

**CITY OF WALTHAM**  
**ZONING BOARD OF APPEALS**

**October 18, 2011**

The Zoning Board of Appeals held a public hearing at 7:00 P.M., Tuesday, October 18, 2011 in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham, MA. In attendance were Chair Barbara Rando and members Glenna Gelineau, Mark Hickernell, Marc Rudnick and John Sergi.

The chair called the meeting to order at 7:00 P.M.

Mrs. Rando: Tonight we have two continued cases before us, Case 2010-09 Hilltop 110 Bear Hill, LLC, 110 Bear Hill Road and Case 2011-13 NSTAR Electric Company, 1433 Trapelo Road.

The members sitting this evening on the first case only are Ms. Gelineau, Mr. Rudnick, Mr. Hickernell, Mr. Sergi and I am Barbara Rando, Chair.

The first action this evening is for a motion to accept the minutes of October 4th.

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to accept the minutes of October 4, 2011.

Mrs. Rando: Would the clerk please read the petition in Case 2010-09?

The clerk then read the petition of Hilltop, 110 Bear Hill LLC – 110 Bear Hill Road in an

The clerk then read the petition of Hilltop, 110 Bear Hill LLC – 110 Bear Hill Road in an appeal from the decision of the Inspector of Buildings for a notice of violation, according to the cease and desist order, issued by the Inspector of Buildings on May 10, 2010. Location and Zoning District, 110 Bear Hill Road, Commercial Zoning District.

Mrs. Rando: May we hear from the petitioner or the petitioner's representative, please?

Philip B. McCourt, Jr., 15 Church Street, Waltham representing the petitioner came forward.

Mr. McCourt: I sent a letter off to the board from Robert M. Schlein in relation to this case asking us that we once again continue it. And as you recall, there are certain issues that really ultimately have to be resolved probably before the Board of Appeals so we would ask if I could read the letter into the record if you like.

(Mr. McCourt read Mr. Schlein's letter dated October 13, 2011 into the record and this letter is on file at the City of Waltham Law Office.

Mrs. Rando: For the people at home and for the people that are here would you explain to them in a brief synopsis why it's before us.

Mr. McCourt: This a property, some are familiar with, at 110 Bear Hill Road which has that oil derrick type of communications tower on top of it and its purchased by my clients, the petitioners here, some time ago. And in their desire to move the tower to another location on the site they received certain permissions from the Board of Survey and Planning to modify and construct a curb cut on Bear Hill Road which would allow us to better access it in order to move the tower. That required some drainage work up there and of course obviously you can't either modify the driveway and do the drainage work without taking down some of the trees which created some sort of spot light if you will on the site. The building inspector at that point reversed the position that he originally told us that we didn't need a permit and filed a cease and desist from which we appealed to this board which is the procedural way of handling the matter.

Now in the meantime, the cease and desist encompassed three situations: One, he suggested that the building was unsuitable for building which is a provision as far as I know only used twice before within the zoning ordinance. At any rate, the remedy for that is to go to the Board of Survey and Planning and ask them to make a determination whether the twenty two acres up there is suitable for building. And the board after a public hearing which was noticed unanimously decided that it would be suitable for building. That doesn't give anybody any permits to build anything but it at least says its enough land located in an area that could be built.

Secondly, we had subdivided a small portion of the lot on Main Street at one point because we were going to get a driveway that was coming in at that location. So the building inspector at the time suggested that by bifurcating the lot even though it was the same owners and it was not transferred to anyone else that that might have violated existing special permits so the remedy to that was rather simple that is we just have what they call an 91X plan. We reunited the twenty two acres to be together.

But the third one presents the situation in which we would have to go to the City Council. A suggestion that by taking some of the trees down that within certain parameters of the special permits that we had violated the landscaping of those permits. I mean that's a case that we will further discuss while we disagree with that we agreed with the city that we would file a petition before the City Council in which to remedy that and discuss the landscaping and that petition is currently scheduled to be heard on November 28<sup>th</sup>.

So in order to preserve our legal rights with the cease and desist order, so we weren't just really agreeing with it, we had to file here. Now obviously while some of the determinations you might have been able to make the one that had to go to the council frankly while we would have liked the board to say, yes, the landscaping is okay, we recognize that that probably would not be something that the board would be wanting to do and so we have asked this to be continued not to waste your time in pursuing an issue that probably ought to be resolved and is now currently pending to be resolved in front of the city council. So just to preserve the rights, as a matter of legal procedure we have asked that this be continued again.

Mrs. Rando: I have one question. The number of trees that were taken down, they'd have to do with that. Have there been any other trees taken down since that date?

Mr. McCourt: I would say since the original, I would say no, probably not. They were taken down quite a bit. In fact, I learned a lot about it. I consider that I know something about permitting certainly in the city but I got to learn about this particular permit in this case. They call it Neftee's Permit they call it. It is something that you actually get from the EPA when you clear more than four acres of trees. And the person who is doing the work, Mr. Mula, in fact got that permit. We got all the permits that were suggested by the then Building Inspector; got the clearance of the Cambridge Water Board; got the clearance of Mass Highway; got the actual vote of the Board of Survey to modify the curb cut because that Bear Hill Road used to long before 128 go right up the hill and so it was wider than twenty five feet and we also had it reviewed by Engineering, both by the former Engineer and the current engineer, that the drainage that we needed now to modify the driveway was sufficient. And at any rate, he issued the cease and desist and here we stand tonight and a number of nights previous to this evening.

Mrs. Rando: Thank you Mr. McCourt. You would like a motion to continue the case?

Mr. McCourt: Yes. Now I said some convenient date in January. My suggestion would be the later the better because by the time the council hears it and has time to act, but whatever is the pleasure of the board we will meet on that date.

Mrs. Rando: January 31<sup>st</sup>, if it's okay with the rest of the board?

Mr. McCourt: Absolutely.

Mrs. Rando: All right. Do I have a motion to continue Case 2010-09 Hilltop LLC to January 31<sup>st</sup>?

On motion of Mr. Sergi, seconded by Ms. Gelineau the board voted to continue Case

2010-09 to January 31<sup>st</sup>.

The roll being called: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. Rudnick, yes and Mrs. Rando, yes.

Mrs. Rando: Now, the hundred days. What is the hundred days on that case?

Mr. Hickernell: Currently November 15<sup>th</sup> right now.

Mr. McCourt: If you want to make it longer than that, that's just a protection as you know to make sure there would be no way we could get a statutory approval.

Mrs. Rando: February 29<sup>th</sup>?

Mr. McCourt: Sure.

Mrs. Rando: All right. Do I have a motion to continue the 100 days to February 29<sup>th</sup>?

On motion of Mr. Sergi, seconded by Ms Gelineau, the board voted to continue the 100 days to act on this case to February 29, 2012.

The roll being called: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. Rudnick, yes and Mrs. Rando, yes.

Mrs. Rando: I would like a motion to take a five minute recess.

At 7:20 P.M., on motion of Mr. Rudnick, seconded by Ms. Gelineau, the board voted to take a five minute recess.

