



Town of Brookline

Conservation Commission

Kate Bowditch, Chair
Marcus Quigley, Vice Chair
Gail Fenton
Matthew Garvey
Werner Lohé
Deborah Michener
Roberta Schnoor

Associates
Pamela Harvey
Marian Lazar

April 8, 2014

Chairman Jesse Geller
Zoning Board of Appeals
Brookline Town Hall
333 Washington St.
Brookline, MA 02445

Dear Chairman Geller and members of the Board of Appeals:

The Conservation Commission appreciates the opportunity to review the comments prepared by BETA Engineering in their role as the peer reviewer for the Residences of South Brookline. We have considered the information prepared by BETA Engineering and would like to share a few observations.

There were three key issues the Commission had identified as areas of concern in our previous comment letter. Many of these issues were also spoken to in the BETA report, but the Commission respectfully requests that you consider the following points in your deliberations.

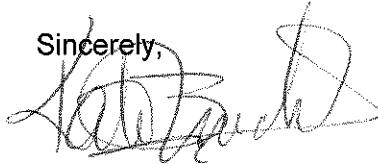
- 1) There is a heavy reliance on the use of pervious surfaces throughout the project proposed as a tool in managing the stormwater. The Commission applauds the use of these materials; however there is ample reason for concern in this application. We appreciate the comments by BETA regarding the need for commitments to both short and long term maintenance by the owner, as well as the comments regarding the under-drains. However the Commission continues to have concerns about tracking the infiltration rate of the porous asphalt over the course of its expected lifespan. All storm drains throughout Massachusetts discharge to wetland resource areas. The storm water standards require projects to demonstrate not only that they are not increasing flow to the wetland resource areas, but they are actually improving the post construction conditions. As the applicant submits their design for consideration, it may very well meet this standard at the time of installation, and perhaps for a period of years. However, as the pore spaces clog and the amount of runoff from the asphalt and through the catch basins and storm water systems increases, there needs be some manner of monitoring the post construction condition at the point of discharge to ensure the new development is not having adverse impacts on the wetland resource areas.
- 2) The Commission appreciates the comments from BETA which suggest a particle separator or similar storm water device be located at the down gradient portion of the site. This will provide a

measure of protection for sediment removal before the discharge to the wetland resource areas. To be effective, however, any such device will need to be sized based on the rate of incoming flow to be effective. It is not clear from the information presented how the rate of incoming flow would be calculated for the device. Will the flow rate used be based on a 100% effective infiltration rate for the porous asphalt? Will the sizing of the device take into account any degradation of the porosity as time goes on? These questions are critical to ensuring the system is designed in such a manner that it will work effectively over time to protect wetland resource areas.

- 3) The project must comply with the Massachusetts Stormwater Performance Standards, as prescribed by state regulations promulgated under the authority of the Massachusetts Clean Waters Act, MGL Ch. 21, ss 26-53 and the Wetlands Protection Act, Ch. 131, s. 40, and by reference the final Total Maximum Daily Loads (TMDL) for the upper Charles River Watershed (i.e., 65% reduction of phosphorus, and compliance with bacteria standards). Compliance with the TMDL was not mentioned or addressed under the Massachusetts Stormwater Performance Standard 4. The project must also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), and all relevant regulations promulgated under the federal Clean Water Act. Compliance under the NPDES CGP also requires compliance with any approved TMDLs. It is still not clear from the information that has been provided that the project will comply with these requirements.

Thank you for the opportunity to review and comment on this peer review. Please do not hesitate to contact us with any questions or concerns you may have regarding this matter.

Sincerely,



Kate Bowditch, Chair

Cc: Mel Kleckner, Town Administrator