

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 28, 2009

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman (left at 7:45 PM)  
Sherman E. Briggs, Jr.  
Lawrence B. Dorman  
Joel D. Hartley  
Wendy L. Carreau, Associate (left at 8:20 PM)

Members Absent: Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: Darren Michaelis, Susan Nilson, Richard Charon, David Davignon, Thomas Dexter, Christine and Mark Fantoni, and Toby Burr.

Meeting convened at 7:00 PM Wednesday, October 28, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 24, 2009 by N. Hills, J. Oakes and J. Hartley.

7:00 PM **BROADVIEW II REALTY TRUST, C/O NONA GAINSFORTH HAFFENREFFER, TRUSTEE** - NOI (SE 041-1117) to construct a dwelling with an attached garage, a pool, patios, a sewage disposal system, install utilities, and associated filling and grading at 9 Moorings Way, off Moorings Road (continued from October 14, 2009). S. Briggs said David Davignon is running late tonight and had asked S. Briggs to postpone this hearing to later tonight. N. Hills so moved; L. Dorman seconded; voted unanimously.

**WAYNE BELLEMARE, JR.**'s request for a certificate of compliance for upgrading a septic system at 25 Abel's Way, and regrading/loaming/seeding the back yard (SE 041-1111) was discussed with his Engineer, Darren Michaelis. N. Hills explained that the haybale line is nearly on the wetland line and should be relocated 15' further upland. D. Michaelis said the shed is closer to the wetland line than 15', and the house itself is 15' from the wetland line. D. Michaelis asked for permission to place the boulder line 5' from the shed. N. Hills said there is also a problem with erosion at the end of the driveway and also on the other side; D. Michaelis said he will have the contractor remove the debris in the wetlands by hand. He agreed to place a line of boulders 8' apart from Flags 5-11. He asked the Commission to table his request for a certificate at this time, and will submit a letter when the requested work is complete.

7:08 PM **96 MOORINGS ROAD NOMINEE TRUST, C/O WILLIAM R. AND DEBORAH B. ELFERS, TRUSTEES** - NOI (SE 041-1119) to construct additions to the dwelling at 96 Moorings Road, and relocate the septic tank and pump chamber. David Davignon had

requested that this hearing be postponed to later tonight. N. Hills so moved; L. Dorman seconded; voted unanimously.

L. Dorman moved to issue a duplicate original certificate of compliance for **JANET B. KEELER'S** septic tank, retaining walls, filling/grading/landscaping project at 101 Cove Circle, Piney Point; J. Oakes seconded; voted unanimously (SE 041-782).

7:20 PM **GAYGS NOMINEE TRUST, C/O GALE P. RUNNELLS, TRUSTEE** - NOI (SE 041-1118) to raze the dwelling at 5 Shawondasse Road, and construct a new dwelling with associated site work in its place. Richard J. Charon represented the Trust and described the project. N. Hills questioned the bio-microbic system in the back left-hand corner of the lot; R. Charon said that was left over from when the Town expanded the sewer line and it will be removed. He said the driveway will go over the abandoned leaching field. The new house will be built in compliance with velocity zone regulations. The shed will remain. There will be a drive-in garage under the house, and it will have breakaway panels. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:32 PM **NANCY D. AND GREGORY JOHNSON** - NOI (SE 041-1120) to construct a 700'-long elevated walkway, a 55'-long pier, a 3' x 24'-long ramp, and a 12' x 12' float at 406 Point Road. J. Oakes left the room. Susan Nilson of CLE Engineering represented the Johnsons and described the project. She said there are four pilings proposed for the float to keep it from sitting on the bottom, and the boat, skull or dinghy will be stored on top of the float. She said she hasn't spoken with the Johnsons about D.E.P.'s comments because they are out of town. She said she disagrees with D.E.P.'s single-pile comment, and feels her design is better. She said pile driving will be done by barge only on the last 55'. The float is to be taken away, not stored on the marsh. She said a Chapter 91 license will be required along with a filing with the U.S. Army Corps of Engineers. She proposes 2" x 10" decking with 3/4" spacing rather than using open grate for the walkway and pier. This hearing will have to be continued because Natural Heritage has not yet submitted their comments on this project. On a separate matter, N. Hills said the vista cutting work has continued even though the property owners were supposed to have submitted at minimum a request for determination of applicability filing for it. S. Nilson said the maintenance cutting has been done for decades, but she will speak with the Johnsons about it. J. Hartley suggested integrating the vista work into this filing. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:30 PM December 9, 2009; J. Hartley seconded; voted unanimously.