At 7:25 P.M., the board reconvened.

The members sitting on the following case are: Mr. Sergi, Mr. McCarthy, Ms. Gelineau, Mr. LaSane and Mrs. Rando.

Mrs. Rando: Would the clerk please read the petition in Case No. 2011-13?

The clerk then read the petition of NSTAR Electric Company in an application for variance and application to amend decision in Case No. 2000-20. The locus presently consists of a large parcel of land with two transformers situated thereon. The petitioner proposes to add a third transformer and associated equipment thereto. Location and Zoning District: 1433 Trapelo Road, a/k/a 1435 Trapelo Road, Residence A-3 Zoning District.

Mrs. Rando: May we hear from the petitioner or the petitioner's representative, please?

Joseph M. Connors, Jr., Esquire, 404 Main Street, Waltham, NSTAR's representative came forward.

Mr. Connors: I put up before you just a kind of site plan just to kind of re-orientate you what we were talking about is up on Trapelo Road just off the corner of Smith and Trapelo Road is the NSTAR transfer station. And so we actually appeared here before this board back, I believe it was in August and we made our initial presentation. And so we asked for two things as was noted in the public notice. One we have to install a new transformer which is in bright red and then along with that comes certain pieces of equipment enclosures and so as a result of the enclosures near the front yard, we are requesting a front yard setback and we are also asking to amend the 2000 case because in that case we were granted a side yard variance and also a special permit to have a public service corporation to operate here which would be NSTAR. And so, a condition of that case stated that the use and construction at the lot had to conform with the plans filed in the 2000 case. So we are asking one, that we are granted another variance and two, we amend that prior case to reflect the site plan as I show here before you.

So we left off with the board and there were several members of the public that came before and expressed their concerns about this project and about other projects. So before I go

on to readdress some of the merits of the case, I wanted to introduce to you, first there are several members of NSTAR that are here with me: There's Ann Marie Walsh, she is a Community Representative of NSTAR, Charles Reardon, he's an engineer and Construction Manager for NSTAR. There's also Kevin McCuun who works with NSTAR in the conservation issues and then John Zicko who is the engineer who prepared the plans. But also Neven Rabadjija who is the attorney for NSTAR and so he wanted to make some opening remarks before I pick up and continue on with my presentation.

Neven Rabadjija, Attorney at NSTAR, 800 Boylston Street, Boston, MA came forward.

Mr. Rabadjija: Madam Chair and members of the Board of Zoning Appeals, thank you for the opportunity to address the board as part of our continued public hearing and NSTAR's application for zoning relief with respect to Station 450 expansion.

NSTAR recognizes that this application has provided an opportunity for immediate neighbors and other members of the community to express their concerns regarding a number of issues involving NSTAR's electric system in this part of Waltham, and in particular, regarding the proposed addition of equipment in Station 450 on Trapelo Road.

We heard many of these concerns at the initial public hearing in August and again in much more detail during the public meeting we held with the community on September 14<sup>th</sup> at the Waltham Library.

NSTAR firmly believes in good community relations and we value all of our customers. That is why we are prepared to work hard to try and address all of the concerns and issues raised by those who participated in this process. We acknowledge that the issues and concerns raised by members of the public and elected officials are all legitimate issues for discussion. At the same time as we continue this hearing on our zoning application we believe it is important to remember that this is a legal process governed by certain rules and limitations.

In particular, the zoning application before you relates to proposed equipment installation

of the existing sub-station and a setback variance requested by NSTAR. However many of the issues and concerns raised by the community relate to other activities by NSTAR in its transmission rights of way in this part of Waltham and elsewhere as to which NSTAR is not before this board and as to which NSTAR is not seeking any permit for the City of Waltham.

NSTAR has met and is fully prepared to continue to meet with and work with neighbors on issues and concerns relating to NSTAR's right of way, vegetation management, vegetation debris removal, reconductoring of existing transmission line, limiting access to the right of way by altering vehicles, access roadway improvements and related activities, but as part of a separate process.

We believe that such other activities are not before this board or within this board's jurisdiction and we do not believe it would be legally appropriate for this board to consider such matters in its deliberations or to impose conditions relating to such other activities as part of its decision on the substation zoning application that is properly before this board.

In conclusion, NSTAR wants to work with the Waltham community and is fully prepared to accept reasonable conditions as part of a zoning permit as long as such conditions appropriately relate to the substation expansion and the proposed work at the substation. However NSTAR is not prepared to accept conditions to the zoning application that relate to other NSTAR activity in Waltham or that pertain to unrelated work on NSTAR's transmission right of way. If such conditions are nevertheless imposed by this board, NSTAR will have no alternative but to seek an exemption from Waltham Zoning Ordinances to the Department of Public Utilities.

At this time I would like to ask Attorney Connors for presentation of NSTAR's proposals regarding mitigation relating to the proposed substation work.

Thank you.

Mr. Connors: So the plan I have before you is a little bit different than what I presented



to you the first night. What is called out in red around the perimeter is a line of landscaping. We did in fact at the last hearing suggest that we would be amenable to installing a green fence or a green mesh on the back fence but we did have a meeting with the neighbors. The neighbors have several concerns and one of which was that, that they found that unacceptable. They wanted a landscaping plan that was going to buffer the visual view that they have of the transfer station itself. So what we proposed is, the whole lot, there's nine sides to this lot and it starts on Trapelo Road and it goes all the way back to Smith Street. (Mr. Connors referred to the plan posted on the board.) So back on that far corner of the plan that's actually Smith Street, and has frontage on Smith Street. The lot has a fence right here so most of the back half of the lot is wetlands. There's a little river and a brook that runs through there. There's wetland areas, so there is nothing that we intend to use or do use as part of the transfer station. So the transfer station fronts on the front half of the lot adjacent to Trapelo Road and there is a fence that is around the transfer station area of the lot. So what we propose is to install ten to twelve foot arborvitaes around the perimeter either inside the fence or outside the fence depending where the fence is located so here we propose a line of arborvitaes (Mr. Connors showed the location of the arborvitaes on the plan.)

So what I have added here are referenced to this particular plan and some additional conditions because what was clear at the neighbors meeting was and then they had several concerns but one was the visibility of the landscaping that we were proposing so we have amended that to show that we are going to put ten to twelve foot arborvitaes all along the entire perimeter of the transfer area at the locus.

Another concern that was raised by the members of the public that were at the meeting back in September 14<sup>th</sup> at the Public Library was just the kind of maintenance and the appearance of this particular NSTAR facility. Several of the neighbors were not impressed with the level of maintenance there to the landscaping, number one, and two, part of the overall cleanliness of the site. So it was suggested that also in addition to installing landscaping that we put in a condition in that we will at least maintain it at least four times a year. And it was also suggested that in addition to maintaining the landscaping meaning going out and trimming it and keeping it looking nice, we also go out on a quarterly basis and to make sure that we clean the

site. Apparently the trash accumulates there and nobody lives there and NSTAR doesn't have someone situated and working, it accumulates. And I guess over the years it hasn't looked very nice to the neighbors, it's looked unsightly. So they have asked us to clean it up. So I have prepared some conditions that would reflect that:

3. We would install and maintain the landscaping at the locus property as shown on the plan identified in Para. 2A above.

