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November 18, 2020

Boxford Board of Health  
7A Spofford Road  
Boxford, MA 01921  
VIA EMAIL c/o K. Longo

Re: 283 Main Street, Boxford, MA

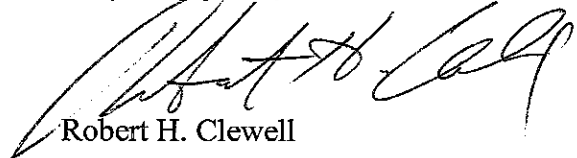
Dear Members of the Board of Health

In my November 16, 2020 letter to the Board I included a copy of a Response filed by Kathryn Borylo with the Zoning Board of Appeals. Because the ZBA already had the Decision of the Inspector of Buildings a copy of that Decision was not attached to your copy of the Response.

I realize you do not have that Decision and so include it herewith. In that Decision the Building Inspector outlines his investigation and conclusion.

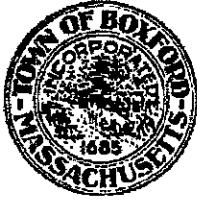
Since that Decision is at odds with the November 12, 2020, Cease and Desist Order from the BOH, and since the Cease and Desist recites that it was founded on hearsay, as opposed to the Bldg. Inspector's actual investigation, I felt that it was necessary to make reference to a lack of due process by the BOH.

Very truly yours,



Robert H. Clewell

RHC/h  
Encl.



# Town Of Boxford

## Office of the Inspector of Buildings

Robert M. Aldenberg, C.B.O.

7A Spofford Road

Boxford, Massachusetts 01921

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August 31, 2020

To: Jessica Maloney &  
Shawn Perkins

Re: 283 Main Street Complaint

This decision is in response to the complaint filed by you and received by this office on August 10, 2020. Your complaint alleges this property, owned by Ms. Kathryn Borylo at that address is being used as an illegal contractor yard by Mr. Phillip Picariello.

In response to your complaint I have made visits to the site and on different occasions have monitored truck traffic entering and leaving the site. All observations were conducted on week days and not on weekends. On three occasions I observed a total of five trucks either entering or leaving the site.

On one site visit I made which was to the very rear of the dwelling on the farm, I observed the screening unit, a pile of screened loam, a mound of unscreened soil and a pile of rocks or boulders that had been removed from the screened soil. At the time there was not anyone on site and the screener was not operating. The second visit I made to the site was in the company of the owner, Ms Borylo. At this visit the screener was not there and there was what I consider a minimum amount of piled soil on site.

As you know the Town is zoned for residential/agriculture in accordance with Chapter 196, Article 5, use regulations. Section 196-13 (B) (3) allows for the keeping of horses on over 5 acres for profit. This property is in compliance with that requirement. I call your

attention to MGL, Chapter 40A, Section 3, (The Zoning Act), an agriculture use is allowed by right, without restrictions, unless the property is not in compliance with zoning. It further goes on to say that no by-law or ordinance shall prohibit, unreasonably regulate or require a special permit for the use , for the primary purpose of commercial agriculture.

Ms. Borylo has a stable permit issued by the Boxford Board of Health. As part of that permit there are regulations attached to the permit relative to removal of waste. The farm is required to have equipment available for any necessary storage or disposal of waste material to control vermin and insects. Ms. Borylo chooses to have the manure or waste mixed with soil so as to create loam. The Board of Health regulations only require it be removed and not how you must remove it.

Ms. Borylo chooses to remove the waste by mixing with soil as a cost saving method. The processed loam is then sold and becomes a financial benefit to the operation of the farm. I consider this method as accessory to the principle use of the farm and not a commercial contractors yard as alleged. As a result I have come to the conclusion that no legal action is required or necessary.

If you are aggrieved by this decision you may file an appeal of such to the Boxford Board of Appeals in accordance with section 139-39 of the Zoning Bylaw. Any such appeal shall be filed within 30 days of being notified of this decision.

Sincerely,

Robert M. Aldenberg, CBO  
Inspector of buildings &  
Zoning Enforcement Officer

Cc: Board of Selectmen  
Town Administrator  
Ass't Town Administrator  
Ms. Kathryn Borylo