

**Town of Milford
Zoning Board of Adjustment Minutes
March 1, 2007
Leonard & Kimberly Mannino
Case #7-07
Special Exception**

Present: Len Harten, Chairman
 Katherine Bauer
 Bob Levenson
 Fletcher Seagroves
 Ron Pieper, Jr.

Secretary: Kathryn Parenti

Leonard and Kimberly Mannino, owners of 29 George Street, Map 29, Lots 58, in the Residence "A" district, are requesting a special exception from Article V, Section 5.022.A to permit a home occupation for an in-home hair salon.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

L. Harten, chairman, read the notice of hearing into the record. He then read the abutters list into the record. Jose Menendez of 24 George Street, David & June Stevens of 30 George Street, and Timothy Etheridge of 25 George Street were present. He then invited the applicants to present their case.

Leonard Mannino stated his wife, Kimberly, currently has a hair salon on South Street. She has owned the business for sixteen (16) years and his mother had owned it prior to that. The shop is large and they have decided to downsize and try to make it so Kimberly is home more often. They way to do this would be to move her hair salon to their home. They have four children and at this time, it would be best if Kimberly were home more often.

L. Harten asked the applicants to go through the five criteria for a special exception.

K. Bauer asked if the addition they were currently putting on their home would be where the proposed shop would go.

L. Mannino replied that the shop would not take up the entire first floor space of the addition. They would like the salon to be much smaller than the current salon downtown.

K. Mannino stated they were adding a hallway to provide an entry into the house.

K. Bauer reminded them that the proposed use could only be 25% of the square footage of the first floor and the percentage would work out.

B. Levenson stated that he could not make the square footage come out correctly with the provided numbers. The plan shows the first floor square footage is 1188 SF. Since 699.58 SF, 440 SF of the addition and 463.71 SF add up to 1603 SF, they could potentially use more space for the shop.

K. Mannino stated they were told the square footage of the salon could be less than 297 feet, based on the square footage of the existing house.

K. Bauer stated the applicants' plan for the salon is 294 square feet so they were within the limits.

K. Bauer stated L. Mannino replied the plan provided showed the first floor and that was what the square footage of the salon was based on.

B. Levenson stated the new addition is on the first floor and could be added into the square feet of the first floor. He stated if they added the square footage of the addition, 440 square feet, to the square footage of the house, 1188 square feet, they would be allowed to use almost 400 square feet for the salon.

L. Mannino stated the board's intention was good but they were trying to downsize.

R. Pieper stated that the applicants are allowed to use 25% of a given floor and they are well under the limit.

K. Mannino stated the nature of her business is by appointment only; there are no walk-in clients and she hasn't taken walk-in business for about five years. She has a full clientele but has decided that it's time for her to stay home more since they have four children between the ages of fourteen and four.

L. Harten asked them to go through the five criteria.

1. The proposed use shall be similar to those permitted in the district:

L. Mannino stated that salon visits are accepted by appointment only and would be closed on all major holidays, Sundays and Mondays. The hours of operation would be part time only, approximately 22 – 27 hours per week. There would be only two chairs.

K. Mannino stated they might have a non-resident employee who would be working ten hours a week. She stated the hours of the salon would vary daily; a typical week

would be 9am to 2pm on Tuesday, 9am to 11:30am on Wednesday, 3 pm to 7:30pm on Thursday, 9am to 12:30 or 1:00pm on Friday and 8 am to 12pm on Saturday.

L. Harten asked if 7:30 would be the latest they would be open and if the non-resident employee would be working that late as well.

K. Mannino replied that she would not be working any evenings but may be there up to five additional hours. She stated there was a lot of school traffic on the street and that was why her shop hours were the way she proposed. She stated she would not subject her clients to the traffic. On her late day, the school traffic would be over by the time her clients would be arriving. There would be no effect on the foot traffic.

R. Pieper asked if it would be fair to say that she, as a sole proprietor has more flexibility than she would have had at the downtown salon.

