

## DIVISION 2 BOARD OF HEALTH REGULATIONS

### Chapter 201, SUBSURFACE SANITARY SYSTEMS

[HISTORY: Adopted by the Board of Health of the Town of Boxford as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Percolation tests -- See Ch. 145, Art. I.

Subdivision of land -- See Ch. 300.

### ARTICLE I, Groundwater Elevation Testing Dates [Adopted as Regulation 1-85]

#### § 201-1. Determination of groundwater elevation.

Groundwater elevation shall be determined in the months of March, April and May. *Should this period be abnormally dry or abnormally wet, the Boxford Board of health may adjust this period accordingly. [Italics are 2-1-1998 amendment]*

### ARTICLE II, Septic System on Contiguous Buildable Area of Lot [Adopted as Regulation 1-86]

#### § 201-2. New building construction after effective date of regulations.

The Board of Health for the Town of Boxford, Massachusetts, acting under the provisions of MGL c. 111, § 31, as amended, hereby further supplements 310 CMR 15.00 in the interest and for the protection of public health as follows: Section 15.03(1). Add "In the case of all new building construction after the effective date of this regulation, subsurface sewage disposal systems shall be located on the contiguous buildable area of the building lot." Effective date: This regulation shall become effective 1 April 1986.

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**ARTICLE III, Percolation Testing Dates [Adopted as Regulation 1-88]**

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**§ 201-3. Acceptable months.**

Percolation test shall be performed during the months of June through February, inclusive. *At the discretion of the Health Agent, percolation tests expected to be less than five minutes an inch may be performed at any time of the year. [Italics are 2-1-1998 amendment]*

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**ARTICLE IV, Wastewater Treatment Plants [Adopted as Regulation 1-91]**

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**§ 201-4. Background and justification.**

The disposal of wastewater, including sanitary sewage, in Boxford, is regulated under 310 CMR 15.00, Title 5, as amended, and local Board of Health regulations. Questions have been raised about the appropriateness of these regulations when applied to small package wastewater treatment plants with a daily discharge of under 15,000 gallons. These questions include the impact of such facilities on groundwater and the environment, the life expectancy of such facilities and the long-term liability and ownership of such facilities. As a result of these and other concerns about small package wastewater treatment plants, the Massachusetts DEP (Department of Environmental Protection) is currently reviewing such facilities and preparing appropriate, uniform regulations for their installation, care and use. Pending the outcome of the DEP studies and any new regulations resulting from these studies, the Boxford Board of Health is of the opinion that it would not be prudent to take an affirmative action on such projects until all of the environmental concerns are thoroughly understood and appropriate mitigation measures are employed so as to minimize damage to the environment and to protect public health safety.

**§ 201-5. Regulation 1-91.**

The Board of Health of the Town of Boxford, Massachusetts, acting under the provisions of MGL c. 111, § 31, and in the interest of and for the protection of public health, hereby places a moratorium on the installation of small package wastewater treatment plants with a daily discharge of less than 15,000 gallons in the Town of Boxford until such time as a uniform regulation or decision affecting such plant is promulgated by the Massachusetts Department of Environmental Protection or other appropriate state agency or body.

**§ 201-6. Effective dates.**

This regulation shall become effective on January 1, 1991, and shall remain in effect until such date as a uniform regulation or decision concerning small package wastewater treatment plants is enacted as defined in § 201-5 of this regulation.

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**ARTICLE V, Supplement to 310 CMR 15 Water Supply Protection [Adopted as Regulation 2-94]**

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**§ 201-7. Background and justification.**

- A. Dwellings within Boxford rely on private wells and subsurface disposal of sanitary sewage on individual lots. In addition, several small public water supply systems provide potable water to public and commercial buildings and high-density housing developments, which are also serviced by subsurface sewage disposal systems. The aquifers for these wells are primarily groundwater bedrock fissures and soil overburden. Such aquifers are recharged from rainfall, surface waters and from wetlands.
- B. Further, under Article Twelve of the General Bylaws for the Town of Boxford as amended,<sup>EN(1)</sup> established under Home Rule, the Conservation Commission of the Town of Boxford has promulgated regulations that determine that failure to enforce the requirements set forth in § 201-9A, B, C, D and E of these regulations will have significant or cumulative detrimental effect upon wetland values, including public and private water supply, groundwater, flood control, prevention of erosion, sedimentation control, storm damage prevention, prevention of water pollution, protection of fisheries and wildlife habitat, recreation and aesthetics.
- C. In addition, the Boxford Board of Health agrees with the sponsors of and the consultants who prepare the Draft and Final Generic Environmental Impact Report (GEIR) on Privately Owned Sewage Treatment Facilities (PSTFs) in November 1990 who on page 27 stated: "Before multiple owner entities can be allowed in Massachusetts, state law needs to be enacted to ensure long-term enforceability of state regulations over this type of ownership situation." Section 5 herein is adopted until Massachusetts General Laws are passed that can ensure long-term enforceability of state and Board of Health regulations over multiple owner wastewater treatment facilities.
- D. For these reasons, and acting under the authority of MGL c. 111, § 31, as amended, and with reference to MGL c. 40, § 54, and in the interest of and for the protection of public health, the

Boxford Board of Health has established and adopted the following regulations, which supplements Massachusetts 310 CMR 15.00 and Boxford and Wenham Health District Regulation 1-94,<sup>EN(2)</sup> for the protection of private wells and small public water supplies as sources of potable water in the Town of Boxford.

- E. Regulation of retaining walls evolves from concerns over long-term hydrogeologic and structural impacts of retaining walls for leaching facilities in steep slope areas. The specific concerns are:
- (1) The potential for groundwater mounding behind a retaining wall that is footed within the water table resulting in reduced vertical separation between a soil absorption system and the groundwater table; and
  - (2) The increased risk of retaining wall failure due to buildup of water pressure behind such retaining walls.

#### **§ 201-8. Definitions.**

As used in this regulation, the following terms shall have the meanings indicated:

**ABUTTER** -- The owner of any property that lies within 500 feet radial from any lot line of the subject property, including those properties across a traveled way or body of water. In the case of property that has frontage on a pond, abutters will include all those properties with frontage on the pond.

**LEACHING FACILITY** -- As defined in 310 CMR 15 as amended.

**LOT** -- An area of land in one ownership, with definite boundaries.

**SOIL ABSORPTION SYSTEM** -- As defined in 310 CMR 15, as amended.

**SUBSURFACE SANITARY SEWAGE DISPOSAL SYSTEM** -- Individual sewage disposal system or on-site subsurface sewage disposal system as defined in 310 CMR 15 as amended.

**WETLAND RESOURCE AREA** -- Any land area or surface area so defined by the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and regulations promulgated pursuant thereto 310 CMR 10.00, and Town of Boxford Wetlands Protection Bylaw and regulations promulgated pursuant thereto.<sup>EN(3)</sup>

#### **§ 201-9. Setback requirements: Supplemental to 310 CMR 15.03(7), as amended.**

- A. No component of a subsurface sanitary sewage disposal system may be located within 50 feet

of a wetland resource area.

- B. The leaching facility or soil absorption system of a subsurface sanitary sewage disposal system shall be set back 100 feet from any wetland resource area.
- C. No wetland resource area may be altered in order to achieve the setbacks called for in Subsections A and B above.
- D. Private water supplies. No leaching facility in those cases where the percolation rate is less than five minutes per inch shall be installed within 150 feet of a well used as a potable water supply.
- E. No leaching facility in those cases where the percolation rate is less than five minutes per inch shall be installed within 150 feet of a wetland resource area. [Amendment effective 3-1-1995]

**§ 201-10. Grinders: Supplement to 3 CMR 15.03(4) and 15.06(2), as amended.**

Garbage grinders are not recommended. In order to accommodate potential retrofit of garbage grinders, all new and upgraded subsurface sanitary sewage disposal systems shall be designed for garbage grinders.

**§ 201-11. Shared systems.**

The use of a subsurface sewage disposal system by more than one lot is prohibited.

**§ 201-11.1. Reserve area between trenches. [Effective 10-1-2000]**

There shall be no reserve area between trenches.

**§ 201-11.2. Impervious barriers. [Effective 10-1-2000]**

- A. Before any impervious barrier is approved, the design engineer must demonstrate that the lot meets Title V slope requirements for construction in fill for both the primary and reserve soil absorption systems. If the slope requirements cannot be met, then a concrete retaining wall will not be allowed.
- B. When a concrete retaining wall is proposed for new construction both the primary and reserve areas must be fully designed, and no part of the construction of the primary system including the retaining wall shall interfere with the future use of the reserve area soil absorption system

(SAS).

- C. The bottom elevation of the footing of a concrete retaining wall must be at least one foot above the estimated high ground water table as tested in the area where the footing will be placed.
- D. When a concrete retaining wall is used, the orientation of the soil absorption system piping will be parallel to the retaining wall.
- E. The horizontal distance from the toe of the slope on the downgradient side of a concrete retaining wall from a lot line shall be a minimum of five feet.
- F. Any approval of a septic system with a concrete retaining wall shall be contingent upon no disturbance of soil within 200 feet of the proposed system. If the soils are disturbed by cuts or fills within a two-hundred-foot radius of the system, then the groundwater elevation and surface water drainage must be reevaluated prior to issuance of a disposal works construction permit.

