



STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner

**Division of Fire Safety**  
**Office of the State Fire Marshal**  
J. William Degnan, State Fire Marshal



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August 12, 2013

Mr. Michael Iacopino  
Brennan, Caron, Lenehan & Iacopino  
85 Brook Street  
Manchester, NH 03104

RE: Groton Wind, LLC

Dear Mr. Iacopino,

On October 17, 2010, a letter was submitted by the State Fire Marshal to the Site Evaluation Committee regarding Groton Wind, LLC. That letter referenced the requirements of RSA 155-A:7, which states that when a municipality does not have a building inspector that the State Fire Marshal has the authority to enforce the State Building Code in that municipality. The October 17<sup>th</sup> letter indicated that the State Fire Marshal was in fact going to invoke that authority and act as the building official for this project. In addition, the State Fire Marshal is charged with insuring that the State Fire Code is enforced throughout the state.

The state fire and building codes require that plans be submitted to the authority having jurisdiction, which in this case is the state fire marshal, for review prior to the commencement of construction. The purpose of the plan submittal is so that the plans can be reviewed to insure compliance with applicable codes. At the start of this project the fire marshal's office was in contact with a representative of Iberdrola Renewables. Investigators from this office did visit the Lempster Wind Farm and a facility under construction in New York State. However, Iberdrola did not submit any plans for review.

Fire safety is addressed on pages 73- 74 of the Decision Granting Certificate of Site and Facility With Conditions. On page 74 Mr. Edward Cherian, project manager testified that the State Fire Marshal's Office had refined it's position on fire suppression and now "requires only compliance with the [intent of the codes not the actual specifications]." Mr. Cherian's statement is not true. Our visits to the other Iberdrola sites revealed that a water based fire suppression system, especially in northern New Hampshire, or a total flooding gaseous system would be unreasonable. For that reason the State Fire Marshal mandated an automatic fire suppression system that would be installed to cover the individual hazard areas such as the bearing oil and transformers.

On April 24, 2013 at your invitation I attended a meeting in Groton regarding the wind project. Until that meeting, the last correspondence that we had with Iberdrola was via email on April 5, 2011. In that email, in addition to the normally required structural, site, fire protection plans etc., we required plans for automatic fire suppression in the nacelles. Up to that time our office still had not received any plans for review. The project has been constructed without the required plans review or any in process inspections.

NFPA 1, 2009 edition, 18.2.3.1.4 states: "When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features."

NFPA 850, 2010 edition also requires a fire protection design. Section 10.5.3.5.1 addresses fire protection in the nacelles. The State Fire Marshal, as the authority having jurisdiction should have been involved in the fire protection design discussion at a very early stage.

Since the April 24, 2013 meeting Iberdrola has submitted a site plan and plans for the O and M building. Plans for the towers and fire suppression have not been submitted for review. The plans for the O and M building were reviewed by this office. Comments on the plans were sent to the sub-contractor that erected the structure and Iberdrola on 7-07-13. We have not received any reply to those comments.

Iberdrola did not submit plans for review prior to or during construction of the project. Iberdrola did not schedule any inspections during the construction of the project. Certificates of Occupancy as required by the State Building Code have not been issued for any of the structures on the site. This project is still considered an active construction site. Given the fact that the safety of the public cannot be insured due to Iberdrola's failure to comply with the NH State Fire Code and the NH State Building Code the State Fire Marshal is strongly considering issuing a stop work order on the site. This would cease all operations until compliance with the applicable codes has been satisfied and verified by the State Fire Marshal's Office

Iberdrola has not complied with the requirements of the Decision Granting Certificate of Site and Facility With Conditions, and the State Fire Marshal's would recommend that the Site Evaluation Committee mandate that all operation on the site cease until all safety concerns, plans reviews, and required inspections have been completed and approved.

Please contact me via email at [Ronald.d.anstey@dos.nh.gov](mailto:Ronald.d.anstey@dos.nh.gov) or by phone at 603-223-4289 should you have any questions

Sincerely,



Investigator Ron Anstey, CBO, CFI  
Section Chief, Plans Review and Engineering.  
Bureau of Building Construction and Safety