

City of Berlin, NH

Office of the City Manager



January 19, 2010

Thomas S. Burack, Chairman
Site Evaluation Committee
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

Re: Clean Power Development – SEC Docket No. 2009-03

Dear Chairman Burack:

Clean Power Development, LLC, has been working with the City of Berlin to site a 29 megawatt biomass fueled power facility within the City for several years. During that time they have met with several City boards and willingly engaged in the City's local permitting process. Concurrently they worked with state agencies to procure the necessary state permits mainly with the Department of Environmental Services. The City's Planning Board and Zoning Board of Adjustment spent several months going through local permitting requirements with the staff of Clean Power Development and each board held public hearings to address local concerns during the process.

One of the reasons RSA 162-H was enacted was to avoid undue delays in the construction of needed energy facilities. Adding a requirement that Clean Power obtain a Certificate of Site and Facility pursuant to RSA 162-H:2, VII (g) would only unnecessarily delay an project that has gone through a review already. If anything, this process has taken longer than it would have by going through the EFSEC process as this was not a "one-stop" permitting process.

The petition forwarded to you by residents of Berlin and Gorham states that a major point of concern for the petitioners was that heavy truck traffic traveling through residential neighborhoods to the Clean Power facility had not been addressed. The issue actually was addressed by the Planning Board during the Site Plan Review, which was approved on March 12, 2009 and amended on August 4, 2009. Both approvals indicate that if Clean Power Development LLC is unable to build a new road between Unity Street and their property on Shelby Street, they will have to come back to the Planning Board for review and approval. The Site Plan approval also indicates that Shelby Street will need to be brought up to city street standards and no certificate of occupancy shall be issued until city street standards are met.

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The reference to ancillary projects proposed by Clean Power Development LLC during the last year including algae production and district heating would all need to go through Site Plan Review with the Planning Board allowing for the opportunity for public comment once again if any of these projects move forward.

Clean Power has:

- Obtained Site Plan Review Approval from the Berlin Planning Board last amended August 4, 2009
- Obtained Three Special Exceptions from the Zoning Board of Adjustment March 11, 2009
- Obtained an Alteration of Terrain Permit dated September 4, 2009 (Permit AoT:0030)
- Obtained a Temporary Permit and Non-Attainment New Source Review (NSR) Permit from the Air Resources Division of DES - (Permit: TP-0033)
- Applied for a Shoreland Permit in accordance with RSA 483-B:5, V(a)
- Applied for a Wetlands Permit and is currently working with NHDES to secure a mitigation solution for wetlands disturbance.
- Submitted storm water management plans to EPA.

The Berlin City Council is in favor of allowing Clean Power to move ahead with their plans knowing that the Planning Board and Zoning Board have done their due diligence and several State level permits have already been approved. Copies of the minutes from any of these meetings or permits mentioned are available upon request.

Sincerely,



Patrick MacQueen
City Manager