

Russell F. Hilliard
James F. Raymond
Barton L. Mayer
Heather M. Burns
Lauren Simon Irwin
Justin C. Richardson
Michael S. McGrath*
Jeanne S. Saffan**
Peter W. Leberman
Sabrina C. Beavens***
Susan Aileen Lowry
Nathan C. Midolo****
Michael P. Courtney*
Brooke Lovett Shilo



Serving New Hampshire since 1908

Of Counsel
Douglas S. Hatfield
Gary B. Richardson
John F. Teague
Charles W. Grau
Thomas W. Morse
Norman H. Makechnie
Jeffrey R. Crocker

* Also admitted in MA
** Also admitted in MA & NY
*** Also admitted in FL
**** Also admitted in MN

Please respond to the Portsmouth office

July 26, 2018

VIA EMAIL & REGULAR MAIL

Pamela Monroe, Administrator
N.H. Site Evaluation Committee
21 S. Fruit St., Suite 10
Concord, NH 03301

Re: Petition to Intervene in Eversource Docket No. 2015-04

Dear Administrator Monroe:

Enclosed for filing please find the *Petition to Intervene of Mark Joyce and Karen Crowley, Trustees of the Crowley Joyce Revocable Trust*. In addition, please add Mark Joyce and Karen Crowley to the official service list in this proceeding as follows: Dr. Mark Joyce, 52 Gundalow Landing, Newington, N.H., 03801; markjoyce@me.com.

Thank you for your assistance in this matter. If you have any questions concerning this matter please contact me.

Very truly yours,

Justin C. Richardson
jrichardson@uptonhatfield.com

Enclosure

Cc: Official Service List (via email)

159 Middle Street, Portsmouth, NH 03801
Concord – Hillsborough – Jaffrey – Peterborough – Portsmouth

BEFORE THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

Application of Public Service Company of New Hampshire d/b/a Eversource Energy
for a Certificate of Site And Facility for the Construction of a New 115 kV
Transmission Line from the Madbury Substation to the Portsmouth Substation

NHSEC Docket No.: 2015-04

PETITION TO INTERVENE OF MARK JOYCE AND KAREN CROWLEY

TRUSTEES OF THE CROWLEY JOYCE REVOCABLE TRUST

NOW COME Mark Joyce and Karen Crowley, Trustees of the Crowley Joyce Revocable Trust and Petition to Intervene in this proceeding pursuant to RSA 541-A:32, I as follows:

1. RSA 541-A:32, I provides that the “presiding officer shall grant one or more petitions for intervention if: (a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing; (b) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.” Mark Joyce and Karen Crowley request intervention as a full party in this proceeding.

2. Mark Joyce and Karen Crowley own property located at 52 Gundalow Landing in the Town of Newington, New Hampshire where they reside (“Joyce Property”). The Joyce Property is identified as Lot #6 as shown on a Plan entitled *Subdivision of Little Bay, Newington, New Hampshire*, dated February 13, 1984, by the Kimball Chase Company, Portsmouth, New Hampshire, recorded in Rockingham County Registry of Deeds as Plan No. D-12730 (“Joyce

Property”). **Exhibit #1.** The Joyce Property is immediately adjacent to the location where Eversource proposes to jet plow Little Bay in Newington and to construct a large concrete bunker or apron on the shoreline directly in front of their property. The Committee has conducted a view at this location due to the proposed impacts to the shoreline.

3. Mark Joyce and Karen Crowley did not seek intervention prior to this time because information concerning the construction of the proposed concrete bunker or apron was not presented during the public informational sessions. No mention is made in the transcripts. As stated in the supplemental testimony of Denis Hebert for the Town of Newington, notice of the proposed concrete bunkers or aprons was inadequate. Residents and many public officials, were unaware of these structures and their impacts. Mark Joyce and Karen Crowley did not learn of the concrete bunkers or aprons until the technical session held on July 10, 2018.

4. The proposed concrete bunkers or aprons will have a direct adverse impact on Mark Joyce and Karen Crowley due to: (a) adverse aesthetic impacts; (b) adverse impacts on orderly development in an exclusively residential zone; and (c) interference with their legal rights to use their shorefront residential property for which they paid a substantial premium.

5. The adverse aesthetic impacts are substantial. The tides in this location range from 8.4 feet at high tide to – 0.4, a total change in tides of 9 feet. This will expose the concrete bunker or apron for the majority of the tide cycles where it will dominate the view of the shoreline and Little Bay which is a pristine natural setting.

6. The adverse impacts on orderly development and the legal, vested property rights of Mark Joyce and Karen Crowley are also substantial. All lands in the Gundalow Landing subdivision are subject to the Little Bay Restrictive Covenants recorded in the Rockingham

County Registry of Deeds on November 28, 1984 at Book 2522, Page 0611 (“Little Bay Covenants”). **Exhibit #2.** The Little Bay Covenants provide in Paragraph 2 that:

3. Use. Each Property shall be only for single-family residential purposes, and there shall be no commercial, professional or business offices of any sort permitted, other than home offices or business activities within a home which does not involve any outside employees, visiting of clients or customers, or any sign or evidence of commercial activity visible from outside of the residential building. Zoning ordinances of the Town of Newington shall be strictly complied with.

