



**TOWN OF GROTON**  
**Board of Health**  
**173 Main Street**  
**Groton, Massachusetts 01450**  
**Telephone: (978) 448-1105**  
**FAX: (978) 448-1120**

**MEMORANDUM**

**DATE:** June 13, 2023  
**TO:** Zoning Board of Appeals  
**FROM:** Board of Health  
**RE:** Heritage Landing Comprehensive Permit  
600 Cow Pond Brook Road

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At its meeting on June 5, 2023, Heritage Landing, LLC, for a Comprehensive Permit to construct 40 residential condominium units on property located at 600 Cow Pond Brook Road. The Committee voted to offer the following comments:

1. As you know, the Board of Health utilizes the services of the Nashoba Associates Boards of Health as its health agent. All sewage disposal system design plans, water supply plans, site plans, and any other required information must be submitted to the Nashoba Associated Board of Health (NABH) for review. The applicant must pay all required fees to the NABH. The Board of Health believes the ZBA does not have the authority to waive NABH fees.
2. If peer review is needed, for example, for the services of a hydrogeologist or soil scientist, the Board of Health Fee Regulations require project review fees. The Board of Health requests that the ZBA include such peer review fees, as part of the ZBA review, if necessary.
3. Board of Health Agent Ira Grossman of NABH review the plans submitted by the applicant and his comments to the Board of Health are:

“The proposed project consists of 40 units with a total of 120 bedrooms for an Title 5 daily sewage design flow of 13, 200 gallons. With a daily flow in excess of 10, 000 gallons per day the MA Department of Environmental Protection (DEP) will be the permitting authority for the site, not the Groton Board of Health.

“The project facility has not applied for or have local Board of Health witnessed soil testing performed. The Groton Board of Health regulations require witnessed soil testing wherever a subsurface sewage disposal system is to be necessary.

“In accordance with Groton’s regulation, Chapter 286, the placement of greater than 500 cubic yards of fill material onsite shall require full compliance with all sections of the code. All fill shall be “clean” and have been tested for appropriateness in accordance with the regulation, prior to placement.”

4. The Board of Health voted to amend several regulations on May 15, 2023 including Chapter 286 Hazardous Materials, Section 286-2 Definitions, which states:

“HAZARDOUS MATERIALS — A substance or combination of substances which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported used or disposed of or otherwise managed; however, not to include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967, as amended, or source, special nuclear or by-product material, as defined by the Atomic Energy Acts of 1954. Those substances considered to be "hazardous materials" shall include, but shall not be limited to, substances considered to be toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts under the provision of MGL, Chapter 21(c) and as defined in 310 CMR 40.00 MA Contingency Plan

“PFAS- Per- and Polyfluorinated Substances (PFAS)”

And Section 286-3, Disposal restricted, which states:

“The disposal of hazardous materials or deposit of materials containing hazardous material or biosolids within the Town of Groton is hereby prohibited, except at a hazardous waste disposal facility established and maintained in accordance with applicable law. Occupancy of any existing or new premises, other than residential dwellings, is hereby prohibited, except in conformance with the provisions of this chapter. The depositing of fill, in excess of 500 cubic yards of material onto any parcel of land within the Town of Groton shall be required to provide laboratory results documenting that the material is non-hazardous (as defined in this regulation) to include USEPA methods 8260, 8270, RCRA-5 and PFAS. Any fill used within the Town of Groton shall be “clean”, MassDOT approved process material (“gravel borrow” and “ordinary borrow”. The fill shall not contain any construction processed wastes nor recycled or process asphalt, brick or concrete.”

The complete text of Chapter 286 is available on the Town's website at:

<https://www.grotonma.gov/government/boards-and-committees/board-of-health/>

The Board of Health recommends that the Zoning Board of Appeals consider including a condition in the Comprehensive requiring compliance with Chapter 286 Hazardous Materials.