

**Major Site Plan Review & Conditional Use Permit Application**  
**City of Concord Landfill 5.0 MW AC Solar PV Development**  
**77 Old Turnpike Road, Concord, NH 03301**

The proposed development of a solar PV array is an allowable use in the Industrial Zoning District with receipt of a Conditional Use Permit identified by use K14 in the Table of Accessory Uses located in the City of Concord Code of Ordinances ("the Ordinance") in Article 28-2-4(k). Provisions of the Ordinance relative to the project, followed by an analysis of the project's compliance with applicable provisions (in underlined font) are listed below. The outlined regulations represent an analysis primarily applicable to Section 28-9-4(b)(4)(a) though (g) and Section 27.09 and Section 27.10 of the City of Concord, NH Site Plan Regulations.

**City of Concord Code of Ordinances**  
**Chapter 28 – Zoning Ordinance**

**Section 28-9-4(b)(4) Hearing and Decisions.** Following a Public Hearing, the Planning Board shall act to approve the application, deny it, or approve it with conditions, and within seventy-two (72) hours after a vote on an application, shall issue a written record of the decision which shall be available for public inspection at its office. The record of decision shall state whether the application was approved or denied, include any conditions if approved, and in the event of disapproval, state the reasons for the decision. Planning Board shall approve an application for a conditional use permit if it finds, based on the information and testimony submitted with respect to the application, that:

Acknowledged.

- (a) The use is specifically authorized in this ordinance as a conditional use;

The proposed project is classified as a Solar Collection System and is an allowable use in the Industrial Zoning District with receipt of a Conditional Use Permit according to the Table of Accessory Uses located in the City of Concord Code of Ordinances Article 28-2-4(k).

- (b) If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;

The development in its proposed location will comply with all requirements of this Article. The proposed development complies with the regulations and requirements set forth in Section 28-5-53 – Solar Collection Systems. The proposed development remains outside of the 50' setback from property lines. Existing vegetation is being utilized to minimize adverse visual impacts to abutting properties. No tree clearing is proposed for this project. The maximum solar land coverage area for the industrial district (85%) has not been exceeded.

- (c) The use will not materially endanger the public health or safety;

The proposed development will not materially endanger the public health or safety of the residents of Concord, New Hampshire. The project will not be accessible to the public and will be surrounded by 7' chain link fence as required by the National Electric Code (NEC). The project has been reviewed by multiple State Agencies including New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain Bureau and NHDES Solid Waste Management Bureau (SWMB). The project has received NHDES AOT approval, Permit # AoT-2802 (included). NHDES SWMB review is pending.

- (d) The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

The proposed development is located on the Concord Municipal Landfill which is located in the Industrial Zoning District. The project site is located in a heavily industrialized area, adjacent to a fire training facility, auto repair facilities, and behind the City's transfer station. It is the opinion of the applicant that the adaptive reuse of a capped landfill for the solar PV development will not significantly change the character of the general area.

- (e) The use will not have an adverse effect on highway or pedestrian safety;

The proposed solar development will not be accessible to the public and thus will not have an impact on pedestrian safety. The project will not have a significant impact on highway safety. The project will require the entrance and exit of construction vehicles onto Old Turnpike Road during active construction. Once construction is completed, the solar development will only require maintenance visits on a minimal basis.

- (f) The use will not have an adverse effect on the natural, environmental, and historic resources of the City; and

The proposed solar development will not have an adverse effect on the natural, environmental, or historic resources of the City of Concord. The project is utilizing a capped landfill that cannot be developed for any other use and generating a source of income for the City of Concord through the leasing of the landfill area. In addition, the project will generate local clean energy. Based on analyses required for the NHDES Tier 1-B Permit and Alteration of Terrain Permit Applications, the proposed solar development will not negatively impact the capped landfill. Prior to the start of construction (and throughout construction depending on the findings) a series of grassland bird surveys will be conducted as requested by New Hampshire Fish & Game to ensure the development will not negatively impact bird species that may be living on or near the site. Following construction, the underlying ground surface will be restored to meadow.

- (g) The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

The proposed development will not require water or sewer utility services. The proposed project will not require any service by public utilities or community facilities. The project will generate electricity that will be sent to the point of connection on Old Turnpike Road. Interconnection service will be provided in accordance with agreement and standards established by electrical tariff Until Corporation, the local entity. Until has executed and issued an Interconnection Services Agreement for the project.

### City of Concord, NH Site Plan Regulations

**Section 27.09 Erosion Control:** Erosion control measures shall be installed and maintained to prevent sediment from leaving the site, entering the City or State storm drainage system, intermittent or perennial streams, wetlands, ponds and other surface waters. All disturbed areas shall be revegetated and all sediment shall be retained on site. Disturbed areas shall be restored pursuant to the City of Concord Construction Standards and Details, the State of New Hampshire Department of Environmental Protection (DES) regulations, and the US Environmental Protection Agency's NPDES (National Pollution Discharge Elimination System) requirements.