7. In addition, the Little Bay Covenants in Paragraph 3 prohibit the construction of any structures except for single family residential purposes, stating:

3. Use. Each Property shall be only for single-family residential purposes, and there shall be no commercial, professional or business offices of any sort permitted, other than home offices or business activities within a home which does not involve any outside employees, visiting of clients or customers, or any sign or evidence of commercial activity visible from outside of the residential building. Zoning ordinances of the Town of Newington shall be strictly complied with.

8. All of the restrictions contained in the Little Bay Covenants, including but not limited to those above, are enforceable by all property owners, including Mark Joyce and Karen Crowley, pursuant to Paragraph 10 which states:

10. Right to Abate Violations. If any person or entity shall violate or attempt to violate any of the covenants herein contained, any owner of any Property may commence legal action against said person or entity, either to prevent or abate such violation, or to recover damages caused by such violation, or both. Said damages may expressly include a judgment for all of the plaintiff's costs of suit, including reasonable attorney's fees.

9. In 1950, Eversource’s predecessor, the New Hampshire Electric Company (“NHEC”) obtained a right to construct and maintain a 34.5 kV line from Richard and Gertrude

MacFarland recorded at Book 1191 and Page 0205 (**Exhibit #3**). However, this line has been legally abandoned for many years. In addition, the rights are limited to the above ground 34.5 kV distribution line in the specific location approved by the Commission in Order No. 5,881 issued on February 12, 1951 (**See Exhibit #4**). Under New Hampshire law, Eversource's rights under Order No. 5,881 are limited to the uses it presented to the Commission in its application. *Rye v. Ciborowski*, 111 N.H. 77, 81 (1971); *Dahar v. Department of Bldgs*, 116 N.H. 122 (1976); *1808 Corp. v. Town of New Ipswich*, 161 N.H. 772, 775 (2011).

10. Eversource's current application to construct a high voltage underground transmission line: (a) vastly exceeds the size of structures and uses allowed by its easement (**Exhibit #3**) approved by Order No. 5,881 (**Exhibit #4**) which are expressly and impliedly limited to NHEC's above ground 34.5 kV line; (b) differs substantially in nature (below ground high voltage transmission); and (c) appears to be located in whole or in part outside of the former abandoned right-of-way conveyed in 1950.

11. As a result, Eversouce does not possess the property rights to construct its high voltage below ground transmission line, including the offending concrete bunker or apron on the shoreline of Gundalow landing in violation of the Little Bay Covenants. Mark Joyce and Karen Crowley therefore request that the Committee grant this Petition to intervene in order to allow them to protect their property and their property rights and to advocate for alternatives to avoid or reduce impacts thereto based on the record in this proceeding.

WHEREFORE Mark Joyce and Karen Crowley, Trustees of the Crowley Joyce Revocable Trust, respectfully request that the Committee or its Presiding Officer grant this Petition and such other relief as justice may require.

Respectfully submitted,

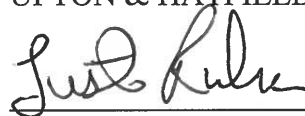
Mark Joyce and Karen Crowley

By Their Counsel,

UPTON & HATFIELD, LLP

Date: July 26, 2018

By:



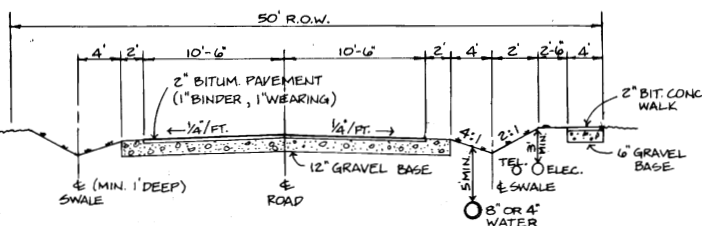
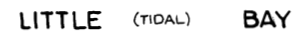
Justin C. Richardson (NHBA 12148)
159 Middle Street
Portsmouth, New Hampshire 03801
(603) 436-7046
e-mail: jrichardson@uptonhatfield.com

