mobile home for a period not to exceed 12 months while the residence is being repaired or reconstructed. Any such mobile home shall be subject to the provisions of the State Sanitary Code.
  - (2) The tenant of a commercial place of business which has been destroyed by fire or natural disaster may place a trailer on the site of such place of business and may, by right, occupy such trailer for a period not to exceed 12 months while the business premises are being repaired or reconstructed. Any such trailer shall be subject to the provisions of the Board of Health.
  - (3) A trailer may be used for a construction site office on a temporary basis and shall be subject to the provisions of § 218-2.5, Site plan review. Such trailer shall be removed upon completion of the construction project. The applicant shall file with the Town Treasurer a bond in such sum as may be required or other documented assurances to the Town, effective in case such structure is not removed prior to the expiration of the building permit for the temporary structure.
  - (4) A trailer may be used for a nonresidential use such as temporary offices, retail store, portable classrooms on a temporary basis. Such trailers shall be limited to one year at a time and not to exceed a total of three years after use has commenced and shall be subject to the provisions of § 218-2.5, Site plan review. The applicant shall file with the Town Treasurer a bond in such sum as may be required or other documented assurances to the Town, effective in case such structure is not removed prior to the expiration of the building permit

for the temporary structure.