

Community Development Council (CDC)

Meeting #70 4/16/08 9:30-10am

Members in Attendance: Terry Appenzellar, Renee Balter, Nancy Phillips (recorder), Priscilla Sylvia, Richard Westcott

Excused: Iona Pressley, Alison Shaw, James Westervelt

Guests: Town Official representatives: Kerry Scott (Selectman), Jerry Wiener (Building Inspector), Deborah de Bettencourt Ratcliff (Town Clerk), Adam Wilson (Home Business Permit Agent/Building Inspector Office and Zoning Board Agent/CPA Administrator)
Home Business Invited Public: Chris Meyer (All Service Plumbing); Joseph Leonardo & H.C. Raihofer (Vineyard Scuba)

Minutes from 4/2/08 approved

Item	Minutes	Goal	Person(s) Responsible	Date of Completion
<u>CURRENT ISSUES</u>				
Home Business & the By-Law	<p>In Summary: The CDC, as advisors to the selectman, were requested by the OB BOS in 4/05 to proceed in reviewing the Home Business By-Law at that time. This request was prompted by a lack of registration of Home Businesses, citizen complaints of inappropriate business activity in their neighborhood, and difficulty enforcing the current by-law. The CDC consulted with Jerry Wiener (Building Inspector), Michael Goldsmith (town lawyer), and Casey Sharpe (OB Executive Administrator). A business case was made for a PT Building & Zoning Permit Assistant funded partly by registration fees. Adam Wilson was originally hired to have this as part of his duties. Adam, along with the CDC members Priscilla & Jim, extensively researched prior lists of home businesses, and current available data such as phone book advertising. The OB BOS approved a warrant article updating the Home Business By-Law for the April 2006 town meeting which was passed. Since then, the implementation of the Home Business By-Law has been bogged down due to a number of reasons.</p> <p>The Purpose of this meeting was to improve the ease of fulfilling the Home Business By-Law requirements from the town official and citizen perspective.</p>	Smooth implementation of Home Business-By Law		

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Home Business & By-Law (cont.)	<p>The following issues were deemed key for clarification:</p> <p>I. Definitions</p> <p><u>OB Business categories (by location)</u></p> <p>1) B1, B2 district OR</p> <p>2) Home Business (in Residential District)</p> <p>- Two types of Home Businesses</p> <p>a) “By Right” – in which <i>can’t see</i> the external nature of the business</p> <p>b) “By Special Permit” – in which you <i>can see</i> the external nature of the business & thereby must come before the OB BOS and obtain this special permit. (J.Wiener pointed out that the special permit goes with THE PERSON whereas a variance goes with the land)</p> <p><u>Grandfathered</u></p> <p>“Any structure or use that was established prior to the adoption or amendment of a by-law voted upon at town meeting. A zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun prior to establishment or change in a by-law” (MA Bldg. code). If there is a change in the scope of Such business then they would have to notify the town. In OB, 1987 is the first mention of a permit for grandfathered business.</p> <p>II. Annual Fee</p> <p>1) B1,B2 – state required fee of \$20.00 every 4 years unless <u>doing business as</u> in their own name (DBA) (i.e. their checking acct. is in their own name) then no charge. There is a \$10.00 fee to change a business name.</p>			

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Home Business & By-Law (cont.)	<u>Home Business Fee</u>			
	<ul style="list-style-type: none"> - \$50.00/year for both categories 2a) "By Right" and 2b) "By Special Permit" as of 2006. - Initially a "By Special Permit" business must pay \$125.00 (to meet with the BOS approval & for legal notice advertisement in paper) 	To establish a reasonable fee which would also help offset admin. Cost to town	CDC letter to BOS	4/29/08
	<ul style="list-style-type: none"> - CDC Unanimous Vote (5 yes) to recommend to BOS a decrease in fee to \$10.00 			
	<u>Grandfathered</u>			
	- no fee			
III. Process & Coordination between OB town departments				
(Town Clerk & Building Inspector Office)				
	1) B1,B2 – Files with Town Clerk (Deborah Ratcliff) every 4 years with \$20.00 fee. Onus is <u>on the business</u> to do this – no reminder notice is sent out.			
	<u>Home Business</u>			
	<i>First town official contact by Business Owner -></i>	Streamline process for town official and business owner R		
	Town Clerk – File business certificate			
	Building Dept. Home Business Permit Agent –			
	Application - available at office			
	- needs place for both Town Clerk and Home Bus. Agent		Adam adjust	5/08
	To sign off		form	
	-mailed to person or			
	- will be available on town web site (as requested today)		Adam Wilson & IT mgr.Travis	5/08

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Home Business & By-Law	Review of Application – - <i>application complete with fee?</i> -categorized as “By Right”, “Special Permit”, “Grandfathered” or needs review by Bldg. Inspector -if “ <i>Special Permit</i> ”- instructions and additional fee (total \$125)for BOS review etc.. Adam did a great Job summarizing the steps: compiles Legal notice, does zoning analysis, Attends BOS mtg., readies paperwork for BOS signature, produces confirmation “Special Permit Certificate” and gives to Town Clerk.			
	Yearly renewal – notice sent out 1 st of anniversary Month April or May by e-mail or USPO - pay \$50.00 fee and verify no change in scope or character of business. - recommended to have a standard Form verifying this with yes/no answer		Adam compile form	5/08
IV. Enforcement				
<u>Notification</u>				
- Original Notice of By-Law adjustment placed in paper 2006				
- Lists painstakingly compiled of previous registered, those who Advertise in phone book, and by local knowledge.				
- Notification sent out initially to individuals they need to register				
- Notification sent out after non-compliance with either initial Regis- Tration or yearly non-renewal.				
<u>Non-compliance</u> – per By-Law fees of from \$50- \$300/per day can Be imposed by Bldg. Inspector.				
- Recommend to BOS those who contest appear before them				
Adam compose letter notifying those persons regard. above.				
<u>Next Meeting CDC</u>	Town Hall meeting room 1 st floor (page 4 of 4)	9:30am, 5/7/08	CDC letter to BOS Adam	4/29/08 4/29/08