Petitioner shall maintain the landscaping so described on the aforementioned plan and shall provide the landscape maintenance and upkeep at least once to each three month period of the calendar year.

4. Petitioner shall also visit the site to clean up debris and trash at least once in each three month period of the calendar year.

So I have prepared some conditions on that. These are on file at the City of Waltham Law Department. And we realize that this certainly may not be the perfect remedy but NSTAR is making an effort to come up with a plan that was better than before. We have agreed that we would be willing to come in and maintain the landscaping. I think that we were seeing pictures of the landscaping up there that the trees are growing up over the fence and falling all over the sidewalk. So, I don't think these are unreasonable requests and we are certainly willing to put those in as required conditions.

I am not really going to rehash the old case. There was one other issue that was raised. I believe that Councillor Darcy brought it up at the prior meeting and I think it was brought up at the neighborhood meeting that we had. There was an issue raised about what's the front yard and what's the rear yard. And so this particular parcel has nine sides to it. (Mr. Connors went over the plan with the board.) So I give you this because there was a question about where is my rear lot line. In 2002 and 2000 we came before this zoning board initially for a side yard variance. We went to the building inspector and said look we have a uniquely shaped lot here. We have nine sides to it. We have frontage on Trapelo Road. We have frontage on Smith Street,

what's our front yard and what's our rear yard and what's our side yard. So there was a determination made on that case that the rear yard was down here (referring to the plan) and this was the side yard and this was the front yard. And so that issue was raised again. So I went back to the building inspector and I said: Look the issue has been raised again and really I am going to refer you to Section 2.334 Rear Lot Line and call your attention to the second sentence where it states: "In exceptional cases which do not fall within this rule, the rear lot line shall be determined by the Inspector of Buildings." That was the determination made back in 2002 and this was just basically based on the precedence of the prior case, that's the approach we took in this case. The buiding inspector looked at that and that was his opinion. (Mr. Connors went over the plan again with the board.)

We believe that's a side yard and a variance was granted for that in our prior case and we don't need to revisit the issue, but I do know that was a comment made by the Mayor and many others at the public hearing and at the neighborhood meeting. So, I am just going to leave it there. I know there are many members of the public. I know there are many neighbors that would like to speak.

Mrs. Rando: First of all, are there any questions from board members?

Mr. McCarthy: I know that you brought up the point that you are not going to consider the rest of the areas; they're being torn up right now associated with the project. What I want to know is this. Under normal circumstances, first of all, how long is this project going to take?

Charles Reardon, NSTAR Electric, 1 NSTAR Way, Westwood, MA: The project in the right of way itself which is the reconductive, rebuilt, will conclude at the end of December of this year.

Mr. McCarthy: And the associated property where you go up the hill and out the back towards Lincoln Street?

Mr. Reardon: I can't speak to the vegetation management.

Mr. McCarthy: I am not talking about the vegetation. I am just talking about the project. When you shut down, when are you going to be doing that?

Mr. Reardon: Again the project is ending and the demobilization will be December of this year.

Mr. McCarthy: Now when was the last time you worked in that area in those right of ways? How long ago?

Mr. Reardon: We are working it virtually every day.

Mr. McCarthy: No, I am talking about in this scope where you put the railroad ties down. When was the last time you did something like that?

Mr. Reardon: In this area, I don't believe it's been done.

Mr. McCarthy: Okay. And after this project is complete when will you be back doing this again?

Mr. Reardon: The plan for the reconstruction of the towers and the reconductoring of the line has been projected to deal with our forecasted loads through the end of 2018.

Mr. McCarthy: So we can rest assured that you won't be back here ripping this up again.

Mr. Reardon: I can only speak to our transmission engineering's forecasted ah - - -

Mr. McCarthy: Okay, that's good enough. It's something we can hang our hat on any way depending on how fast we grow in the area except for that. That's reasonable.

Once you pull up, I am just saying this because I know that I have a place up in Maine

and they clear cut the area in back of us, they were going to put a ball field or something in there. And they took all the trees out. They wiped the place out clean and it looks like that looks like over there right now. But within a year the vegetation was coming back. And three years later it looks like they were never there. So, I'm wondering in your normal experience, how long does it take for something like that to come back to where you can't tell you have been there?

Mr. Reardon: Well, it's going to take a while for those trees to regrow, the folks have been used to. But the vegetation will return virtually the next year. You know the matting is removed; the next cycle is in the spring. I don't know Kevin if you can speak more directly to it.

Kevin Mccune, Environmental Engineer for NSTAR, 1 NSTAR Way, Westwood, MA: Depending on the right of way the vegetation will come back. In this area it is a wetland area. It will come back a little quicker. The right of way will fall under a Vegetation Management Plan and what we do is we don't want the trees to come back. There are certain types of low shrubs, bushes, a lot of grasses that we do want to stay there. So the right of way will start to go into a management program. The vegetation will come back but it will be maintained at a lower growth so we won't have to come in and do the amount of cutting of large material trees anymore. There may be occasion that when they get seven or eight feet that we will come in and cut them under the plan but we won't let them get to the stage that they are now.

Mrs. Rando: Is there anyone in the audience in favor of this petition? Is there anyone in opposition to this petition?

Jeannette McCarthy, 91 Hamilton Road, Waltham: It's my understanding that the ZBA asked the petitioner to have a meeting with the neighbors. And I was in attendance at that meeting because I was asked to come on another issue which the lawyer, I am not sure if the attorney of record has referred to the other issues about the clearing and the attractive nuisance and all of those things. So I will confine my remarks to something that came up at the public hearing which I didn't hear addressed. We heard from the direct abutter that the petition right now has two transformers but they are going to seek three transformers. So one of the direct abutters talked about having explosions, having damages paid for loss of personal equipment in

their house and they also talked about some serious issues with what's going to happen with regard to the transmission's safety of this new system.

Now in fairness, I haven't heard anything about that. I did receive a letter from the NSTAR representative and it was mostly about other the issues that are not before the ZBA with regard to the power line. So I would like to know, it says: If residents or town officials would like to more information on guidelines that utilities fall pertaining to transmission systems reliability including whatever. So I would like to hear about that because one of the direct abutters who's here tonight can fill you in and that's one of the reasons why I said I would be coming to the ZBA. There's public safety issues in addition to the good neighbor issues but I am going to leave those alone because I am not going to give an appeal argument for that. I don't have to tell the Board of Appeals. You are fully aware of the standards that have to be met legally to get a granting of a variance by the petitioner. But I would like to hear from them the public safety issues and what they intend to do. They are asking to increase the transmission here and right now I haven't heard any testimony at all about how this request for a variance and what they are intending to do is going to be safe for the neighbors in the area of Trapelo Road and Loretta Road.

