



## City of Berlin, NH

Planning Department

April 21, 2020

VIA EMAIL  
AND REGULAR MAIL  
Jericho Mountain Wind Company  
David Brooks  
11 Island View Road  
Weymouth, MA 02189

RE: Tax Map 410 Lot 5 ("the Property") – ZBA Application & Planning Board Site Plan Application ("your Applications")

Dear Mr. Brooks:

We received the attached letter from Jericho Power LLC ("Jericho Power") regarding your Application for the Special Exception that you are seeking concerning the proposed recreational use at the Property. Jericho Power has indicated its objection as controlling Tenant to your proposal and cited the lease with you, a Notice of which is on file at the Coos Registry of Deeds at Book 1356, Page 977 and included in the attached letter. As such, the City views your Applications as seeking to amend Jericho Power's previously approved Site Plan concerning the Property, which cannot proceed without the consent and involvement of Jericho Power.

The City's normal procedure to is ask, as we did on your ZBA application, if prior applications have been filed for the subject property; and when various persons hold property interests in the subject property, we always ask if the developer is filing an application that they have written permission on file from all such property interest holders. While this case involves a slightly different set of interests, there is an already approved Site Plan and the recorded Notice of Lease that indicates exclusive development rights are controlled by Jericho Power; and based on that Site Plan and Jericho Power's letter of objection as a legal tenant of the Property, I have come to the determination that the City can proceed no further on either your Applications until you are able to come to a written signed agreement with Jericho Power clearly stating that you have Jericho Power's authority and consent to proceed with your proposed recreational use on the Property.

In this way, neither you nor the City will waste limited valuable resources on your Applications until you are able to come up with a solution that will work for all parties concerned.



## City of Berlin, NH

I wish you the best of luck and will stand by for that written signed agreement before placing either of your Applications of the agenda of either the ZBA or the Planning Board.

Sincerely,

Pamela E Laflamme  
Community Development Director

cc: Christopher L. Boldt, Esq., City Attorney (via email)  
David Marshall, Esq, Attorney for Jericho Power, LLC (via email)

April 20, 2020

Reverend Dana Hoyt, Chairman  
Zoning Board of Adjustment  
Berlin, New Hampshire

Re: Notice to Interested Property Owners for a Special Exception (Case #03-20) (the "Notice")

Dear Mr. Hoyt:

Thank you for sending us the Notice on April 15, 2020. We have been informed that Mr. David Brooks is seeking a special exception to build a public recreation facility at 95 Bathtub Trail, Berlin, NH (Tax Map 410, Lot 5) (the "Subject Property"). Jericho Power LLC ("Jericho") leases the Subject Property and owns and operates a wind power generation project on the Subject Property. Attached herewith is the recorded Notice of Lease. Jericho does not support a special exception and will not permit the Subject Property to be used for anything other than its current use as a wind power generation project. Please contact me with any further questions.

Regards,

A handwritten signature in cursive script that reads "Carolyn Murff".

Carolyn Murff  
Senior Vice President, Jericho Power LLC

cc: David Marshall  
Counsel for Jericho Power LLC

Pamela E Laflamme  
Community Development Director, City of Berlin

## NOTICE OF LEASE

Recorded at the Request of; and  
When Recorded  
Mail to:

Jericho Power LLC  
Attn: Gordon L. Deane  
c/o Palmer Management Corporation  
13 Elm Street, Suite 200  
Cohasset, MA 02025

with copy to:

Elizabeth Nolan  
Jericho Mountain Wind Company  
11 Island View Road  
East Weymouth, MA 02189

## NOTICE AND MEMORANDUM OF SITE LEASE AGREEMENT between JERICHO MOUNTAIN WIND COMPANY, LESSOR and JERICHO POWER LLC, LESSEE

Subject to the terms, conditions and provisions of the Site Lease Agreement dated December 28, 2011 and effective December 28, 2011 (the "Lease"), Lessor hereby leased to Lessee certain Premises, and granted to Lessee, the exclusive right to facilitate the development and operation of a wind power electric generation facility, together with all of the other rights, titles, interests and privileges specified in the Lease. The Premises is located on Jericho Mountain, Berlin, New Hampshire, and is further described in Exhibit A, attached hereto and made part hereof.

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The term of the Lease shall commence on December, 28, 2011 and continue for a term of twenty years and one day from the Full Operations Date (as such term is defined in the Lease) or such date the Lease may be earlier terminated pursuant to the provisions therein. In the event that the term of that certain Power Purchase Agreement executed between Loranger Power Generation Corporation and the New Hampshire Electric Cooperative, Inc. dated May 15, 2011, is extended by mutual agreement of the parties thereto, Lessor and Lessee shall negotiate extending the term of the Lease by an identical period of time.

Dated: August 8, 2012

**JERICO MOUNTAIN WIND COMPANY**

By: Elizabeth Nolan

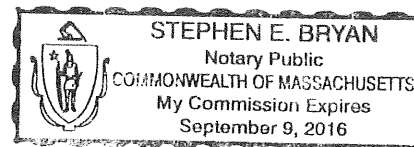
Name: ELIZABETH NOLAN

Title: President



On this 8 day of August 2012, before me, the undersigned notary public, personally appeared Elizabeth Nolan (name of document signer), proved to me through satisfactory evidence of identification, which were license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as the President for Jericho Mountain Wind Company.

