



# Conducting a Business from Your Medway Home

At Medway's June 14, 2010 Annual Town Meeting, Medway citizens voted to amend the *Medway Zoning Bylaw (SECTION V. USE REGULATIONS, Sub-Section AA)* regarding the use of one's personal residence from which to operate a home based business. This change allows a home based business to operate "by right" in Medway's Agricultural Residential I & II zoning districts as long as the business is conducted ***within reasonable limitations*** described below.

These limitations serve as the community's determination of the acceptable performance standards for the use of an individual's Medway home as a location from which to conduct a small business. These standards are necessary to protect a neighborhood's primary residential purpose and character while also encouraging small business startups.

**Q. What are the limitations for conducting a business from my home in the AR1 or AR2 zoning district?**

**A.** A home based business located in the AR1 or AR2 zoning district must be conducted in a manner to meet ALL of the following performance standards:

- The business use on the premises is clearly SECONDARY and INCIDENTAL to the property's PRIMARY residential use.
- No more than 20% of the combined gross floor area of the dwelling and any accessory structures may be used for a home based business, up to a maximum of 1,000 sq. ft. (*Gross floor area = the area of all heated and ventilated space on the premises.*)
- The business itself shall be conducted indoors, wholly within the confines of the residential dwelling or an accessory structure.
- Unheated and unventilated accessory structures such as barns or garages or sheds may be used for unheated storage of materials, supplies, goods, tools and equipment associated with the home based business.
- No more than one person other than a resident may be employed by the home based business and work on site at any one time.



# Conducting A Business from Your Medway Home

- The number of customers/clients on the premises at any one time cannot exceed the number of persons that can be accommodated in a customer's passenger vehicle.
- There shall be no change in the exterior appearance of the existing building resulting from the operation of the home based business.
- Except for an authorized sign, there shall be no visible evidence of the conduct of the home based business when the building is viewed from the street right of way or from an adjacent lot. That means:
  - No outside storage of materials or equipment
  - No outside fabrication of sub-assemblies.
  - No public display of goods or wares
- If a new addition is constructed that will be used for the home based business, that construction may not deviate from the primary residential character of the neighborhood.
- Outside parking of up to two *commercial motor vehicles* associated with the home based business is allowed at any one time. A *commercial motor vehicle* is defined by the Massachusetts Registry of Motor Vehicles.
- Parking is allowed for no more than two vehicles at any given time for a non-resident employee or for customers.
- Deliveries or pick-ups for the home based business must occur between 8 am and 8 pm. Delivery vehicles are limited to those that customarily serve residential neighborhoods.

**Q. OK. I can conduct my home based business to comply with these requirements. Is there anything else I need to do?**

**A.** If your business can function within these acceptable standards, you may operate a business enterprise from your home without securing anything more than the standard Medway Business Certificate which can be obtained through the Town Clerk's office.



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**Q. What if the operation of my home based business will exceed these standards?**

**A.** When the conduct of a home based business exceeds the above noted performance standards, there are three options.

1. Modify how you operate your home based business to comply with the performance requirements.
2. Relocate the business to a commercially zoned area of town.
3. Secure a special permit from the Medway Zoning Board of Appeals (ZBA). This will involve filing a special permit application and appearing before the ZBA for a public hearing. Your neighbors will be notified about the public hearing so they will have an opportunity to learn about your plans and express their opinions and concerns. State law gives local zoning boards considerable discretion with special permits to impose limitations, safeguards and conditions to protect the neighborhood's primary residential use and character. The Zoning Board's approval is not automatic and should not be assumed.

**Q. What is involved in applying for a special permit from the Zoning Board of Appeals?**

**A.** You can secure a copy of the Medway ZBA's special permit application form from the Town Clerk or from the Town's web site ([townofmedway.org](http://townofmedway.org)). The application must be submitted to the Medway Town Clerk who will provide it to the Zoning Board of Appeals. There is a \$ 175 fee to apply for a special permit. A public hearing date will be determined and you will be informed of that date. This can be a 4-8 week process.

**Q. What happens if I run a business from my home without a special permit?**

**A.** If your home based business operates within the acceptable performance standards, you do not need a special permit. However, if your home based business is conducted in a manner that exceeds the acceptable performance standards or if you do not abide by the required limitations/conditions specified in the ZBA's special permit decision, you may be subject to a violation, fines and penalties. If a complaint is filed or a potential violation is observed, the Medway Building Commissioner (who also serves as the Town's Zoning Enforcement officer) will investigate. If a violation is noted, you will be directed to remedy the violation immediately or to cease operations. Penalty fines may be imposed. If not addressed, you may be taken to court.



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**Q. May I have a sign for my home based business?**

**A.** Yes. If you are conducting a home based business within the performance standards or if the business is specifically authorized by a special permit from the ZBA, you are allowed one small projecting sign to identify your business. It must hang from a post or bracket; it can be up to 3 sq. ft. per side (or 6 sq. feet for a 2 sided sign) and cannot be taller than 6 feet high. If illuminated at all, it must use exterior lighting whose light source is shielded. Signs must be positioned at least 10 feet back from the roadway edge and cannot be located in the Town's roadway right-of-way. Before any sign is installed, you must obtain a sign permit from the Medway Building Department. This process includes meeting with the Medway Design Review Committee to discuss your proposed sign design before you apply for the sign permit.

Further questions regarding home based businesses should be directed to Jack Mee, Medway's Building Commissions/Zoning Enforcement officer at 508-533-3253.

Please retain this information for your records and review.

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Prepared by Medway Planning & Economic Development Office*