**§ 201-11.3. Housing for the elderly. [Effective 10-1-2000]**

The design flow for a single unit of housing for the elderly will be 150 gallons per day for any unit with two bedrooms or fewer and a total of five rooms or less. A larger elderly housing unit will have the design flow calculated in the same manner as a single-family dwelling.

**§ 201-12. Cesspools. [Amendment effective 3-1-1997, Regulation 1-97]**

No increase in design flow or square footage of a building served by a cesspool is allowed.

**§ 201-13. Variances.**

Every request for a variance from this regulation shall be made in writing to the Boxford Board of Health on a form provided by the Board. The Board will notify the applicant of a date for a hearing to consider the variance within 45 days of receiving said request. The person requesting the variance shall also be responsible for notifying all abutters of the variance request as well as the time and place of the hearing to consider the variance. The Board of Health shall make a determination on the variance request within 30 days following the variance hearing.

**§ 201-14. Appeal.**

Any person aggrieved by the decision of the Boxford Board of Health may seek relief therefrom within 30 days in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Massachusetts.

**§ 201-15. Enforcement.**

- A. The Boxford Board of Health, its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties for the administration and review of the regulation, and may make or cause to be made such examination, surveys or sampling as the Board deems necessary.
- B. The Boxford Board of Health shall have the authority to enforce these regulations by violation notices, administrative order and civil and criminal court actions. Any person who shall violate any provision of the regulation for which a penalty is not otherwise provided shall be subject to a fine of not more than \$200. Each day or portion thereof during which a violation occurs or continues shall constitute a separate offense.

**§ 201-16. Severability.**

Each section of these rules and regulations shall be construed as separate and to the end that if any section, item, sentence, clause or phrase shall be held invalid for any reason, the remainder of these rules and regulation shall continue in full force and effect.

**§ 201-17. Effective date.**

This regulation shall take effect on or about December 1, 1994, following a public hearing on this regulation. Such public hearing shall take place after notice of the time and place and subject matter of such hearing shall be published for two weeks in a row in a newspaper circulated in the Town of Boxford. The first said notice should be made not less than 14 days before said hearing. As required by MGL c. 111, § 31, an attested copy of this regulation has been filed with the Massachusetts Department of Environmental Protection and with the Town Clerk of Boxford.

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**ARTICLE VI, Regulation of Septic Systems Within 300 feet of Baldpate, Howeys and Stiles Ponds [Adopted as Regulation 2-96]**

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**§ 201-18. Purpose and authority.**

- A. Based on the monitoring data and analysis of the Water Quality Management Study for Seven Ponds in Boxford, Massachusetts, and Appendix dated April 1995, prepared by K-V Associates, Inc., of Falmouth, Massachusetts, and the Modeling and Analysis presented in Boxford - 3 Pond Study Nutrient Modeling Results by Horsley & Witten of Falmouth and Boston, Massachusetts, dated February 1996 with revisions to April 1996, the Boxford Board of Health has concluded that in order to preserve the ponds in Boxford the phosphate and nitrate loading of the ponds must be reduced. Existing septic systems have been identified as a major source of nutrient loading in our ponds and upgrading of inadequately protective systems must be undertaken in order to assure the continuation of the existence of Boxford's ponds into the future.
- B. Acting under the authority of MGL c. 111, § 31, as amended, and for the protection of public health and the environment, the Boxford Board of Health has established and adopted the following regulations, which supplements Massachusetts 310 CMR 15.00.

**§ 201-19. Applicability.**

This regulation shall apply to existing and proposed septic systems within the watershed of and within 300 feet of the mean high-water mark of Baldpate, Hoveys and Stiles Ponds.

**§ 201-20. Definitions.**

As used in this regulation, the following terms shall have the meanings indicated:

**ABUTTER** -- The owner of any property that lies within 500 feet radially from any lot line of the subject property, including those properties across a traveled way or body of water. In the case of property that has frontage on a pond, abutters will include all those properties with frontage on the pond.

**EXISTING SYSTEMS** -- A sewage disposal or treatment system which is in existence at the time of adoption of these regulations and which is located within the watershed of and within 300 feet of the high-water mark of Baldpate, Hoveys and Stiles Ponds.

**§ 201-21. Inspections for existing systems.**

- A. All existing systems shall be inspected by a state certified system inspector within two years of the effective date of this regulation. An inspection report shall be submitted to the Board



of Health for its review and approval. All existing systems shall be reinspected every five years following the initial inspection or certificate of compliance for new installation or upgrade. The requirement for an inspection may be waived if a plan for upgrading the system in compliance with Maximum Feasible Protection is submitted.

- B. In addition to the inspection requirements of 310 CMR 15.302, the following must be performed and results of which reported to the Board of Health as part of the inspection:
- (1) Determination of the location and condition of the leaching area is required, including length and number and location of lines or trenches, number and volume of pits.
  - (2) A deep observation hole shall be performed to determine high groundwater and determine the depth of naturally occurring pervious soils by a state certified soil evaluator. Such observation hole shall be witnessed by the Board of Health or its Agent. Such observation hole shall be performed within the vicinity of the system, but not so as to impair the integrity or function of the system. If, in the opinion of the Health Agent, the high groundwater table cannot be determined through soil profiling, the Agent may determine that the high groundwater table must be determined by a deep observation hole dug and observed during high water table season (March, April and May).
  - (3) A physical measurement shall be taken of the horizontal distance of system components (septic tank, D-box, pump chamber, soil absorption system) to the mean high-water mark of the pond.
  - (4) Holding tanks shall be tested for watertightness. Pumping records for the tank shall be submitted to the Board of Health as part of the inspection report.
- C. Any inspection required under 310 CMR 15.301 for change of title, change in use or expansion in use for a system to which this regulation applies shall be performed in accordance with this regulation. If weather conditions preclude an inspection for change of title, the inspection shall be completed as soon as weather permits, but in no event later than six months after the change in title.

#### **§ 201-22. Failure criteria.**

In addition to the failure criteria in 310 CMR 15.303, the following conditions shall constitute a failure of an existing system and shall require upgrades in compliance with Title V, local health regulations and Maximum Feasible Protection as in § 201-26 of this regulation.

- A. Any portion of the soil absorption system is within the pond watershed and within 100 feet of the mean high-water mark of Baldpate, Hoveys or Stiles Ponds.

- B. The bottom of the soil absorption system is less than 4 feet above the high-water table.
- C. The depth of naturally occurring pervious soils in the vicinity of the soil absorption system is less than 4 feet below the elevation of the bottom of the soil absorption system.
- D. A cesspool within the watershed of and within 300 feet of the high-water mark of Baldpate, Hoveys or Stiles Pond.
- E. A tight tank that is not watertight or a tight tank whose records of pumping are not commensurate with the use of the existing facility.

**§ 201-23. Upgrades.**

- A. All existing systems in failure shall be upgraded to Maximum Feasible Protection standards. Any increase in flow to an existing system (i.e. increase in the number of bedrooms or bedroom-usable spaces) in the structure shall require upgrade to Maximum Feasible Protection. Systems found in failure during reinspection shall have two years to come into compliance with Maximum Feasible Protection.
- B. Any existing system in failure shall come into compliance with Maximum Feasible Protection within four years of the effective date of this regulation.

**§ 201-24. New waste water systems.**

No soil absorption system for any new construction in a pond watershed shall be allowed within 300 feet of the mean high-water mark of Baldpate, Hoveys or Stiles Ponds. New construction shall mean any structure not in existence as of the passage of this regulation or any structure for which the use has been suspended for a period of three or more years.

**§ 201-25. Reinspections.**

All existing systems shall be inspected every five years following the initial inspection or certificate of compliance for new installation or upgrade. The requirement for an inspection may be waived by the Board of Health or its Agent with the submission of a plan for upgrade of system bringing it in compliance with Maximum Feasible Protection. A deep observation hole is not required for reinspections if the Health Agent determines that a test hole has previously been performed and certified in writing by a certified soil evaluator in the vicinity of the soil absorption system.

**§ 201-26. Maximum Feasible Protection.**

Maximum Feasible Protection provides for a choice of alternative technology waste water treatments whereby the nutrient loading, particularly of phosphorus, is reduced or eliminated in the wastewater stream so as to protect the ponds from nutrient overloading and accelerated eutrophication. The applicant may choose from the following choices for Maximum Feasible Protection wastewater treatment facilities by submitting a design plan prepared by a registered sanitarian or professional engineer registered in the Commonwealth of Massachusetts. The applicant shall apply for a disposal system construction permit as per 310 CMR 15.00.

- A. Tight tanks - plastic (PVC) or fiberglass tanks tested for tightness.
- B. Composting toilets - combined with nonleaching gray water system. Leaching grey water systems shall be allowed in combination with composting toilets if they are in compliance with all other state and local regulations.
- C. Phosphorus pretreatment wastewater systems shall include systems demonstrated to reduce phosphates in the wastewater stream by 30% or more.

