TOWN OF MEDFIELD

BOARD OF HEALTH

Memo

To: Medfield Zoning Board of Appeals
From: Medfield Board of Health
CC: Maria De La Fuente, Director of Land Use; Stephen Resch, Director of Public Health; Kristine Trierweiler, Town Administrator
Date: September 16, 2025
Re: Board of Health Decision on Local Septic Regulation Waiver Requests – 40B Comprehensive Permit Application

---

Summary of Decision

At its duly noticed meeting on September 8, 2025, the Medfield Board of Health reviewed the requested waivers in *Medfield Board of Health Regulations for the Siting, Construction, Inspection, Upgrade, Repair, and Expansion of On-Site Wastewater Disposal Systems* submitted by Merrill Engineers and Land Surveyors on behalf of 86 Plain Street LLC submitted to Zoning Board of Appeals (ZBA) August 20, 2025 in connection with the proposed 40B development at 86 Plain St.

Following deliberation, the Board voted to recommend granting waivers as indicated in Table 1. For certain waivers, the Board recommends conditions detailed in Table 2.

This decision is based on review of the applicant's submittals, peer and staff comments, the Board's local septic regulations, Title 5 (310 CMR 15.000), MassDEP approvals for innovative/alternative systems, as well as input from ZBA counsel, Paul Haverty, input of Glen Ayers, a subject matter expert supporting the Board through a program of the state Office of Local and Regional Health, and public comment.

Table 1. Summary of Waiver Decisions

Waiver Request	Decision	Rationale
Section 4 – One system per dwelling	Granted with Condition 1	Shared system permissible under Title 5; denial would effectively deny project. Separate Title 5 review still required.

Waiver Request	Decision	Rationale
Section 7 – Plan scale and datum	Granted	NAVD 1988 is current standard; variable plan scales aid clarity; no health/safety impact.
Section 7 – Seasonal testing (dates & locations)	Granted with Conditions 2 & 3	Title 5 methods adequate; conditions imposed requiring groundwater adjustment and test pits at dwelling sites.
Section 7 – Garbage grinder assumption	Granted with Condition 4a-4d	Title 5 permits deed restriction in lieu of upsizing; waiver conditioned on grinder prohibition, pumping, and resale inspections.
Section 7(A),(C) – Leaching trenches only, no beds	Granted with Condition 5	Presby allowed under MassDEP applicable use designation; waiver limited accordingly.
Section 7(4) – Four-bedroom design minimum	Granted with Condition 6	Three-bedroom design acceptable if restricted by deed; protects against future increases in flow.
Section 7(6) – Ten-foot trench spacing	Granted	Bed system proposed; reserve area designated; trench spacing inapplicable.
Section 7(7) – 100-foot wetland setback	Granted with Condition 7	Title 5 requires only 50 feet; waiver conditioned on maximizing feasible compliance with 100-foot local standard for primary field.
Section 7(7) – 25-foot setback to foundation drains	Granted	Title 5 requires 20 feet from foundation; compliance ensures protection; additional local provision unnecessary.
Section 7(7) – 6-foot vertical separation to groundwater	Granted with Condition 8	Title 5 requires 5 feet; waiver conditioned on full application of mounding analysis.
Section 7(9) – Two-foot basement separation above groundwater	Granted	Issue governed by State Building Code; Board of Health lacks jurisdiction.
Section 8 – Prohibition on shared/innovative systems	Granted with Condition 9	Advantex units allowed if fully compliant with MassDEP approvals for nitrogen removal.
Section 13 – Pump force main uphill pitch	Granted with Condition 10	Title 5 provisions control; safeguards (drain-back, frost protection, anti-siphoning) required.

Table 2. Conditions of Approval

1. **Shared Septic System (Section 4)** – A shared system may be permitted only if compliant with Title 5; this waiver does not constitute septic system approval under Title 5.
2. **Seasonal Testing (Section 7)**– Seasonal high groundwater determinations must apply the Title 5 groundwater adjustment methodology (i.e. "Frimpter Method") in sandy soils when no indicators are observed; the lowest elevation observed in a pit shall not be used by default.

3. **Dwelling Test Pits (Section 7)**– Soil test pits shall be conducted at the proposed dwelling locations, in addition to system field areas, prior to construction.
4. **Garbage Grinders (Section 7)** –
    a) All units shall be subject to a recorded deed restriction prohibiting installation of garbage grinders.
    b) Condominium documents shall include explicit prohibitions enforceable in perpetuity.
    c) The septic system shall be pumped and maintained in accordance with Title 5 schedules (no less than once every 2 years), with pump-out records filed with the Board of Health.
    d) When required Title 5 inspections occur (e.g. every 3 years), they shall include documented confirmation of each units' compliance with garbage grinder prohibition.

5. **Leaching Trenches/ Beds (Section 7 A,C)**– Any Presby leaching field shall be designed strictly in accordance with MassDEP's applicable use designation.
6. **Bedroom Count Restriction (Section 7 A,C)** – Units designed as three-bedroom dwellings shall be restricted by deed to a maximum of three bedrooms. No increases in bedroom count shall be permitted.
7. **Wetland Setback Adjustment (Section 7(7))** – Given the flexibility enabled by the use of Presby system to configure the primary leaching field in a non-rectangular shape, the primary leaching field design shall be adjusted, to the extent feasible, to maximize compliance with the 100-foot setback to swamp/marsh resources while maintaining Title 5 setbacks.
8. **Vertical Separation (Section 7(7))** – Groundwater mounding analysis as required under Title 5 for systems over 2,000 GPD shall be conducted and must demonstrate adequate vertical separation.
9. **Shared/Innovative Systems (Section 8)** – Any Advantex or other innovative/alternative nitrogen-removal technology must be designed and operated consistent with MassDEP approval letters, including gallons-per-day-per-acre density limits.
10. **Pump Force Main (Section 13)** – If constant uphill pitch cannot be achieved, safeguards shall be incorporated consistent with Title 5, including provisions for frost protection, drain-back, and anti-siphoning/air relief.

This decision balances the protections of public health and the environment with the statutory framework of Chapter 40B and the regional need for affordable housing.

Medfield Board of Health

By: Carol A Read
Chair