Thank you very much.

Janet Lucas, 52 Carlin Road, Waltham: My main concern is the safety. I haven't seen the Gas Company here. This transformer and everything that is going to be added is very close to the main gas line. I want to someone from the Gas Company to say to me its okay. Or someone from here you've been in contact with them to tell us it's safe. And then of course I'm concerned about a lot of trees have come down and everything like that. Poor Cindy over here, I think the abutters to the property should get a little more than putting up the trees around. I am very thankful that you are doing that but like Cindy, she sees Polaroid, She's never saw Trapelo Road before. Maybe something can be done in back of her house so she never has to worry about this maybe eight years down the line. And this is picky things, lighting. Like the Post Office they have lights up, it doesn't glare like a normal street light it kind of like orange, they're not going to shine in. I can see it because I am an abutter and I can see it from the woods at

night, especially when there are no leaves. But that's picky. My main thing is safety and explosion wall that maybe with the new transformer; you can put something up there. Because I was there, I don't know how many years ago, there was a gas leak. It was just really scary between the two. You don't know if something would go wrong with NSTAR, a spark or something like that. So the safety issue is my main concern.

Cynthia Carney, 9 Hersum Way, Waltham: In regards to the comments made about bringing up things unrelated to the project, in my situation it's difficult that the two are just intertwined. The more they clear on my right of way the more visual I have of transformers. It kind of goes hand in hand. So I didn't mean for there to be an eruption of an unrelated issue but for me it's all related just because of my location. What I once could not really even see the transformers, now they are very visible and I can show you that. I mean I went home today and I keep thinking they are done clearing and I came home today, it's just, seeing is believing, and I will just pass this around to you. (Ms. Carney passed her camera around to board members to show a visual of what it looks like on her property.) So, yes, my concerns are with safety. They are also concerned with quality of life and enjoying our yard. So, in my situation it kind of overlaps. When you are done with that that's all I really have to say. So in my situation, it kind of overlaps into, yes I have concerns with the easement. It has to be done but in doing that how much more is going to be taken out to put in this new project on the other side of my yard?

I have one other question. The planting proposal, I am not sure who to address the question to, the plantings I am not sure what they are and do they grow any taller than ten feet?

Mr. Connors: Ten to twelve feet. That would be the maturity because they don't want to go beyond that because they would have to come and cut them down. So that's what's proposed.

Mr. Zicko: With the Chairman's permission, if this is an appropriate time to answer that question?

Mrs. Rando: You may.

Mr. John Zicko, 1 NSTAR Way, Westwood, Manager of Substation Design Engineering at NSTAR: To answer the question, the main tank or the body of the transformer would be about twenty feet above the finished grade of the yard and then above that would be the transformer bushings where we make the electrical connections, they would look like gray posts and they would stick up about another five feet. So the bulk mass would be approximately twenty feet high with another five feet on top of that.

Ms. Carney: So the proposal is for ten to twelve feet high.

Mr. Zicko: The proposal is for ten to twelve foot high plantings, yes.

Mrs. Rando: Are there any other questions?

George Darcy, 93 Hobbs Road, Waltham: I too would want to get some information concerning the high pressure line and the proximity of that line to the newly proposed substation. We haven't heard anything concerning that yet. Specifically about the additional proposed conditions, a couple of questions.

Is the landscape plan stamped by a certified arborist? Do they plan to install all new arborvitaes because at the site now they have different sized arborvitaes, the old ones that are kind of dying and some new ones that they put in all at different heights?

I would make the following modifications to their proposed conditions:

Under #3: Maintenance shall be defined to include trimming all hedges twice yearly to a uniform height and width.

Apply cedar bark mulch to reduce weeds.

Keep sidewalks clear for pedestrian and handicapped access.



#4: If anyone has gone to the site knows the trash that is accumulated. And I would reduce their cleanup debris and trash at least once in each three months to clean up the trash and debris every month. There's a great deal of trash just due to the proximity of the roadway there.

#5: (This would be a new one.) That the petitioner shall inspect the wooden fence at least once per calendar year and shall further repair said fencing when necessary.

#6: The petitioner shall keep logs of all the maintenance, the cleaning and repair available to the public upon request.

#7: The applicant shall conduct a public meeting in Waltham each year concerning operation of the National Grid facility at 1433 Trapelo Road and that would be advertised in the newspaper. Sorry, I meant NSTAR not National Grid.

Those would be my recommendations for proposed changes to their conditions.

The other thing is that Boston Edison who is listed as the owner on the Assessors records actually owns five parcels in Waltham. They own a very large six acre parcel on Main Street at the Polaroid site. They own a parcel on Jones Road. They own a parcel on Pine Street and on Calvary Street. So, again, it was brought up in the neighborhood meeting of why not use the larger six acre parcel at the Polaroid site because it was stated by the applicant that there was an increase in power needs at the Wyman Street area, that whole area with a lot of high tech buildings going up. If that be the case, was there a consideration and we haven't heard any response concerning that to locate the new substation at the very large six acre Polaroid site off of Main Street. And I had initially wanted to expand the yearly meeting of course to cover the clearing that is going on in the easement right of way but in hearing the attorney stated that they wanted to separate those completely and I understand that. But as a good neighbor it would be worthwhile to send out the list of compatible vegetation to all of the parcel owners who are in the easement way so that every year they would get repeated information concerning what they can and can't plant in the easement area so that we don't run into the problems that we have run in over the past year ten years from now. And I think being a good neighbor, that's the way to do

it, to be proactive and to notify the people in the easement areas of what they should be planting and I got this list from, I think, Mr. Maguire or one of the arborists at your company.

So, those are my comments and again I really would like for the company to be a good neighbor and to improve the landscaping overall and not just to do a one shot so that it looks like this five years from now.

Thank you for your consideration.

William Bearisto, 1393 Trapelo Road, Waltham: As I point out on the map which they don't state, my house is 252 feet from my fence to their fence here which brings me to within that 300 feet zone that they have to let you know or something, I don't know what. My biggest concern is, as stated by NSTAR, the property of theirs was 800 feet away from mine last time. This is wrong. From my boundary, I have measured it; to theirs is 252 feet, not any 800 feet from the NSTAR border. That gas pipe is 33 feet away from the closest for the safest reasons. There are to be a cut down of trees which are marked near the gas line and the city line through there. They've got the red ribbons around them to cut them which actually is not on their right of way, but the city's property where the drainage goes through and also I believe you would have environmental control over it.

The transformer that they want to put in will be nearer to my house than the present one there. The present one there they have put up an explosion proof wall. Now if this is going to come nearer, I think they need to put an explosion proof wall around that too. About three years ago, one of their transformers blew up. They deny it, however they gave me a check for about \$3,000 for damages to my place. And at this time, I think that the gas line being only 32 feet from their line, and being a high pressure of 24 inch line, and if a transformer blows or some other thing being that near, if they ever puncture that line, that whole side of that hill is gone. the gas station, the nursing home and everybody else. I think it's very dangerous to put that transformer that close to that gas line.

