

BOARD OF HEALTH
Robert Ogilvie, Chairman
Ralph Jensen, 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

TOWN OF AVON
2022 JUN 22 A 8:43
TOWN CLERK

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

Board of Health
May 12, 2022
4:30 PM
MINUTES

This meeting was hybrid. All Board members met in person. Meeting called to order at 4:30PM

Present: Chairman, Robert Ogilvie; Clerk, Ralph Jensen; Member, Peter Marinelli; Kathleen Waldron, Health Agent and recording secretary; Peter Lyons, Collins Civil Engineering Group; Nicole Letendre, Watershed Environmental Inc.; David Benvissuto, owner of 39 East Main Street.

New Business

- **Title 5 Local Upgrade Request for 25 Granite 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 in accordance with DEP Policy #BRP/DWM/Pep-POO-1, allowing a percolation rate to be established via grain size distribution analysis.
Mr. Jensen made a motion to approve the local upgrade request and the proposed plan as presented. Mr. Marinelli seconded. All in favor, vote passed unanimously.
- **Title 5 Local Upgrade Request for 6 Lawson Street, Collins Civil Engineering Group, Inc**
The proposed plan is to replace the septic system serving this existing four-bedroom dwelling with no plan to increase the flow of the system. A local upgrade from 310 CMR 15.212 of the State Sanitary Code which requires a minimum 4' vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate greater than two minutes per inch was requested to allow a reduction in the separation from four (4) feet to three (3) feet.
Mr. Marinelli made a motion to approve the local upgrade request and the proposed plan as presented. Mr. Jensen seconded. All in favor, vote passed unanimously.
- **Title 5 Local Upgrade Request for 28 Porter Street, Watershed Environmental Inc**
This plan was discussed at the last Board of Health meeting. The Health Agent did a walk-through of the house to count the bedrooms and confirmed that there are four bedrooms. Ms. Letendre made revisions to the plan. One inch of stone was added to the bottom of the system to provide additional leaching area.

The high ground water was changed on the plan to reflect the bottom of test pit #1. The leaching field was raised to provide a three (3) foot separation between the bottom of the leaching field and the seasonal high ground water table. The presented plan depicts the worst-case scenario. Prior to the installation of the septic system, an observation hole shall be dug to determine the estimated seasonal high ground water. If at that time, the estimated seasonal high ground water is found to be lower than the bottom of test pit 1, the option to eliminate the pump may be considered for discussion by the engineer and the health agent. With the proposed plan, six local upgrade approvals were requested. The first from 310 CMR 15.405(1)(h)(2) of the State Sanitary Code which requires a minimum four (4) foot vertical separation between the high groundwater elevation and the bottom of the soil absorption system with a percolation rate greater than 2 minutes per inch. A local upgrade approval allowing a reduction from four (4) feet to three (3) feet is requested. The second was a request from 310 CMR 15.405(1)(a) of the State Sanitary Code allowing the property line set back to be reduced to 5.2 feet. The third was a request from 310 CMR 15.405(1)(b) of the State Sanitary Code allowing the distance from the SAS to a full foundation be reduced to 8 feet. The fourth was a request from 310 CMR 15.405(1)(b) of the State Sanitary Code allowing the distance from the SAS to a slab foundation be reduced to seven (7) feet. The fifth was a request from 310 CMR 15.405(1)(b) of the State Sanitary Code allowing the distance from the septic tank to a foundation be reduced to 5.3 feet. Lastly, a request for a local upgrade approval from 310 CMR 15.405(1)(b) of the State Sanitary Code allowing the distance from the septic tank to a foundation be reduced to 6.3 feet. With these setback requests, a deed restriction will need to be filed that will limit the dwelling to a four-bedroom dwelling and states that a garbage disposal shall not be added. Some of these requests may not be necessary if a pump chamber is eliminated. All required upgrades will be reflected on the as-built.

Mr. Ogilvie mad a motion to approve the plan as presented with the local upgrade approvals as requested with the understanding that the estimated high groundwater will be determined prior to construction of the field. If the ground water is determined to be lower than the height on the plan, the pump chamber may be eliminated and the need for a reduction from four feet to three feet may also be eliminated. Mr. Marinelli seconded the motion, all in favor.

