



TOWN OF AVON  
2018 FEB 16 P 12:56  
TOWN CLERK

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

**Board of Health**  
**January 11, 2018**  
**6:30 PM**  
**MINUTES**

**Meeting called to order at 6:30P.M.**

**Present:** Chairman Gerald Picardi; Robert Ogilvie, Clerk; Ralph Jensen, Associate Member; Health Agent Kathleen Waldron as recording secretary; George Collins, Collins Civil Engineering Group;

- **Title 5 Local Upgrade Request for 16 Lothrop Drive, Collins Civil Engineering Group**

The proposed plan is to replace the existing failing septic system of this three-bedroom dwelling. There is no plan to increase the flow to the system. A plastic tank will be used with the system to do the difficult topography. Two Local Upgrade Requests were made. The first is a variance from Section 310 CMR 15.212 of the State Sanitary Code which requires the minimum separation from the soil underlying the soil absorption system above the high groundwater elevation shall be four (4) feet with a recorded percolation rate greater than two minutes per inch. A variance that would allow a vertical separation reduction from the required four (4) feet to three (3) feet is requested.

The second request is a variance from Section 310 CMR 15.211 of the State Sanitary Code which requires a minimum 20' setback from a foundation wall to a SAS. A variance allowing a reduction from 20' to a minimum of 7' is requested, a liner will be provided.

Mr. Ogilvie made a motion to approve both local upgrade requests per the plan dated January 3, 2018 and approve the plan as presented. Mr. Jensen seconded, vote carried unanimously.

- **Title 5 Local Upgrade Request for 2 Milford Street, Collins Civil Engineering Group**

The owner of this existing three-bedroom dwelling is looking to build an attached garage off the existing porch. The location of the garage will not meet Title 5 setbacks to the existing septic tank. The engineer, Mr. Collins, is requesting a variance from Section 310 CMR 15.211 of the State Sanitary Code (Title 5) which requires a minimum 10' setback from a slab foundation (proposed addition) to a septic tank. A variance allowing a

reduction from 10' to 2' is requested and an impervious liner will be provided around the slab foundation of the proposed garage.

The Health Agent does not believe this is the intent of Title 5. She believes the variance for setbacks are so septic systems can be repaired in limited areas, not to build new structures around existing systems.

With the structure being a garage on a slab foundation and liner provided between the foundation and the tanks, the Board decided to approve this request.

Mr. Ogilvie made a motion to approve the variance as reflected on the plan title "Proposed Addition" dated 12.28.17. Mr. Jensen seconded, all in favor. Vote passed unanimously.

Mr. Collins brought up the required deed restrictions the Board of Health has residents put on their property anytime a variance is approved. Avon is one of the only towns that requires a deed restriction any time a variance is approved. It has become a burden to his company by getting these restrictions for residents. He wants to know what the Board is trying to accomplish by having these restrictions. He requests the Board do away with the restrictions. This will be considered, researched and discussed at the next meeting. An option may be not to have a deed restriction on every property with a variance, but possibly restrict those who are replacing systems with setback limitations.

#### **Old Business:**

- 14 North Main Street – The health agent has reached out a couple times to the occupants, she has not heard back from anyone. She will try calling one more time tomorrow to make an inspection. If unsuccessful, she recommends making a visit to the house on Tuesday (Monday is a holiday)

#### **Correspondence:**

- All members acknowledged they received the Summary of the Conflict of Interest Law for Municipal Employees and the Open Meeting Law guide.
- With the upcoming legalization of recreational use of marijuana, the Board of Health has been asked by the Town Administrator to look into what options the municipality has. The Health Agent will do research and report back to the Board and the Town Administrator.

#### **Other:**

- A warrant in the amount of \$31650.34 was approved for payment.

#### **Approval of Minutes:**

- Minutes from December 7, 2017 – Mr. Jensen moved to approve the minutes as drafted. Mr. Ogilvie seconded, all in favor.

#### **Next Meeting:**

- Thursday February 15, 2017 at 6:30PM in the Board of Health Office.

**Adjourned at: 7:43 PM**

ATTEST: *Ralph Jensen*

DATE: *2/15/18*