Ms. Gelineau: What happened with the gas line the last time you say there was---

Mr. Bearisto: The last time they had the gas line in there it did not affect it. However this transformer is coming much nearer it.

Ms. Gelineau: By feet.

Mr. Bearisto: I don't know the exact to the transformer.

Ms. Gelineau: But the gas line was not impacted?

Mr. Bearisto: No, it didn't affect it at that time.

Ms. Gelineau: Have you heard anywhere that the gas line was in jeopardy?

Mr. Bearisto: Well, about three or four weeks ago they had one blow in California.

Ms. Gelineau: No, I mean this particular one, have we heard it's not safe, is it not protected correctly, it's not installed correctly.

Mr. Bearisto: No, I have not had a problem with the gas line.

Ms. Gelineau: It must be safe, the gas line, I mean.

Mr. Bearisto: I don't know except that the fact that's a high pressure line and all, when you get your internal pressures way up.

Ms. Gelineau: Is that so hard to prove that the gas line is safe. I mean, I think it has to be.

Mr. Bearisto: I think the gas company should be consulted on it. It was mentioned last time they were going to bring someone.

On top of that there was an item in the Boston Globe about a month ago: Development by Sam Park, Principal of Park Company, of the former Polaroid site that it briefed the community on the transformation of a 120 acre site, retail office space development, Park said in an interview that all clean up work had been completed and the recreation north star transmission lines have just begun. This project which would take up to one year will move the transmission lines that run along Route 128 further into the property allowing the option of traffic and immigration. Park said that the completion plans of this project which phase will be completed within the next couple of weeks and will be presented by the city official's local group in the next month in October. And the rest of this is unnecessary.

But if they are going to move those lines down there and have a station down there and a large amount of this power will probably be used for the project there why can't put the transformer under those lines when they move it instead of up here anyway?

My main concern is safety there as far as that goes and unless somebody tells me that that gas line is safe. You get a lot of vibration when one of those transformers blows; believe me, because it knocked me right over in my house.

Mrs. Rando: Was damage done to your home at that time?

Mr. Bearisto: Yes, I lost two TVs, furnace, air purifier and some other electrical minor things. They paid for the replacement of them but they didn't pay the labor. I had to do the labor.

Mrs. Rando: Were you injured, sir?

Mr. Bearisto: No, but I did get knocked off of the powder room seat which is where I was at the time.

Ms. Gelineau: Is there a reason that it impacted your house? Is it just proximity?

Mr. Bearisto: Well, yes. My house has been there for sixty years. I built it when there was a cow pasture across the street.

Ms. Gelineau: When the transformer exploded or whatever were any other houses damaged?

Mr. Bearisto: Across the street had some damage. I don't know just what. The Korean and others they just wave. They don't speak much English.

Ms. Gelineau: Did it happen because of the proximity to the transformer, or was there something, a line?

Mr. Bearisto: No, it was from the explosion of the transformer.

Ms. Gelineau: Why did it hurt your TV, did it fall?

Mr. Bearisto: No they shorted out from the electric shocks in them all. No they didn't fall.

Ms. Gelineau: I am just trying to understand what happened.

Mr. Bearisto: Everything that was turned at the time shorted out. The things that weren't didn't. I don't know why they can't put it down on the Polaroid site in the first place down there where the installation is the same. It's not a big expense difference. It's just dropping the wires there or on Trapelo Road.

Mrs. Rando: Thank you very much. Is there anyone else in the audience, please come forward.

Donna Rigoli, 55 Loretta Road, Waltham: I wanted to ask the question about the

Algonquin Gas Company. I contacted them the week after the September 14<sup>th</sup> meeting to find out what their take was on all of this and I was told that they had not been contacted by NSTAR at all and that they had a conference call coming up within the next week or two. Now, I don't know whether or not that will happen. I did express my concerns to Algonquin because of all the equipment that was out in the back and they were going to send someone out to look at because they said they didn't know anything about it. Our concern, as well, is the gas line. It runs six feet behind our house along the whole property line up through Loretta Road and beyond. If there is a rupture or any kind of compromise to that pipe, half of Waltham is going to blow up. And I would like to have someone address our concerns as far as the gas line is concerned and to this gentleman's concerns about the transformers blowing up. They do blow up. Our house has shook. I have had glass things fall off the tables and break and fall on the floor when they've exploded. Several months ago one of them exploded at 9:30 at night on Sunday night. It shot up about twenty feet in the air in flames. There was a bright flash of light. Everything in the house shook. Every fire truck in Waltham came up. So it's been documented. And those are our concerns, mainly the gas line. I would like someone to address that.

Mrs. Rando: Thank you. Are there any questions from board members?

Attorney Connors, my main question is why wasn't the gas company notified if this was the major concern of the neighbors? Why isn't a representative here tonight?

Mr. Connors: They were. First of all they were given notice like everyone else originally. But at the neighborhood meeting again the issue was brought up and so we reached out to Algonquin and I would like to have John Zicko come up and speak to that because we reached out to them, we met with them, we discussed it, we invited them to the meeting. They didn't see the need to come but I am going to have the engineer that actually spoke to Algonquin address what they said to him.

Mr. Zicko: I was the NSTAR participant in that conference call that did take place with Algonquin. Two other engineers from Algonquin Gas did participate in that call as well. Prior to that phone call, I did send them a proposed site layout and a proposed grounding drawing of the station so that they could have time to become familiar with what our proposal in there was.

Mr. Sergi: Sir, what was the specific date of the phone call?

Mr. Sicko: I don't recall the exact date.

Mr. Sergi: Was it during September or?

Mr. Zicko: It was during the month of September, late in the month of September. It was sometime between the neighborhood meeting that we had and the Zoning Board continuance that was supposed to be on September 27<sup>th</sup> but it got continued.

Mr. Sergi: It was after you met with the neighbors.

Mr. Zicko: Yes, it was.

Mr. Sergi: So you knew the concerns.

Mr. Zicko: Yes I did.

Mr. Sergi: Okay, that's what I wanted to establish. Thank you.

Mr. Zicko: I can get the exact date.

Mr. Sergi: No, that's fine.

Mr. Zicko: We did discuss the plans. We discussed the fact that where we propose to put a third transformer prior to the project that we did back around the 2000 time frame in which we were in front of the board. There was a transformer at that location so I wanted to give them some historical perspective on how the site had been used.

During the conversation, they said that they have had no reports from their people of any

AC corrosion to the pipe line. We run an alternating current power system so DC corrosion wouldn't be a consideration here. They said they have had no reports from employees of induced charges on the pipe lines, voltage on the pipe lines, and they also said that they had no reports of any evidence of ground current jumping on and off the pipe lines and they did not raise any unusual concerns about the proximity of the proposed transformer.

Mrs. Rando: Sir, do you usually work with the gas company when you have projects like this? I mean you couldn't entice them to come to the meeting tonight when you knew some of the neighbors were concerned about safety?

