



Town of Boxford

Meeting Minutes of the Board of Health

May 25, 2021

NO PUBLIC ATTENDANCE - REMOTE PARTICIPATION ONLY

6:30PM

Virtual Participation Only

**This meeting will be audio and video recorded
To View: FIOS #39; Comcast #22; BCATv website
For Directions to Participate via Zoom Click Here
ZOOM Meeting ID: 942 7624 9879**

Passcode: 016139

Present: Richard Taylor, Richard Fahrner, Alex Constan, Heather Forand, Kendell Longo, Kristin Kwiatek, Lance Cluster, Bill Holt, Don Borenstein, Jim Scanlan, Chris Sparages, 4 Gunnison, 6 Gunnison, Andrew Gori

Absent: Hans Jeppesen

Meeting opened at 6:30 PM by D. Taylor

Roll call indicated that the following members of the Board of Health were present remotely: **D. Taylor, R. Fahrner, A. Constan, H. Forand**

Minutes

Minutes were reviewed from the April 14, 2021 meeting. A **motion** was made by **A. Constan** to accept the minutes, **seconded** by **R. Fahrner**. Approved unanimously by a roll call vote.

Bills

D. Taylor reviewed with the Board the current bills payable totaling \$70,704.11 A **motion** was made by **R. Fahrner** to accept the total bills of \$70,704.11, **seconded** by **A. Constan**. **Approved** unanimously with a roll call vote.

Variance 72 Spofford Road

Jim Scanlan of Scanlan Engineering was present to request variance for 72 Spofford Road.

Boxford Board of Health Regulation 201-9, Section D. No leaching facility in those cases where the percolation rate is less than five (5) minutes per inch shall be installed within 150 feet of a well used as a potable water supply. Specifically, the Board of Health voted that the leach facility shall be located no less than 131 feet from the well serving the property.

Boxford Board of Health Regulation 201-9, Section E. No leaching facility in those cases where the percolation rate is less than five (5) minutes per inch shall be installed within 150 feet of a wetland resource area. Specifically, the Board of Health voted that the leach facility shall be no less than 142 feet from the wetlands.

A **motion** was made by **R. Fahrner** that the variance for 72 Spofford Road to be approved for 1) 131 foot setback between the leach facility and the well where 150 feet is required 2) 142 foot setback from the leach field to the wetlands where 150 feet is required **seconded** by **A. Constan**. **Approved unanimously** by a roll call vote.

Variance 20 Highland Road

Bill Holt of WGH Land Survey & Design was present to request a variance for 20 Highland Road,

Boxford Board of Health Regulation 2-94, Section 3.B. To allow the septic system to be installed less than 100' from a wetland. Specifically, the Board of Health voted that the leaching facility shall be located no less than 70 feet from a wetland resource area.

A **motion** was made by **R. Fahrner** to approve the variance for 20 Highland Road requesting that the reduction in the distance to the wetlands to 70 feet where 100 feet is required. Given on the condition that this is the best solution for the lot perimeters and on conditions that a Nitrogen reduction system would be installed **seconded** by **H. Forand**. **Approved unanimously** by a roll call vote.

Soil Movement 50 Moonpenny Drive

An application was received by the Board of Health from the engineer Chris Sparages working for 50 Moonpenny Drive to bring soil onto the property. Based on the application, **D. Taylor** asked the Board if they would move to grant a permit to Mr. Mathew Nadworny. A **Motion** was made by **R. Fahrner** to grant Mr. Mathew Nadworny of 50 Moopenny Drive permission for movement of soils/earth onto the

property in excess of 500 cubic yards according to the guidelines of Boxford Code 205 Section 5 subject to the following three conditions stated in the letter to be mailed to the homeowner, **seconded by H. Forand**. Approved **unanimously** by a roll call vote.

Soil Movement 6 Gunnison Road

D. Taylor provided a background to the Board on the 6 Gunnison Road findings. No permits were applied for or received, ConsCom issued an Enforcement order stopping all work until a plan was presented, reviewed, and approved. The Board of Health issued a Cease and Desist on the earth /soil movement over 500 yards without a permit. It was estimated that 612 yards that were removed. Attorney Borenstein representing 6 Gunnison asked the Board to allow approximately 760 yards of soil to be returned to the property from 4 Gunnison Road without a permit. The Board discussed three options. **D. Taylor** opened up the discussion from the floor. Attorney Borenstein spoke on behalf of 6 Gunnison. **D. Taylor** made a recommendation on a movement to the Board. **A. Constan** mentioned if it was clearly stated that no additional soil beyond the 760 yards will be taken off the property of 4 Gunnison Road. A **motion** was made by **A. Constan** that the Cease & Desist Order of 27 October, 2020, pertaining to Town Code 205 at 6 Gunnison Road, remain in effect with a provision that approximately 760 yards of soil/fill currently located at 4 Gunnison Road may be moved onto 6 Gunnison Road without a permit from the Board of Health at such time as an agreement is reached with Mr./Mrs. Kevin Connerty, owners of 4 Gunnison Road for access to the soils/fill. Should any additional soils/fill/earth be proposed to be brought to or taken from 6 Gunnison Road, a written application specifically addressing all points in Code 205, Sections 4 and 5 will be submitted for review and approval by the Board of Health, **seconded by R. Fahrner**. Approved **unanimously** by a roll call vote.

