SIERRA CLUB
NEW HAMPSHIRE

November 12, 2026

City of Concord Planning Board
City Hall
Concord, NH 03301

Re: Review necessary to Board Approval/Disapproval of the Levitate, Inc. Locke Road Data Center

To the Honorable Members of the Planning Board and Staff of the
Planning Division:

Please accept this written testimony from the Sierra Club New Hampshire Chapter calling for the revocation of the completeness determination of the Levitate, Inc. Locke Road Data Center. The Chapter office is Downtown, Concord in Pheonix Hall and there are 377 Members and Supporters in the city. Having safe drinking water, clean air and just and reasonable energy are goals for all of New Hampshire, as well as the Capital City. And all of those goals are under threat by this application that is bereft of details, full of speculation and solidly placing this committee in a corner to approve it despite your own guidance or common sense.

One. The Levitate, Inc., (Levitate) application for a Conditional Use Permit (CUP) for the construction of a data center on Locke Road in Concord, New Hampshire must be denied. The Application is incomplete because Levitate has not applied for and received project environmental permits as required by Concord Site Plan Regulation Section 13.01(6) and Section 1301.02(8).

The project description includes the installation of six (6) Rehlko KD 3000 industrial diesel generators as "backup" to the data center connection to the electrical grid. The exhaust from the operation of the generators will require an air permit under the Clean Air Act (CAA) issued by New Hampshire Department of Environmental Services (NHDES). Levitate has not applied for an air permit and the application failed to include this requirement. The project description notes that the generators will be equipped with an SCR emission package for the control of NOx, a pollutant that is a threat to lung health. Diesel generators emit other CAA criteria pollutants including sulfur, CO, particulates and other carbon components.

Levitate did not include the generator specifications in its application. Our research shows that the generator's specification sheet states a KD 3000 generator consumes 211.9 gallons/hour at standby and 196.3 gallons/hour at prime power. The tankage volume for the 6 generators will be significant, likely many thousands of gallons. The project description does not explain the location of the diesel tanks or the gallonage. Will the tanks be below or above ground? In either event, NHDES permitting is required. Tanks instilled underground will have groundwater consequences and must be part of the alteration of terrain and ground water permitting process. The SCR control specification sheet states that it is compatible with the KD 3000 generators and includes a 400-gallon urea tank. The urea is an agent used in the SCR NOx recovery process.

If the tanks are aboveground, they will need gauges and alarm systems. See Env-Or 300. If the tanks are underground, they must be included in the Alteration of Terrain and water permitting processes. See Env-Wq 1500.

The project description also includes a closed loop cooling system infused with a dielectric cooling fluid. Levitate did not provide specifications for the chemical which raises leakage concerns and the potential impact on surface and groundwater.

The Levitate application is incomplete by skipping diesel generator air pollution emissions and details for wetlands and water protections. Levitate has not applied for or received any required permits including air permits for the generators, the alteration of terrain permit, the stormwater permit and the wetlands permit.

The lack of such permit applications and the applications is a violation of Concord Site Plan Regulations Section 13.01(6) and Section 1301.02(8).

Two. The noise impacts of the project must be evaluated by a third-party expert. Project servers will create noise non-stop all day and all night. The multiple (according to the project description) cooling fans will create noise non-stop all day and all night. If the project is offline from its grid interconnection, the 6 generators will all run non-stop all day and all night. On days and nights while off grid, the aggregate noise will be significant. The noise level at various operational levels must be quantified to ensure the completeness of the application.

Three. There are significant concerns about the impact of data centers on retail electric rates. Bills are pending in the legislature for a data center moratorium and provisions to ensure that ratepayers will not be forced to pay more for electricity. Ratepayers must not suffer added price demand on the wholesale and capacity markets. Ratepayers must not be stuck with shifted project costs for added distribution, transmission infrastructure and the stranded costs of failed projects.

Levitate has not provided any specifications whatever for its interconnection to the existing Unitil distribution grid or if additional distribution and transmission infrastructure will be needed; it has not provided the specifications for the transformers identified on the site plan; it has not specified the demand for the servers proposed for the site, including specifications for the pumps and fans needed to cool the operation. There are many unknowns that may impact ratepayers.

A contract must executed between the data center promotor such as Levitate, Inc.(Levitate) and the public utility (Unitil in this case); that Levitate will pay for the costs of grid interconnection and all upgrades to the distribution and transmission infrastructure; that Levitate has the financial resources to pay for the interconnection and infrastructure costs during construction and in the event of project cessation, failure or default; that adequate financial that adequate financial security is posted to ensure compliance with this provision of the agreement; and, that the agreement inures to the benefit of retail ratepayers and that ratepayers be held harmless from any stranded project costs in perpetuity.

The contract shall verify the electrical demand of the project on the distribution and transmission grid and if the project may, in the event of project disconnect, outage, shift to backup or other voltage excursion that the reliability of the distribution and transmission grid will not be impaired. The contract shall provide the plan for project operation during periods of peak demand, including curtailed load and other demand response measures. The contract will quantify the projected costs of the project including interconnection, distribution and transmission infrastructure costs and how Unitil plans to recover the costs to ensure that no project costs are shifted to ratepayers The contract shall also provide that cost impacts of the project on the energy wholesale and capacity markets administered by ISO-NE will not adversely impact the Unitil default electricity rate for its retail customers.

