

April 14, 2011

Thomas S. Burack, Chairman
New Hampshire Site Evaluation Committee
New Hampshire Department of Environmental Services
P.O. Box 95 29 Hazen Drive
Concord, NH 03302-0095

Re: Docket No. 2011 – 2, Antrim Wind Energy LLC

Dear Chairman Burack:

I request that the State of New Hampshire Site Evaluation Committee rule against the Petition for Jurisdiction Over Renewable Energy Facility requested by Antrim Wind Energy LLC.

1. The February 7, 2011 letter from the Antrim Board of Selectmen requests SEC to take jurisdiction: "...*if and when an application is made to construct the facility.*" (Antrim Selectmen's minutes, January 10, 2011). Antrim Wind Energy LLC's petition for immediate jurisdiction determination is not within the terms of the original Antrim Board of Selectmen's request. An application has not been received by the SEC or the Town of Antrim. For this reason jurisdiction is not appropriate at this time.

2. Granting jurisdiction at this time is premature because Antrim Wind Energy LLC's application truncates the working of responsible, timely local governance processes regarding a renewable energy project (RSA 162-H). A jurisdiction decision by the SEC should be made when all relevant materials can be fully presented by Antrim Wind Energy LLC. Antrim Wind Energy LLC states it does not expect its application to be ready or filed until later in 2011. For this reason jurisdiction is not appropriate at this time.

3. Antrim Wind Energy LLC emphasizes SEC experience with three (3) prior wind facility applications as giving them expertise and reason to assert jurisdiction. Antrim Wind Energy LLC argues Lempster is a clear precedent for asserting jurisdiction. Distinguishing features between Antrim Wind Energy LLC and the Lempster project are as follows:

a. Town-wide zoning

- *Lempster* -- No zoning existed in Lempster at the time of request for SEC jurisdiction.
- *Antrim* -- The Town of Antrim Adopted March 5, 1974 and has had a Planning Board and Zoning Board of Adjustment to date. The Antrim Planning Board has repeated updated the ordinances and regulations to meet changes in land use.

b. SEC jurisdiction for potential Antrim Wind LLC project compared to Lempster Mountain project.

- *Lempster* -- Order for jurisdiction in Lempster found no objection made to SEC jurisdiction (support letter from Towns of Lempster and Washington, support letter from more than 120 Lempster residents, and no objection from other interveners). To that extent, the Lempster example actually could be embraced, to undercut Antrim Wind LLC's present petition.

- *Antrim* --There are Antrim citizens in opposition to SEC jurisdiction. The Antrim residents have spoken in opposition to SEC jurisdiction at public meetings and hearings. On March 8, 2011, Antrim voters elected, by a 2:1 margin, two new members to the Planning Board who are opposed to SEC jurisdiction. They unseated two members in favor of SEC jurisdiction. Additionally, Antrim citizens have requested via letters and petition for the SEC not to take jurisdiction.

For these reasons jurisdiction is not appropriate at this time.

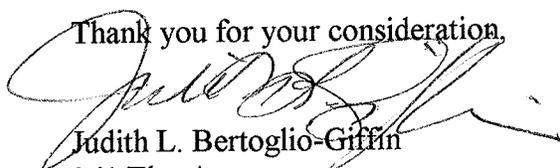
4. Jurisdiction over the Antrim Wind Energy LLC project is a matter for local control.

The Town of Antrim has a fully developed Zoning Ordinance plus Subdivision Regulations, including Site Plan Review. Planning and zoning regulations have been in effect in Antrim since 1974. As the land use landscape changed over the decades, the Town's lawfully elected or appointed land use boards have properly and diligently overseen the development of new regulations, ordinances and master plans in a timely and productive manner.

The Antrim Planning Board is currently developing local procedures, including possible zoning ordinances or overlays, for wind energy projects, consistent with R.S.A. 672:1, III-

a. That work, to be assisted by an ad hoc advisory committee, is expected to be completed within six months and should be ready for a Special Town Election vote in Fall 2011 or, at the latest, by March 2012. That schedule will not cause undue delay to this developer, This important scope of this work will be rendered moot if jurisdiction over Antrim Wind Energy LLC's project is considered and ruled upon before the Antrim voters have the opportunity to vote on any fully developed planning instruments proposed.

Thank you for your consideration.


Judith L. Bertoglio-Giffin
361 Elm Ave
Antrim NH 03440


Robert L. Reeser
361 Elm Ave
Antrim NH 03440