**§ 201-27. Variance - standard of review.**

- A. The Boxford Board of Health may vary the application of any provision of Regulation 2-96 (Chapter 201, Article VI) with respect to any particular case. Variances shall be granted only when, in the opinion of the Boxford Board of Health:
  - (1) The person requesting a variance has established that enforcement of the section of Regulation 2-96 (Chapter 201, Article VI) from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case; and
  - (2) The person requesting a variance has established that a level of environmental protection that is at least equivalent to that provided under Regulation 2-96 (Chapter 201, Article VI) can be achieved without strict application of the provision of Regulation 2-96 (Chapter 201, Article VI) from which a variance is sought.
- B. With regard to variances for new construction, enforcement of the provision from which a variance is sought must be shown to deprive the applicant of substantially all beneficial use of the subject property in order to be manifestly unjust.

**§ 201-28. Process for seeking a variance.**

- A. The Boxford Board of Health shall review request for variances as follows:
- (1) Every request for a variance shall be made in writing on a form provided by the Board of Health and shall make reference to the specific provision of Regulation 2-96 (Chapter 201, Article VI) for which a variance is sought and a statement is compliance with § 201-27.
  - (2) The Board will notify the applicant of a date for a hearing to consider the variance within 45 days of receiving said request.
  - (3) No application for a variance shall be complete until the applicant has notified all abutters by certified mail at his/her own expense at least 10 days before the Board of Health meeting at which the variance request will be on the agenda. The notification shall reference the specific provisions of Regulation 2-96 (Chapter 201, Article VI) from which a variance is sought, a statement of the standards set forth in Regulation 2-96 and the date, time and place where the application will be discussed.
- B. The Board of Health shall make a determination on the variance request within 30 days following the variance hearing.
- C. Any variance allowed by the Boxford Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of each variance shall be conspicuously posted for 30 days following its issuance and shall be available to the public at all reasonable hours in the office of the Board of Health while it is in effect.

**§ 201-29. Appeal.**

Any person aggrieved by an order, variance, issuance or denial by the Boxford Board of Health may appeal to any court of competent jurisdiction, provided for by the laws of the Commonwealth of Massachusetts.

**§ 201-30. Enforcement.**

- A. The Boxford Board of Health, its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties for the administration and review of this regulation and may make or cause to be made such

examination, surveys or sampling as the Board deems necessary.

- B. The Boxford Board of Health shall have the authority to enforce these regulations by violation notices, administrative order and civil and criminal court actions.
- C. Any person who shall violate any provision of this regulation for which a penalty is not otherwise provided shall be subject to a fine of not more than \$200. Each day or portion thereof during which a violation occurs or continues shall constitute a separate offense.

**§ 201-31. Severability.**

Each section of these rules and regulations shall be construed as separate and to the end that if any section, item, sentence, clause or phrase shall be held invalid for any reason, the remainder of these rules and regulation shall continue in full force and effect.

**§ 201-32. Effective date.**

This regulation shall take effect on August 1, 1996, following a public hearing on this regulation. Such public hearing shall take place after notice of the time and place and subject matter of such hearing shall be published for two weeks in a row in a newspaper circulated in the Town of Boxford. The first said notice shall be made not less than 14 days before said hearing. As required by MGL c. 111, § 31, an attested copy of this regulation has been filed with the Massachusetts Department of Environmental Protection and with the Town Clerk of Boxford.

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## **Chapter 202, PRIVATE WATER SUPPLY REGULATIONS**

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[HISTORY: Adopted by the Board of Health of the Town of Boxford as Regulation 1-94. Amendments noted where applicable.]

**§ 202-1. Background and justification.**

The majority of the dwellings in the Towns of Boxford and Wenham, Massachusetts, rely on private wells as their source of potable water. Such wells, and including wells for irrigation and agricultural use, are not regulated under State Code, 310 CMR 22.00, and are under authority of the Board of Health. For this reason, the Boards of Health for the Towns of Boxford and Wenham, comprising the B&W Health District, acting under MGL c. 111, § 31, as amended, and with reference to MGL c. 40, § 54, in the interest of and for the protection of public health, established and adopted the following rules and regulations concerning private well water

supplies in the B&W Health District.

**§ 202-2. Definitions.**

As used in this regulation, the following terms shall have the meanings indicated:

**ABANDONED WELL** -- A well which has not been used as a source of potable water for at least 12 consecutive months.

**ABUTTER** -- The person or persons owning land contiguous to or within 100 feet of the lot lines of the land owned by an applicant applying for a variance to this regulation.

**BEDROCK WELL** -- A drilled well which extends into the bedrock and has a sealed casing.

**BOARD** -- Board of Health.

**DUG WELL** -- A shallow well or pit which has been constructed by excavation.

**DWELLING** -- Every building or shelter, including but not limited to rooming houses and temporary housing used or intended for human habitation, and every other structure or condition located within the same lot lines whose existence causes or is likely to effect noncompliance with the provisions of this regulation (Ref: 105 CMR 410.000).

**DWELLING UNIT** -- The room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean condominium unit (Ref: 105 CMR 410.000).

**IRRIGATION WELL** -- A well used as a source of water for irrigation of agricultural, residential or public lands.

**LIVESTOCK WELL** -- A well used as a source of water for animals kept on agricultural, residential or public lands.

**PERSON** -- Any individual, family, partnership, association, firm, company, corporation, agency, group (including a city, town, county, state or other governmental unit) or any other entity responsible in any way for an activity subject to this regulation.

**PRIVATE WATER SUPPLY** -- Any water system that is not regulated by 310 CMR 22.00.

**PUBLIC WATER SYSTEM** -- Any system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year (Ref: 310 CMR 22.00).

**WATER SYSTEM** -- All pipes, valves, fittings, tanks, pumps, motors, switches, controls and

appurtenances installed or used for the purpose of storage, distribution, filtration, treatment or purification of water for any use whether or not located inside a building.

WELL -- Any pit, pipe, excavation, casing, drill hole or other private source of water to be used for the purpose of supplying potable water; or water for irrigation or agricultural use.

WELL CONTRACTOR -- A person or persons registered with the Massachusetts Water Resources Commission to engage in the business of digging or drilling wells within the commonwealth (Ref: MGL c. 21, § 16).

WELL DRILLING PERMIT -- A permit issued by the local Board of Health or its Agent for the purpose of granting permission to a well contractor to install a well. Such permit is issued as part of the well drilling permit application submitted by the well contractor.

### **§ 202-3. Wells.**

- A. No well shall be installed or repaired in the B&W Health District until a permit has been issued by the local Board of Health. This shall include irrigation and livestock wells. A well drilling permit shall be issued or denied within 45 days after receipt by the local Board of Health or its Agent of a well drilling permit application. Application forms shall be available at the local Board of Health offices during normal working hours.
- B. No building permit shall be issued for the construction of a building which necessitates the use of water therein from a well located on the lot where the building is to be constructed until a well has been installed and the local Board of Health has determined that a safe and adequate supply of potable water is available.
  - (1) The well and water supply system of a private water supply shall be located on the same lot as the dwelling or buildings wherein the water is used.
- C. Repair, renovation or replacement of an existing well and/or water system shall follow all provisions of this regulation and must be approved by the local Board of Health.
- D. The well contractor shall observe reasonable sanitary measures and precautions on the performance of any work in order to prevent the pollution or contamination of the well.
  - (1) Newly constructed wells or wells where repair work has been done shall be thoroughly disinfected before being put into use.
  - (2) All abandoned wells shall be tightly sealed by approved methods or filled with clean earth with a very high clay content to prevent pollution of the groundwater.
  - (3) Where a well is to serve as a source of potable water, there shall be a separate well for

each dwelling unit.

- (4) For new subdivisions and high-density housing developments, the local Board of Health may set additional restrictions on the permitted number of operational wells per lot or per development. Such additional restrictions may be made based on the potential impact of the proposed development on the public health and environment and on existing wells and septic systems bordering the proposed development.
  - (5) No well shall be installed closer than:
    - (a) Fifty feet to any lot line.
    - (b) Fifty feet to any septic tank.
    - (c) One hundred feet to any privy, cesspool or leaching facility.
    - (d) One hundred fifty feet to any privy, cesspool or leaching facility in those cases where the percolation rate of the septic system installation area is less than five minutes per inch.
  - (6) The separation between two operational wells shall be no less than 100 feet.
  - (7) Public water systems shall require approval by the Division of Water Supply, Department of Environmental Protection, prior to the issuance of a well permit and/or building permit. The local Board of Health may set additional requirements for operation of the system and for the quality of water from the system.
- E. Every well must supply safe and adequate water for the purpose for which it is intended and shall give satisfactory evidence of continuing capability to do so.
- (1) All new and replacement wells to be used as a source of potable water shall be bedrock, drilled wells. Dug wells shall not be permitted as new or replacement wells for potable water.
  - (2) Before being approved, every well shall be pump tested (bailing method accepted) for at least four hours by the well contractor. The results of the pump test shall be submitted on a form prescribed by the local Board of Health and kept as a public record.
  - (3) In cases of the construction of a new well as a potable water source, the local Board of health shall require the submission of chemical analysis of the water attained from the well prior to the issuance of a disposal works construction permit. Such chemical analysis shall include, as a minimum, pH value; specific conductance and hardness; levels of iron, manganese, sodium, nitrate nitrogen and arsenic. All test results shall be submitted to the local Board of Health.



