

L. Harten, chairman, read the notice of hearing into the record. He then read the abutters list into the record. The applicant, Andrea Mannino, of 9 Spaulding Street, was present. He then invited the applicant to present her case.

Leonard Mannino, presenting for Andrea Mannino, Michael Mannino, general contractor and co-owner, and Andrea Mannino came forward.

L. Mannino reminded L. Harten there was a letter from an abutter that should be read into the record.

L. Harten thanked him and read the letter from Polson Bell of 57 West Street into the record.

M. Mannino explained the layout of the proposed salon, and showed that it did not take up more than 25% of the total square footage of the home. He stated the salon was approximately 75 feet under the allowed 25%. He stated the home is 913 square feet, which would allow for a home occupation to take up to 228 square feet; the salon would be about 160.3 square feet, which is less than what is allowed.

B. Levenson asked where in the house the salon would be going.

M. Mannino stated it would be in the room shown as the television room. He stated he had taken all the dimensions from the exterior of the home.

B. Levenson asked why a building permit application for a deck was included in the packet.

M. Mannino said he would be putting in a door where a door used to be, where there is currently a window, to access the proposed salon. There would be three (3) steps going up to a small deck to access the new door.

K. Bauer reminded L. Mannino he needed to address the criteria for the home occupation, in addition to the criteria for the special exception.

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 in operation less than 40 hours per week. He said the salon would consist of only one booth. He noted the applicant has existing medical conditions so it would be very hard to determine specific hours, but he felt they would be very minimal part-time hours. A. Mannino stated the salon would probably be open every day for a couple of hours each day.

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

L. Mannino stated the salon would occupy one room of the main residence, which is part of a multi-family property. He stated the homeowner lives on site and the tenants are by lease only. He stated there was plenty of on-site parking.

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

L. Mannino stated the neighborhood consists of a mix of multi-family dwellings and single-family residences and the Baptist Church abuts the property. There are two (2) other apartments in the building.

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

L. Mannino replied the location has ample on-site parking and will not pose any nuisance or hazards to vehicles or pedestrians. M. Mannino stated Spaulding Street is a dead end and the only traffic on the road is residents of the street. L. Mannino stated there would not be any sizeable traffic increase. A. Mannino replied there might be only two (2) clients a day at the salon.

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

L. Mannino replied the salon would be subject to state inspection and licensing and the owner will be properly licensed by the state board of cosmetology, as well.

L. Harten asked if there would be any additional employees.

A. Mannino replied there would be no additional employees but there may be someone there to cover for her.

K. Bauer informed her that she would be allowed a sign, if she wanted one, up to four (4) square feet in size.

L. Harten said the sign might be good to direct the clients to the door of the salon.

L. Mannino responded to the additional criteria for a home occupation, section 10.023 on page 100 of the Town of Milford Zoning Ordinance.

1. The person conducting the home occupation shall reside in the dwelling unit, And there shall be no more than one (1) non-resident person employed in connection with such occupation.

L. Mannino said this is the case; the owner lives in the dwelling unit and there would not be any additional employees. A. Mannino commented that she could have two (2) people working in the salon, but not at the same time.

2. There shall be no evidence outside the dwelling, except permitted signs and required off street parking, that the dwelling contains a home occupation.

L. Mannino stated the owner might put up a sign of the proper size to direct clients and there is plenty of off street parking.

S. Bonczar inquired about the new parking that was listed on the plan included in the application.

L. Mannino said the plan was an old one, back when the property was made into a multi-family property.

S. Bonczar clarified that it was existing parking.

L. Mannino replied it was.

3. The home occupation shall be confined to one (1) floor of the dwelling unit or Accessory buildings and not more than twenty-five (25) percent of such floor Shall be so used.

L. Mannino replied the statement was true; the general contractor had explained it Was less than 25% and the salon was on the first floor.

4. No finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a home occupation within the dwelling unit.

L. Mannino replied the owner would not be selling any consumer goods in the salon.

5. The home occupation and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.

L. Mannino replied the salon would not impair the character and it would have no impact on the surrounding property. He said the only noticeable difference is there Will be a door where a door used to be and perhaps a sign. M. Mannino replied the Salon would not be seen from any surrounding locations.

L. Harten reminded them that the special exception terminates when the applicant no longer resides on the property.

S. Bonczar clarified the special exception goes with the owner and not the land.

L. Mannino stated that David Wheeler, an abutter, said he would be willing to come in and state his support for the home occupation. He said he would be willing to submit a letter in support of this.

L. Harten stated that would not be necessary; his support is noted in the record.

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 S. Bonczar – yes F. Seagroves – yes B. Levenson – yes

L. Harten – yes

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

S. Bonczar – yes F. Seagroves – yes B. Levenson - yes K. Bauer – yes

L. Harten – yes

L. Harten asked for a motion.

K. Bauer made the motion to approve the request for a special exception to allow the home occupation.

S. Bonczar seconded the motion.

Final Vote:

F. Seagroves – yes B. Levenson – yes S. Bonczar – yes K. Bauer – yes

L. Harten – yes

Case #13-07 was unanimously approved.

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