CERTIFICATION

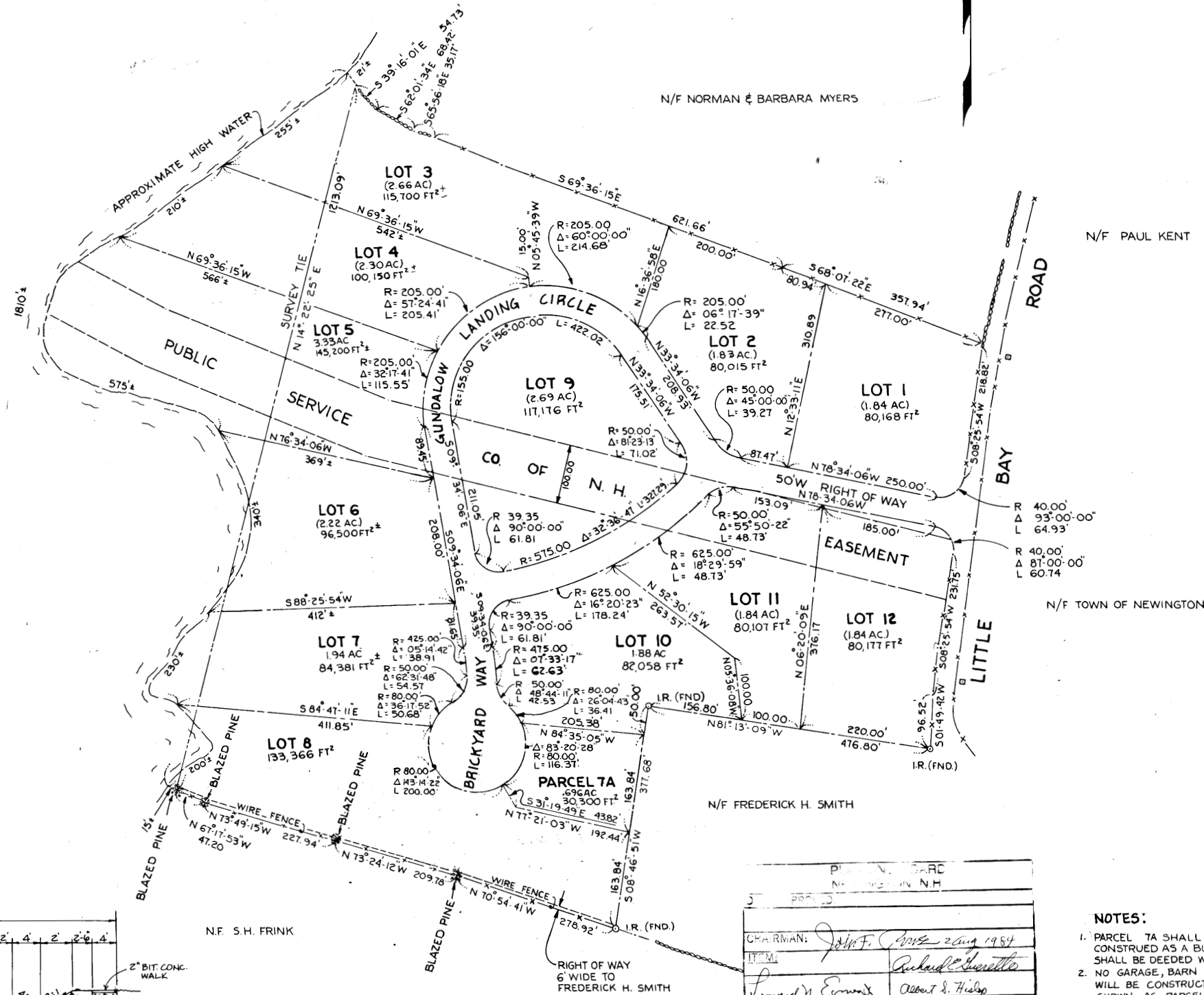
I hereby certify that a copy of the foregoing Petition to Intervene was this day forwarded to all persons on the Committee's official service list in this proceeding.



Justin C. Richardson



TYPICAL ROADWAY SECTION
NO SCALE



APPROVED BY THE TOWN OF NEWINGTON
PLANNING BOARD.

CHAIRMAN _____

NOTES:

1. PARCEL 7A SHALL NOT BE CONSTRUED AS A BUILDING LOT, AND SHALL BE DEEDED WITH LOT 7.
2. NO GARAGE, BARN OR OTHER BUILDING WILL BE CONSTRUCTED WITHIN THE AREA SHOWN AS PARCEL 7A.
3. OWNER OF RECORD IS LITTLE BAY TRUST PER DEED DATED 12/5/83 RECORDED IN ROCKINGHAM COUNTY REGISTRY BK 2471, PG. 1155.

PLAN REFERENCE:

1. "SUBDIVISION OF LAND IN NEWINGTON, N. H.
FOR FREDERICK H. SMITH JR. DATE: SEPTEMBER 3,
1980." BY JOHN W. DURGIN ASSOCIATES INC..

KIMBALL CHASE
company, inc.

40 Bridge Street
Portsmouth
New Hampshire 03801
603-431-2520

Environmental
Engineering

LITTLE BAY ESTATES
LOCATED IN
NEWINGTON, N.H.

DESIGNED BY _____
DRAWN BY PRR _____
APPROVED BY _____
DATE 2-13-84 _____

PREPARED FOR
LITTLE BAY TRUST
NEWINGTON, N.H.