- (4) The local Board of Health may recommend that a specific water treatment system is installed as part of a water system based on the water analysis results specified in § 202-3E(3) of this regulation, if such analysis results do not meet the water standards stipulated in 310 CMR 22.00, and any additional primary or secondary water standards.
- (5) Prior to occupancy of any dwelling using a new source of potable water, the local Board of Health shall require:
  - (a) A bacterial and arsenic report and the report from an appropriate test for organic compounds, such as EPA Method 524.2, Purgeable Organic Compounds in Water, or an equivalent, EPA-approved method, from analysis of water samples taken from the kitchen water tap after the water distribution system of the dwelling is in operation.  
[Amended 9-27-2006]
  - (b) A second chemical analysis report as required in § 202-3E(3) and E(5)(a) of this regulation if a water treatment system has been recommended by the Board of Health, and after installation of said system.
- (6) All bacterial and chemical analyze for new and replacement wells shall be carried out and reported by a laboratory approved and certified by the Commonwealth of Massachusetts to perform such tests.

**F. Replacement wells.**

- (1) All replacement wells shall comply with the provisions of § 202-3D(1) to D(7), inclusive, and § 202-3E(1) to E(2), inclusive, of this regulation.
- (2) It is recommended that a replacement well be no closer than 30 feet to the well it is replacing, and no closer than 30 feet to any previously abandoned well.
- (3) Bacterial and chemical analyze reports as required in § 202-3E(3) to E(6) of this regulation shall be submitted to the local Board of Health after a replacement well is operational.

**§ 202-4. Potable water systems.**

- A. There shall be a separate water system for each dwelling unit, and it shall not be installed or materially altered thereafter until a permit has been issued by the local Board of Health. The Board will require a description of the installation with each application for such a permit. Emergency work for repairs or service of existing equipment not amounting to a substantial renovation or overhaul of the system may be done without a permit.
  - (1) The water pipe from the house to the well pit or pitless adapter and all wiring shall be

properly enclosed.

- (2) All pumps, motors and tanks shall be placed on a suitable foundation, and all equipment and parts of the system that may require adjustments or service shall be made readily accessible.
  - (3) All pump houses, pump or pipe pits and wells shall be designed and constructed so as to prevent flooding and otherwise to prevent the entrance of pollutants or contaminants.
  - (4) Well casings shall extend at least 18 inches above the final grade of the ground surface.
- B. The installation of any water treatment system, including but not limited to water softeners, green sand or charcoal filters and reverse osmosis systems, shall be in accordance with all local and state building requirements. The system installer shall obtain the appropriate plumbing and electrical permit(s) from the local authority. Copies of the permit(s), a description of the system installed, a description of any backwash methods used in the system and the place of backwash disposal, and a water analysis report of samples taken after the system is in operation [as required in § 202-3E(5) of this regulation], shall be submitted to the local Board of Health within 30 days of installation of the treatment system.
- C. No certificate of occupancy shall be issued until all the provisions of this regulation have been met. The issuance of said certificates shall not be construed as a guaranty by the Towns of Boxford or Wenham, or of its agents, that the water system will function satisfactorily.

#### **§ 202-5. Protection of well areas.**

- A. New and replacement chemically treated utility poles, including but not limited to utility poles treated with preservatives, fungicides, insecticides and petroleum products, shall not be installed within 50 feet of any public or private water supply. The location of all private wells within 100 feet of any new or replacement chemically treated utility pole shall be identified on a map and submitted to the Board of Health prior to installation of the utility pole. Said map shall contain the location of the proposed utility pole installation, the wells and sufficient street identifications and landmarks to enable the Board to identify the area of installation. The local Board of Health may delay or prohibit installation of the proposed utility pole, or may require its removal, if it is installed prior to Board review or if the Board finds that the utility pole presents a potential threat to the public health or the environment.
- B. No pesticides or herbicides shall be applied in any form within 100 feet of any public or private potable water supply, including but not limited to the application of pesticides and herbicides to turf, shrubs, trees and agricultural crops, except in those specific cases where pesticide treatment is shown, to the satisfaction of the local Board of Health or B&W Health Agent, to be necessary to alleviate a specific instance of established insect infestation which

threatens the structural integrity or habitability of an existing building. It is the responsibility of the pesticide or herbicide applicator to locate all wells within an area to be treated prior to application of pesticides or herbicides and to delineate a nonapplication zone around each well.

**§ 202-6. Variances.**

Every request for a variance from this regulation shall be made in writing to the local Board of Health and shall state the specific variance sought and the reason for the request. The Board will notify the applicant of a date for a hearing to consider the variance within 45 days of receiving said request. The person requesting the variance shall also be responsible for notifying all abutters of the variance request as well as the time and place of the hearing to consider the variance. The Board of Health shall make a determination on the variance request within 30 days following the variance hearing.

**§ 202-7. Appeal.**

Any person aggrieved by the decision of the local Board of Health may seek relief therefrom within 30 days in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Massachusetts.

**§ 202-8. Enforcement.**

- A. The local Board of Health, its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties for the administration and review of this regulation and may make or cause to be made such examinations, surveys or samplings as the Board deems necessary.
- B. The local Board of Health shall have the authority to enforce these regulations and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions.
- C. Any person who shall violate any provisions of this regulation for which a penalty is not otherwise provided shall be subject to a fine of not more than \$200. Each day or portion thereof during which a violation occurs or continues shall constitute a separate offense, and each provision of the regulation or permit that is violated shall constitute a separate offense.

**§ 202-9. Severability.**

So far as the B&W Health District or local Board of Health may provide, each section of these rules and regulations shall be construed as separate and to the end that if any section, item, sentence, clause or phrase shall be held invalid for any reason, the remainder of these rules and regulations shall continue in full force and effect.

**§ 202-10. Effective date.**

This regulation will take effect on or about May 1, 1994, and after publication of a notice of this regulation in a newspaper circulated in the Towns of Boxford and Wenham, one newspaper per town. As required by MGL c. 111, § 31, an attested copy of this regulation has been filed with the Massachusetts Department of Environmental Protection and with the Town Clerks of Boxford and Wenham.

## **Chapter 203, STABLE LICENSING**

[HISTORY: Adopted by the Board of Health of the Town of Boxford as Regulation 2-88; amended in its entirety 4-23-2009, and further amended 8-12-2009. Subsequent amendments noted where applicable.]

### **GENERAL REFERENCES**

**Stables -- See Ch. 159.**

**§ 203-1. Statutory authority; purpose.**

The Board of Health for the Town of Boxford, Massachusetts, acting under the provisions of MGL c. 111, §§ 31, 122, and 155, and any other statutory authority, as amended, has, in the interest of and for the protection of public health and animal health and in the interest of protecting the quality of surface and ground waters as such impacts public health, established and adopted the following rules and regulations.

**§ 203-2. Definitions.**

As used in this regulation, the following terms shall have the meanings indicated:

**ABUTTER** -- The owner of any property sharing a common lot line with or located across a common street from the subject property.

**BARN** -- Any building, shelter, stable, sty, or other similar structure used for the protection and

keeping of livestock.

BOARD -- The Boxford Board of Health.

COMPOSTING -- The natural degradation of manure and other organic material in an actively managed, aerobic process generating heat. Simple stockpiling of manure is not composting.

FACILITY -- The portion of a property, including all structures thereon, used for containing and keeping livestock as well as for the storage or handling of manure and other waste products, and including but not limited to barns, shelters, sheds, ancillary buildings, paddocks, corrals, and fenced areas.

LIVESTOCK -- Equine and bovine animals, and swine.

Paddock -- Any and all enclosed or fenced nonturf areas for containing or displaying livestock.

PASTURE -- A fenced, turf-covered area for the containing and/or grazing of livestock.

PRIVATE WELL -- Any well or source of potable water as defined by Board of Health Regulation Chapter 202, Private Water Supply Regulations.

PUBLIC WELL -- Any system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year (Ref: 310 CMR 22.00).

STABLE -- A shelter for livestock. See also "barn."

STABLE PERMIT -- A license for a facility to keep livestock issued by the Board of Health under the terms of this regulation.

TOWN -- The Town of Boxford, Massachusetts.

WETLAND RESOURCE AREA -- Any land area or surface area so defined by the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and the regulations promulgated pursuant thereto at 310 CMR 10.00, and the Town of Boxford Wetlands Protection Bylaw<sup>EN(4)</sup> and regulations promulgated pursuant thereto, excluding riverfront area.

### **§ 203-3. Licenses; general requirements.**

- A. No person shall erect, occupy or use a facility in the Town unless a stable permit for such use is issued by the Board and, in such case, only to the extent so licensed. Within 12 months of the passage of this regulation, any person keeping livestock in the Town of Boxford and not

having a stable permit shall apply for this license.

