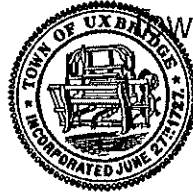


Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



Received by
Uxbridge
Town Clerk

MAR 7 '19 AM 9:15

Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2019 p

TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, February 6, 2019

Present: Rob Knapik, Chair, Members Mark Kaferlein, and Thomas McNulty and Administrator Melissa Shelley

I CALL TO ORDER

It being approximately 6:00pm, 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

II PUBLIC HEARINGS

1. **FY19-10: 140 Kasey Court, Jeffrey and Katie Morgan, Owners and Ben Mueller, Applicant,** are seeking a **VARIANCE** in order to construct a detached garage within the Front Setback requirement of 75 feet for an accessory structure. The property is located in an **Agricultural Zone** and shown on the Town of Uxbridge Assessor's Map **48**, Parcel **4813** and described in a deed recorded at the Worcester Registry of Deeds in Book **51931**, Page **329**.

Discussion: Ben Mueller, Swiss Appeal, presented the application on behalf of Jeffrey and Kathryn Mogan. Mr. Mueller explained the original location chosen complied with the setback requirement but they encountered a significant slope and to construct the garage here would require an increase in tree removal and a substantial amount of fill to be brought in to level the area. By moving the original location forward thirty-five (35) feet they are able to avoid the additional work and cost and also utilize an existing curb cut on the property for the driveway. Mr. Mogan, the owner, also in attendance, stated his family plans to use the garage to store automobiles and other personal items.

The Uxbridge Building Inspector, Larry Lench reported he visited the property and confirmed there is a drop off and boulder pile approximately fifty (50) feet from the road. He also pointed out the existing curb cut and thought it to be an appropriate location to place the garage. He also noted there are detached garages on several abutting properties. No abutters attended the meeting or provided comment on the hearing.

Attorney Knapik summarized the criteria for a variance outlined in M.G.L Chapter 40A §10 and that in order to grant a variance, the Zoning Board must find that *"owning to the owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and specifically affecting such land or structures but not affecting generally the zoning district in which is it located, a literal enforcement of the provisions of the ... bylaw would involve substantial hardship, financial or otherwise... and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purposes of such ... bylaw."* There was further discussion with the applicant and the representative about other possible locations, walkways and landscaping and possible conditions.

During deliberations, the Board reviewed the accessory setback requirement for an Agricultural Zone in the Uxbridge Zoning Bylaw and considered criteria outlined in M.G.L. Chapter 40A §10. They found there was a hardship created by topography and soil conditions of the lot (the slope and boulder pile) resulting in to need for fill and tree removal dramatically increasing the cost of the project. Members also agreed, based on the applicant's presentation and the building inspector's report that granting the variance would not be detrimental to the public and it does not derogate from the intent of the Uxbridge Zoning Bylaw.

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2019 p

TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, February 6, 2019

Motion:

Mr. McNulty made a **MOTION** to close the Public Hearing for FY 19-10 140 Kasey Court. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by vote of 3-0-0.

Mr. Kaferlein made a **MOTION** that the Zoning Board of Appeals **GRANT** the **VARIANCE** with **CONDITIONS** for FY19-10 140 Kasey Court to reduce the front setback for an accessory structure requirement from seventy five (75) feet to forty (40) feet on the finding that the topography and soil conditions represent a substantial hardship to the applicant and the grant of the variance is not detrimental to the neighborhood and will not derogate from the intent of the Uxbridge Zoning Bylaws.

CONDITIONS:

1. Any utility lines are installed underground
2. The use is to be personal in nature and the garage is not to be used as a place of business

MOTION SECONDED by Mr. McNulty and the motion passed unanimously by **VOTE** of 3-0-0.

III MINUTES/MAIL/INVOICES

1. **January 2, 2019 Meeting Minutes Review**

Motion: Mr. McNulty moved to approve the minutes from the January 2, 2019 ZBA meeting. Mr. Knapik seconded, and the motion passed by vote of 2-0-1 (*Mr. Kaferlein abstained from vote*).

IV ANY OTHER BUSINESS, which may lawfully come before the Board

1. **Review and discuss proposed ZBA rules and regulations**

- Item passed over until the full board is present to discuss.

V ADJOURNMENT: NEXT ZBA MEETING, Wednesday, March 4, 2019

Motion: Mr. McNulty moved adjourn the February 6, 2019 meeting of the ZBA. Mr. Kaferlein seconded, and the motion passed by vote of 3-0-0.

SIGNATURES:




Rob Knapik, Member

John Gniadek, Member



Mark Kaferlein, Member



Thomas McNulty, Associate Member



Date