

Bellingham Planning Board  
Town Hall Annex  
Bellingham, Massachusetts

Regular Meeting of June 22, 1978

Members Present: John P. Murray, Chairman  
Sergio Rotatori, Vice-Chairman, Clerk  
Gerald Brisson  
James E. Hart  
Normand Langlais

Chairman Murray opened the meeting at 8:00 P.M.

The following bills were unanimously approved on a Hart-Langlais motion:

Jean Brewer, Telephone calls to Phil Herr.....	\$9.48
National Office Supply, 2 name plates.....	20.00
" " " , 2 typewriter ribbons.....	5.31
Philip B. Herr, 4/1/78 to 6/30/78 .....	900.00
Bellingham P. O., Rental of Box 43.....	11.00

Robert Foster of Schofield Brother, Inc. presented a plan of two lots fronting on Farm Street owned by Austin F. O'Toole, Cohasset. Lot 1 with 1.84 acres and 175' frontage and Lot 2 with 1.84 acres and 172.39' frontage. A right-of-way of 45' was left opened between the two lots. Consultant Herr pointed out the remainder of the land should be noted as Not being a buildable lot. Foster added the note to the plan. On a Brisson-Rotatori motion, the above plan, Approval Not Required was unanimously approved, with Langlais abstaining.

PUBLIC HEARING - SHARPE DRIVE MODIFICATION

Chairman Murray opened the public hearing on the modification of Sharpe Drive at 8:30 P.M. Secretary read the notice as it appeared in the papers. Seven people in attendance.

Benny Ferino told the Board they were the original developers of the subdivision. They were seeking the elimination of the paper street shown as Sharpe Drive as outlined on a subdivision plan entitled "Happy Hill" dated January 21, 1957 and the combining of Lots 60, 70 and 69 along with the area of Sharpe Drive into one buildable lot. Mary Shamirian of 35 Cedar Hill Road and Bruce Langley of 39 Cedar Hill Road abutters of the land spoke in favor of the revision, stating they would be in favor of making one lot.

On a Rotatori-Hart motion the Public Hearing was closed at 8:35 P.M. unanimous. On a Rotatori-Hart motion it was unanimously voted to take the plan under advisement.

Consultant Phil Herr gave the Board a breakdown on the costs of underground street lighting comparing both Boston Edison and Mass. Electric if the company were to install the lights completely vs if the developer were to trench and backfill for the lights. Board will discuss at a future date.

PUBLIC HEARING - HORSESHOE DRIVE SUBDIVISION

Chairman Murray opened the public hearing on the proposed subdivision of four lots on the extension of Horseshoe Drive. Secretary read the notice



as it appeared in the papers. Approximately forty people in attendance. James E. Hart excused himself from the room, stating since it was his plan he would be abstaining from all the discussions.

Suzanne Anstine asked the Board's permission to run a tape recorder of the hearing. Board denied her request, stating they felt there was no need for it.

Walter Sampson, Registered Engineer of the proposed subdivision explained the plan stating they hoped to create four lots that would be an extension of Horseshoe Drive and Ruthellen Road. A copy of the proposed plan was passed around the room so the people could see the plan.

Chairman Murray asked for comments from the floor.


Suzanne Anstine told the Board she was against the throughway which would connect Horseshoe Drive and Ruthellen Road. She felt it would be a very serious safety factor. They had bought their home on a dead-end street and now they were going to have a throughway. She had spoken to Safety Officer Gill and he also felt it would be a safety factor. She realized they could teach their children not to go into the street, but one could never be sure. They hoped the street could be made into a deadend or extended into a cul-de-sac. They presented the Board with a petition signed by residents of Pony Court, Ruthellen Road and Horseshoe Drive, 137 in all who were opposed to the four lots. Ms. Anstine told the Board everyone did not have the same reason as she did for not wanting to see the lots. Some felt there was a lot of water going back there since an easement already exists. It is a swamp area behind the homes. Murray told the people the Planning Board's function is to make sure everything conforms to our rules and regulations. The land could be completely under water as long as it doesn't effect the lot area and related requirements. Langlais stated the perk test have not been done, but they are not normally done until the lots are approved. Sampson confirmed the test had not been done. Ms. Anstine then stated the Board could approve the plan as is. She again stated her main concern was to see a dead-end street.

Douglas Anstine told the Board most of the children on Horseshoe Drive near him were 5 to 6 years old. They are used to living where there is not much traffic. He felt it would be a safety hazard to have a through street.

John Potter, Ruthellen Road, stated all the small children in the area are used to using the proposed land as a play area. He was dead set against building any homes at all. New houses would be a further hindrance to our schools. Murray told him that when people own land they do have rights and this area is zoned residential. Everyone has to live. Hart is on the Planning Board and just because he is on the Board doesn't mean that he can't propose homes on his land.

Jim Wood, Caroline Drive, told the Board he understood what they were saying, as far as a ceiling on houses went. If you let four houses be built, you must let 14 homes be built. The Board is saying they only approve the plan. They had gone to the Conservation Commission and they gave them very little satisfaction. When they asked the Conservation Commission to have a determination made on the suitability of the land they passed it off to the Board of Health. Everyone is passing the matter around. He also stated he was an abuttor and did not receive a registered letter. He asked if the people would have any recourse with the Planning Board and their decision.

Dawnette Larose, Horseshoe Drive, asked if what the Board was saying is that they could approve the plan without any perk tests being taken on the land. Rotatori told the people all the Planning Board was approving was



the lot size and frontage, etc. They would not be approving the houses or the perk tests. That part is up to the Board of Health and the Building Inspector when their time comes.

