



Marcia A. Brown
Attorney at Law

Environmental Law ▪ *Utility Law*

December 5, 2019

NHPUC 5DEC'19PM4:21

VIA ELECTRONIC AND COURIER DELIVERY

Debra A. Howland, Executive Director
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: DW 18-101 Pennichuck East Utility, Inc.
PEU-Pillsbury Special Contract for Woodmont Commons
Status Update Report

Dear Director Howland:

Pursuant to the Commission’s Secretarial Letter dated September 5, 2019, this letter is to update the Commission on the status of the Town of Londonderry’s zoning board of adjustment’s (“ZBA”) local approval of the water tank project.

The ZBA denied Pennichuck East Utility, Inc.’s (“PEU”) application for approval of the water storage tank. The ZBA application was for the same tank design as was presented in the instant docket. The ZBA hearing generated a great deal of interest from vocal members of the public who expressed concern about the height of the tank. Last week, the ZBA ruled on PEU’s motion for rehearing and again denied PEU’s application.

As noted in PEU’s petition and testimony previously filed with the Commission in this docket, this storage tank is vital to Pillsbury Realty Development, LLC’s (“Pillsbury”) development of Woodmont Commons in the Town of Londonderry. The tank will also, ultimately, be necessary to meet PEU’s expected demand in coming years. Therefore, PEU cannot simply abandon the project. In light of the denial from the Town of Londonderry ZBA, PEU is reviewing its design and legal options and is in consultation with Pillsbury.

PEU will update the Commission in a future report, due no later than Thursday, March 2, 2020. If the Commission has any questions in the meantime, please do not hesitate to contact me.

Very Truly Yours,

Marcia A. Brown

cc: Docket-Related Service List