SCALE 1" = 100'

PROJECT NO.
83-486

SHEET NO. _____
| OF | _____

M2522 P0611

LITTLE BAY

Declaration of Protective Covenants

This Declaration is made by John P. McGee, Jr., Trustee of Little Bay Road Trust, a Trust pursuant to Declaration of Trust, dated December 5, 1983, recorded in Rockingham County Registry of Deeds in Book 2471, Page 1149 (herein called the "Declarant").

Scope. The "properties" to which these covenants apply consist of subdivided parcels of land numbered consecutively from 1 through 12 on a Plan entitled "Subdivision Plan of Little Bay, Newington, New Hampshire" dated February 13, 1984, by The Kimball Chase Company, Portsmouth, New Hampshire, approved by the Newington Planning Board and recorded in Rockingham County Registry of Deeds as Plan No. D-12730. Each of these covenants will run with the land and will be binding upon and inure to the benefit of each Property and all of its successive owners and occupants.

It is the intention of the Declarant to create a common building plan, enforceable by each property owner or by any association or group of property owners against the owner of any other lot in the subdivision.

Acceptance of a deed by any person of any property shall constitute acceptance of these covenants, regardless of whether said deed is expressly made subject hereto.

Reference to a "Property" herein means an individual subdivided lot as described in the above mentioned subdivision Plan.

The term "Little Bay" herein shall refer to all 12 lots as set forth on the above described plan.

Covenants.

1. **Parking.** No more than three outdoor parking spaces shall be permitted on a Property. No trailers, campers, mobile homes, commercial vehicles, unregistered vehicles or inoperable vehicles may be parked or stored on any Property. Parking on streets is prohibited, except in special circumstances involving a single social function or other non-recurring occasion. The foregoing is not intended to prohibit temporary parking for any commercial vehicle entering to provide goods or services to occupants.

2. **Boat Storage.** Storage of boats is permitted on each Property subject to the following restrictions: (a) each boat shall be owned by the owner or occupant of the Property upon which it is being stored; and (b) each boat shall be stored in the garage on the Property or if stored outdoors, shall be located in a manner so as to be fully screened from the view of all residences on all other Properties within Little Bay. If a boat is to be stored in a location so as to be visible to any such residence, the right of the boat owner to store said boat in that location shall be conditional upon the owner's obtaining the affirmative written consent of all owners and occupants residences in Little Bay from which said boat shall be visible. If any person refuses or fails to give said affirmative written consent, the boat owner shall not store said boat in said location.

If any boat is stored outdoors on any Property as provided in the preceding paragraph, all power sanding, painting and other work which may be performed on said boat shall be conducted in such a manner as not to cause any undue noise, dust or odors to any other owner or occupant within Little Bay.

Nov 28 2 55 PM '84

Rockingham County
Registry of Deeds

46146

BK2522 P0612

-2-

3. Use. Each Property shall be only for single-family residential purposes, and there shall be no commercial, professional or business offices of any sort permitted, other than home offices or business activities within a home which does not involve any outside employees, visiting of clients or customers, or any sign or evidence of commercial activity visible from outside of the residential building. Zoning ordinances of the Town of Newington shall be strictly complied with.

Nothing herein shall prevent any owner from carrying on reasonable sales activities on any Property for the purpose of selling such Property including but not limited to the reasonable placement of signs advertising the Property for sale.

4. Dwellings and Structures. There shall be no buildings or other structures placed or erected on any Property other than one single-family house together with any appurtenant garage, barn or boathouse. Each garage, barn or boathouse shall not be detached from the residential structure, but shall be physically attached and architecturally related to and harmonious with the residential structure.

Each home, excluding any garage, barn or boathouse, shall have a net floor area, excluding unoccupied basement and attic area, of not less than 1,600 square feet. Any building on any Property shall be completed in not less than 18 months from its commencement and shall comply with all zoning and land use rules and regulations of the Town of Newington, now existing or hereafter enacted.

5. Nuisances. No noxious or offensive activity shall be carried on upon any Property, nor shall anything be done thereon which may be or may become an annoyance or nuisance to any occupants of Little Bay.

6. Animals. No animals, livestock or poultry of any kind shall be raised, bred or kept on any property, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. Dogs will be confined to the borders of the owner's Property or leashed at all times when outside.

7. Garbage and Refuse Disposal. No Property or any portion thereof shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers, not visible from any street or other Property, (except when items are placed outside for pick up on the day of collection).

8. Maintenance of Structures and Properties. All structures located on each Property shall be kept in good order and repair. All grass and vegetation on a Property will be kept neatly trimmed and hedges and other vegetation pruned.

9. Architectural Controls. The purpose of the architectural controls set forth in this are: to insure the best and most appropriate development and improvement of each Property; to protect the owners of Properties against improper use and development of any Property as might depreciate the value of Little Bay as a whole; to preserve as far as practicable the natural beauty of each Property; to guard against the erection of poorly designed or proportioned structures or structures built of improper or unsuitable materials; to obtain harmonious color schemes; to encourage and secure the building of attractive homes with appropriate locations on building sites; to secure adequate free spaces between structures; and protect, as far as practicable, the views of Great Bay throughout the subdivision.