- (1) Erosion Control Plan: Prior to any clearing of a site, an Erosion Control Plan shall be submitted and shall be reviewed and approved by the City Engineer.

Erosion control measures have been included in the Design Plans included in Attachment B of the Application Package.

- (2) Disturbed Areas: Appropriate erosion and sedimentation control measures shall be installed prior to soil disturbance. The limits of disturbance shall be clearly marked with tape, signs, or orange construction fencing prior to the start of clearing of the site or phase of development. Wherever practical, natural vegetation shall be retained. The approved Erosion Control Plan shall specify the areas to be disturbed, and disturbed areas shall be limited to those phases or portion of the site where active construction is occurring. Disturbed areas remaining idle for more than twenty-one (21) days shall be stabilized, including soil stockpiles.

Appropriate erosion and sedimentation control measures will be installed prior to the start of construction. See the design plans included in Attachment B of the Application Package. Please note that the proposed development will not require ground disturbance as the landfill cap should not be penetrated. No tree clearing is proposed and the natural vegetated buffers along the northern, eastern, and western boundaries will be maintained. Construction phasing information can be found on the notes sheets in the design plans.

- (3) Site Restoration: Grading shall be completed in accordance with the approved site plan. All disturbed land shall be recovered with loam with a minimum depth of six (6) inches. The loam shall be fertile, natural soil, typical of the locality, free from large stones, roots, sticks, clay, peat, weeds and sod, and obtained from a naturally well drained area, nor contain toxic materials to plants. The loam shall not contain particles over two (2) inches in diameter. When possible, topsoil from the proposed development shall be redistributed so as to provide the required cover. All disturbed areas shall be seeded in accordance with the City of Concord Construction Standards and Details. The Planning Board may require the planting of trees and shrubs in areas to be restored.

No grading is proposed for this project. Ground disturbance is to be avoided in order to maintain the integrity of the landfill cap. Any disturbed ground shall be restored according to the requirements listed in the design plans.

- (4) Monitoring and Maintenance: Sedimentation and erosion control measures shall be installed prior to the start of construction, and shall be monitored and maintained during construction, and removed after final site stabilization in accordance with City, NH DES and NPDES requirements.

Sedimentation and erosion control measures will be installed prior to the start of construction according to the design plans included in Attachment B. The site shall be monitored and maintained in accordance with the City of Concord, NHDES, and NPDES requirements.

- (5) Final Stabilization: A site shall be deemed to be stabilized when it is in a condition in which the soils on the site will not erode under the conditions of a ten (10) year storm. Temporary sediment and erosion control devices shall not be removed until permanent stabilization is established for the entire site or phase of the development. All temporary erosion and sediment control measures shall be removed after the completion of construction.

Acknowledged, temporary sediment and erosion control measures shall be removed once permanent stabilization is reached.

## Section 27.10 Solar Collection System Environmental Considerations and Requirements

- (1) No topsoil shall be disturbed or removed from the property except as necessary for the installation of the facility and as approved by the Planning Board.

No grading is proposed for this project. Ground disturbance is to be avoided in order to maintain the integrity of the landfill cap.

- (2) Solar Collection Systems shall be sited to minimize the need for clearing of forest, site grading, or reduction of active agricultural operations.

No tree clearing is required for this project. No site grading is proposed for this project. The site does not have existing agricultural operations.

- (3) Systems shall be sited to minimize impacts to wildlife corridors, bird migratory routes, and rare and endangered species habitat.

The proposed project is not expected to impact wildlife corridors, bird migratory routes, or rare and endangered species habitat. Prior to the start of construction (and throughout construction depending on the findings) a series of grassland bird surveys will be conducted as requested by New Hampshire Fish & Game to ensure the development will not negatively impact bird species that may be living on or near the site.

- (4) Systems located on agricultural lands shall minimize impacts to Prime and other Important Farmlands, as defined and delineated by the USDA Natural Resources Conservation Service (NRCS).

Not applicable as the landfill is not classified as agricultural lands.

- (5) The land beneath any solar panels shall remain open and useable for one or more agricultural purpose including, but not limited to, growing crops, bee-keeping, or grazing. Co-location of agricultural operations should be explored if feasible and is encouraged where appropriate.

Not applicable as the landfill cannot be used for agricultural purposes.

- (6) All disturbed soils shall be properly stabilized and re-vegetated with native seed mix that supports wildlife and pollinator habitat.

Ground disturbance is to be avoided in order to maintain the integrity of the landfill cap. In the event that any ground is disturbed it shall be restored and properly stabilized and re-vegetated.

Should you have any questions, please contact Rob Bukowski at (978) 532-1900 or Bukowski.Rob@wseinc.com.