Mr.Zicko: I extended the offer for them to come certainly as an entity that operates within the City of Waltham. They knew they were welcome to come. They told me they had been noticed as part of the notification process for this petition and they said that they did not want to draw attention away from what the NSTAR project really was.

Mr. McCarthy: Is it common practice for NSTAR to share their right of way with the gas company?

Mr. Zicko: Yes, all utilities.

Mr. McCarthy: Is it, rough guess, how many miles throughout the state of common right of way is there?

Mr. Zicko: I have no idea.

Mr. McCarthy: A hundred? A thousand miles?

Mr. Zicko: I don't know, sir.

Mr. McCarthy: No guess.



Mr. Zicko: I do not know and I wouldn't want to guess.

Mr. McCarthy: How long does this particular one go for?

Mr. Zicko: I don't know where this run goes.

Mr. McCarthy: They are not with you the whole route?

Mr. Zicko: I don't know that.

Mr. McCarthy: Have you ever experienced an issue where in your experience had a gas line problem such as an explosion or whatever because of the NSTAR explosion?

Mr. Zicko: In the nearly twenty eight years that I have been with NSTAR and Boston Edison, its predecessor company, I have not been aware of any of those problems. I have not been made aware of them.

Mr. Sergi: A few clarifications. You mentioned something about corrossions in the line. I think was a little over my head but what I would like to know is what type of testing did you do to reach that type of conclusion or did anyone do any testing?

Mr. Zicko: NSTAR wouldn't do any testing on the pipe line because it's not our pipe line. I had to rely on the representations that Algonquin Gas in their normal course of business and inspections gave to me.

Mr. Sergi: So I can infer from that that they have done the testing to adequately make that representation to you.

Mr. Zicko: I can't speak for what they have done. They were certainly comfortable in saying that to me.

Mr. LaSane: Do you think they would be comfortable to say that statement in writing in the form of a letter or affidavit or some sort?

Mr. Zicko: I don't know, we could certainly ask.

Mr. Sergi: That would make me feel a little bit more comfortable. The other question I had related to the explosive wall. I mean we spoke about that the last you were in front of our board. You indicated that would not be a problem to construct. Are we talking about that. I didn't hear you mention that tonight.

Mr. Zicko: We certainly can talk about that if the board feels it's an appropriate time to address that. Just as a clarification, the transformer that's kind of to the rear of where we propose to put this third transformer, when we were here in 2000, there was a condition put on the special permit that we leave a foundation for a sound controlled wall in the event that one was needed and that's exactly what we did at that transformer. Since then I am not aware that there has been any sound complaints from the substation, so consequently that wall was never built. There is no wall around the existing transformer that's close to the gas line, blast or otherwise, so that kind of U shaped structure that shows around there (referring to the plan) around that rear transformer was really just a foundation.

Mr. Sergi: Would you be in agreement to construct that wall?

Mr. Zicko: If it were demonstrated that one were needed.

Mr. Sergi: Well, I think tonight the testimony from the neighbors indicate, I guess, that there was an explosion at some point and time and now the fears have risen. So, from what I hear from the neighbors, I think there is a concern with that and I guess I am hearing is maybe that wall would be needed at this point.

Mr. Zicko: I went back after that neighborhood meeting, I went back and checked with our claims department for property damage claims made in the Trapelo Road, Loretta Road,

Smith Lane, and I forget it was a number of streets. Their records go back three years and the only record that they came back with was one for a gas station, not the abutting gas station it was another one closer up to 128 and that was about three years ago. As far as the alleged transformer explosion inside the station, I went back and searched through all the records and the only record that I have, and I also have a personal recollection of this, was that there was approximately ten years ago, before we were in front of this board, there was a failure inside the metal switch which I am pointing to on the site plan (referring to the plan) and you can see that that's not proximate to the transformers. There was a fire that ensued at the station. We were able to extinguish it with our own fire extinguishers that we had in there. I am not aware of any other major failures in that station. Certainly in my capacity, if a major piece of equipment did fail, it would be my department that would be called upon to make the replacement.

As far as the issues that were raised about protection of the transformers and what do we do to keep the transformers from exploding if there is there is a failure inside them, as part of this project, Attorney Connors said earlier that there would be a control enclosure added as part of this project and as part of this project we will take the opportunity to enhance the protection not only on the proposed new transformers but also on the two existing. We will put modern, state of the art, currently available, protective systems on it that will consist of two independent electrical detection systems. If they were to pick up if that there was a short circuit inside the transformer they would operate to stop the sources of energy into that short circuit backing that up is a mechanical detection system that senses motion in the fluid inside the transformer that would operate in the event that neither of the two electrical detection systems weren't able to detect the fault to clear the transformers, so we do have multiple layers of protection on it to keep it from escalating to the exact scenario that some folks have painted.

Mr. Serge: I am just hearing a reluctance to construct a wall. Is that what I am hearing or is it just----

Mr. Zicko: It's not a reluctance to construct a wall it's that there are multiple layers of protection on the transformer. The walls will sometimes hinder the operation of the station and the cooling of the transformers, so it's a delicate balance.

Mr. Sergi: I'm raising a concern, because you are increasing the capacity, there might be more need for safety as a result of that and I would like for you to consider additional that protective measure inclusive of a wall.

Mr. Zicko: And questions about safety should be asked. I am all for it.

Mr. Sergi: I appreciate that.

Ms. Gelineau: I apologize if this information is in the brief but I was trying to clarify. You were here before us in 2000, correct, to replace a transformer that was there?

Mr. Zicko: We were here, it was approximately in the year 2000 and it was when this first transformer first went in service. There were two transformers in the station. The petitioned that we filed back in 2000 was to replace those two transformers with two larger transformers.

Ms. Gelineau: And I also believe that even in 2000 whatever was there, whatever you put in in 2000 was safer and more just keeping current with technology and safety was better than what was there before from a safety issue, I would assume.

Mr. Zicko: The station was originally constructed in the mid 60's and, yes, between the 1960's and 2000's improvements in electrical equipment were made, improvements in electrical protection were made and we and we did incorporate those at that time.

Ms. Gelineau: Even in OCEA standards. It must be so much more magnified. I mean you had a safer product there what I am saying from the mid 1960's.

Mr. Zicko: We do, and in the last ten or eleven years they have made more advances and we propose to incorporate those with this project.

Ms. Gelineau: Now do we know how long that gas line has been there?

Mr. Zicko: I don't know.

Ms. Gelineau: Now either when the gas line went in or when the electrical equipment and the transformers, they were in unison. The electric company knows the gas company is there and the gas company knows the electric company is there. It happens everywhere. It's common procedure, right? My point is, I guess, it doesn't seem to me that anybody unless it was one hundred percent safe would put that sort of a dangerous situation in place. There are standards that have to be conformed to. I mean gas companies and electricals must overlap everywhere.

Mr. Zicko: They do and unfortunately I don't have the precise number as I was asked earlier. I don't the precise number of miles, but I do know of instances where high pressure gas lines are brought right into generating stations.