7:50 PM **BURR BROTHERS BOATS, INC.** - NOI (SE 041-1112) to remove and replace a commercial building at 309 Front Street, make drainage improvements, and associated site work. Susan Nilson represented Toby Burr, who was also present. N. Hills said his prior questions on drainage were incorrectly based on an outdated plan. S. Nilson submitted the new documentation which was reviewed and discussed. S. Nilson said she received a 2' variance from the Board of Health and will be meeting with the Planning Board soon to draft the fire regulations. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

8:03 PM **MARK AND CHRISTINE FANTONI** - RFD (41D-1395) to move a 34' x 28' portion of the original dwelling at 370 Delano Road to a temporary location on Lots 82 and 85 Delano Road. Mark and Christine Fantoni were present and described the proposed work.

M. Fantoni said the house will be lifted off the foundation, moved to the rear of the lot, then along the fence to where the boats are, then across to the Thomas Dexter's lot, hopefully during the same move. N. Hills said he would like the route of the house to be marked with wood stakes, and another site inspection can be done. D. Drake explained that the Fantoni's active Order of Conditions already allows that structure to be razed or moved. S. Briggs moved to close the hearing; L. Dorman seconded; voted unanimously.

8:13 PM **THOMAS O. DEXTER** - RFD (41D-1396) to move a 34' x 28' portion of the original dwelling at 370 Delano Road to a temporary location on Lots 82 and 85 Delano Road. Thomas Dexter was present. N. Hills said he would like stakes to be placed to show where the route of moving will be. T. Dexter said he already discussed securing the structure with the Building Commissioner while it is being stored, and he is hoping to move it onto his new foundation in six months. He said Jim Gordon of Plymouth will be the mover. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:40 PM on December 9, 2009, in order to perform another site inspection on December 5, 2009; L. Dorman seconded; voted unanimously.

8:20 PM **BROADVIEW II REALTY TRUST, C/O NONA GAINSFORTH HOFFENREFFER, TRUSTEE** - NOI (SE 041-1117) to construct a dwelling with an attached garage, a pool, patios, a sewage disposal system, install utilities, and associated filling and grading at 9 Moorings Way, off Moorings Road (continued from earlier tonight due to a scheduling conflict with their engineer). W. Carreau could not participate on this and the next hearing, and left the building at 8:20 PM. David Davignon represented the Trust, submitted a revised plan, and described the changes to the proposed work. He said the changes are mainly to lessen the amount of fill within the Velocity Zone. He said drywells to address roof runoff would be OK as there is plenty of room for them. D. Davignon said it is a very flat site with no coastal bank, but once the fill is added the 11' contour line will be considered a coastal bank. D. Davignon said the lower level of the house will be high enough to be a crawl space for storage, but not living space. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

8:40 PM **96 MOORINGS ROAD NOMINEE TRUST, C/O WILLIAM R. AND DEBORAH B. ELFERS, TRUSTEES** - NOI (SE 041-1119) to construct additions to the dwelling at 96 Moorings Road, and relocate the septic tank and pump chamber (continued from earlier this evening due to a scheduling conflict with their engineer). David Davignon represented the Trust and described the project. He said no fill is proposed and the house is in the AE elevation 15' flood zone. He said the seawall has a cap to catch any runoff, so siltation fencing isn't necessary. He said an orange snow fence will be staked as the limit of work. He said there is an existing full cellar accessed by a bulkhead. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

N. Hills drafted the **GAYGS NOMINEE TRUST, C/O GALE P. RUNNELLS, TRUSTEE** order of conditions (SE 041-1118) to raze the dwelling at 5 Shawondasse Road, and construct a new dwelling with associated site work in its place, and moved to issue it as written; L. Dorman seconded; voted unanimously.

S. Briggs drafted the **96 MOORINGS ROAD NOMINEE TRUST, C/O WILLIAM R. AND DEBORAH B. ELFERS, TRUSTEES** order of conditions (SE 041-1119) to construct

additions to the dwelling at 96 Moorings Road, and relocate the septic tank and pump chamber, and moved to issue it as written; J. Hartley seconded; voted unanimously.

J. Hartley moved to issue a negative determination for boxes 2 and 3 to **MARK AND CHRISTINE FANTONI** to relocate a portion of the original dwelling to the property line abutting Thomas Dexter's Lots 82 and 85 Delano Road; S. Briggs seconded; voted unanimously (41D-1395).

L. Dorman drafted the order of conditions (SE 041-1117) for **BROADVIEW II REALTY TRUST, C/O NONA GAINSFORTH HAFFENREFFER, TRUSTEE**, to construct a dwelling with an attached garage, a pool, patios, a sewage disposal system, install utilities, and associated filling and grading at 9 Moorings Way, off Moorings Road (SE 041-1117), and moved to issue it as written; J. Hartley seconded; voted unanimously.

N. Hills drafted the order of conditions (SE 041-1112) for **BURR BROTHERS BOATS, INC.** to remove and replace a commercial building at 309 Front Street, make drainage improvements, and associated site work. Siltation socks rather than siltation fencing or haybales are preferred by the engineer. N. Hills moved to issue the order as written; J. Hartley seconded; voted unanimously.

Meeting adjourned at 9:30 PM.

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Diane R. Drake, Secretary

Approved May 26, 2010