BK2522 P6613

-3-

(a) Restriction. No structure shall be built on any Property without being first approved in writing by the Design Review Board. No approved building or other structure visible from the road or from any other Property may be remodelled, changed in color or otherwise visually altered to any material extent without the prior written approval of the Design Review Board. The owner of each Property shall comply with and abide by a plan or plans adopted or approved by the Design Review Board.

(b) Composition of Design Review Board. The Declarant, or any person or persons whom the Declarant may designate shall serve as the Design Review Board initially hereunder, until the expiration of 60 months from the date these covenants are recorded in Rockingham County Registry of Deeds (or earlier, at Declarant's option). At the expiration of said 60-month period, the Design Review Board shall no longer function and the requirements and standards of this Section 9 of these covenants shall automatically expire, unless, within a period of six months following the end of said 60-month period, the owners of not less than a majority of Properties in Little Bay form a neighborhood association (which may be an unincorporated entity or a New Hampshire voluntary corporation) for the purpose of taking over or resuming the functions of the Design Review Board. In this event a notice shall be recorded in Rockingham County Registry of Deeds stating that the owners of not less than a majority of Properties in Little Bay have either elected in writing or voted at an organized meeting (at which official minutes are kept) to form a neighborhood association and that said association has assumed the functions of the Design Review Board as set forth in this Declaration of Covenants. Thereafter, said neighborhood association shall act as a Design Review Board, through a committee of three persons, each of whom shall be an owner or co-owner of a Property, elected by a vote of a majority of member properties.

(c) Standards and Procedures Applicable to Design Review Board. All proceedings by the Design Review Board shall be held in an orderly manner and the record of all proceedings, in the form of minutes or notes, shall be maintained.

No buildings, additions, alterations or accessories, fences, walls or other structures shall be placed, constructed, erected or maintained until the plans, specifications and location thereof shall have been submitted to an approved by the Design Review Board. The plans, specifications and supporting material shall be detailed and complete to the point which would enable the Design Review Board to adequately understand and evaluate the appearance of the planned work.

The approval of the Design Review Board shall not be withheld unreasonably, provided that all permissions and approvals of governmental authorities having jurisdiction have been obtained, and further provided that (i) the proposed structure, alteration or

-4-

BK2522 PG614

addition is not likely to result in a structure or appearance out of harmony or out of scale with the rest of Little Bay, (ii) the site planning, including the location of fences vegetation buffers, buildings, yards and driveways will insure owners of the optimum use of the Property with the least reasonable intrusion upon the privacy, rights and views of their neighbors and (iii) the proposal complies with all terms and conditions of these covenants. In deciding whether to grant approval, the Design Review Board may request reasonable additional plans and data from the applicant to aid in its determination.

In the event the Design Review Board has not approved or disapproved in writing any plans, specifications or other materials within 60 days of proper submittal, said matter shall be deemed automatically approved by the Design Review Board. If no suit or other proceeding shall have been commenced in a state court of competent jurisdiction within six months after the completion of any structure, alteration or addition, the same shall be deemed to have complied with all of the provisions of this Section 9.

(d) Responsibility. The members of the Design Review Board shall not be personally liable for any acts or omissions in connection with the performance of their duties as Board members, so long as they act in good faith and in the reasonable belief that their actions are in the best interests of Little Bay and consistent with these covenants.

10. Right to Abate Violations. If any person or entity shall violate or attempt to violate any of the covenants herein contained, any owner of any Property may commence legal action against said person or entity, either to prevent or abate such violation, or to recover damages caused by such violation, or both. Said damages may expressly include a judgment for all of the plaintiff's costs of suit, including reasonable attorney's fees.

11. Duration of Covenants. These covenants shall be binding for a period of 30 years from the date this instrument is recorded in Rockingham County Registry of Deeds. Thereafter, they shall be automatically extended without any documentation or any action of any person, for successive periods of 10 years each unless terminated at the end of any such 10-year period by the affirmative vote or written election of owners representing not less than a majority of the Properties within Little Bay, evidenced by an instrument reciting said election and recorded in Rockingham County Registry of Deeds and signed and sworn by the owners of not less than two Properties in Little Bay.

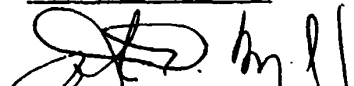
12. Amendment and Termination of Covenants. These covenants may be amended or terminated by the affirmative vote or written consent of the owners of not less than eight Properties in Little Bay. Said amendment or termination shall be effective upon the filing in Rockingham County Registry of Deeds of an instrument reciting said amendment or termination, reciting that the owners of not less than eight Properties in Little Bay voted for, or gave their written approval for, said amendment or termination, and signed and sworn by the owners of not less than two Properties in Little Bay.