The Levitate Data Center Does Not Qualify for a Conditional Use Permit (CUP) Under Concord Zoning Ordinance 28-9-4, Decisions by the Planning Board.

Pursuant to Concord Zoning Ordinance 28-9-4(4), the Planning Board (PB) must make specific findings before issuing a CUP.

Zoning Ordinance 28-9-4a requires that the PB find that the proposed use be specifically authorized in the zoning classification. Data centers are not a permissible use specifically authorized.

Zoning Ordinance 28-9-4c requires the PB to find that the project will not endanger public health or safety. The Levitate application does not provide the chemical components of the dielectric fluid used in the project cooling system and if in the event of an overfill, discharge or leak safety to the public or to surface and groundwater may be threatened and contaminated. The application provides no information on the size or location of the diesel tanks and if in the event of an overfill, discharge or leak, public safety and water quality may be threatened.

Zoning Ordinance 28-9-4g requires the PB to find that the data center will be adequately serviced by necessary public utilities and community services and that excessive public expenditures will not be required. Levitate has not provided any information in the application about the electrical load the data center will require. Levitate has not provided any information about the cost to interconnect to the Unitil electric grid. It is unknown if the existing 34.5 kV distribution line is adequate for the expected load. It is unknown if additional distribution or transmission infrastructure will be required. Levitate has not provided the specifications for the electrical transformers proposed for the property. (A project drawing shows four large concrete pads for the transformers). It is unknown what

impacts the project will have on wholesale electric rates or on the capacity markets as no information was submitted with the application.

We note that Unitil submitted a November 4, 2026, letter 2 weeks after the October 21, 2026, public hearing. The letter purports to address some of the interconnection, infrastructure, and electric rate concerns addressed in these comments. The Unitil letter does not provide any of the details needed to inform the PB if the project will cause adverse rate impacts or grid reliability concerns. The letter does not advise how project costs will be collected from Levitate during the interconnection phase or in the event of project failure or default. Indeed, the letter does not say what Levitate told Unitil about the project or if Unitil has examined the matter at all.

The PB cannot find that Levitate satisfies Zoning Ordinance 28-9-4g. The absence of information about electrical costs raises serious questions about potential impacts on ratepayers both for project build costs and stranded costs if the project fails. The PB must know that absent a binding agreement with public utility Unitil about cost responsibility, the ratepayers will likely pay them.

A List of Information in the Locke Road Data Center Application That should be Required for the Completeness Determination

• **Electricity Demand:** Total demand of the facility for continuous operation, and demand by kWh separated by IT systems and cooling and electric generating equipment, specifically dry cooling fans, battery backup, SCR (Selective Catalytic Reduction), transformers, diesel generators, living facility, and the other various equipment demands.

• **Electricity Upgrades:** Distribution and transmission equipment, transformer details, interconnection contract.

• **Dielectric Liquid:** Composition, proof of zero inclusion of PFAS type chemicals or its derivatives, amount included in system, replacement schedule for continuous operation, and disposal and safety protocols.

• **Computing and IT Equipment:** The number of servers, manufacturers, replacement cycle of equipment based on continuous use, and disposal protocol.

• **Dry Cooling Fans:** Capacity, energy use per kWh, maintenance schedule, life expectancy, replacement cycle based on continuous use, and disposal protocol.

• **Estimate of heat exchanging system capacity and anticipated heat impact area.**

• **Diesel Backup Generators:** Energy out-put capacity, size, fuel consumption per hour, maintenance schedule, life expectancy of equipment, replacement cycle of equipment based on continuous use, and disposal protocol.

• **Diesel Fuel Tanks:** Location, size, capacity, maintenance schedule and life expectancy.

• **Air Emissions Permit** from NH Department of Environmental Services for diesel generators and SCRs.

• **Selective Catalytic Reduction:** Number required, size, capacity, energy demand, fuel consumption per hour, location and capacity of urea tanks, maintenance schedule, life expectancy, replacement cycle of equipment based on continuous use, and disposal protocol; if separate fuel is required please indicate what type and tank location, capacity, and size.

• **Backup Batteries:** Complete battery details, such as manufacturer, number, size, capacity, electricity demand, electricity output, charging and output duration, location, maintenance schedule and safety protocols, and replacement schedule based on continuous use.

• **Conditions that require the on-site energy generating systems**, such as the backup batteries, the diesel backup and SCRs.

This is not an exhaustive list but we believe this enough for the Planning Board to reconsider the completeness determination by staff. We respectfully request that the Levitate data center application be determined as incomplete and denied by the Concord Planning Committee.

Sincerely submitted,

Sierra Club Chapter of New Hampshire

Catherine Corkery, Chapter Director

Karen Irwin, Chapter Chair

Lena Nirk, Energy Committee Chair

Arthur Cunningham, Energy Committee