- **39 East Main Street – Violations of the Food Code**

Mr. Benvissuto was asked to come to the Board of Health meeting due to non-compliance of an order letter dated January 19, 2022. All violations stated in this letter were to be corrected 90 days. During an inspection on April 25, 2022 by the Health Agent it was observed that food was still not covered properly, food was not date marked properly, there was still water under the ice machine, there was a leak in the wash bay of the three bay sin and the kitchen floors were still in disrepair. Furthermore, at the time of inspection it was also observed that the basement had a significant amount of water on the floor, the sewer pipe in the basement appears to be leaking, and there was still trash around the property. The 2022 food permit has not been issued because it is missing certification for Good Protection manager training and the certification in anti-choking procedures.

The Board discussed the outstanding violations and he Health Agent explained that these are repeat violations that go back to at least 2016. The Board determined the following conditions in regard to Ben's Pour House located at 39 East Main Street, in which Mr. Benvissuto agreed to.

To be completed by Monday May 23, 2022:

- The work in the basement involving cleaning/removal of items, installation of sump pumps, cleaning and re-grading the existing French drains.
- All trash, including large items by dumpster, is removed from the property.
- Rick Murphy completes his certified food protection manager course and provides a certificate to the Board of Health.
- Closing checklist procedures are in place. The daily checklist shall include; all trash is picked up around the property, the dishes are completed each night and all food is properly cover, stored and labeled if necessary. These checklist shall be kept in a binder to be reviewed at future inspections.

To be completed by Monday July 11, 2022

- The entire kitchen floor and the bar floor are replaced to meet standards of 105 CMR 590.
- All sewer pipes in the building and on the property must be identified. It shall be determined where these pipes lead and what the purpose of the pipe is.
- The sewer pipe exiting the west southern corner of the building shall be repaired so that there are no leaks.

Mr. Jensen made a motion to set the conditions and time frames listed above with the understanding that if the deadlines are not met, the establishment will be closed until violations are corrected. Mr. Marinelli seconded, all in favor.

- **Moving West High Street Trash/Recycling Pick Up**

The Health Agent was asked by Republic Services to change the date of the trash and recycling pickup on West High Street from Tuesday to Monday. This will make the route more efficient and decrease the tonnage amounts on the Tuesday route (which tends to be high).

Mr. Marinelli made a motion to change the route of West High Street from Tuesday to Monday. Mr. Jensen seconded. The Health Agent will send a letter to all residents of West High Street to notify them of the change and the change will be reflected in the new calendar schedule that will come out in July.

- **Trash/Recycling totes at the Avon Baptist Church**

The Pastor of the Avon Baptist Church reached out to the Health Agent to request an additional recycling tote and the current trash tote is exchanged for a new tote. This was brought to the Board because the municipal pick up should only be for residential properties. The church had received town totes at some point and they have continued to be collected by the town.

Mr. Marinelli made a motion to allow for the replacement of a town trash tote and an additional recycling tote. Mr. Jensen seconded. Mr. Ogilvie abstained from voting.

- **Back up for the Compost Attendant**

Currently, there is no dedicated back up person to fill in when the compost attendant has an emergency or needs a day off. The Health Agent reached out to the director and assistant director of the Department of Public Works (DPW) to see if DPW staff would be able to be the backup. There is no objection to the DPW being called when the compost attendant cannot work.

- **Mattress and Textile ban November 1, 2022**

See attached notification from the Department of Environmental Protection. Avon is fortunate that residents have ways to dispose of these items. An educational postcard will be sent out over the summer.

- **Health Agent Report**

See attached

Old Business

- **Community Clean Up Day**

This event will take place this Saturday, May 14 starting in the Mary McDermott Room.

- **COVID Test Distribution**

Tests are being placed at the entrance of Town Hall. The Health Agent will continue to leave tests there until supplies run out.

Other

- A warrant in the amount of \$72,672.22 was approved for FY2022 payment.

Approval of Minutes

- Minutes from April 7, 2022- Mr. Ogilvie made a motion to approve minutes with the correction that he attended the meeting via zoom and was not in person. Mr. Marinelli seconded, all in favor.

Reorganization and vacancy of the Zoning Board of Appeals

- Mr. Ogilvie made a motion to make Mr. Jensen the chairman of the Board of Health. Mr. Marinelli seconded, all in favor.
- Mr. Ogilvie made a motion to appoint Mr. Marinelli as the Board of Health representative to the Zoning Board of Appeals. Mr. Jensen seconded, all in favor.
- Mr. Jensen made a motion to make Mr. Ogilvie the clerk of the Board of Health. Mr. Marinelli seconded, all in favor.

Next Meeting:

- Thursday June 16, 2022 at 4:30PM

Mr. Marinelli made a motion to adjourn. Mr. Jensen seconded, all in favor. Meeting adjourned at 6:32PM

ATTEST:

Robert Ogilvie

DATE:

6-16-22