

BOARD OF HEALTH
Ralph Jensen, Chairman
Robert Ogilvie, Clerk
Peter Marinelli, Board Member

HEALTH AGENT
Kathleen M. Waldron, RS

Town of Avon

Massachusetts



65 East Main Street
Avon, MA 02322
Phone: 508.588.0414
Fax: 508.559.0209
www.avon-ma.gov

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A S18-25

Board of Health
December 8, 2022
4:30 PM
MINUTES

This meeting was hybrid. All board members met in person. Mr. Lyons and Ms. Langer joined via zoom. Meeting called to order at 4:33PM

Present: Chairman, Ralph Jensen; Clerk, Robert Ogilvie; Member, Peter Marinelli; Kathleen Waldron, Health Agent and recording secretary; Peter Lyons, Collins Civil Engineering Group; Amanda Langer, Jacobs Driscoll Engineering, Inc; Kevin Reilly, Attorney; Peter Patel; Sheri Roberts; B.H. Patel; Mike Sawler; Paul Garcia, Resident.

New Business

- **Title 5 Local Upgrade Request for 650 Bodwell Street: Jacob Driscoll Engineering, Inc**

The proposed plan is to replace the septic system serving this 990 gallon per day commercial building with no plan to increase the flow of the system. Two local upgrade approvals were requested. The first request is from 310 CMR 15.405(1)(h): To reduce the four (4) foot separation from the bottom of the proposed leaching chamber system to three (3) feet with 3.08 feet of separation provided per design. This local upgrade is being requested due to the existing topographic conditions and location of the proposed system being under existing pavement with no other area of placement available that limits the ability to grade the site, leaching system and the proposed septic tank. The second request is from 310 CMR 15.405(1)(k): To allow only one deep observation test pit within the system area. Additional test pits were performed, one of which was abandoned due to unsuitable material and the third being at the opposite end of the site. Both suitable test pits showed comparable material and groundwater levels. Mr. Ogilvie made a motion to approve the plan as presented and the local upgrade requests. Mr. Marinelli seconded the motion, all in favor.

- **Title 5 Local Upgrade Request for 7 Nichols Avenue: Collins Civil Engineering Group, Inc**

The proposed plan is to replace the septic system serving this existing three-bedroom dwelling with no plan to increase the flow of the system. One local upgrade approval was requested from 310 CMR 15.212 of the State Sanitary Code which requires a minimum four (4) foot vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate

greater than two (2) minutes per inch. A local upgrade approval that would allow a vertical separation reduction from the required four (4) feet to three (3) feet is requested.

Mr. Marinelli made a motion to approve the plan as presented and the local upgrade request. Mr. Ogilvie seconded the motion, all in favor.

- **Title 5 Local Upgrade Request for 55 Fletcher Street: Collins Civil Engineering Group, Inc**

The proposed plan is to replace the septic system serving this existing three-bedroom dwelling with no plan to increase the flow of the system. One local upgrade approval was requested from 310 CMR 15.212 of the State Sanitary Code which requires a minimum four (4) foot vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate greater than two (2) minutes per inch. A local upgrade approval that would allow a vertical separation reduction from the required four (4) feet to three (3) feet is requested.

Mr. Ogilvie made a motion to approve the plan as presented and the local upgrade request. Mr. Marinelli seconded the motion, all in favor.

- **Title 5 Local Upgrade Request for 68 Highland Street: Collins Civil Engineering Group, Inc**

The proposed plan is to replace the septic system serving this existing three-bedroom dwelling with no plan to increase the flow of the system. Two local upgrade approvals were requested. The first from 310 CMR 15.212 of the State Sanitary Code which requires a minimum four (4) foot vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate greater than two (2) minutes per inch. A local upgrade approval that would allow a vertical separation reduction from the required four (4) feet to three (3) feet is requested. The second request is to allow a percolation rate to be established via grain size distribution analysis in accordance with DEP Policy #BRP/DWN/PeP-POO-1.

Mr. Ogilvie made a motion to approve the plan with a change in the in the arrow leading to the clean out. Mr. Marinelli seconded the motion, all in favor.

- **Title 5 Local Upgrade Request for 186 East Spring Street: Collins Civil Engineering Group, Inc**

The proposed plan is to replace the septic system serving this existing three-bedroom dwelling with no plan to increase the flow of the system. Two local upgrade approvals were requested. The first is a request from 310 CMR 15.212 of the State Sanitary Code which requires a minimum five (5) foot vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate less than two (2) minutes per inch. A local upgrade approval that would allow a vertical separation reduction from the required five (5) feet to four (4) feet was requested. The second request is from 310 CMR 15.212 of the State Sanitary Code which requires a minimum twelve (12) inch vertical separation between the high ground water elevation and the lowest tank invert. A local upgrade allowing a reduction from twelve (12) inches to a minimum three (3) inches was requested. With the approval of the request, neoprene boots will be required on any inlet or outlet less than twelve (12) inches from the estimated high ground water table.

Mr. Marinelli made a motion to approve the plan as presented and the local upgrade request with the addition of boots on the inlets and outlets of the tanks. Mr. Ogilvie seconded the motion, all in favor.

- **A1 Market Tobacco Violation of 105 CMR 665.000 (fourth violation)**

After an email sent to the Health Agent that this establishment was still selling flavored tobacco products, an inspection was made on November 28, 2022. At that time, flavored nicotine pouches were found in a box amongst the boxes of beer. The Health Agent explained to the Board of Health that this should be considered a fourth violation and recommends the establishments tobacco permit be suspended for sixty (60) days and they are fined \$10,000. This is a progressive discipline from the last violations in October. This suggestion was made due to the consistent violations since 2016. After much discussion and listening to Mr. Patel, Mr. Reilly, Ms. Roberts and Mr. Sawler, Mr. Jensen made a

motion to admonish Mr. Patel with the understanding that if any violation of 105 CMR 665.000 is to occur again, the Board of Health will permanently revoke the tobacco permit for this establishment. Mr. Marinelli seconded, all in favor.

- **FY2024**

The Health Agent presented the proposed budget for the upcoming fiscal year. The waste budget has increased by the contracted amounts for Republic Services and Covanta. Expenses for the Board of Health will remain the same. The Public Health Nurse budget will remain the same. The discussion of a new car took place to add to the capital improvement plan for the town.

- **Health Agent Report**

See attached

Approval of Minutes

- Minutes from November 10, 2022- Mr. Ogilvie made a motion to approve minutes. Mr. Jensen seconded, all in favor.

Next Meeting:

- Thursday January 12, 2023 at 4:30PM

Mr. Jensen made a motion to adjourn. Mr. Ogilvie seconded, all in favor. Meeting adjourned at 6:07PM

ATTEST:



DATE:

