



## CATE STREET CAPITAL

*intelligent investing for a sustainable future*

Rene Pelletier, P.G.  
State of New Hampshire  
Department of Environmental Services  
Water Division  
29 Hazen Drive  
Concord NH 03302

Re: Laidlaw Berlin BioPower Shoreland Program Conditions

Dear Mr. Pelletier;

Per the conditions of the New Hampshire Site Evaluation Committee Decision Granting a Certificate of Site and Facility with Conditions to Laidlaw Berlin BioPower, please find enclosed a copy of the recorded waiver associated with the Shoreland Program (Wetlands Bureau) Recommended Permit Conditions. This waiver was recorded at the Coos County Registry of Deeds, and can be found at Book 1338 Page 0066.

If you have any questions, please call me at 319-4400, or email at [cgrecco@catecapital.com](mailto:cgrecco@catecapital.com)

Sincerely,

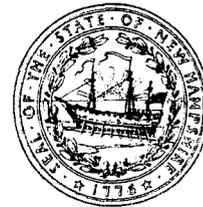
Charles E. Grecco  
Executive Vice President

Attachment

Cc: Michael J. Iacopino, Counsel NHSEC  
Jane Murray, Secretary NHSEC  
Thomas S. Burack, Chairman, NHSEC  
Barry Needleman, Esq.



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner  
October 31, 2011

Barry Needleman, Esq.  
McLane Graf Raulerson & Middleton  
11 South Main Street, Suite 500  
Concord, NH 03301

Doc # 0004557 Nov 8, 2011 12:16 PM  
Coos County Registry of Deeds  
*Carole A. Lamirande*  
Carole A. Lamirande, Registrar

Re: Laidlaw Berlin BioPower Shoreland Program Conditions

Dear Mr. Needleman:

The Site Evaluation Committee (SEC), on November 9, 2010, issued a Decision Granting a Certificate of Site and Facility with Conditions to Laidlaw Berlin BioPower, LLC for the siting, construction and operation of a 70 MW biomass fueled power facility located in Berlin, Coos County, New Hampshire. The original order was amended by an Order and Amended Certificate of Site and Facility with Conditions dated July 12, 2011. The complete record for these decisions may be reviewed at [www.nhsec.nh.gov](http://www.nhsec.nh.gov).

Both the original and amended certificates included the attached conditions entitled "Shoreland Program (Wetlands Bureau) Recommended Permit Conditions." These conditions were provided to the SEC as an enclosure to a letter dated April 21, 2010 from Mr. Rene Pelletier, Assistant Director, Water Division of the Department of Environmental Services to SEC Chairman Thomas S. Burack. These conditions were included in both certificates. Project Specific Condition #2 of these conditions states that *"this approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested."* To simplify filing, as an alternative to filing the entire SEC Certificate at the Registry of Deeds, Shoreland Program Condition #2 may be fulfilled by recording this letter with the attached "Shoreland Program (Wetlands Bureau) Recommended Permit Conditions" from Mr. Pelletier's letter, at the Registry of Deeds.

If you have any questions, please contact me at 271-2951 or e-mail at:  
[Rene.Pelletier@des.nh.gov](mailto:Rene.Pelletier@des.nh.gov).

Sincerely,

Rene Pelletier, P.G.  
Assistant Director  
Water Division

Attachment

cc: Michael J. Iacopino, Counsel NHSEC  
Jane Murray, Secretary NHSEC  
Thomas S. Burack, Chairman, NHSEC

BK 1339PG0066

**SHORELAND PROGRAM (WETLANDS BUREAU)**  
**RECOMMENDED PERMIT CONDITIONS**

**PROJECT DESCRIPTION:**

Impact 154,714 sq ft for the purpose of converting and upgrading the existing infrastructure of an industrial lot within the protected shoreland.

**PROJECT SPECIFIC CONDITIONS:**

1. All work shall be in accordance with plans by ESS Group, Inc., dated December 15, 2009 and received by the Department of Environmental Services ("DES") on December 23, 2009.
2. This approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 38.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All regions of the waterfront and natural woodland buffers proposed to be replanted shall be done so using natural ground covers and native vegetation including 33,891 sq ft of the natural woodland buffer.
5. The project as proposed will leave approximately 8,273 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,236 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. The project as proposed will leave approximately 136,536 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 80,143 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

BK 1338PG0067