Douglas Anstine told the Board he lived on the corner of Pony Court. With the opening up of the road, they were going to have people using their street as a short cut. They have had three children killed in the past year. He questioned if they were going to have even more. Langlais told Anstine that Central Transportation has been made aware of the fact of the dangerous situation on No. Main Street and that we do not like the whole situation up there. They are now working on the problem.

Jerry Healy of Pony Court asked if the developer would consider changing their plans of making a thru street. Sampson stated he could not answer that now.

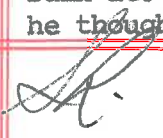
Sandy Smith, Horseshoe Drive, asked where the plan goes after it leaves this Board, if it is approved. Murray told her the Board has people coming before them all the time with plans, and sometimes nothing ever happens to them once it is approved.

Bill Sparrow, Caroline Drive, stated the area he is proposing to fill in is a low end. The plan shows the drainage where it stops right where they are going to fill in. Sampson told him they were just planning to run the drainage into the developers other land. Sparrow pointed out that is the area where the excess water goes and stays. Sampson pointed out the drainage is designed to extend 125' from the road and then the water is dropped into an existing low land. They did not intend to fill in back where the water sits. He pointed out there is a gully that runs in back of the homes and that is where most of the water runs from. Sparrow told the Board they should give a lot of consideration on what effect this development is going to have on the abutters. He would suggest that some sort of restriction be put on the plans until the drainage matter is resolved. After the Planning Board approves the plan, the Building Inspector can approve his plan, but nobody is going to sit back and look at what the total effect would produce before it gets sneaked thru. Ms. Anstine told the Board she agreed. Some of them had attempted to bring the matter up before the Conservation Commission and someone asked them to look the other way because Jim Hart is a personal friend of Town Counsel. There were six people who heard the minutes of the Conservation Committee being read where it said that about Hart. Murray cautioned them about making such statements.

Jerry Hall, Taunton Street, questioned if the developer is going to fill in to back of where the railroad easement is, and start building houses in there. Sampson told them they would have to prepare 700' of road before he could build even one home. 700' times \$80-\$90 per foot is what the developer has to figure on before he can even build. It is not too economical.

Lynne Breault, Caroline Drive, told the Board the railroad bed is already a road and is used by the firefighters and the people themselves. Murray told the people, Hart could not build any more than the four homes that he has applied for on this plan. He cannot expand it.

Ms. Breault told the Board the wet land was one big swamp and one big mosquito bed. They had tried for many years to get the town to do something about it. They finally dug the easement themselves and now the swamp has become a refuge for wildlife. The drainage that is now being proposed could ruin it. The easement is going to block our dams. Murray told the people he thought the whole concern was the building of four homes. Ms. Breault





told the Board they could come right now and look over the land and it wouldn't look too bad but once it rains and the snow starts to melt, the brook goes up a good two feet. She invited the Board to a field trip to view the conditions. Jim Woods suggested that a representative of the neighborhood go with them. Jerry Butler suggested the Board go on a field trip around 9:00 P.M. and then they could hear the kids screaming around with their cars.

Jerry Hall, Taunton Street, wanted to know if the plans presented are going to allow them to fill in behind the lots that are shown. What are they going to do as far as filling. Sampson told them he could not say what was going to happen when the houses were built.

Jim Wood questioned how the Board could approve wet lands.

Consultant Herr agreed that nobody stands back and looks at the whole picture. The Planning Board is wholly in charge of the streets, drainage and sidewalks, and lot sizes, they can also deal with the concern over not having a dead end street. But the Board has nothing to say about filling in the back land. There are some conditions that the Board can say, but they are marginal.

Ms. Anstine stated if you build a home in Bellingham it has to be on an acre of land, wasn't that so. Murray told her the area was zoned residential and those lot requirements were not changed.

Pete Bolince, Horseshoe Drive, stated basically Hart owns the land and it is the function of the Board to control the laws. He questioned what rights the abutters have, do they have any rights. Brisson told them that their opinions are considered. The Board was not on the "take".

Ms. Anstine stated the Board is going to make their decision on what they heard and seen tonight. How will they know what the Board's decision is going to be. Who do they talk to next about their concerns. Murray told them the decision will probably be made at the next meeting. Langlais told them they might want to appoint a representative to attend the next meeting of the Board. Brisson stated all decisions of the Planning Board are made in an open meeting. Jim Wood asked what Board they should be going to next. Brisson told him at this time they don't have to go any further than the Planning Board. Someone should come back at the next meeting.

Consultant Herr said the plan showed four proposed lots and questioned what is going to happen to the fifth lot. It doesn't have any frontage. Sampson said he could not speak for the developer.

Herr pined up assessors maps of the area and pointed out just where the entire parcel of land owned by Hart was located. The shape of Lot 5 was pointed out.

Bill Anderson, Horseshoe Drive, questioned the safety aspect of filling in 15' as it shows on the plan. The contours between Horseshoe Drive and Ruthellen Road are pretty steep. It is a natural gulley.

Herr told the Board they had the authority to ask for an environmental impact statement from the developer. A study of a 5 year storm might be OK.

Herr also told them only one abutter has to request a conservation determination. All this would do would be to determine if the land falls under the wetlands protection act.

Langlais also advised them to get a letter in writing from the safety officer on his opinion of a thru road.

Hearing was closed at 10:30 P.M. on a Rotatori-Langlais motion, unanimous.



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Motion was made to send the Board of Health a letter on a Rotatori-Brisson motion with Hart abstaining.

Meeting adjourned at 11:30 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sergio Rotatori".

Sergio Rotatori, Clerk