



TOWN OF NORTHBRIDGE

ZONING BOARD OF APPEALS

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NORTHBRIDGE TOWN CLERK
DOREEN A. GEORNE

Approved on February 12, 2015

ZONING BOARD OF APPEALS

MINUTES OF MEETING

JANUARY 8, 2015

This meeting was called to order at 7:00 P.M. by Thomas Hansson, Chairman. Other members present were:

Diane Woupio

Sharron Ampagoomian

Carol Snow

Randy Kibbe

William Corkum

Also present was Brenda Ouillette, Administrative Assistant.

A motion was made by Sharon Ampagoomian to approve the minutes of November 13, 2014. The motion was seconded by Diane Woupio and the vote was 6-0 in favor.

PUBLIC HEARING: TYRE PLACE, LLC APPLICANT

This hearing was held to consider the petition for a Variance and the application for a Special Permit of Tyre Place, LLC 18 Garrison Heights, Oxford, MA in order to create a retreat lot as shown as Parcel 2 on a plan submitted prepared by Guerriere & Halnon consisting of 22.38 acres. The applicant was also seeking a Variance and Special Permit to create a second retreat lot shown as Parcel 3 on the same plan consisting of 11.43 acres. The property is located at 2094 Quaker St., shown on Assessor's Map 27 as Parcels 39 & 44 and located in a Residential-2 zoning district.

A packet of documents was presented to the Board and the Administrative Asst. by Steven Dzicek prior to the reading of the public hearing notice. (Copy on file)

Sharon Ampagoomian read the public hearing notices. Assigned to this hearing were: Thomas Hansson, William Corkum, Sharron Ampagoomian, Diane Woupio, and Carol Snow.

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Greg Holmberg, Guerriere & Halnon, was present representing Tyre Place. He stated that the applications/petitions pertain to 2 parcels of land. The rear parcel was purchased by the applicant's father in 1974 who purchased it from the Town when it was foreclosed upon. His father had it for years in the family with no access to the parcel. The front parcel was taken by the Town and auctioned off this past year and purchased by Tyre Place when they saw an opportunity to be able to develop the rear parcel. The property has been surveyed resulting in the plan before the Board. The existing house will be rebuilt and there will be a retreat lot on both sides of this existing house. He stated that the hardship was the large elevation difference from the street to the rear of the property.

Mr. Hansson stated to the audience that the Assessor's records indicate that the property is owned by the Upton State Forest. Mr. Holmberg replied that was erroneous as the deeds were researched and the property is owned by Tyre Place.

Diane Woupio asked if he had any proof of that. He replied that he did not have that information with him. Mr. Hansson stated that because the Town's records indicate that it is owned by the Upton State Forest, the Board would like to see the deed and a signature by an Attorney attesting that the deed is correct. He added that even if the deed was given to the Board, the Board is not qualified to verify that information. Therefore, the only way the Board would feel comfortable proceeding would be if a title search were done on the property and attested to by an attorney indicating that they are in fact owners of the property. Because the property has been listed for many years as the Upton State Forest, the property has been exempt from taxes for many years.

Sharon Ampagoomian read for the audience an email that was sent to the Office of the Zoning Board of Appeals today, January 8th at 4:00 P.M. (Copy on file) The email was sent from Ellen Arnold, a member of the Board of Directors of Friends of Upton State Forest. She was contacted by a resident of Northbridge expressing concerns about the parcel being discussed relative to its location to an Upton State Forest parcel. Since they were not aware of the matter until today, they have not discussed it as a Board and have no one available to be at the hearing this evening. The concern they have is that the boundaries of the private property and the state forest be confirmed and that a clear title to any abutting parcel that will be developed exists. She asked if the property has been surveyed and a title search done of the property. She asked to be notified if the hearing is continued in order to have a presence at a future hearing.

The Administrative Assistant, Brenda Ouillette, stated for the record that the Upton State Forest was mailed the notice of the public hearing on December 12th and it was returned undeliverable on Tuesday, January 6th due to there not being a receptacle at that mailing address. After doing some research for a contact person, a message was left at the Blackstone Heritage State Park in Uxbridge resulting in a return phone call on Thursday, January 8th by Val Stegemoen.

Brenda Ouillette also stated that she received a telephone call from Christine Berry of DCR (Department of Conservation & Recreation) indicating that initial review of what she had

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indicates that the Upton State Forest does not own that parcel but would like to research the issue further. She was contacted by Val Stegemoen.

Many abutters were present and were offered an opportunity to address the ownership of the property and any concerns they may have relative to this issue. Mr. Hansson explained to them that many of their concerns will not be addressed until the actual ownership has been determined.

Norman Wood, 2130 Quaker St. asked about the cart road that runs through the property and goes right through to Puddon St. Mr. Holmberg stated that it did show up in the field notes but was not shown on the plan.

Arthur Masmanian, 2120 Quaker St., spoke about the development being proposed for this parcel a few years ago. If you look at that surveyed plot plan and this one, they are different. Mr. Hansson replied that the title search will cover that as well.

James Woodward Jr. 1988 Quaker St. asked that the Board take into consideration the abutters when basing their decision considering the variances that are being requested for these parcels.

Bill Nelson, 2148 Providence Rd. questioned the driveway location of the proposed lots. He was concerned for the potential of additional homes being built back there. Mr. Hansson replied that if and when a Special Permit is granted it is conditioned that the parcel cannot be further subdivided at a later date.

Also in attendance were Mark Ovian, Susan Nelson, Steven Dzicek, Linda Dzicek, Val Stegemoen, and Charles Ampagoomian. (Attached attendance sheet)

A motion was made by Sharron Ampagoomian to continue the public hearing until February 12, 2015 in order for a title search to be done of the property. The motion was seconded by Diane Woupio and the vote was 5-0 in favor.

Correspondence

A copy of the Town's Sexual Harassment Policy was distributed to all the Board Members present.

There being no further business, the meeting was adjourned.

Attested by,



Brenda M. Ouillette
Administrative Asst.

THESE MINUTES ARE SUBJECT TO THE ZONING BOARD OF APPEALS
(Approved on February 12, 2015)