Stephen E. Bryan (official signature and seal of notary)



**JERICO POWER LLC**

by its Manager  
Palmer Management Corporation

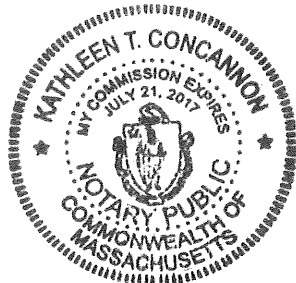
By: Gordon L. Deane

Name: Gordon L. Deane

Title: President

On this 8th day of August 2012, before me, the undersigned notary public, personally appeared Gordon L. Deane (name of document signer), proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as the President for Palmer Management Corporation, manager of Jericho Power LLC.

Kathleen T. Concannon (official signature and seal of notary)  
Kathleen T. Concannon



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**EXHIBIT A**  
**DESCRIPTION OF THE PREMISES**

Address:

Lot 5, City of Berlin, Tax Map 410, New Hampshire

Legal Description:

TRACT A.

A certain piece or parcel of land located in the City of Berlin, County of Coos, State of New Hampshire and more particularly described as follows:

All of Lot numbered Nine (9) in Range Nine (9) of the Lots and Ranges in said City of Berlin containing in all approximately 85 to 100 acres.

TRACT B.

The following described parcel of land is located southerly of Route 110 and is part of Lot 10, Ranges 5 & 6 of the lots and ranges of the City of Berlin, County of Coos, State of New Hampshire:

Beginning at a concrete monument with a brass cap marking the corner common to Lots 9 & 10, Ranges 5 & 6 of the Berlin lots;

thence N 18° 51' 20" E along the east line of Lot 10, Range 5 and land of City of Berlin-Water Works for 722.15 feet to an iron pin;

thence N 87° 45' 26" W along land of City of Berlin-Water Works for 156.53 feet to an iron pin;

thence S 18° 51' 20" W along land now or formerly of Dillon Investments, LLC for 871.32 feet to an iron pin;

thence S 81° 39' 47" E along land now or formerly of Dillon Investments, LLC for 163.14 feet to a point on the line between Lots 9 & 10, Range 6;

thence N 15° 13' 46" E along Parcel B being conveyed separately to Loranger Power Generation Corp. for 164.47 feet to the point of beginning.

Being "Parcel A" containing 3.05 acres as shown on York Land Services, LLC Plat No. 05068A titled "Minor Lot Line Adjustment Between Properties of Dillon Investments, LLC, Tax Map 407, Parcel 3, Thomas R. and Scott A. Dillon, Tax Map 407, Parcel 9 and Loranger Power Generation Corp., Tax Map 410, Parcel 5, Part of Lot 9, Ranges 6, 7 & 8 and Part of Lot

BK 1356 PG 0980

10, Ranges 5 & 6, Berlin, New Hampshire,” recorded at Coos County Registry of Deeds as Plan No. 2596, to which reference may be made for a more particular description.

TRACT C.

The following described parcel of land is located southerly of Route 110 and is part of Lot 9, Ranges 6, 7 & 8 of the lots and ranges of the City of Berlin, New Hampshire:

Beginning at a concrete monument with a brass cap marking the corner common to Lots 9 & 10, Ranges 5 & 6;

thence N 88° 21' 12" E along the south line of Lot 9, Range 5 for 1870.46 feet to a concrete monument marking the corner common to Lots 8 & 9, Ranges 5 & 6;

thence S 17° 35' 45" W along the west line of Lot 8, Range 6 for 3909.40 feet to an iron pipe with brass cap marking the corner common to Lots 8 & 9, Ranges 6 & 7;

thence S 14° 42' 58" W along the west line of Lot 8, Range 7 for 658.39 feet to an iron pipe with brass cap marking the corner common to Lots 8 & 9, Ranges 7 & 8;

thence S 17° 18' 59" W along the west line of Lot 8, Range 8 for 2025.20 feet to an iron pipe with brass cap marking the corner common to Lots 8 & 9, Ranges 7 & 8 being the northeasterly corner of land now or formerly of Loranger Power Generation Corp.;

thence S 88° 57' 18" W along land now or formerly of Loranger Power Generation Corp. and the north line of Lot 9, Range 9 for 158.05 feet to an iron pin;

thence along land now or formerly of Thomas R. Dillon and Scott A. Dillon the following four courses:

1. N 17° 01' 15" E for 4304.82 feet to an iron pin;
2. N 15° 03' 23" E for 1244.56 feet to an iron pin;
3. N 13° 21' 47" W for 602.59 feet to an iron pin;
4. N 81° 39' 47" W for 1260.45 feet to a point on the line between Lots 9 & 10, Range 6;

thence N 15° 13' 46" E along Parcel A conveyed separately to Loranger Power Generation Corp. for 164.47 feet to the point of beginning.

Being “Parcel B” containing 37.86 acres as shown on York Land Services, LLC Plat No. 05068A titled “Minor Lot Line Adjustment Between Properties of Dillon Investments, LLC, Tax Map 407, Parcel 3, Thomas R. and Scott A. Dillon, Tax Map 407, Parcel 9 and Loranger Power Generation Corp., Tax Map 410, Parcel 5, Part of Lot 9, Ranges 6, 7 & 8 and part of Lot 10, Ranges 5 & 6, Berlin, New Hampshire,” recorded at Coos County Registry of Deeds as Plan No. 2596, to which reference may be made for a more particular description.

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