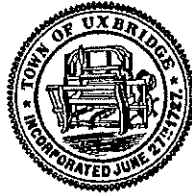


Rob Knapik, Member  
John Gniadek, Member  
Joseph Frisk, Alternate Member



**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

APR 5 18 2018  
Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2013 p  
508-278-0709 f

Received by  
Uxbridge  
Town Clerk

**MEETING MINUTES: Wednesday, February 7, 2018**

**Present:** Rob Knapik, John Gniadek, Joe Frisk (participated remotely) and Administrator Melissa Shelley

It being approximately 6:00 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair, who led the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

1. **FY18-06 Tracy and Jonathan Yoffe, Owners**, are seeking a **VARIANCE or SPECIAL PERMIT** for the installation of an above ground pool within the front accessory setback requirements. Property is shown on the Town of Uxbridge Assessor's Map **27** Parcel **556** and described in a deed recorded at the Worcester Registry of Deeds Book **24452** Page **390** and is located in **Agricultural Zone**.

**Discussion:** Tracy Yoffe, the homeowner, presented her application to the Board. She is seeking relief of 25 feet from the 75-foot front setback requirement from Kathy Trail. The property is located on a corner lot and therefore has frontage on both West Street and Kathy Trail. The proposed pool location is off the rear corner of the NW/right side of the house approximately 50 feet from Kathy Drive and 77 feet from West Street. Mrs. Yoffe explained the location was chosen because the driveway and septic system are located on the SE/left side and there is an outcropping of ledge behind the house.

Mr. Lench, Uxbridge Building Inspector, attended and concurred with the owner's description of the project and property. He briefly applied the Special Permit criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws to the project as outlined below.

1. social, economic, or community needs which are served by the proposal – *no impact*
2. traffic flow and safety, including parking and loading – *no impact*
3. adequacy of utilities and other public services – *no need for additional services*
4. neighborhood character and social structures – *fits the character; trees screen the property*
5. impacts on the natural environment – *no impact*
6. potential fiscal impact, including impact on town services, tax base and employment – *no impact*

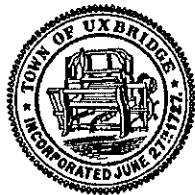
During deliberations, the Board agreed with the Building Inspectors assessment and found the application, as proposed, met the Special Permit Criteria. Mr. Knapik stated that based on the applicant's presentation that the petition also met the criteria for a Variance finding a hardship created due to the topography of their lot and the location of utilities. After a brief discussion, the Board, Applicant agreed to move forward with the Special Permit because it requires a lesser standard to approve, and it is not as permanent as a Variance. There was also discussion with the applicant and the Building Inspector regarding pool safety requirements governed by the Building Code in Massachusetts.

**Motions:**

Joe Frisk made a **MOTION** to close public hearing FY18-06 for 185 West Street. John Gniadek **SECONDED** and the motion passed unanimously by roll call vote of 3-0-0. Rob Knapik – aye, John Gniadek – aye, Joe Frisk – aye.

Joe Frisk made a **MOTION** that the Zoning Board of Appeals to **APPROVE** a **SPECIAL PERMIT** request regarding FY18-06 for 185 West Street to allow the installation of an above ground pool within the front accessory setback requirements that have met the criteria set forth in the Uxbridge zoning bylaws. Motion amended to clarify the criteria met is within the zoning bylaws section 400-50

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(B). John Gniadek **SECONDED** and the motion passed unanimously by roll call vote of 3-0-0. Rob Knapik – aye, John Gniadek – aye, Joe Frisk – aye.

**II. MINUTES/MAIL/INVOICES**

**1. Review 1/3/18 Meeting Minutes**

**Motion:** Mr. Frisk moved to approve the ZBA January 3, 2018 Meeting Minutes as amended during the meeting. Mr. Gniadek seconded and the motion passed unanimously by roll call vote of 3-0-0. (John Gniadek – aye, Rob Knapik – aye, Joe Frisk – aye).

**Motion:** Mr. Frisk moved to approve the ZBA January 3, 2018 Executive Session Meeting Minutes as amended during the meeting. Mr. Gniadek seconded and the motion passed unanimously by roll call vote of 3-0-0. (John Gniadek – aye, Rob Knapik – aye, Joe Frisk – aye).

**III. ANY OTHER BUSINESS, which may lawfully come before the Board.**

**IV. ADJOURNMENT: NEXT ZBA MEETING, WEDNESDAY, March 7, 2018**

**Motion:** Mr. Frisk moved to adjourn the February 7, 2018 ZBA meeting. Mr. Gniadek seconded and the motion passed unanimously by roll call vote of 3-0-0. (John Gniadek – aye, Rob Knapik – aye, Joe Frisk – aye).

**SIGNATURES:**

Rob Knapik, Member

John Gniadek, Member

Joe Frisk, Alternate Member

April 4, 2018

Date