



Date: June 28, 2024

Jared S. Chicoine

Commissioner
Department of Energy
21 S. Fruit St. Suite 10
Concord, NH 03301

Subject: Waiver Request for NH Code Administration Rule PUC #303.02

Dear Commissioner Chicoine,

Under Section PUC 201.05 we are writing to respectfully request a waiver for PUC Rule 303.02(a) which would allow a master meter in a new 57-unit multifamily development (UP@310) located at 310 Marlboro Street in Keene, NH.

The development is an adaptive re-use project located in the City of Keene's Business and ReGrowth District, the purpose of which is to "redevelop and revitalize a former industrial area in an environmentally sensitive manner that is of a scale and type compatible with adjacent residential neighborhoods. The development in this District should be oriented towards pedestrian and bicyclist access." (City of Keene Land Development Code)

The project is committed to sustainable building practices and aiming towards being Net-Zero with a large solar array being installed on top of the roof. Estimated array size is 250kW. All utilities will be included in the rent which will provide more stability to tenants.

15 of the 57 units will be rented at 80% AMI (the threshold that defines affordability when utilities are included). The development is being partially funded with a \$3MM grant from InvestNH and was awarded \$250K from the Softwood Lumber Board and USDA because of its use of mass timber to offset carbon.

Similar to other projects that have applied for this waiver, the project has incurred significant cost overruns due to inflation, insurance costs and interest rate increases over the past two years.

Significant energy saving measures are being incorporated into the project including:

- ENERGY STAR appliances
- WaterSense water fixtures
- Triple Glazed Windows
- LED Lighting (interior and exterior)



- White TPO Roof to Reduce Heat Islands
- Highly efficient HVAC heating and cooling EPOCH system with in-unit controls
- Exceeds the IECC Code requirements by 65%

Our projections show that individual metering is cost prohibitive and we believe unnecessary as all utilities are included in the rent. In fact, having a single master meter is essential to making this project possible.

We believe a waiver request is warranted and serves the public interest for the below reasons:

1. There is a housing crisis in the area and this waiver will allow us to maintain our budget while adding 57 (15 of which are affordable) new units to the Keene area.

2. All utilities are included in the rent. Providing separate meters is outside of our budget and would not be necessary given the inclusive nature of the rent.

3. The purpose of PUC 303.02 is to incentivize energy conservation and efficiency. The development will exceed energy code and the units will be 100% electric with highly efficient HVAC and fixtures. Adding additional meters will not improve the efficiency of the building.

4. There will be 57 sockets located on the building which will allow for separate meters in the future should the property ever be sold and managed differently. This creates additional flexibility as the housing market continues to mature over the years to come.

5. A Waiver of this nature has been granted for similar developments in New Hampshire.

Thank you for considering this request and I look forward to hearing from you. Please do not hesitate to contact me directly if you have any questions or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilary Harris".

Hilary Harris

Principal, Managing Member

Lignin Group LLC

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