

# Siting Wind Facilities in New Hampshire



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# State Planning

## Energy Policy Study Commission (2007)

- Evaluate regulatory process for siting commercial wind facilities  
(1 of 5 charges)
- Stakeholder working group: 18 participating organizations
  - Appalachian Mountain Club
  - Audubon Society
  - NH Wind Energy Association
  - State Agencies (DES, F&G, DHR, OEP, more)
  - Wind Industry (Noble Energy Power)
  - Society for Protection of NH Forests
  - Regional Planning Commissions
  - Others
- Working Group Recommendations:
  - Developed 15 general guidelines for appropriately sited wind facilities
  - Guidance to State agencies in reviewing project's impacts

# NH State Laws

## Renewable Energy and Planning Laws

- **State Law: (RSA 672:1, III-a) Zoning shall not unreasonably limit renewable energy or be unreasonably interpreted**
  - “Unreasonable” for <100kw turbines defined under RSA 674:63
- **State Law: (RSA 672:1, III-d) Renewable energy is traditional, fundamental, and accessory uses to the land.**
  - Joins agriculture, forestry and fisheries

# Regulatory Review Process

## Turbine(s) Capacity

## Organizational Oversight

100 kW or Less  
Used Primarily for  
Onsite Consumption



**Local Jurisdiction:**  
**State Requirements or Local Ordinance**

100 kW to 30 MW  
Electricity Providers



Local Jurisdiction or Petition to State:  
Normal Site Plan Review  
(In most cases ZBA action)

30 MW or More  
Electricity Providers



**State Jurisdiction:**  
**Site Evaluation Committee**

# Small Wind Energy Systems (<100kw)

## No Local Ordinance:

### State Requirements

- Building Inspector Review (or Fire Marshall)
- Abutter and Governing Body Notification
- Regulations:
  - **Aviation:** Meet FAA requirements
  - **Setback:** 150% of system height
  - **Building Codes:** NH State Codes

#### Public Comment:



Written Comment

30 days after notification

## Local Ordinance:

### Model Ordinance Recommendations

- Building Inspector Review
- Abutter Notification
  - Governing Body
- Regulations:
  - Height, Sound, Setbacks, Type of Turbine, Aviation, Building Codes
- Communities can and should customize to meet their own needs



Public Comment (varies)

**Approximately 20 towns have small wind energy system ordinances adopted**

# NH Site Evaluation Committee

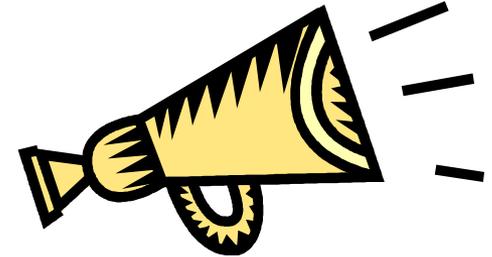
## Renewable Energy Subcommittee

- **Projects Size:** >30MW or through Petition
- **Site Evaluation Committee** may designate a subcommittee for renewable projects
- **Sub-Committee Members:**
  - Site Evaluation Committee
  - Office of Energy and Planning
  - Dept. of Transportation
  - Fish and Game Department
  - Public Utilities Commission
  - Dept. of Environmental Services
  - Dept. of Resources and Development
  - Dept. of Health and Human Services
  - Division of Historical Resources
- **State Law:** (RSA 162-H:6-a) Expedited Review for Renewables- (8 months)

# NH Site Evaluation Committee

## Public Comment

- **Intervenors**
  - Concerned Citizen
  - Advocacy Organizations
  - Public Counsel (required)
- **Hearings**
  - At least 1 in each county where the development is proposed
- **Written comments**
- **Informational Meetings:**
  - **RSA 162-H:15-** Required if requested by local governing body



# NH Site Evaluation Committee

## Renewable Energy Subcommittee

- Subcommittee must find:
  - Financial, technical, and managerial capability of the applicant are adequate
  - **Orderly Development of the region**
    - **Due consideration given to the views of municipal and regional planning commissions and municipal governing bodies.**
  - Will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.
  - Operation is consistent with the state energy policy established in RSA 378:37

# Summary- New Hampshire

## Strengths

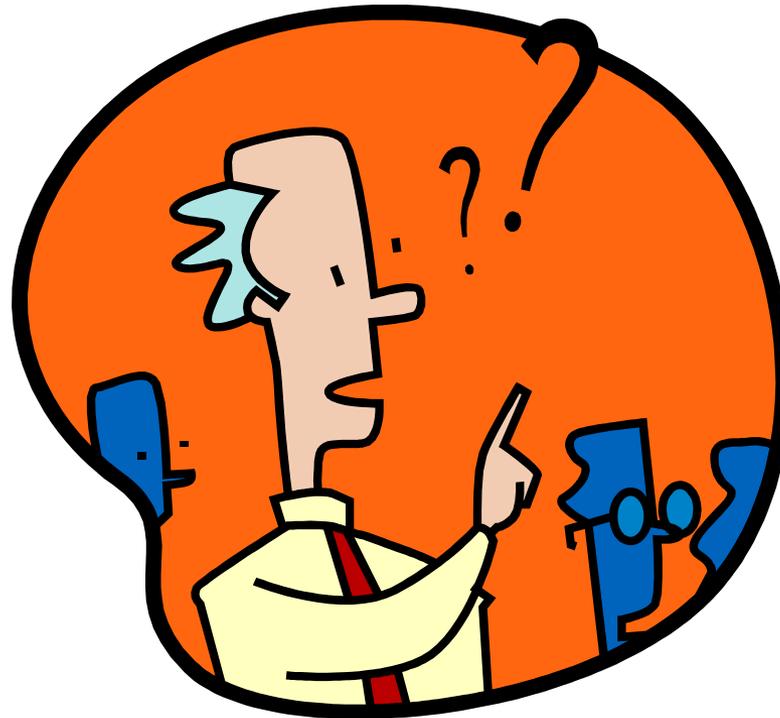
- Accessibility
  - The public review process is open, participatory process
- Public Involvement
  - NH philosophy of community driven stakeholder processes
  - Numerous opportunities and methods
- Local control
  - Planning/Zoning left to local control

# Summary- New Hampshire

## Challenges

- State planning is limited
  - Clean Renewable Energy Zones (CREZ)
- Medium scale utility projects
  - >100kw but less than 30MW
  - Local jurisdictions have limited experience in siting wind facilities
- Coos County transmission loop
  - Capacity is full

# Questions??



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