



TOWN OF AVON
2017 JUN -9 AM 8:54
TOWN CLERK

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Board of Health

April 13, 2017

6:00 PM

MINUTES

Public Hearing called to order at 6:00 P.M.

Present: Chairman Gerald Picardi; Ralph Jensen, Clerk; Paul Zinni, Avon Public Schools Superintendent; Larissa Swenson, Program Coordinator Greater Boston Tobacco-Free Community Partnership; Christine Sanna, Walmart; Sarah McColgan, Massachusetts Health Officers Association Tobacco Control Program

Mr. Picardi read the public hearing notice into the public record:

Notice is hereby given pursuant to M.G.L. c 30A, §2, that the Avon Board of Health will hold a public hearing in the Mary T. McDermott Meeting Room located at the Town Hall, 65 East Main Street, Avon MA on Thursday April 13, 2017, at 6:00 PM. This hearing is in regards to adopting the "Regulation of the Avon Board of Health restricting the Sale of Tobacco Products". The regulation includes but is not limited to, amending the definition of tobacco and increasing the minimum legal sales age to purchase tobacco products to 21. A copy of the proposed regulation can be viewed at the Board of Health office.

Ms. Swenson spoke in favor of increasing the age to purchase tobacco to 21 and banning sales in pharmacies. Ms. Swenson submitted a letter to the Board of Health from the Avon Public School Nurse, Mary Blackburn. Ms. Blackburn is in favor of raising the age to purchase tobacco to 21 and strongly recommends the ban of tobacco sales in pharmacies.

Mr. Zinni spoke in favor of this regulation. The school has seen a decrease in the use of tobacco due to regulations and ACES (Avon Coalition for Every Student). Mr. Zinni stated, even if we keep one child from forming an addiction, we have made an impact.

Mrs. McColgan mentioned there were 26 Walmart Stores in communities that had banned pharmacies from selling tobacco products, and there has not been any push back from the stores. The tobacco products could be moved to different stores. Establishments that have a pharmacy are health care institutions by nature, you get advice about prescriptions and receive medication, it is contradicting to sell tobacco. She hopes Avon will join the 151 communities to adopt the ban of the sales of tobacco in health care institutions. This would make a more comprehensive regulation for the town.

Mr. Picardi stated he felt as though people under 21 were not going to these health care institutions to just buy a pack of cigarettes. The Board will discuss the pharmacy ban further.

Mr. Jensen agreed with Mr. Picardi.

No further discussion was made, public hearing was closed at 6:28PM

Meeting called to order at 6:31P.M.

Present: Chairman Gerald Picardi; Ralph Jensen, Clerk; Peter Lyons, Collins Civil Engineering Group.

New Business:

- **Title 5 Local Upgrade Request for 66 Oliver Street, Collins Civil Engineering Group**

The proposed plan is to repair a four-bedroom septic system with no plan to increase the flow to the system. Two Local Upgrade Approval Requests were made. The first request was a variance from section 310 CMR 15.212 of the State Sanitary Code which requires a minimum five-foot vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate less than two minutes per inch. A local upgrade approval allowing a reduction from five feet to four feet was requested. The local upgrade would avoid installing a pump chamber. The second request was a variance in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis. Ralph Jensen moved to approve both variances as requested per the plan dated March 20, 2017. Gerald Picardi seconded, vote carried unanimously. Ralph Jensen moved to approve the plan as presented, Gerald Picardi seconded, vote carried unanimously.

- **Title 5 Local Upgrade Request for 40 Langley Road, Collins Civil Engineering Group**

The proposed plan is to repair a four-bedroom septic system with no plan to increase the flow to the system. Five Local Upgrade Requests were made. The first was a local upgrade request from section 310 CMR 15.212 of the State Sanitary Code which requires a minimum four-foot 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. A local upgrade approval allowing a reduction from 4' to 3' is requested. The second request was a variance in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis. The third request was a variance from section 310 CMR 15.227 of the State Sanitary Code which requires a minimum 12" vertical separation between the high ground water elevation and the lowest tank invert. A variance allowing a reduction from 12" to a minimum of 2" is requested, a monolithic tank will be required. The fourth local upgrade request is 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 local upgrade approval allowing a reduction from 20' to a minimum of 18' is requested, a liner will be provided. The final request was a local upgrade approval from section 310 CMR 15.211 of the State Sanitary Code which requires a minimum 10' setback from a slab foundation to a SAS. A local upgrade approval allowing a reduction from 10' to a minimum of 7' is requested. Ralph Jensen moved to approve both variances as

requested per the plan dated March 28, 2017. Gerald Picardi seconded, vote carried unanimously. Gerald Picardi moved to approve the plan as presented, Ralph Jensen seconded, vote carried unanimously.

- **Title 5 Permit Renewal and Plan Change – Lot 49 Collins Circle**

The approved plan for a septic system has not yet been installed, permit expires on May 15, 2017. Owner may be looking to extend the permit. Tabled for next meeting.

- **Title 5 New Construction Plan – Joanna Road Development**

The proposed septic system for this site will need to be approved by the Massachusetts Department of Environmental Protection (DEP). Health Agent will send a memo to the Planning Board.

- **Title 5 New Construction Plan – 7 Katherine's Way**

No variance was requested. The Board had no concerns.

- **Title 5 Change in Property Use – 11 Memorial Drive**

There is a proposed change in the use of this property. The current septic system was designed for a fruit stand and now a coffee shop is looking to occupy this space. The engineer proposed replacing the septic tank and installing an interior and exterior grease trap. The Health Agent recommended the field be replaced at the time of the installation of tank and grease traps or a Title 5 inspection be made after one year of occupancy to see how the system is performing. The Board agreed, a letter of recommendation will be sent to the potential new owners.

- **Altitude Trampoline Park – 75 Stockwell Drive**

A proposed trampoline park wants to serve food such as popcorn, slush, dippin dots, candy, soda and pizza. They would order pizza from a local food establishment, keep it warm and discard after a couple hours. The Board did not have any objection. A formal application that explains procedures will be required prior to opening.

Old Business:

- **Tobacco 21**

The Board will change the wording of Section N., Prohibition of the Sale of Tobacco Products by Health Care Institutions. This will allow pharmacies that are in business now to continue to sell tobacco. However, "In the event of a sale or transfer of ownership of any aforementioned retailer will automatically cause said permit to sell tobacco products retire, and Section 11(d) shall not apply." The Board wants to keep 8 tobacco permits in the town at all times.

Other:

- A warrant in the amount of \$30,889.13 was approved for payment.
- Two food establishment permits were approved.
- The 4th Annual Community Cleanup Day will be held on Saturday May, 6th.
- The compost site will open Sunday, April 23, 2017
- Discussed the waste disposal budget increase. Funds were increase to buy totes for the town in 2016. The budget should remain at the proposed amount so that the Board of Health is able to have more recycling programs.

Approval of Minutes:

- Minutes from February 13, 2017 were not approved due to members not present. Tabled for next Board meeting.
- Minutes from March 9, 2017 were not approved due to members not present. Tabled for next Board meeting.

Next Meeting:

- Thursday May 11, 2017 at 6:30PM in the Board of Health Office.

Adjourned at: 7:47 PM

ATTEST:



DATE:

6/8/17