B. Levenson stated the applicant was asking for 22 –27 hours per week and that is what the approval will be based upon.

R. Pieper wanted it to be noted that the hours are not cast in concrete.

B. Levenson stated the board could do that, if neighbors had issues with the hours, if that was the case.

2. The specific site is an appropriate location for the proposed use:

L. Mannino stated the site has ample space including off site parking. The landscaping is consistent with the neighboring lots. He stated the neighborhood has been exposed to home occupations in the past; in this case, the house was previously home to a radio repair shop.

L. Harten asked how many cars could be parked in the driveway.

L. Mannino stated they could park between four and six cars in the driveway and there was ample on street parking as well, enough for two customers and two workers.

3. The use as developed will not adversely affect the adjacent area:

L. Mannino stated a hair salon is a low profile operation, with hours limited to part time. The added presence of a homeowner will improve the neighborhood by serving as a deterrent to activity that requires police intervention that may have previously gone unnoticed. The addition will not affect property values as they have torn down their old garage and have kept the landscaping intact.

4. There will be no nuisance or serious hazard to vehicles or pedestrians:

L. Mannino replied the hours of operation would not interfere with the vehicular and pedestrian traffic associated with the close proximity of the high school and middle school. Additionally, the site has ample off street parking and poses no hazards or nuisances. The neighborhood has a daily police presence to help keep order.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use:

K. Mannino replied that the salon and its employees are subject to several inspections a year by the State of New Hampshire's Board of Barbering, Cosmetology and Esthetics. The Board requires a separate entrance and bathroom.

L. Harten asked if they would come and inspect periodically.

K. Mannino said they would come right away, once the special exception is approved. They will come two or three times a year.

L. Harten asked if the board had any additional questions.

K. Bauer asked if they had considered a sign.

K. Mannino said she had a nice sign from her downtown salon, but thought it was too big. If that were the case, she would use it as interior decoration.

B. Levenson stated she was allowed to have a sign that was four square feet in size.

K. Mannino stated she could use a small plaque near the door to keep the salon low key. There would be nothing near the road. The sign would not be lit but there would be a light near the door.

L. Mannino stated the fewer people that knew about the salon, the better.

B. Levenson stated they would not be allowed to sell finished goods from the salon. He read from Article X, Section 10.023.4 from the Town of Milford Zoning Ordinance, "*No finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a home occupation within the dwelling unit.*"

L. Harten asked if there were any more comments or questions from the board or from any abutters.

Jose Menendez, abutter, stated he was fond of the Mannino's and was happy they were trying to stay home with the children. He was a bit concerned with another business coming to the street since there was already an auto repair business in the neighborhood. He felt there might be some concerns with the extra traffic from two businesses on the street.

Timothy Etheridge, abutter, stated he also had some concerns with a second business on the street and asked if clients would be parking on the street that might hinder emergency access. In addition, high school students have taken to parking on George and Ford Streets. He felt there was too much on street parking from the high school and the garage on the street

L. Mannino said they had plenty of off street parking. He stated he had the same concerns regarding emergency access. He stated the issue of the student parking has gone to the School Board and they are working on a plan to deal with the parking issue.

David Stevens, abutter, stated he was in support of the request for the home occupation.

L. Harten read a memo from K. Parenti to the Zoning Board from Charles Etheridge, who had called to express his dislike of the additional business on the street.

L. Mannino responded to the memo by stating there originally was a radio repair shop in the house. It was routine for customers to be coming in and out of the home. There used to be several hair salon home occupations along the street so this is nothing new to the neighborhood.

L. Harten asked if there were any additional comments. Since there were none, he closed the public portion of the hearing. He asked the board if there were any additional comments. There were none so he then called for a vote.

1. Is the exception allowed by the ordinance?

K. Bauer – yes R. Pieper – yes F. Seagroves – yes B. Levenson – yes

L. Harten – yes

2. Are the specified conditions present under which the exception may be granted?

R. Pieper – yes F. Seagroves – yes B. Levenson - yes K. Bauer – yes

L. Harten – yes

L. Harten asked for a motion.

R. Pieper made the motion to approve the request for a special exception to allow the home occupation.

K. Bauer seconded the motion.

Final Vote:

F. Seagroves – yes B. Levenson – yes R. Pieper – yes K. Bauer – yes
L. Harten – yes

Case #7-07 was unanimously approved.

L. Harten reminded the applicant of the 30-day appeal period and wished them luck.