BN2522 P0615

-5-

13. Severability. The invalidation of any one or more of these covenants by judgment or court order shall not affect any of the other provisions hereof.


Executed this 23rd day of November, 1984.


John P. McGee, Jr., Trustee of
Little Bay Road Trust under
Declaration of Trust, dated
December 5, 1983, recorded in
Rockingham County Registry of
Deeds in Book 2471, Page 1149

STATE OF NEW HAMPSHIRE

COUNTY OF ROCKINGHAM

Personally appeared before me this 23rd day of November, 1984,
John P. McGee, Jr., known to me (or satisfactorily proven) to be
the person described in the foregoing instrument and acknowledged
that he executed the same in the capacity stated and for the
purposes therein contained.


Justice of the Peace
Notary Public

98

1191 205



1191 205

**Know all Men by these Presents**

That we, Richard B. MacFarland and Gertrude C. MacFarland, both

of **Newington**

County of **Rockingham**

in the

State of New Hampshire

in consideration of

One Dollar and other considerations paid

by the NEW HAMPSHIRE ELECTRIC COMPANY, a New Hampshire corporation, hereinafter called the grantee, do hereby sell and convey unto said NEW HAMPSHIRE ELECTRIC COMPANY and its successors and assigns, the perpetual and exclusive right and easement to enter upon and to construct, reconstruct, extend, repair, replace, maintain, operate, inspect and patrol, and at its pleasure remove lines for the transmission and/or distribution of electric energy, power and current, consisting of suitable and sufficient poles, or towers, or both, with wires, supported by the same, and necessary guys, cross arms, braces, insulators, counterpoises, and other usual fixtures, equipment and appurtenances used or adapted for the transmission and/or distribution of electric energy, power and current, including wires for the private telephone line of the grantee, over and across a strip of land **one hundred** feet in width, **fifty** feet on either side of the center line thereof, extending from ~~XXXXX~~

Bay Road, so-called, to the XXXXX Easterly shore of Little Bay, so-called

and being a part of the premises of the grantor(s) in **said Newington, acquired by said grantors by deed of R. Chandler Davis and Constance R. Davis, dated XXXXXXXXXXXXXXXXXXXX October 1, 1933, and recorded with Rockingham County Registry of Deeds, Book 947, Page 236, which are bounded and described as follows:**

Commencing at a point on the Westerly side of the Bay Road, so-called, distant as said Bay Road runs in a direction S. 04° 22' W. 326.66 feet from a point at the end of a stone wall at the Southeasterly corner of land of Kingsland Dunwoody; thence by said Bay Road S. 04° 22' E. 100.48 feet to other land of said Richard B. and Gertrude C. MacFarland; thence by other land of said Richard B. and Gertrude C. MacFarland N. 80° 03' W. 1009.72 to a point; thence continuing by land of said Richard B. and Gertrude C. MacFarland N. 70° 46' E. 399.94 feet to a point; thence continuing by land of said Richard B. and Gertrude C. MacFarland N. 64° 56' E. 165 feet, more or less, to the highwater mark of Little Bay; thence Northeasterly by highwater mark of said Little Bay 125 feet, more or less, to a point at other land of said Richard B. and Gertrude C. MacFarland; thence by said other land of Richard B. and Gertrude C. MacFarland S. 64° 56' E. 123 feet, more or less, to a point; thence continuing by land of said Richard B. and Gertrude C. MacFarland S. 70° 46' E. 386.72 feet to a point; thence continuing by land of said Richard B. and Gertrude C. MacFarland S. 80° 03' E. 991.86 feet to said Bay Road and point of beginning.

R.E. Shute

As per
plan
#105

98

1191 206

Also the perpetual right and easement, at any time and from time to time, and without further payment therefor, to clear and keep clear ~~of~~ ^{by cutting or use of chemicals} said strip of trees, underbrush, buildings and other structures, to pass along said strip to and from the adjoining lands for all of the above purposes, including the removal

of said line or lines, and to pass over the grantor's premises to and from said strip as reasonably required, ~~together with the right to cut large trees adjacent to but not within said strip, subject to the limitations and conditions as hereinafter stated.~~ ^{together with the right to cut large trees adjacent to but not within said strip, subject to the limitations and conditions as hereinafter stated.}

on either side of the center line which is described as follows: ~~commencing at a point on the westerly side line of Bay Road, so-called, distant as said Bay Road runs in a direction S. 04° 22' W. 376.90 feet from the end of a stone wall at the southeasterly corner of land of Kingsland Dunwoody; thence N. 30° 03' W. 1000.79 feet to a point; thence N. 70° 46' W. 393.33 feet to a point; thence N. 64° 56' W. 152.21 feet to a chisel mark on the brick wall at the center of the westerly wall of the cable house of said grantee.~~ ^{commencing at a point on the westerly side line of Bay Road, so-called, distant as said Bay Road runs in a direction S. 04° 22' W. 376.90 feet from the end of a stone wall at the southeasterly corner of land of Kingsland Dunwoody; thence N. 30° 03' W. 1000.79 feet to a point; thence N. 70° 46' W. 393.33 feet to a point; thence N. 64° 56' W. 152.21 feet to a chisel mark on the brick wall at the center of the westerly wall of the cable house of said grantee.}

All directions herein are magnetic 1950.

