

**BOARD OF HEALTH**  
Ralph Jensen, Chairman  
Robert Ogilvie, Clerk  
Jeffrey Tibnam, Board Member

**HEALTH AGENT**  
Kathleen M. Waldron, RS

# Town of Avon

## Massachusetts



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TOWN OF AVON  
2023 SEP 14 P 7:09  
TOWN CLERK

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

### **Board of Health** **August 10, 2023** **5:00 PM** **MINUTES**

**This meeting was hybrid. All Board Members met in person. Meeting called to order at 5:00PM**

**Present:** Chairman, Ralph Jensen; Clerk, Robert Ogilvie; Member, Jeffrey Tibnam; Kathleen Waldron, Health Agent and recording secretary; Sharon Simon, Board of Health Administrative Assistant; Peter Lyons, Collins Civil Engineering Group; William Gottwald, DMG Associates; Waqar Aslam, Avon Smoke Shop; Irfan Ellahi, Avon Smoke Shop.

#### **New Business**

- **Title 5 Local Upgrade Request for 152 East Spring Street, Collins Civil Engineering Group, Inc.**  
This plan had previously been approved for a six-bedroom dwelling. Upon further information, this is actually an eight-bedroom, five-unit dwelling. The same three local upgrades were requested. The first request is in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis. The second local upgrade is from section 310 CMR 15.211 of the State Sanitary Code which requires a minimum twenty (20) foot setback from a foundation wall to a soil absorptions system (SAS). A local upgrade approval allowing a reduction from twenty (20) feet to eight (8) feet was requested. A liner will be provided around the system between the foundation and the SAS. The third request was from section 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, allowing a reduction from four (4) feet to three (3) feet was requested. A deed restriction must be executed and recorded at the Registry of Deeds that states the property must not exceed an eight (8) bedroom dwelling for as long as this system is in use and that a garbage grinder may not be used or installed on the premises. The Board recommends the owner install an automatic dialer with the pump chamber. When the alarm goes off, the dialer will automatically call a pumper, or the owner of the property.  
Mr. Ogilvie made a motion to approve the local upgrades and the plan as presented with a deed restriction. Mr. Tibnam seconded, all in favor.
- **Title 5 Local Upgrade Request for 3 Kempton Avenue, Collins Civil Engineering Group, Inc.**  
The proposed plan is to repair the failing septic system serving this two (2) bedroom dwelling with no plan to increase the flow of the system. One local upgrade was requested from Section 310 CMR 15.212 of the State Sanitary Code A local upgrade approval from section 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 allowing a reduction from five (5) feet to four (4) feet was requested.

Mr. Tibnam made a motion to approve the local upgrades and the plan as presented. Mr. Ogilvie seconded, all in favor.

- **Title 5 Local Upgrade Request for 86 Malley Avenue, Collins Civil Engineering Group, Inc.**

The proposed plan is to repair the failing septic system serving this three (3) bedroom dwelling with no plan to increase the flow of the system. Two local upgrade approvals were requested. The first is a local upgrade approval in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis. The second is a local upgrade from section 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 greater less than two minutes per inch. A local upgrade allowing a reduction from five (5) to four (4) feet was requested.

Mr. Ogilvie made a motion to approve the local upgrades and the plan as presented. Mr. Tibnam seconded, all in favor.

- **Title 5 Local Upgrade Request for 169 Packard Street, DMG Associates.**

The proposed plan is to repair the failing septic system serving this three (3) bedroom dwelling with no plan to increase the flow of the system. One local upgrade approval was requested from Section 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 allowing a reduction from four (4) feet to three (3) feet was requested. Mr. Tibnam made a motion to approve the local upgrades and the plan as presented. Mr. Ogilvie seconded, all in favor.

- **Tobacco Compliance Check Violation – 490 West Main Street**

During compliance checks in July, this establishment sold tobacco products to a minor. This is a violation of the Regulation of the Avon Board of Health Restricting the Sale of Tobacco Products. The Board determined that this establishment is fined \$1,000.00 and the tobacco permit for Avon Smoke Shop is suspended for three (3) days.

The suspension of the permit shall be from Friday, August 11, 2023, through Sunday August 13, 2023.

Tobacco may begin to be sold again on Monday, August 14, 2023. All tobacco products must be removed from the premises.

Should a second violation of The Regulation of the Avon Board of Health Restricting the Sale of Tobacco Products occur in the next thirty-six (36) months, a fine of two thousand dollars (\$2,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.

## **Old Business**

- **Preparation of waste hauler contract**

The Board discussed that the current contract with Republic Services will end on June 30, 2024. The Health Agent had reached out to Republic Services to prepare another proposed contract for review. Will discuss again at the next meeting.

- **Updates to the compost site (fence, shed and power)**

The Department of Public Works ordered parts to replace the fence. The next step will be getting power and cameras for the site.

- **Update on 173 East Main Street**

The Health Agent believes that food is not being prepared at this property. The occupant called the Health Agent requesting a housing inspection be made of their apartment. They mentioned there is a broken toilet and bugs. The Health Agent will go on August 11, 2023.

- **Health Agent Report**

See attached.

**Correspondence**

- **Letter from Eversource (June 15, 2023)**

The letter informed about the upcoming trimming of power lines in the area. See attached.

**Other**

- **Warrant Approval**

A warrant in the amount of \$67,535.96 was approved for FY2023 payment.

**Approval of Minutes**

- Minutes from June 8, 2023 - Mr. Ogilvie made a motion to approve minutes. Mr. Jensen seconded, all in favor.

**Next Meeting:**

- Thursday September 14, 2023, at 5:00PM.

Mr. Jensen made a motion to adjourn the meeting at 6:37PM. Mr. Ogilvie seconded, all in favor.

ATTEST: 

DATE: 9-13-23