Ms. Gelineau: I mean I have to assume that people in charge of the gas know what they are doing. They know if they can put a line that close to an electrical transformer and visa versa. I mean nobody would cross those lines or we would be blowing up all over the place. I mean I understand that there are circumstances beyond our control and sometimes there are gas explosions but as a rule but I would expect that the gas company and the electric company work fairly well together in terms of providing safety to homeowners and to individuals. I would just assume that's a given.

Mr. Zicko: It is. We do work with them.

Ms. Gelineau: I mean there are standards. The left hand has to know what the right hand is doing, right?

Mr. Zicko: There are codes and standards, yes.

Ms. Gelineau: I know that it sounds bad. but I am sure it has to be safe or it just couldn't happen.

Mr. Zicko: There are accepted engineering standards for locating these facilities.

Ms. Gelineau: Exactly. And the other thing, I personally don't have a problem with the gas line. I understand people hear it and they do. I get it. But, we are not talking about moving this transformer, another transformer per say, from three hundred feet or six hundred feet closer. We are talking removing, its all in the same proximity anyway to where the one that's been there since the mid 1960's. We are not moving a football field closer.

Mr. Zicko: I was going to say we are putting a transformer back where one was originally installed when the station was first built.

Ms. Gelineau: So I just want to say that I completely understand what people are hearing about danger but just the fact that we can survive municipally that those standards have to be adhered to. There are safety factors in place, I am sure.

Mrs. Rando: I would just like to say on that point, that, yes, I believe that the left hand knows what the right hand is doing until the first explosion. The first explosion, we had all these safety measures in place, we don't know why it exploded and then something will be done and I would like something to be done before hand and I would like to speak to someone from the gas company because if I were living in that neighborhood I wouldn't sleep until I got confirmation from the gas company that it was one hundred percent safe. I believe that you are saying that. I would like to speak to someone from the gas company. And if the gas company knew that we were holding you up, would they have sent a representative a little bit sooner? I wonder. I wonder if you could have put a little pressure on them. And safety is our main concern here.

Neven Rabadjija: I was the one that contacted Algonquin initially through their attorneys to inform them of the fact that we were before the board for this application. They undertook to establish contact between the two companies at the engineering level. I did indicate to them that this project had generated a lot of interest in the community and concerns about the proximity issue and safety issue. I did indicate to them there were public officials in the city that were

extremely interested in this issue including the Mayor. I suggested to them that it would be appropriate for them to send a representative or communicate in writing. We have no ability to force them to do any of those things. By you holding us up is not going to improve that leverage because we have no control over them. However public officials in Waltham could call upon them to come to a meeting. That's all I can suggest.

Mrs. Rando: Is there anyone else?

George Darcy, 93 Hobbs Road: I would just like to state that just because something has been done a certain way in the past for many many years does not mean that's its the best thing or the right thing. And in that light what this board might want to request from the Public Utility Commission in the state is best practices and or design standards concerning the placement of transformers in proximity of high pressure gas lines. That way we would get some written information documentation what today's, not 1960, not 1950 but 2011 best practices for these types of proposed substation transformers as they are located in very close proximity to the high pressure gas lines.

And I would just like to point out I went to the internet and I pulled out all of the major gas pipe line explosions, what have you, and there was one in 2000, this was just for the United States, there was one in 2003 and 2001, two in 2002, six in 2003, one in 2004, two in 2005, two in 2006, two in 2008, none in 2007, three in 2009 and a whole slew of them last year. And these are huge. The gentleman from Trapelo Road mentioned that if there is an explosion the whole neighborhood is wiped out. We are not talking about one house and I will make a copy of these for the board. We are talking about six hundred feet from the site, a thousand feet from the site, everything knocked out, homes gone. So this is a major issue. This is not just that we are upset about this or that. This is safety. The residents live in very close proximity within a couple of hundred feet on all sides on the east in Glenmeadow West on Smith Street to the west and then behind the church to the south. And it's very dense. We are not talking a home on three acres of land. These houses packed in.

So it's incumbent upon the applicant to prove to this board that it is safe and they should

have something in writing. We asked for it at the meeting. And just one other thing. At that last meeting that we had at the public library we had about thirty people attend the meeting. Ten residents, one after the other, spoke about explosions that they have had over the past fifteen to twenty years. NSTAR had no record of it. Now tonight we hear the same thing, almost like they are calling these people liars. They are not. They live there and if NSTAR's records are incomplete, that's their problem.

Mrs. Rando: Thank you. I for one am not ready to continue this case tonight. I would like to hear from the gas company or what the councilor just mentioned, it was a great idea and I am ready to continue the case. I am sorry and how does the rest of the panel feel?

Mr. Sergi: I have to agree with you, Madam Chair. I appreciate the efforts that they have done to date and I think the safety issues are a major concern and maybe in hearing from the gas company and maybe your help with that will resolve this a little quicker. I have not heard anything that satisfies my concern for that safety issue tonight.

Mr. Connors: We agree. We were hoping to have a document from Algonquin. They were of the opinion that it wasn't a danger but they didn't put it on paper. So I think we will see if we can continue to request some documentation to basically stand behind the representations that have been made by them and our engineers.

Mr. McCarthy: I was wondering how common is this particular set up to your proposal here throughout the state? Can you tell me that? Is this unique?

Mr. Zicko: Could I ask you to define what you mean by common?

Mr. McCarthy: Well, the size of it, the number of transformers. Is this average size of is it a larger than normal?

Mr. Zicko: For a densely populated urban area, this is a normal average size sub station, two to three transformers.



Mr. McCarthy: And how many would you say in the state that you have those?

Mr. Zicko: NSTAR Electric has over two hundred of these sub stations.

Mr. Sergi: In a residential neighborhood such as this?

Mr. Zicko: We have them in virtually every type of neighborhood. We have them in residential. We have them in buildings. We have them under hotels.

Mr. McCarthy: And how many of those two hundred are in close proximity to gas? Could you find that out?

Mr. Zicko: I don't have that answer, but we can find out, yes.

Mr. McCarthy: Also, Mr. Darcy had mentioned a lot of gas explosions. I am curious as to how many of those gas explosions were associated with NSTAR or an electric company causing the problem or is it just the gas company? I mean, certainly it doesn't take much to dig up a pipe and to have gas go into a house and kaboom the house is gone and that has nothing to do with NSTAR.

Mr. Zicko: Madam Chair, may I speak to the transformer explosions that some of the residents in the area have spoken about? You know, anytime you have electrical equipment out on poles like we have out on the street, and anywhere, despite our best efforts and everybody's best efforts, short circuits are going to occur in that equipment. Like I say, I did go back. I tried to get a flavor, if you will. I wasn't trying to check on the veracity of what anybody was telling me, I was trying to get a flavor of what exactly was going on in the North Waltham area with the spirit of trying to help correct whatever the problem may be and I was surprised to find when I talked to our Claims Department that going back three years, that was the best source that I had for getting information on the property damage and the explosions that were alleged was to go back to our Claims Department and they had only had one claim in the area reported over the last

three years. That's as far as their records go back.