- B. Application for a stable permit shall be made to the Board or its agent on a form provided by the Board.
- C. The initial and each subsequent license application submitted to the Board of Health or its agent under this regulation shall include an accurate, to-scale drawing, which need not be an engineered drawing, with  $\pm 10\%$  accuracy, showing the location of the stable, paddock, and manure storage area, and any septic system, private or public wells, abutting dwelling(s), surface watercourses and wetland resource areas within 100 feet of the stable, paddock and manure storage area. Additionally, any lot lines or streets within 50 feet of the stable, paddock and manure storage area shall be shown to scale on the drawing.
- D. In addition to the information required for submission by this regulation, the applicant may also submit to the Board current or historical documentation or plans or maps for the property available from any Town or other reputable source to demonstrate compliance with the requirements of this regulation, including but not limited to septic system design and test data, submissions to the Building Inspector and Planning Board, Zoning Board of Appeals, and the Conservation Commission.
- E. The applicant shall submit to the Board, together with the permit application, an operation/management plan for manure storage, handling, and disposal which shall include:
  - (1) A manure management/removal plan which includes details on frequency of manure removal from the facility.
  - (2) A composting plan, if any.
  - (3) A control management plan for flies and rodents.
  - (4) A plan for ensuring that drainage or liquid effluent containing livestock waste products shall not be discharged in runoff, or flow over the surface of the ground onto abutting properties, a public way, or into wetland resource areas.

The operation/management plan shall be based on best management practices as defined in instructions and requirements provided by the Board of Health.

- F. Issuance of the stable permit shall be conditional upon a site inspection by the Health Agent or other agent appointed by the Board of Health to determine compliance with the provisions

of this regulation.

- G. The stable permit shall consist of a Board of Health approved copy of the application form and to-scale drawing described in § 203-3C of this regulation.
- H. The stable permit shall be kept on the premises for which it is issued and shall be produced upon demand of the Boxford Animal Inspector or any agent of the Boxford Board of Health.
- I. Provided that no change in the location or increase in size of the facility is made, the stable permit as issued shall remain in force for the period of three years. Each facility owner shall apply for a new stable permit in accordance with § 203-3, Subsections B through F, of this regulation, 60 days prior to expiration of the license then in force.
- J. A modification to an existing stable permit shall be submitted 60 days prior to any change in the location of the manure storage area or paddock; or if any new facility is built or established; or if ownership of the facility changes. Any new application shall be made in accordance with § 203-3, Subsections B through F, of this regulation.
- K. Provided that the application for a stable permit is complete and meets all requirements of this regulation, and the required inspection has been carried out within 30 days of the completed application date, the Board of Health will issue the license within 30 days of said inspection unless deficiencies are found which must be resolved. In such case, the license will be issued within 30 days after such deficiencies have been resolved.

#### **§ 203-4. Location.**

- A. No manure storage and handling area shall be located within:
  - (1) One hundred feet of a wetland resource area, not including any riverfront area.
  - (2) Fifty feet of a lot line or street.
  - (3) One hundred feet of wells for potable water.
  - (4) The Zone I of a public water supply.
  - (5) Seventy-five feet of an abutter dwelling.

In the event of a conflict with future abutter structures, permits, and uses, the existing manure storage area(s), as identified by the current stable permit issued under this regulation, shall take precedence over and control the setback of any subsequent uses.

regulation, shall not prevent or interfere with the location of any subsequent well, structures, or permits on abutting properties.

- B. No paddock or livestock exercise area shall be located over the leaching facility of a subsurface sewage disposal system.

**§ 203-5. Fee.**

The stable permit fee as approved by Town Meeting action shall apply.

**§ 203-6. Maintenance; general care of animals and premises.**

Every facility owner shall, as a condition of the stable permit:

- A. Maintain all buildings, premises and conveyances in a sanitary condition and in compliance with all applicable codes;
- B. Have equipment available for any necessary storage or disposal of waste material to control vermin or insects;
- C. Provide adequate shelter necessary for the comfort of any livestock on the premises, based on common and accepted standards in the agricultural community;
- D. Take all reasonable precautions to prevent the spread of infectious or contagious diseases;
- E. Provide that stalls shall be cleaned regularly and shall be of an adequate size for the comfort of the livestock contained therein, based on common and accepted standards in the agricultural community.

**§ 203-7. Grandfathering and transferability.**

- A. Any person who shall have a stable permit issued under Boxford Board of Health Regulation 2-88 (Chapter 203 of the Boxford Code) may, at his or her request, be held to the standards of Regulation 2-88 as in effect prior to the amendments of April 23, 2009, until the expiration of the term of that permit.
- B. Upon expiration of a stable permit issued under Regulation 2-88 as in effect prior to the amendments of April 23, 2009, any application for renewal thereof shall be submitted in accordance with Regulation 2-88 as in effect prior to the amendments of April 23, 2009, except that the operation/management plan (§ 203-3E), the term (§ 203-3I), fee, and



inspection (§ 203-3F) for the permit, and license enforcement (§ 203-8) will be held to the standards of the April 23, 2009, amended Regulation 2-88.

- C. Upon transfer of a property, any existing stable permit shall be deemed expired and shall be renewed in the manner as specified in § 203-7B of this regulation.

**§ 203-8. License enforcement.**

- A. The Board of Health may deny, revoke, suspend or refuse to renew a stable permit upon finding by the Boxford Animal Inspector or Boxford Health Agent that the licensee has violated any of the following:
- (1) Any provision of MGL c. 272, § 77 or 78A;
  - (2) Any provision of this regulation;
  - (3) A quarantine order;
  - (4) Applicant has made material misstatement(s) in the application for a license or renewal thereof; or
  - (5) Failure to comply with the operation and management plan approved for the facility.
- B. The Health Agent or other designated agent of the Board of Health may notify the owner of the facility against whom a complaint is lodged that the facility will be inspected to investigate the complaint. If grounds for the complaint are found and the facility is determined not to be in compliance with these regulations, then the owner of the facility will receive a written warning detailing the nature of the noncompliance, means to correct the noncompliance, the date by which the noncompliance must be corrected, and the action to be taken by the Board should the noncompliance not be corrected within the allowed time period. The Health Agent or other designated agent of the Board of Health shall reinspect the property to determine that the noncompliance has been corrected. In the event that the same noncompliance occurs at the same facility twice more within a period of six months, and written warnings are issued for each violation at the same facility, the Board of Health may summon the facility owner to a hearing before the Board. After such hearing, the Board may, at its discretion, levy appropriate fines and/or revoke the stable permit of the facility owner.
- C. No stable permit shall be denied, suspended, revoked or refused to be renewed except by decision of the Board of Health after a hearing.
- D. The Health Agent or Board of Health may call on the Conservation Commission, Building Inspector, Animal Inspector, Agricultural Commission or Massachusetts Society for the Prevention of Cruelty to Animals for assistance with resolving a problem, or observation of

possible violations of other statutes, regulations, or codes under the jurisdiction of those boards or commissions.

**§ 203-9. Nuisance.**

Commercial farms shall be held to the standard of MGL c. 111 § 125A, such that nuisance such as odor or noise from normal farming activity is allowed, but generation of odor or noise that exceeds generally accepted farming procedure shall be considered a nuisance to be abated.

**§ 203-10. Variances.**

The Board of Health may grant a variance from any section of this regulation if the Board determines that it is in the public interest to do so, and so long as the grant of any variance under this regulation does not result in detriment to the public health or deter from the purpose and intent of this regulation or MGL c. 111, § 155. Every request for a variance from this regulation shall be made, in writing, to the Board of Health and shall state the specific variance sought including the specific section(s) of this regulation which cannot be fully met and reasons for the requested relief. In response to a written request for a variance, the Board will notify the applicant of a date for a hearing to consider the variance within 45 days of receiving said request. The person requesting the variance shall also be responsible for notifying all abutters of the variance request as well as the time and place of the hearing to consider the variance. The Board of Health shall make a determination on the variance request within 30 days following the variance hearing.

**§ 203-11. Appeal.**

Any person aggrieved by the decision of the Board pursuant to this regulation may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this commonwealth.

**§ 203-12. Penalties.**

Whoever violates any provision of this regulation shall be punished by a fine of \$5 each day such violation continues as provided by MGL c. 111, § 157.

**§ 203-13. Severability.**

Each part of this regulation shall be construed as separate to the end that if any part of the

regulation or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of the regulation shall continue in full force.

**§ 203-14. Effective date.**

This regulation shall be effective on April 23, 2009.

## **Chapter 204, SOLID WASTE**

[HISTORY: Adopted by the Board of Health of the Town of Boxford as Regulation 2-91. Amendments noted where applicable.]

### **GENERAL REFERENCES**

**Sanitary landfill -- See Ch. 156, Art. I.**

**§ 204-1. Background and justification.**

The Board of Health for the Town of Boxford, Commonwealth of Massachusetts, acting under the authority of MGL c. 111, § 31, as amended, hereby supplements the provisions of 105 CMR 410.000: the State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation, and 310 CMR 19.000: Solid Waste Management Regulations, in the interest of and for the protection of public health and environment established and adopted the following rules and regulations concerning the disposal of solid waste in the Town of Boxford.

