



THE COMMONWEALTH OF MASSACHUSETTS  
GENERAL COURT  
STATE HOUSE, BOSTON 02133-1053

October 3, 2008

Stephanie Danielson  
Chair, Conservation Commission  
City of Brockton  
45 School Street  
Brockton, MA 02301

Dear Chair Danielson:

On July 10, 2008, we expressed our steadfast opposition to the location of a 350 Megawatt electric generating power plant next to the Salisbury Plain River. We continue our opposition. In our July 10<sup>th</sup> letter we raised concerns that the proposed facility will significantly affect and alter the bordering wetlands to the detriment of the indigenous species, vegetation and the integrity of the river itself. We would like to take this opportunity to supplement our comments based on issues raised at the last meeting.

At the July 10<sup>th</sup> meeting, the issue was raised by the Commission as to whether Brockton Power had secured all "obtainable permits" before filing the Notice of Intent. Brockton Power contended that by filing for an exemption under Massachusetts General Laws Chapter 40A, section 3 from local zoning laws they have obtained all permits before petitioning the Conservation Commission. Chapter 40A, section 3 states, in part, that "(l)ands or structures used, or to be used by a public service corporation may be exempted in particular respects from the operation of a zoning ordinance or by-law if, upon petition of the corporation, the department of telecommunications and energy shall, after notice given pursuant to section eleven and public hearing in the town or city, determine the exemptions required and find that the present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public...."

While it is true that Brockton Power has applied for this exemption with the department, it has not been approved. The City of Brockton has stated its strong opposition to this exemption, including a resolve of the Brockton City Council opposing the exemption request. We have also, in letters to Secretary Ian Bowles, stated our strong opposition to this exemption. Concerns have been raised before the Energy Facilities Siting Board as to the adverse effects this proposed plant will have on the health and

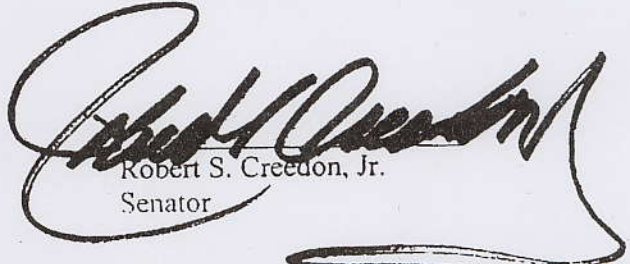
safety of the residents of Brockton and the surrounding communities. These concerns regarding the health and safety of abutters to the plant are issues that involve the "convenience or welfare of the public". Therefore, until the determination on the exemption request is made, Brockton Power has not secured all obtainable permits.

Without the exemption, Brockton Power stands before the Conservation Commission in the same footing as any other petitioner. They should be required to seek all local permits including site review and all zoning approvals. Therefore, the petition should be denied for failure to secure all "obtainable permits."

Thank you for your cooperation in this matter.

Sincerely,

  
Geraldine Creedon  
Representative

  
Robert S. Creedon, Jr.  
Senator