

Town of Milford
Zoning Board of Adjustment Minutes
September 20, 2007
Rob Masek
Case #31-07
Special Exception
Tabled from September 6, 2007

Present: Katherine Bauer – Vice Chairman
Fletcher Seagroves
Bob Levenson
Steve Bonczar – Alternate

Absent: Len Harten - Chairman
Ron Pieper, Jr.

Secretary: Kathryn Parenti

The applicant, Rob Masek, with approval from the owner of 127 Elm St, Mayo Nine, LLC; Map 19, Lot 10, Commercial district, is requesting a special exception from Article V, Section 5.056.D to allow robotics research and design and other services and purposes reasonably incident thereto.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

K. Bauer, vice chairman, read the notice of hearing into the record. She noted there was an error in the notice, which should read section 5.052.D. She did not read the abutters list, as it was read into the record on September 6, 2007. Rob Masek, applicant and Robert Sammonds, representing Mayo Nine, LLC, owners of the building, were present. She read correspondence from 123 Elm Street Properties, an abutter, into the record. She then invited the applicant forward.

R. Masek began by stating he designs robots for MIT, Tufts, Harvard and other companies. These companies request robots for testing so he designs various types. He brings components in and does some simple machining and pneumatic work. In addition, he designs robotics for television shows and makes robots for them.

B. Levenson noted that if he was making prototype robots, he was manufacturing, even though it was a one time only project to solve one time only problems.

R. Masek replied he did usually make one prototype, but if the client needs more, the client sends it off to be mass produced.

S. Bonczar felt this was not mass manufacturing when he just manufactures single prototypes.

R. Masek replied that half the time the prototypes do not work but he makes them to the clients' specifications. At times, nothing more happens, and other times they ask him to make another prototype.

B. Levenson asked where he currently had offices.

R. Masek replied he had space in Nashua, off of Broad Street and in Amherst. He felt these locations were not professional. He thought the technology here in Milford and Wilton were conducive to his business.

S. Bonczar asked how many square feet he was looking to occupy in Milford.

R. Sammonds replied R. Masek would be renting 2400 square feet.

R. Masek replied he would be renting the front half of unit A-2 and the space would be divided by a demising wall. He noted he only had a two person operation and he did not need a lot of space.

S. Bonczar asked if he would be willing to expand his business.

R. Masek said he would.

K. Bauer noted in section 5.052 of the Town of Milford Zoning Ordinance, in the Commercial district, manufacturing is allowed by special exception. She noted, in a sense, the applicant was doing a small amount of manufacturing.

R. Masek noted he would likely be using a milling machine and a lathe and he would not be running his shop 24 hours a day.

K. Bauer asked the applicant if he was aware, in addition to the generic five (5) criteria he has to answer, he would need to answer an additional five (5) criteria specific to manufacturing in the commercial district, found on page 100 -101 in the Town of Milford Zoning Ordinance.

R. Masek stated he was aware.

R. Sammonds explained the building, in total, is 38,000 square feet; Pennichuck uses 10,000 square feet and R. Masek's operation is 2400 square feet.

K. Bauer asked the applicant if he would be willing to sign the waiver of right to a five person board and explained the applicant would not be able to appeal any decision made by the board based on the fact there were only four (4) members present.

R. Masek asked if he would be able to appeal a negative decision for other reasons.

K. Bauer stated he could.

R. Masek then signed the waiver.

K. Bauer asked the applicant to go through the five criteria for a special exception.

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

R. Masek replied Pennichuck Brewery had received a similar special exception.

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

R. Masek stated the location is close to the Milford Oval and other commercial businesses and also close to several restaurants.

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

R. Masek replied his business is a low traffic business.

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

R. Masek stated there were only two (2) employees and no company vehicles.

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

R. Masek replied this is a non-resource intensive business and all they need are a roof over their heads, a concrete floor and electricity. He noted this would not involve trucks with concrete or lumber coming and going. His use is for mainly brainstorming and screwing things together.

K. Bauer asked him to go through the additional conditions.

1. The specific site of the proposed manufacturing use will be located in an Existing building that is an appropriate location for the proposed use:

R. Masek noted the building was originally a manufacturing building that has been empty for a while. He felt he would be bringing something to the town by locating his business here.

B. Levenson noted, by definition, this was an allowed use.

2. The use as proposed will not adversely affect the adjacent areas:

R. Masek stated the use would not adversely affect the adjacent areas.

3. There will be no nuisance from noise, odor, hours of operation, traffic, Deliveries and lighting:

R. Masek replied there would be no more noise than from the brewery. His hours would be from 7 am to 5 pm with machining being done in the morning and paperwork being done in the afternoons and on the weekends, if necessary. He noted they would not be creating any additional traffic and there were existing downcast security lights and building lights.

B. Levenson asked how much space he had rented at the other locations.

R. Masek replied there were spaces consisting of 1000 square feet, 400 square feet and a third location consisting of 4000 square feet of storage for an entire machine shop he had purchased some years ago.

4. There will be no outside storage:

R. Masek replied there would be no outside storage.

5. The use shall require site plan approval by the Planning Board, subsequent to Zoning Board approval:

R. Masek replied he was aware of this.

K. Bauer noted the Planning Board may waive the site plan approval.

B. Levenson noted Pennichuck Brewery submitted their paperwork to be compliant with the town.

K. Bauer asked if there were any more questions. Since there were none, she closed the public portion of the hearing. She asked if there were any comments.

S. Bonczar stated he was familiar with the building and the parking lot and felt this would be a good use for the building.

There were no additional comments so K. Bauer called for a vote.

1. Is the exception allowed by the ordinance?

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

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

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

K. Bauer asked if there was a motion to approve the case.

S. Bonczar made the motion to approve case #31-07 as presented.

F. Seagroves seconded the motion.

Final Vote:

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

K. Bauer reminded the applicant there was a thirty (30) day appeal period.