**§ 204-2. Definitions.**

When used in this regulation or in communications, notices, orders or other references relative thereto, the following words and phrases shall have the meanings ascribe to them below and shall apply in the interpretation and enforcement of this regulation:

**AGRICULTURAL WASTE** -- Discarded materials produced from the raising of plants and animals, including without limitation animal manure, bedding, plant stalks and other vegetative matter.

**GARBAGE** -- Animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

**HAZARDOUS WASTE** -- Any waste that is defined and regulated under 310 CMR 30.00, the

Hazardous Waste Regulations, as may be amended.

LEAF AND YARD WASTE -- Deciduous and coniferous seasonal deposition, grass clippings, weeds, hedge clippings, garden materials and brush.

RECYCLABLE MATERIALS -- Materials that have the potential to be reused or recycled and that are not contaminated by significant amounts of waste such as No. 6 newspaper (which may contain small quantities of magazines, paperboard containers, paper bags, junk mail and a normal percentage of phone books) metal, glass, rigid No. 1 and No. 2 single polymer plastics and other items that may be added from time to time.

SOLID WASTE -- Useless, unwanted or discarded solid, liquid or contained gaseous material resulting from municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated or transferred pending such disposal, not including any hazardous waste or special wastes.

SPECIAL WASTE -- A solid waste that requires special handling (i.e. demolition material) or disposal techniques or methodologies to protect public health or safety or the environment.

TIRES -- A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

WHITE GOODS -- An appliance employing electricity, natural gas or liquefied petroleum gas to supply heat or motive power to preserve or cook food, to wash or dry, to cool or heat air or water.

### **§ 204-3. Solid waste.**

All solid waste in the Town of Boxford shall be disposed of in accordance with 310 CMR 19.000, Solid Waste Management Regulations. Prohibited wastes, as defined in §§ 204-4 and 204-5 of this regulation, shall be prohibited from disposal into the Boxford Sanitary Landfill as of the effective date of this regulation.

### **§ 204-4. Recyclable materials.**

Recyclable materials shall not be disposed of into Boxford Sanitary Landfill. These shall include but not be limited to aluminum, metal, glass, No. 6 newspapers and single polymer plastics.

### **§ 204-5. Prohibited wastes.**

No solvents, oils, volatile or combustible materials, pesticides, herbicides, special wastes, nor any other hazardous materials including but not limited to batteries shall be disposed of into the

Boxford Sanitary Landfill. In addition, the following materials shall be prohibited from disposal into the Boxford Sanitary Landfill: leaves and yard waste, agriculture waste, white goods, unshredded tires and all single polymer plastics.

**§ 204-6. Penalties.**

Any person who shall violate any provisions of this regulation for which penalty is not otherwise provided shall, upon conviction, be fined not less than \$10 or more than \$500 per violation. Each separate incident of failing to comply with this regulation shall constitute a separate violation.

**§ 204-7. Severability.**

So far as the Board of Health may provide, each section of these rules and regulations shall be construed as separate to the end that if any section, item, sentence, clause or phrase shall be held invalid for any reason, the remainder of these rules and regulations shall continue in full force and effect.

**§ 204-8. Appeals.**

Any person to whom an order has been served pursuant to this regulation may request a hearing before the Board of Health by filing a written petition within seven days. Upon receipt of such petition, the Board of Health shall schedule a hearing within 30 days. Anyone aggrieved by the decision of the Board of Health may seek relief therefrom within 30 days in a court of competent jurisdiction.

**§ 204-9. Effective date.**

This regulation shall take effect on July 1, 1991.

## **Chapter 205, EARTH REMOVAL AND EARTH FILLING PROJECTS**

[HISTORY: Adopted by the Board of Health of the Town of Boxford as Regulation 1-96. Amendments noted where applicable.]

### **GENERAL REFERENCES**

**Drainage -- See Ch. 77.**  
**Wetlands protection -- See Ch. 192.**

**Subsurface sanitary systems -- See Ch. 201.**  
**Private water supply regulations -- See Ch. 202.**  
**Subdivision of land -- See Ch. 300.**

**§ 205-1. Background and justification.**

- A. The majority of dwellings in the Town of Boxford, Massachusetts, rely on private wells as their source of potable water and on septic systems for the disposal of solid waste. The Board of Health hereby finds that major earth removal or earth filling projects in the town may introduce added burdens on groundwater quality and aquifer recharge, that such burdens need to be assessed by the Board and that the town will incur significant expense in reviewing applications for such major projects in order to assess the resulting health impacts. For this reason, the Board of Health for the Town of Boxford, acting under MGL c. 111, §§ 31, 122 and 143; MGL c. 44, § 53G; MGL c. 41, § 81U; and MGL c. 40B, § 21, as amended, in the interest of and for the protection of public health, and in order to provide for timely and adequate review of applications as required by statute, has established and adopted the following regulation concerning requirements for proposed major earth removal or earth filling projects and any fees associated with review required by the Board for such projects in Boxford.
- B. These regulations are intended to protect the public and environmental health, provide adequate water supply and ensure that there will be adequate protection of wells and septic systems against flooding, siltation and other drainage problems. These regulations are also intended to make certain that earth removal or earth filling projects:
- (1) Will maintain a depth to groundwater which is adequate for the construction of subsurface wastewater disposal systems under both local and state regulations;
  - (2) Will not be injurious to water supplies;
  - (3) Will be carried out so as to provide adequate protection against flooding, siltation and other drainage problems; and
  - (4) Will not introduce hazardous materials into the environment.

**§ 205-2. Definitions.**

As used in this regulation, the following terms shall have the meanings indicated:

**ABUTTER** -- The owner of any property that lies within 500 feet radially from any lot line of the subject property, including those properties across a traveled way or body of water. In the case of property that has frontage on a body of water, abutters shall include owners of all those

properties with frontage on the body of water.

BOARD -- Board of Health.

COMPREHENSIVE PERMIT -- Any application or permit received and to be reviewed by the Board pursuant to MGL c. 40B, § 21.

DEP -- Massachusetts Department of Environmental Protection.

EARTH REMOVAL-RESTORATION PLAN (ERRP) -- A plan for a specific earth removal project which contains all information necessary to evaluate the site, a detailed description of the proposed earth removal operation and the proposed plan for restoration of the site after the operation is complete.

LOT -- Any single parcel of land in the Town of Boxford.

MAJOR EARTH FILLING PROJECTS -- Any proposed action in which fill material in excess of 500 cubic yards per lot or 2,000 cubic yards per project (in the case of a subdivision project) is brought to a site in Boxford from another site either in Boxford or from another locality.

Movement of fill between the lots of the same subdivision or in the construction of a road within a single subdivision or for the construction of a septic system approved by the Board of Health is not considered a major earth filling project.

MAJOR EARTH REMOVAL PROJECTS -- Any proposed earth removal operation in which material is removed from a lot and in which the total amount of material removed exceeds the lesser of 500 cubic yards per lot or 2,000 cubic yards per project (in the case of a subdivision or project) in aggregate. Major earth removal projects include the moving of earth between lots of a subdivision and/or to other developments or subdivisions. Normal earth removal during road construction or during landshaping on the same lot or during the construction of a septic system approved by the Board of Health is not considered a major earth removal project.

PERSON -- Any individual, family, partnership, association, firm, company, corporation, trust, agency, group (including a city, town, county, state or other governmental unit) or any other entity responsible in any way for an activity subject to this regulation.

SUBDIVISION -- Any application or permit received and to be reviewed by the Board pursuant to MGL c. 41, § 81U. For the purposes of this regulation, a subdivision shall include all ANR (approval not required) properties formed from the original land subdivided during, after or two years prior to the subdivision.

### **§ 205-3. Jurisdiction and application.**

This regulation shall apply to all lots, subdivisions and developments in the Town of Boxford.

**§ 205-4. Major earth removal projects: regulation.**

- A. All plans for major earth removal projects proposed in the Town of Boxford shall be submitted to the Board for review under this regulation. No such projects shall be started without the written approval of the Board.
- B. When reviewing an application and plans for, or when conducting inspections in relation to major earth removal projects, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the proposed project, because of the project's potential impact on health and the environment or because the town lacks the necessary expertise to perform the work related to project. Therefore the Board, whenever reviewing the ERRP for a major earth removal project, may employ outside consultants to assist in the review or inspection of such projects and may require that the proposer of the project pay a project review fee to cover the costs of such outside consultants and a fee to cover the costs of other reasonable expenses incurred by the Board of Health incident to its review or inspection services.
- C. The Board will act to determine the need for analysis and assistance in reviewing a major earth removal project and define the scope of such needs and assistance within 30 days of receiving the ERRP and supporting plans and documentation at its offices.
- D. After its review of the application and plans for a major earth removal project, the Board may require that determinations be made by independent consultants and contractors hired by the Board to determine and establish specific information relative to the project. For example, specific information may be required relative to the operation of the existing on-site and proposed septic systems, including soil conditions, surface drainage calculations, hydrogeologic determinations and descriptions of groundwater resources and movement, effects of precipitation and irrigation and any wastewater treatment methodology. Information on the impact of the project on private and public water supplies and supply sources, such as surface waters and aquifers and wetlands, may also be required.
- E. Earth removal plans and standards.
  - (1) Any removal of earth from any lot or subdivision or development in the Town of Boxford, including the movement of earth between lots of a subdivision as defined in § 205-2 of this regulation and without the written approval of the Board constitutes a violation of this regulation.
  - (2) An earth removal-restoration plan (ERRP) for any proposed earth removal operation exceeding the lesser of 500 cubic yards per lot or 2,000 cubic yards per project in



aggregate shall be filed with the Board for its review and approval. The Board shall review and approve or disapprove of the plan within 30 days of receiving said plan at its offices. The Board may also grant a preliminary approval of the project conditional on the successful completion of additional information and studies related to the proposed project as described in § 205-4A through D, inclusive, of this regulation.