Sincerely,  
WESTON & SAMPSON ENGINEERS, INC.

Robert J. Bukowski, PE  
Principal Engineer/Project Manager



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The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



March 25, 2025

Mr. Dan Voss  
Kearsarge Old Turnpike Road LLC  
130 Soldier's Field Road, Suite 3900  
Boston, MA 02135  
(sent via email to: [dvoss@kearsargeenergy.com](mailto:dvoss@kearsargeenergy.com))

**Permit: AoT-2802**

Re: Concord Landfill Solar PV Development  
Tax Map 751, Block Z21, Lot A in Concord

Dear Mr. Voss:

Based upon the plans and application, approved on March 25, 2025, we are hereby issuing RSA 485-A:17 Alteration of Terrain Permit AoT-2802. As part of the processing of this application, DES waived specific requirements of Env-Wq 1511.06(c) relative to the proposed land cover, Env-Wq 1507.06 relative to peak runoff control and Env-Wq 1504.09(b)(3)(b) relative to site specific soil mapping. Granting this waiver will not have an adverse impact on the environment, public health, public safety, or abutting properties, and granting the request is consistent with the intent and purpose of the rules waived. Additional documentation relative to the waiver is contained within the file. The permit is subject to the following conditions:

**PROJECT SPECIFIC CONDITIONS:**

1. The plans titled "City of Concord Landfill Solar Project" by Weston & Sampson Engineers, Inc. last revision date March 14, 2025, and supporting documentation in the permit file are a part of this approval. The project must be constructed as shown on the approved plans.
2. **This permit expires on March 25, 2030.** No earth moving activities shall occur on the project after this expiration date unless the permit has been extended by the Department. If an extension is required, the request must be received by the department before the permit expires. The amendment request form is available [here](#).
3. The permittee shall comply with all recommendations by the New Hampshire Fish and Game Department (NHFG), sent by NHFG on March 11, 2025, related to state or federally listed threatened or endangered species, as incorporated into the project plans as NHB24-2209 New Hampshire Fish and Game AoT Permit Conditions.
4. The permittee shall employ the services of an Environmental Monitor (EM) for the purposes of providing independent professional environmental inspections of the project. The permittee shall receive prior approval of the EM by the Department. The EM shall inspect the project at a minimum frequency of once per week and following rainfall events of 0.5-inch or greater in a 24-hour period. Upon DES determination that sufficient monitoring reports have been submitted demonstrating that construction is proceeding according to the plans, the monitoring frequency may be reduced to monthly if requested by the applicant. The inspections shall be for the purposes of determining compliance with the permit. The Monitor shall submit a written report, stamped by a qualified engineer or a Certified Professional in Erosion and Sediment Control to the Department within 24 hours of the inspections. The reports shall describe, at a minimum, whether the project is being constructed in accordance with the approved sequence, shall identify any deviation from the conditions of this permit and the approved plans, and identify any other noted deficiencies. Reports should be submitted to [bethann.mccarthy@des.nh.gov](mailto:bethann.mccarthy@des.nh.gov).
5. The current vegetation stand on the landfill shall remain undisturbed throughout the construction phases.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

**GENERAL CONDITIONS:**

1. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
2. You must submit revised plans for permit amendment prior to any changes in construction details or sequences. You must notify the Department in writing within ten days of a change in ownership.
3. You must notify the Department in writing prior to the start of construction and upon completion of construction. Forms can be submitted electronically or by paper. Both formats are available [here](#).
4. The site and any associated stormwater practices shall be inspected and maintained in accordance with Env-Wq 1507.07 and the project Inspection and Maintenance (I&M) Manual. All record keeping required by the I&M Manual shall be maintained by the identified responsible party, and be made available to the department upon request.
5. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required (e.g., from US EPA, US Army Corps of Engineers, etc.). Projects disturbing over 1 acre may require a federal stormwater permit from EPA. Information regarding this permitting process can be obtained at: <https://www.epa.gov/npdes/2022-construction-general-permit-cgp>
6. In accordance with Env-Wq 1503.21 (c)(1), a written notice signed by the permit holder and a qualified engineer shall be submitted to DES stating that the project was completed in accordance with the approved plans and specifications. If deviations were made, the permit holder shall review the requirements in Env-Wq 1503.21(c)(2) and submit revised plans or an application to amend the permit as necessary.
7. No activity shall occur in wetland areas until a Wetlands Permit is obtained from the Department. Issuance of this permit does not obligate the Department to approve a Wetlands Permit for this project.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have not been surveyed in detail, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence regarding state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

Sincerely,



Bethann McCarthy, P.E.  
Alteration of Terrain Bureau

ec: Concord Planning Board ([planning@concordnh.gov](mailto:planning@concordnh.gov); [MBezanson@concordnh.gov](mailto:MBezanson@concordnh.gov))  
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