Mr. McCarthy: And was that necessarily associated with this transformer location or was it associated with a pole transformer blown or what?

Mr. Zicko: It was up close to Route 128 and Trapelo Road. I went back and again I obviously can't be everywhere at once but if there are major sub station events just because of the function that my department performs, I usually know about them. And I couldn't correlate that to any major sub station.

Mr. McCarthy: And what about the claims from some of the residents that there was a large fire at this particular location with the entire Waltham Fire Department coming to it? You have no record of that?

Mr. Zicko: Again, if the entire Waltham Fire Department were called out, I would assume that it would have been a pretty big disaster and again because of the function that my department performs it would have involved equipment replacement repairs to the station and we would have been called upon to provide engineering expertise to that. The only record that I have of doing any work in that station due to a failure was what I described which was all we did for the 2000 project which was in the Meadow Glen switch.

Mr. McCarthy: Now, do you have access to the actual number of transformers or the manhole mounted transformers that have blown in the general vicinity? Do you have access to that information?

Mr. Zicko: I personally don't, but we can go back and search for it.

Mr. McCarthy: I am just wondering if that's where this is coming from rather than this particular location being the problem.

Mr. Zicko: And my area of focus, and I apologize for this, because in a large company,

my area of focus is inside the station, but I can certainly enhance my outreach efforts to some of the folks that deal with the things outside of the station.

Mr. McCarthy: Well you see, it's not a meeting of the minds here. We are getting one story on one side and you guys have another story and its clashing.

Mr. Zicko: There's a disconnect.

Ms. Gelineau: Is it possible, like as I said, I have experienced in different, at home and at my office, like a power surge, like a transformer on a pole, that happens. As Mr. McCarthy said, that maybe its possible "maybe" that could be what people are experiencing in this neighborhood; the transformer issues on poles you know that go into your house and you get a little surge or shake or burn out your TV, its happened. But is it possible if you put in a new transformer, could that be abated? Could the work of the transformers be lessened? Could it actually be a good thing for these people to have more, so those transformers aren't working as hard?

Mr. Zicko: You question does make sense and unfortunately the answer is no. This project as proposed would have no affect on any short circuit or fault activity outside the station.

Ms. Gelineau: It would not lessen the work of the transformer in any way on the poles.

Mr. Zicko: It would not lessen the work of the transformer on the poles or the manholes.

Mr. LaSane: Are you required by the State to report any transformer failures?

Mr. Zicko: We have a requirement to report damage to our equipment over a certain dollar amount. One of these sub station transformers would certainly meet or exceed that threshold.

Mr. LaSane: How about intermittent failures of transformers. Do you send reports to the

State on those?

Mr. Zicko: If I am understanding what you mean by intermittent failures of transformers to mean like short circuit activity out in the distribution - - -

Mr. LaSane: When it starts to smoke. When there are events of transformers.

Mr. Zicko: There is a classification, again not the area of the company where I work, so I don't know a whole heck of a lot about it, but I do know there is a category called DPU Reportable Event.

Mr. LaSane: I think the state audits or keeps track of -

Mr. Zicko: They do. They have service quality filings, the company does, we are required to make. And I have not participated in one of those so I can't speak precisely to what the content is.

Mr. LaSane: Maybe the numerical gap is less than between what the residents are saying and what NSTAR have to tell us tonight by a report from the state authority perhaps.

Mr. Zicko: What we file with the state is in the public domain, so I can certainly get my hands on that.

Mrs. Rando: When Attorney Connors returns, you will have the concerns that the neighbors mentioned to you, you will be able to address those when you come before us. Then two people suggested the wall, the explosion wall. Someone had questions on the trees, the planting its going to be twenty feet with another five and you are only going to put plants ten to twelve feet, address that; high pressure lines, proximity to sub station, all these. Get a tape of the meeting and see if you can address all the questions that the neighbors had at the next meeting. One was why you couldn't use the Polaroid site.

Mr. Connors: I think I can address that right now.

Mr. Zicko: With your permission I can speak to that now, Madam Chair.

As far as the location of the transformer, the low growth that we are experiencing now is in the North Waltham area, it's in the Trapelo Road area. Trapelo Road, that site is the closest sub station that we have to where that low growth is taking place. To put the transformer down at the Polaroid site, off of Main Street, would require that we take and run multiple distribution circuits from the Polaroid area into that part of Waltham, so as disruptive as this construction may be, when we start to need to dig streets, put more pole lines in rights of way etc., that has the potential to be even more disruptive.

Mrs. Rando: Could you tell me why they are moving the pipes at the Polaroid then? Why are they doing that?

Mr. Zicko: It's the overhead power lines and those are being moved, in fact I have a meeting on that topic tomorrow, I am sorry Thursday, those are being moved at the request of and at the expense of the developer.

Mrs. Rando: Why? You don't know why until after your meeting? Is it a safety measure?

Mr. Zicko: No it has something to do with their development plans. I am not privy to the exact plans that they have for that site.

Mrs. Rando: All right. Thank you.

Janet Lucas: I just wanted to state that since the trees have come down, the noise is loud and I'm just a good neighbor, I guess, I didn't call. So I just want it on record that there is noise from the transformers, not constantly but every once and a while.

Mrs. Rando: You didn't hear it with the trees?

Ms. Lucas: No, it's buffered. I'd hear it but it was buffered more. Now there's a lot of trees down. Secondly, if I had to dig in my yard, I have to call the gas company for Dig Safe to sign off. That's all I want, just something from the gas company. I don't think that's unreasonable. I think somebody should discuss something with Cindy. She is the abutter that's been hit really bad. I mean I have a few trees there. I am in the back part.

Cynthia Carney: In response to that I have been talking with their Arborist, Phil Hays and he has reached out to me. Today when I went home it was devastating but I am here for my neighbors. I am here for Tom and Jan. You know, we are just here for each other. They are technically one house closer to three houses closer to this project than I am. The other thing I wanted to state is at the first meeting my neighbors did state that they heard buzzing from the transformers, so it was stated that there was a sound that could be heard from the station just for the record.

Mrs. Rando: All right. How is November 22<sup>nd</sup>? All right we will continue this case to November 22<sup>nd</sup>.

On motion of Mr. Sergi, seconded by Mr. McCarthy the board voted to continue this case to November 22, 2011.

The roll being called: Mr. Sergi, yes; Mr. McCarthy, yes; Ms. Gelineau, yes; Mr. LaSane, yes and Mrs. Rando, yes.

Mrs. Rando: Now, we also have to continue the hundred days. December 30<sup>th</sup>, is that all right?

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to continue the 100 days to act on this case to December 30, 2011.

The roll being called: Mr. Sergi, yes; Mr. McCarthy, yes; Ms. Gelineau, yes;

Mr. LaSane, yes and Mrs. Rando, yes.

There being no further business, on motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to adjourn at 7:45 P.M.

*Barbara Rando, Chair*