- (3) The ERRP must be prepared by a registered engineer or registered land surveyor, at a scale of 80 feet to the inch or less, and must contain all information necessary to evaluate the site, the proposed earth removal operation and the proposed restoration of the site after the operation is complete. The ERRP shall include, at a minimum, the following:
  - (a) The location of the perimeter of the proposed excavation.
  - (b) Property lines, abutting owners of record and buildings or other structures on the property or within 200 feet of the site boundaries or within 500 feet of the earth removal operation site.
  - (c) The location of all private wells within 150 feet and public wells within 1,000 feet of the earth removal operation site.
  - (d) The location of walls, fences, test pits, test borings, observation wells with logs, streams and pools and wetlands on the site and any streams, pools, water bodies and wetlands on abutting properties within 150 feet of the earth removal operation site.
  - (e) At least one permanent bench mark, with elevations thereon, used in the topographical surveying of the property, and referenced to the National Geodetic Vertical Datum (NGVD).
  - (f) The location of adjacent public streets, private ways and service roads.
  - (g) The perimeter and topography of any existing excavation as of the date of the application.
  - (h) The depth of removal within the area, shown by five-foot contours or other contour interval found to be appropriate by the Board, and final spot elevations.
  - (i) The proposed lateral support to all adjacent properties.
  - (j) Details on the proper provision for safe and adequate water supply and sanitary sewage disposal, and for the temporary and permanent drainage on the site.
  - (k) Topography shown by five-foot contours or other contour interval found to be appropriate by the Board, and spot elevations of the area of removal as restored and to at least 200 feet beyond the perimeter of that area.

- (l) The location and method used in providing permanent drainage and erosion and sediment control on the site.
  - (m) The location of proposed lot lines, if any, as shown on a preliminary or definitive subdivision plan filed with the Boxford Planning Board.
  - (n) Written evidence that health and safety concerns have been adequately addressed with provisions which shall be maintained throughout the proposed operation.
- (4) Further, the following, minimum requirements must be met for an earth removal project in areas which may be used for installation of septic systems:
- (a) In order to provide for potential installation of subsurface sewage disposal systems, no excavation shall occur closer than 10 feet to the maximum groundwater elevation.
  - (b) There shall be no increase nor decrease of surface water flow off the site.
- (5) Further, the following requirements must be met during earth removal and restoration activities:
- (a) There shall be no potential adverse effect on public health or safety, or to the health and safety of persons living, working or otherwise present in the neighborhood, due to excessive noise, dust or any other condition which may result from the proposed operation.
  - (b) There will be no potential adverse impact on surface waters or public or private wells as a result of the proposed operation.
  - (c) Lateral support shall be maintained for all adjacent properties, and no banks shall be left after completion of operations with a slope which exceeds one foot vertical rise in four feet of horizontal distance.
  - (d) Any access to an excavated area shall be adequately posted with "Keep Out" and "Danger" signs.
  - (e) During operations, any excavation quarry, bank or work face having a depth of 10 feet or more and/or creating a slope of more than 30° downward shall be fenced. Such fence shall be located 10 or more feet from the upper edge of the excavation and shall be at least six feet in height.
  - (f) No boulders in excess of a volume of 20 cubic yards, and no trees, stumps, demolition materials or construction waste materials shall be buried on the site.
  - (g) Notwithstanding any standard otherwise required in this regulation, operation and restoration of the site shall comply with the standards contained in the Massachusetts

Conservation Guide, Volumes I and II, United States Department of Agriculture Soil Conservation Service.

- (h) At the end of the restoration, the areas subject to this regulation shall be covered with a minimum of four inches of compacted topsoil and seeded with an appropriate grass or legume.

**§ 205-5. Major earth filling projects.**

- A. Any project in the Town of Boxford proposing to move more than 500 cubic yards of fill to a single lot or more than 2,000 cubic yards of fill to a single project, except as defined above in § 205-2 of this regulation, must be reported to the Board of Health and must receive the Board's approval.
- B. In order for the Board to review and approve the moving of fill, the following information must be submitted to the Board in writing:
  - (1) The address and owner of the site in Boxford to receive the fill.
  - (2) The approximate amount of fill to be moved to the accepting site.
  - (3) The origin of the fill, including address, property owner and the nature of the site (such as residential industrial, landfill, hazardous waste site, etc.). If the site is a nonresidential site, a site plan shall be submitted showing the approximate location of the fill origin on the site.
  - (4) The name, address and contact person of the company moving the fill.
  - (5) If the fill is from a site under DEP directive, the name, address and telephone number of the LSP (licensed site professional) in charge of the site.
  - (6) Any letters, test results and plans related to the site from the DEP or to the DEP. If none are known to exist, the applicant shall state this.
- C. Upon receipt of the information stipulated in § 205-5B of this regulation, the Board shall review and approve or disapprove the proposed filling operation within 30 days. The Board may also grant a preliminary approval of the proposed filling operation conditional on receiving additional information and testing results on the material to be moved.
- D. Additional testing.
  - (1) The Board may require that additional testing be carried out at the expense of the applicant on the proposed fill material. This may include, but is not inclusive of, the

following tests:

- (a) Total metals (EPA method 3005/3050 or equivalent).
  - (b) Volatile organics (EPA method 8260 or equivalent).
  - (c) Polychlorinated biphenys (EPA method 8080 or equivalent).
  - (d) Organochlorine pesticides (EPA method 8080 or equivalent).
  - (e) Hydrocarbon scan (EPA method 8100M or equivalent).
  - (f) Polyaromatic (polynuclear) aromatics (EPA method 8260 or equivalent).
- (2) All analyses shall be carried out by an EPA certified laboratory certified for each method. All samples shall be traceable to the specific site of origin on the site plan. Chain-of-custody documentation shall be provided to the Board for all samples.
  - (3) The Board will act to determine whether additional testing is required for the proposed fill within the 30 day review period stipulated in § 205-5C of this regulation.
- E. When reviewing an application for or data in relation to a major earth filling project, the Board may determine that the assistance of outside consultants is warranted due to the nature of the fill material and proposed site where the fill will be deposited. In such cases the Board may employ outside consultants and may require that the proposer of the project pay a project review fee to cover the costs of such outside consultants and an additional fee to cover the costs of other reasonable expenses incurred by the Board incident to its review or inspection services. The Board will act to determine the need for assistance within the thirty-day review period defined in § 205-5C of this regulation.

#### **§ 205-6. Outside consultants.**

- A. In hiring outside consultants, the Board may engage engineers, planners, legal counsel, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances and bylaws and regulations. Such assistance may include, but is not limited to, analyzing the ERRP, monitoring or inspecting a project or site for compliance with the Board's decision or regulations or inspecting a project during operations.
- B. The minimum qualifications for any outside consultant employed pursuant to this regulation shall consist of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.
- C. For purposes of expediency, the Board may, in advance, prequalify outside consultants and

form a list of such prequalified consultants. This list shall then be used by the applicant to select the outside consultant, subject to final approval by the Board.

**§ 205-7. Disposition of funds.**

- A. Funds received by the Board pursuant to this regulation shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the ERRP or an earth filling application.
- B. Upon completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

**§ 205-8. Variances.**

Every request for a variance from this regulation shall be made in writing to the Board of Health within 15 days of a determination by the Board and shall state the specific variance sought and the reason for the request. The Board will notify the applicant of a date for a hearing to consider the variance within 30 days of receiving said request. The person requesting the variance shall also be responsible for notifying all abutters of the variance request as well as the time and place of the hearing to consider the variance. The Board of Health shall make a determination on the variance request within 30 days following the variance hearing.

**§ 205-9. Other permits.**

No well permits nor disposal works construction permits shall be granted for any project subject to this regulation until the Board has approved the ERRP, the earth filling proposal or any additional studies required under this regulation.

**§ 205-10. Appeals.**

- A. An administrative appeal may be taken from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and must be received within 20 days after the Board of Health has recorded its selection of the outside consultant with the Town Clerk. The Board shall give notice to the applicant of its selection by mail or hand delivery. The grounds for such appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum required qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen with 30 days following the filing of the appeal, the selection made by the Board of Health shall stand.
- B. If the Selectmen find in favor of the appeal, then the applicant may choose another outside consultant subject to the approval of the Board.
- C. Other appeals resulting from the decisions of the Board may be taken to any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

**§ 205-11. Severability.**

Each section of this regulation shall be construed as separate, and to the end that if any section, item, sentence, clause or phrase shall be held invalid for any reason, the remainder of these rules and regulations shall continue in full force and effect.