The grantors, however, shall have the right to maintain such portion of their existing orchard as may come within the limits of said right of way, provided that the trees in said orchard shall not exceed the minimum height of fifteen (15) feet from the ground, and shall not interfere with the construction and maintenance of said line, in which event the grantee, or its successors or assigns, shall have the right to trim, cut or remove such tree or trees as in its opinion may interfere with the maintenance of its line. And further provided that the grantee assumes no responsibility for any accident or loss, cost or damage ~~accruing~~ ^{resulting} to the grantors, their heirs and assigns, or persons in their employ, by reason of the maintenance and existence of said orchard within the limits of the right of way.

All clearing of trees to be limited to twenty-five (25) feet on either side of the center line herein described, said grantee, its successors and assigns, to have the right to cut, trim and remove any trees outside of the fifty (50) foot right of clearance which may in the opinion of the grantee, or its successors or assigns, endanger the line or its operation, provided that said grantee shall mark all of said trees, and shall give to the grantors sixty (60) days notice in writing of its intention to so cut and remove said trees.

It is understood and agreed that the consideration paid for the rights ~~and easements herein conveyed shall include any wood and timber cut, which shall be and remain the property of the grantor after cutting is completed.~~

For further description of said rights, privileges and easements, see map entitled "New Hampshire Electric Company, Portsmouth, N. H. 'North Line' Portsmouth-Newington power line right-of-way 100 ft. in width across property of Richard B. and Gertrude C. MacFarland. Said property being located on the West side of the Bay Road on Little Bay, in the Town of Newington, Rockingham County, N. H.," by Albert Boulton, C. E., 1950, hereto attached and made a part of this conveyance, and also separately recorded with Rockingham County Registry of Deeds.

98

1191 207

It is agreed that said line(s), whether fixed to the realty or not shall be and remain the property of the Grantee, its successors and assigns.

To have and to hold the same to the said New Hampshire Electric Company and its successors and assigns forever; and the grantor ~~covenant~~ ^{they have} and agree that ~~they~~ full right, title and authority to convey the foregoing rights and privileges and will defend the same against the claims or demands of all persons whomsoever.

And ~~that~~ ^{our} we and each of us, husband and wife, ~~hereby~~ ^{by the courtesy and power} release all my rights of ~~the~~ in the foregoing premises so far as affected by the above conveyance.

Witness the hand and seal of the grantor ~~this~~ ^{8 Nov.} day of ~~Nov.~~ 19 ~~50~~.

In presence of

Timothy A. Hennessy
Timothy A. Hennessy
Witness for both

Gertrude G. D. Gage
Richard B. MacFarland



STATE OF NEW HAMPSHIRE } Richard B. MacFarland and Gertrude G. personally
ROCKINGHAM, SS. } MacFarland
appeared and acknowledged the foregoing instrument to be their
Nov- 8 - 19 50 } voluntary act and deed.

Before me,

Timothy A. Hennessy
Justice of the Peace
Notary Public

Received and recorded Nov. 10, 11:30 A.M., 1950.

Book 1200 Page 0159

1200 159

D-E3049

*Del. to
R.E. Shute*

NEW HAMPSHIRE ELECTRIC COMPANY V. PAUL C. AND ORVILLE BADGER; WILLIAM J. CATER
AND LOUISE S. AND THOMAS E. FLYNN

Petition for a right of way for the construction and maintenance of
transmission lines across lands in Portsmouth and Newington, and assessment of
damages occasioned thereby.

..00..

Appearances: for the New Hampshire Electric Company, Richard E. Shute,
pro se, and for Louise S. Flynn and William J. Cater, Thomas E. Flynn; for
Paul C. and Orville Badger, Robert Marvin.

..00..

REPORT

This petition was filed on August 24, 1950, pursuant to the provisions
of R. L. c. 244, by the New Hampshire Electric Company, as a result of its in-
ability to agree with the owners of one tract of land in the City of Ports-
mouth, and of two tracts of land in the Town of Newington, as to the necessity
for the construction by the Company of one or more electric transmission lines
across said lands, or the price to be paid for such crossings.

Following due notice, hearing was held on the petition in Portsmouth
on October 9, 1950, and a view of the premises was taken on the same date.

On October 26, 1950, the New Hampshire Electric Company notified the
Commission that it had effected a settlement with respect to the Cater and
Flynn properties, and requested that these two actions be dismissed, which
request was granted.

The balance of this report and order deals exclusively with the
Badger property, and on this action continued hearing was held in Concord
on January 4, 1951.

