

Zoning Board Chairman Mr. Cupersmith called the meeting to order and stated it was being held in compliance with the "Open Public Meeting Act" and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Cohen, Mr. Weil, Ms. Tulman, Mr. Hundal, Mr. Leoncio, Ms. Jennifer Branch Stewart (alternate), Mr. Willard, and Mr. Cupersmith

Absent:

Also, present: Mr. Justin Strausser, Board Solicitor; Ms. Maryann Bucci-Carter, Board Engineer; and Mrs. Jennifer Gaffney, Board Secretary

OLD BUSINESS

JAMES & ANNMARIE HEISLER

MDR

Case #ZC2022-026

22 Battery Hill Drive | Block 229.02, Lot 19

Mr. Strausser summarized the application as follows: The applicant is seeking a Use Variance to permit 233 square feet of space in the rear of two-car garage to be utilized for professional cosmetology one-chair salon.

- A. Section 152.013(A)(1)(a), where the gross floor area devoted to home business use shall not exceed the lesser of 250 square feet or 10% of the total gross floor living area of the residential property, and the proposed use is 233 square feet, which is 7.4 square feet more than 10% of the total living area;
- B. Section 152.013(A)(1)(e), where no client, customer, patient or patron shall be permitted to be upon the premises for business or professional services, and the proposed use would provide service for one client;
- C. Section 152.013(A)(1)(g), where no sign identifying or advertising the home business shall be permitted, and the proposed use requires a sign on the rear entrance, not visible from the street, not to exceed 12" x 12" (non-lighted) as per the State Board of Cosmetology; and

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Heisler was sworn in by Mr. Strausser and presented his case to the Board. He is requesting variance relief so that his wife can operate her salon business out of their home. He stated that there is little to no impact on the community of Sturbridge Lakes where they live. While he was stationed overseas for Operation Inherent Resolve, his wife held down the fort and provided for their family of then 2. They are active in the community with various charitable causes.

The location of the business would be in the back of the garage, not viewable from the street or even the driveway. The entrance would be at the back of the house. Mr. Heisler stated that they did divide the garage with proper permitting, and it has been approved as up to code with recent inspections and has received a CCO once completed.

Mr. Heisler stated that one of the variances they are requesting relief for is for signage that is required by the State Board of Cosmetology. The sign is less than 12 x 12 and would be located at the back of their home and would only be viewable from the backyard only. The sign is not illuminated.

He stated that their next step in the process, should the Zoning Board grant approval for the use, would be to submit for licensure from the State Board.

Mr. Heisler then shared photos in a power point presentation for the board of the home, the driveway, the rear entrance, the divided garage, etc. Mr. Cupersmith noted that the driveway looked spacious, and Mr. Heisler commented that it's a 3-car parking in the driveway. Mr. Cupersmith asked how long they have lived at the property, Mr. Heisler stated that they moved last September 2022.

Mr. Cupersmith asked the hours of operation. Ms. Annmarie Heisler was sworn in by Mr. Strausser. She stated that the hours of operation are Tuesday, Wednesday, and Thursday from 9am – 4:30pm.

Ms. Tulman asked if she had originally worked in a salon. Ms. Heisler stated that she had, but then COVID shut everything down, the business shut down. Ms. Tulman asked if she had looked into any of the beauty

suites that have started up. Both Mr. and Mrs. Heisler stated that it is a lot of overhead, an additional mortgage payment and daycare expense for the 3 little ones they have at home.

Mr. Cohen asked if she had considered whether or not the septic system can handle what would be going into the system. Mrs. Heisler stated that she is looking into a green company that would take everything and she wouldn't be putting anything down the drain.

Mr. Cohen asked if they had sought approval from the HOA for Sturbridge. Mrs. Heisler stated that they had not yet, they were looking to get the approval with the town first before going to the HOA.

Mr. Cohen asked if she would accept clients by appointment only. She stated that is the only way she would be able to manage the business. No walkups will be permitted.

Mr. Willard asked how many appointments she anticipates in a day. She stated that it depends on what services she would be providing. If it is extensions, that is the only service she would do for the day. If it's colors that are single process, it would be a max of 3 people.

Mr. Cohen asked Ms. Carter if she had any questions that the Board is not thinking about that may be from her report. She asked if they had planned on selling any products/retail. They both stated that they would not be.

Mr. Weil asked if there will be required inspections. Mrs. Heisler stated that the State Board of Cosmetology will be coming to do various inspections to make sure she's in compliance, spot inspections, etc.

With no further questions from the Board and its professionals, Mr. Cupersmith opened the meeting to the public.

Mr. Ed Freund of 10 Battery Hill Drive was sworn in by Mr. Strausser. Mr. Freund stated that he was the 5th family to move into Sturbridge Lakes. He stated the desirability of the residential community. He then expressed opposition to granting a use variance.

Mr. Ed Ferrugia of 4 Harwood Drive was sworn in by Mr. Strausser. Mr. Ferrugia stated that he was speaking as the President of the HOA and expressed opposition to the application.

There was no further public comment at that time. Mr. Cupersmith opened the application back up to the Board.

Mr. Weil made a motion to approve the application as applied, Mr. Cohen seconded the motion. A roll call vote followed.

Aye:	Mr. Cohen, Mr. Weil, Ms. Tulman, Mr. Hundal, Mr. Willard, and Mr. Cupersmith
Nay:	Mr. Leoncio
Abstain:	None

Mr. Cupersmith opened the meeting up to the public for any general comments. There were no public left in the courtroom at the time.

Mr. Willard made a motion to adjourn the meeting, Ms. Tulman second the motion. All were in favor. Meeting adjourned.