**§ 205-12. Enforcement.**

- A. The Board of Health, its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties for the administration and review of this regulation, and may make or cause to make such examinations, surveys or samplings as the Board deems necessary.
- B. The Board shall have the authority to enforce this regulation and orders and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions.
- C. Any person who violates any provision of this regulation or orders or permits issued hereunder shall be subject to a fine of not more than \$300 per truckload of material removed

or brought to a property. Estimates on total truckloads of material taken from or brought to a property shall be made by the Board of Health or its Agent.

**§ 205-13. Effective date.**

This regulation will take effect on or about June 12, 1996, and after publication of a notice of this regulation in a newspaper circulated in the Town of Boxford. As required by MGL c. 111, § 31, an attested copy of this regulation has been filed with the Massachusetts Department of Environmental Protection and with the Boxford Town Clerk.

## **Chapter 206, MASSAGE ESTABLISHMENTS**

[HISTORY: Adopted by the Board of Health of the Town of Boxford 8-21-2002. Amendments noted where applicable.]

### **GENERAL REFERENCES**

**Licensing -- See Ch. 109.**

**§ 206-1. Definitions.**

For the purpose of these regulations, the following terms shall have the meanings indicated:

**APPROVED** -- Approved by the Board of Health, of the Town of Boxford in accordance with accepted standards and regulations.

**ESTABLISHMENTS FOR GIVING MASSAGE, VAPOR, POOL, SHOWER OR OTHER BATHS** -- The office, place of business, or other premises where massage is practiced or where therapeutic or conditioning baths of vapor, or other substances are given.

**MASSAGE** -- The manipulation of parts of the body by manual, mechanical, or other means as a beauty treatment, for purported health or medical treatment for the purpose of invigoration.

**MASSEUR** -- A male who practices massage.

**MASSEUSE** -- A female who practices massage.

**§ 206-2. Exceptions and exclusions.**

For the purpose of these regulations:

- A. Persons excepted. Physicians, physical therapists, school athletic trainers, or chiropodists (podiatrists) registered in the Commonwealth of Massachusetts are excluded. A person registered as a barber or an apprentice under the provisions of Section 987H or Section 87I of Chapter 112 of the General Laws, or as a hairdresser, operator, or a student under the provisions of Section 87I to 87J, inclusive, of said Chapter 112 of the General Laws may practice facial and scalp massage without taking out a license.
- B. Other person excepted. A person licensed to practice massage or conduct an establishment in any other city or town in the commonwealth may, on written orders from a physician, attend patients, specified by the physician, in Boxford. He shall, if requested, submit to the Board of Health copies of his license from another community and the physician orders.
- C. Establishment exceptions. Hospital, nursing and convalescent homes, and other similar licensed institutions where massage and baths may be given are excluded from the definition of an establishment.

**§ 206-3. License required; fee.**

No person shall practice massage or conduct an establishment for the giving of massage or vapor, pool, shower, or other baths for hire or reward, or advertise or hold himself out as being engaged in the business of massage or the giving of said baths in the Town of Boxford without receiving a license therefor from the Boxford Board of Health. The license fee for each establishment shall be \$100 and for each masseur or masseuse shall be \$50. A license issued to an establishment, masseur or masseuse is not transferable.

**§ 206-4. Expiration date of license.**

Licenses shall automatically expire on December 31 of each year. Applications for renewal must be submitted at least 30 days prior to the expiration date.

**§ 206-5. Requirements for personal licensing.**

No person shall be licensed to practice massage or conduct an establishment for giving massage, vapor, pool, shower, or other baths unless they (male or female) meet the following requirements:

- A. Be 18 years of age or older with proof of birth certificate and two forms of positive identification.



- B. Be of good moral character.
- C. Submit to the Board of Health a complete application form containing all information requested on said form.
- D. Submit to the Board of Health the results of a physical examination, including Mantoux test completed within 45 days prior to application for licensing or relicensing.
- E. Submit evidence of having completed a course of study and/or training or experience evaluated as equivalent to a five-hundred-hour course of study in manage therapy; bodywork or movement education.

**§ 206-6. Requirements for licensing establishment.**

Every establishment for the giving of massage or vapor, pool, shower, or other baths shall meet the following standards:

- A. It shall be connected to a sewage system with the appropriate design flow.
- B. It shall be well-lighted, well-ventilated, and properly heated when seasonally indicated.
- C. No room used by the licensee in the conduct of his business shall be used as a bedroom.
- D. There shall be an adequate supply of hot and cold running water.
- E. There shall be approved toilet and washing facilities within the premises, readily available to the patrons and affording sufficient privacy. If shower facilities are not provided there shall be a sign which shall read:

**NOTICE TO MASSAGE CLIENTS**

This Establishment does not provide a shower for use after massage. If you believe you are allergic to lotions, oils or powders, please notify the massage therapists prior to the massage.

- F. Where patrons of both sexes are accommodated, adequate arrangements shall be made for separation of rooms, toilets, and washing facilities used by each sex.
- G. All rooms of the establishments and furniture and equipment therein shall be kept clean at all

times.

- H. The door of each room or enclosure used for massage purposes shall have a window large enough to permit visual observation of the entire room or enclosure from outside such room or enclosure.
- I. Each room or enclosure used for the giving of massage services shall have at least one artificial light.
- J. There shall be adequate facilities for the cleaning and sterilizing of all equipment.
- K. All equipment, instruments, devices, robes, sheets, blankets, pillowcases, wearing apparel, towels, or other materials, which may come in direct contact with the body, shall be properly cleaned, sterilized after each use. Single-service articles are acceptable and shall only be used once.
- L. No establishment for the practice of massage or baths as defined herein shall be kept open between the hours of 9:00 p.m. and 9:00 a.m. unless specifically authorized by the Board of Health in writing.

**§ 206-7. Direct application of instruments to skin prohibited.**

No instrument or device designed or used for direct application to the skin shall be applied directly to the skin, unless sterilized; the part of the body being treated shall be covered with a clean towel, or else the instrument shall be covered in a similar manner.

**§ 206-8. Treatment of wounds prohibited.**

No sponge, stick, alum, or other article liable to convey infection shall be used to make application directly to the skin or any cut or wound.

**§ 206-9. Treatment of persons with skin disease prohibited.**

No person licensed shall treat any person afflicted with any skin eruption or other disease unless such person shall have furnished a written certificate from a physician to the effect that the eruption or disease is not of a contagious or transmissible character.

**§ 206-10. Cleaning of hands.**

Every person licensed to practice massage shall thoroughly cleanse his hands by washing with

soap and hot water immediately before and after serving a patron.

**§ 206-11. Display of license.**

Every licensed establishment must display in a conspicuous location the licenses of all the licensees operating in the establishment. Picture badge identification must be worn by all employees of the establishment. A list of names and addresses of all employees of the establishment shall be submitted to the Board of Health. Additions and/or deletions may be made on a monthly basis.

**§ 206-12. Designation of name.**

No licensed person shall operate under any name or conduct his or her business under any designation not specified on his or her license.

**§ 206-13. Use of x-ray prohibited.**

No licensee may operate an x-ray, fluoroscope, or similar equipment of radioactive material for any purpose unless already licensed by the Commonwealth of Massachusetts to practice a profession requiring the use of radiation equipment. No licensed establishment may contain an x-ray, fluoroscope, or similar equipment unless the equipment is operated only by persons properly licensed to practice a profession requiring the use of such equipment.

**§ 206-14. Change of address.**

Every licensee shall notify the Board of Health at least 14 days prior to any change of name or address, whether it is home or business. Any new license or amendment to an existing license required because of the foregoing may be issued without charge at the discretion of the Board of Health.

**§ 206-15. Inspection.**

Every licensee shall permit the Board of Health or its agent or other Town authorities acting in an official capacity to inspect his place of business and his work at any reasonable time.

**§ 206-16. Records.**

Records will be kept and made available to the Board of Health, specifying the patron's name and the name of the person performing the massage.

**§ 206-17. Penalties.**

Whoever violates any provisions of these regulations shall be punished by a fine of not more than \$100 or imprisonment for not more than six months, or both, in accordance with Section 53, Chapter 140 of the Massachusetts General Laws.

**§ 206-18. Hearings.**

A person whose license has been suspended or revoked may, within 10 days of the suspension or revocation of his license, request, in writing, a hearing upon the cause or causes of such suspension or revocation. The Board of Health may set a time and place for said hearing.

**§ 206-19. Permit required.**

No person shall practice as a student/apprentice practitioner of massage therapy for gaining practical experience and/or for hire or reward or advertise or hold him/herself as being engaged in the business of massage therapy unless first having been issued a permit pursuant to these regulations.

## **Endnotes**

### **1 (Popup - Popup)**

Editor's Note: See Ch. 192, Wetlands Protection.

### **2 (Popup - Popup)**

Editor's Note: See Ch. 202, Private Water Supply Regulations.

### **3 (Popup - Popup)**

Editor's Note: See Ch. 192, Wetlands Protection. The regulations promulgated pursuant thereto are on file in the office of the Town Clerk.

### **4 (Popup - Popup)**

Editor's Note: See Ch. 192, Wetlands Protection.