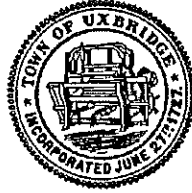


Rob Knapik, Member  
 John Gniadek, Member  
 Joseph Frisk, Alternate Member



Uxbridge Town Hall  
 21 South Main Street, Room 205  
 Uxbridge, MA 01569  
 508-278-8600 x2019 p  
 508-278-0709 f

## **DECISION**

Received by  
 Uxbridge  
 Town Clerk

ZBA Case#: FY18-06  
 Zone: Agricultural  
 Owner: Tracy and Jonathan Yoffe  
 Property Address: 185 West Street  
 Assessor's Reference Map: 27 Parcel: 556  
 Worcester District Registry of Deeds References: Book: 24452 Page: 390

## **Special Permit Granted**

**Decision Date: February 7, 2018**

**BACKGROUND:** 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**.

**VOTING MEMBERS PRESENT:** Rob Knapik, John Gniadek, Joseph Frisk

**SUBMITTALS:** Application form and materials were received on **January 11, 2017**.

### **PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:**

The public hearing was opened and closed on February 7, 2018.

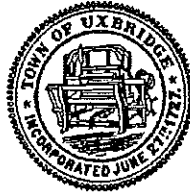
Tracy Yoffe, the homeowner, presented her application to the Board. She is seeking relief of 25 feet from the 75-foot front setback requirement from Kathy Trail. The property is located on a corner lot and therefore has frontage on both West Street and Kathy Trail. The proposed pool location is off the 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 is 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 neighborhood 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. The Board also reviewed of pool safety requirements, which are governed by the Building Code in Massachusetts.

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



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## **DECISION**

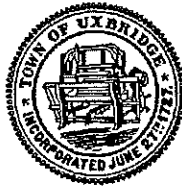
ZBA Case#: FY18-06  
Zone: Agricultural  
Owner: Tracy and Jonathan Yoffe  
Property Address: 185 West Street  
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Worcester District Registry of Deeds References: Book: 24452 Page: 390

### **MOTION / VOTES:**

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 (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.

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



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## DECISION

ZBA Case#: FY18-06  
Zone: Agricultural  
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## SIGNATURE PAGE

Rob Knapik, Member

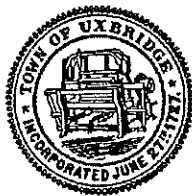
John Gniadek, Member

Joe Frisk, Alternate Member

February 7, 2018

Date

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



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## **DECISION**

ZBA Case#: FY18-06  
Zone: Agricultural  
Owner: Tracy and Jonathan Yoffe  
Property Address: 185 West Street  
Assessor's Reference Map: 27 Parcel: 556  
Worcester District Registry of Deeds References: Book: 24452 Page: 390

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

I hereby certify that twenty (20) days has elapsed from the file date and no appeal has been filed in this office.

A true copy:     ATTEST

\_\_\_\_\_  
Town Clerk, Kelly Dumas or  
Assistant Town Clerk

\_\_\_\_\_  
Date

Town Seal

**\*\*THE APPLICANT IS REMINDED OF THEIR RESPONSIBILITY TO RECORD THIS  
DECISION AT THE REGISTRY OF DEEDS PER THE CERTIFICATE OF GRANTING.  
NO PERMITS SHALL ISSUE UNTIL THE PERMIT IS RECORDED. \*\***