

**MINUTES OF PUBLIC HEARING ON AN ORDINANCE AMENDING SECTION  
177-49 HOME OCCUPATION EXCLUSIONS TO INCLUDE MASSAGE  
ESTABLISHMENTS**

**DECEMBER 10, 2002**

**COUNCIL CHAMBERS**

**999, 1293**

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President Harris called the meeting to order at 7:00 p.m.

Present were Councilors Rob Bouvier, Kevin Connors, Jonathan Harris, Maureen Kelly McClay, Scott Slifka, Art Spada, Carolyn Thornberry and Al Turco. Councilor Carl Donatelli was absent.

President Harris: Mr. Feldman before I turn it over to you I just want to announce that the intent of the Council is to withdraw this ordinance.

Mr. Feldman: Mr. Mayor I would also just echo that comment that we would certainly recommend withdrawing the ordinance and then through our own Health District we can work through whatever the issues are that cropped in the ordinance. I thought I would just take a moment to talk a little bit about what prompted the ordinance and then ask Steve Huleatt who is the Director of the West Hartford/Bloomfield Health District if he would like to comment about the ordinance itself. Again to try to understand at least the genesis and the basis for the ordinance. There are probably two reasons why the ordinance was placed before you this evening. One just had to do with recognition that in order to have an establishment within an individual's home the requirements through our own Health District and subsequently the State of Connecticut were very stringent almost to a degree that some thought that the requirements were so difficult that you could not have a profession such as this actually conducted within somebody's single family home and Steve can explain what some of those requirements are but they have to do with certain sanitary as well as creating separate areas from your personal living area .

Secondly, because of the difficulty actually enforcing and inspecting in that single family home we weren't sure as to the rate of compliance and so based upon those features there was the draft of the ordinance that was submitted and placed before you tonight. Perhaps Steve if you would like, Steve Huleatt who is the Director of Health just elaborate on any point and perhaps talk about how we might proceed after the ordinance is withdrawn.

Mr. Huleatt: Good evening. My name is Steve Huleatt. I am the Director of Health for the West Hartford/Bloomfield Health District. Thank you Mr. Feldman, thank you Mayor. The comments Mr. Feldman just made are right on the money. What has happened over the past perhaps two summers is we have had well intended individuals come forward to the Health Department and are looking to open up a massage therapy practice inside their home. There is nothing in the massage therapy establishment ordinance that precludes that in any way but it does set a level of playing field for what that should be whether that be in a home or whether that be in an office building. It is an allied health profession and we look forward to trying to make sure that it maintains that high standard of a profession in that way and that is what that ordinance had established

for many, many years. Over the past two summers we have had instances where people have come forward with well-intended good ideas. We have worked diligently with them to try to make those ideas work inside in their homes and then when they go to the process inside of zoning which has more of a public hearing format they have been disappointed because of just what happens when they get to that process so in echoing our frustrations with that we looked to try to come up with a more simplified way so it could be done easily, easier than that based upon the comments that have been sent to myself and I know a number of Council members clearly we need to find a better way. We clearly accept that challenge and will try to work with Mr. Feldman and our colleagues in the Zoning Department to try to figure out how can we make that less painful from a standpoint of our work with the individuals who are coming forward and then maybe helping to support them once we get the zoning faction in. I will take any questions you may have.

President Harris: Thank you Mr. Huleatt. Any questions by Councilors?

Mr. Feldman: Mr. Mayor just a point of clarification. Maybe it is well recognized but I just want to be clear that the ordinance deals with, the proposed ordinance deals only with home occupation. It does not deal with massage establishments that are commercial. It is only if this is in your single family home. It has no application in any other zoning use.

President Harris: We have two members of the public signed up. If you could come and state your name and address for the record. First Kathy Gallagher.

Ms. Gallagher: Hi. My name is Kathy Gallagher and I live at 8 Old Mill Lane and I'm just going to read, as you mentioned I know it has been withdrawn so I was asked to read just a portion. I came with a letter from a neighbor who couldn't be here and another letter that was written by a few of us. The only portion I am going to read from one of these is that we were just here to ask that the proposed ordinance concerning special exceptions for home occupations Section 177.2 and 177.49C as currently written to allow each applicant to be considered on an individual basis. We don't want that to change but the other one applies more to the health part of it. She asked me to read that based on the information that was written in an article that she read by you, Steve Huleatt in the paper based on the information and her experience as a client of massage therapy as well as public health professional, she wanted to make the following points: that most massage therapists have a special room reserved only for massage therapy. It is possible for clients to change their clothes in that room and to use a nearby bathroom if the need be. Massage therapy is a holistic healing approach and a home environment is much more conducive to this than the more sterile office environment. Massage therapists do not need to have a special hand-washing sink to be sanitary; they do need to properly wash their hands. Many studies of physicians and nurses have demonstrated that simply having a special sink is not the determining factor in hand washing practice, rather it is a commitment to doing so and a belief that this improves patient care. Massage therapy does not involve any danger to the client simply by being offered in someone's home and that massage therapy is an elective service and clients have many choices of therapists

and settings. Clients who prefer an office setting have that option and she wants this option to be left open to clients. Thank you.

**President Harris:** Thank you Ms. Gallagher. Deby Van Ohlen.

**Ms. Van Ohlen:** Hi. My name is Deby Van Ohlen. I live at 83 Cherryfield Drive in West Hartford and I have been living there for two years. I am also a licensed massage therapist and co-owner of Mentoring Hands which is at 88 Park Road in West Hartford. I was happy and relieved to hear that the proposed amendment to 177-49C excluding massage therapy from as a home occupation has been withdrawn. I would like to go on record to say that I hope for all of us, massage therapists, Town Council and other public officials can continue this dialogue and come to an understanding that will protect the public, promotes therapeutic massage and is reasonable for the individual massage therapist. I strongly encourage the Council to have massage therapists participate in the discussions at the committee level regarding this ordinance.

In closing I would like to thank the Council members and the Health Director Steve Huleatt for their responsiveness to my phone calls. In some cases it was to tell me that they couldn't talk about the hearing but that is understandable and I know that other massage therapists have had that same kind of response so I wanted to thank the town for their support in this matter.

**President Harris:** Thank you Ms. Van Ohlen. Any questions by Councilors? There being none I will close the public hearing.

The hearing adjourned at 7:10 p.m.

Norma W. Cronin  
Town Clerk/Council Clerk