

## Certificates of Occupancy - Forwarded for Public Hearing on 9/7/21

### 5.3.5 Certificates of Occupancy –

~~A person shall not use or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered in its use or structure until a Certificate of Occupancy is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these Zoning Regulations and the conditions of approval, in accordance with the Act (§4449) , and that all violations of town land use permits, Bylaws and regulations have been cured as to the property involved and all related fines paid.~~

- ~~a) Notwithstanding the preceding, a Certificate of Occupancy shall not be required for a one-story building, without a basement or cellar, which:~~
  - ~~i does not have more than six hundred (600) square feet of Gross Floor Area,~~
  - ~~ii is an Accessory Structure to a Dwelling, or a temporary building used in connection with a work site while work is ongoing (other than an accessory dwelling under Section 5.9), and~~
  - ~~iii does not contain any water facilities or sewage facilities.~~

5.3.5.1. A certificate of occupancy from the Administrative Officer is required prior to the use or occupancy of any land or new principal structures, dwellings, additions to structures 600 square feet or greater, and accessory structures 600 square feet or greater.

5.3.5.2. As a condition of approval, the Development Review Board may require the applicant to receive a certificate of occupancy regardless of the nature of the proposed land development prior to the occupancy of the structure and/or commencement of the use.

5.3.5.3. In order for the Administrative Officer to issue a Certificate of Occupancy, the Administrative Officer shall determine that:

- a) The land is used and the structure is built according to the terms and conditions of an approved zoning permit, these Zoning Regulations, approved project plans, applicable conditions of approval, and any other applicable specifications; and
- b) For heated or cooled structures, the applicant has filed the applicable building energy standards certificate--either the Residential Building Energy Standards Certificate (RBES), the RBES Owner/Builder Disclosure Statement, or the Commercial Building Energy Standards Certificate (CBES).

5.3.5.4. The Administrative Officer shall act on a complete application for a certificate of occupancy within 30 days. The Administrative Officer may inspect the subject property and consult with other Town departments as needed to determine compliance prior to the issuance or denial of a complete application for a certificate of occupancy.

5.3.5.5. The Administrative Officer shall approve or deny applications for certificates of occupancy in writing. When denying a certificate of occupancy application, the Administrative Officer shall provide the applicant the reasons for the denial.

5.3.5.6. For all Zoning Permits issued after *[insert date Zoning Regulations become effective]*, Certificates of Occupancy shall be applied for prior to the expiration of the respective Zoning Permits.

b) 5.3.5.7. Certificates of Occupancy shall be delivered by the Administrative Officer to the Town Clerk for recording in the land records of the Town in accordance with Section 8.5.