6 Gunnison Cont.

D. Taylor stated to the Board that another issue with 6 Gunnison had come about within the last 48 hours after speaking with the Connerty's at 4 Gunnison Road and looking at the plan from the Conservation Commission. **D. Taylor** said there is a question on the distance between the closest leach pit to the site discharge point and state law under Title 5 310 CMR 211 that distance must be at least 50 feet. **D. Taylor** stated that the discharge point on Gunnison Road is essentially on the property line between 4 and 6 Gunnison. **D. Taylor** said that he was not aware that the engineer made an attempt to establish whether the discharge point is 50 or more feet from the leaching area of 4 Gunnison Road. **D. Taylor** said the Board should make a tentative decision whether to pursue the issue depending on the Connerty's decision.

Cole School Arsenic

A. Constan updated that he was approached by the Boxford School Committee and Alan Benson about the Health Boards request to add sampling at Boxford Commons and within the radius of the well on the property at Cole School. The work has extended into Cargill Field which has increased the budget and

there will be a warrant article for the additional work. The Health Board's request for added sampling was not approved due to the budget already being out of scope. **A. Constan** spoke with Prasanta the LSP of the site and that they will be adding in a couple sampling sites within the zone of radius of the well. The background levels of Arsenic were discussed between **A. Constan** and Prasanta and remediation on positive hits of Arsenic. Cargill field will be sampled at three different depths to get the information on whether or not it is anthropogenic or naturally occurring. **R. Fahrner** mentioned the movement of Arsenic in disturbed soils and questioned if it is a real risk or not. **R. Fahrner** said maybe the answer might be continuously monitor the well throughout the construction period and a period after. **D. Taylor** asked if they are doing routine testing around the well. **R. Fahrner** said they are doing three total in zone one. **A. Constan** said everything on the property where Arsenic is discovered will be covered with pavement. The playground that is covered with Astroturf, two samples were taken that detected Arsenic which is leading to the rest of Cargill Field being sampled. Any of the sampling above 20 is reportable but any sample above 40 parts per million DEP must be notified within 2 hours and the area must be fenced in and closed off for an indefinite period of time until it is resolved. **D. Taylor** said that the Board will continue to get updates. **A. Constan** said that they are very concerned about the disruption of the soil during the construction and that there will be an onsite air sampling kit. If they detect high Arsenic particulates in the air they have to stop and spray down the area to keep the particulates down.

Recycling/Trash Update

D. Taylor mentioned the meeting with Waste Management and the need for a mailing to reach all residents. The mailing will not happen until July with their new fiscal year but until then there is no easy way to contact the entire town.

Director's Report

K. Longo mentioned the Algae Bloom Zoom workshop being held on May 27, 2021 from 9:00-1:00 and that **K. Longo** will look into getting an overview of the meeting emailed to the Board. **K. Longo** mentioned there was a driveway flooding at 38 Herrick Road in which the resident has requested a trapping permit. **K. Longo** said she is still working with the camps which is changing with the Governor's orders.

COVID-19 Update and Discussion

D. Taylor stated that Board has two emergency orders that were passed. The first one was the moratorium on evictions and the specific rules for real estate transactions. This was an order issued on 24th of April 2020. **D. Taylor** asked for someone to make a motion to rescind this order as of the 15th of June 2021 unless the State of Emergency is not suspended by the Governor. A **motion** was made by **R. Fahrner** to rescind the moratorium on evictions as of June 15, 2021 unless the state of emergency is extended, **seconded** by **A. Constan**. Approved **unanimously** by a roll call vote. A **motion** was made by **R. Fahrner** to rescind the Boxford Board of Health face mask order from the 2nd of May 2020 effective the 29th of May 2021 consistent with the State unless an extended emergency order of mask wearing is in place, **seconded** by **H. Forand**. Approved **unanimously** by a roll call vote. **A. Constan** mentioned the restrictions on the Memorial Day parade and if there will still be 6 foot spacing. **D. Taylor** stated that it

will still be in effect for a while. **R. Fahrner** mentioned the Stiles Pond re-opening proposal. **D. Taylor** said he would look through it and respond to Josilyn Demarco.

Adjourn 8:30pm

With no further business, on a **motion** made by **R. Fahrner**, **seconded** by **A. Constan**, the Board of Health voted **unanimously** with a roll call vote to adjourn.

Respectfully submitted,

Kristin Kwiatak
Minutes Secretary