1200 160

Book 1200 Page 0160

-2-

The New Hampshire Electric Company submits that in order to meet the reasonable requirements of service to the public, it is necessary for it to construct a 34.5 KV transmission line connecting with a proposed transmission line extending from its Jackson Hill sub-station in Portsmouth. The proposed line will connect with the sub-station extension at land of the Badgers on the westerly side of the State Highway leading from Portsmouth to Newington, and thence run in a generally northwesterly direction, approximately 3.97 miles, to the shore of Little Bay. From this point, it crosses Little Bay by cable, and furnishes electric energy to the Towns of Durham, Newmarket, Epping, Raymond, Brentwood and Fremont. The first section of the present line was built many years ago and the original line has been extended from time to time. The present line has not sufficient capacity to take care of the increased and increasing load of the area which it serves. In support of this representation, the Company submits that the capacity of the sub-station serving this line has increased 315% in the past 20 years, that the annual peak load of the line has increased 350% in the last 18 years, and that the demand of the University of New Hampshire, in Durham, has increased 261% in the last 10 years.

A present line, which the line proposed herein will replace, is a 13.2 KV line, with a maximum right of way width of 40 feet. The Company seeks a right of way 100 feet in width as a means of aiding in the uninterrupted operation of the proposed 34.5 KV line. Where the present line follows highways for a considerable portion of its length, the Company proposes to leave the highways, wherever possible, with the proposed line, both as a safety measure and to avoid interruptions of service arising from traffic hazards.

The Company represents that the proposed route of the line will cause the least damage to the fewest number of property owners. It further submits that it has acquired all necessary easements, with the exception of that affecting the Badger property.

In its course, the proposed line will traverse approximately 2,936 feet of the land of the Badgers, and with the requested right of way width of 100 feet, will encompass approximately 6-3/4 acres of total area. The land in question is situate adjacent to, and southwest of, a highway leading from the New Hampshire Turnpike to Newington and Dover, as well as adjacent to, and northwest of, Rockingham Avenue in the Christian Shore section of Portsmouth. The right of way requested begins approximately 42 feet west of the southwest edge of the Portsmouth-Newington Road. From this point, the right of way runs approximately west for a distance of 224 feet, thence it turns approximately 60 degrees and runs northwest 2,712 feet to Echo Avenue, which marks the northwest boundary of the Badger land. The transmission line leaves the property at a point approximately 1,200 feet southwest of the Portsmouth-Newington road. On the course of the transmission line, the land rises from the Portsmouth-Newington road to the crest of a knoll, whence the line turns and runs down off the knoll and traverses lower land to the property line.

A real estate expert testified for the New Hampshire Electric Company that, with the exception of about 1/3 of an acre on the knoll, the balance of the land involved was low, flat and fit only for pasturage or hay growing. The right of way contains but little timber growth, and is not now suitable for building lots, being somewhat swampy in wet seasons. This expert placed the damage occasioned by the right of way at "\$150 per acre, or a total of \$1,020".

The landowners represent that the land under discussion is only one and one-half miles from the business center of Portsmouth, and that the entire length of the Portsmouth-Newington road, where it runs through the Badger property, has been zoned by the City of Portsmouth as a commercial zone. They submit that the land shows definite indications of once having been artificially drained, and that it could be so drained again, making all of the

1200 162

Book 1200 Page 0162

-4-

land available for house lots. A real estate expert for the landowners testified that the right of way would damage the property to the extent of \$800 per acre, making the total damage \$5,400.

This Commission has been called upon to assess the damage to land occasioned by a right of way for a transmission line in many instances, but it has never had to make such a finding in a case where the difference in the amount of the damage, as represented by the litigants was so vast—\$1,020 on the one hand, \$5,400 on the other, for the same 6-3/4 acres. It is apparent from the evidence submitted that the landowners base their estimate of the damage, to a large extent, upon prices they have received in the past for adjacent sections of land from the petitioner, and from the State Highway Department, as well as upon offers they have received for small adjacent lots and the price paid in settlement with a one-time party in the instant proceedings.

This Commission is not impressed by this suggested method of evaluating the right of way concerned herein. The petitioner paid for at least part of the right of way on adjacent land on a building lot basis, as these lots appeared to be ideally situated for such purpose. The Commission gives due weight to the plans which the landowners may have for the future use of the land, but the fact remains that most of the land encompassed by the right of way is at present poorly drained meadow land. Nor is the Commission inclined to agree that the price paid for the highway right of way establishes comparative values with the right of way herein under consideration. The transaction involved in the case of the highway was the purchase of a fee, and the construction of the highway occasioned the original severance damage to the tract as a whole.

In view of the testimony presented, and investigation of the situation involved, this Commission finds that the right asked for by the New

Hampshire Electric Company is necessary to meet the reasonable requirements of service to the public.

Upon consideration of all the evidence presented, and a second view of the land involved, this Commission determines the compensation for the right of way sought to be \$2,025, this amount being computed on the basis that the average value of the land required for the easement is \$300 per acre.

EDGAR H. HUNTER

EDWARD R. THORNTON

CHAROLD K. DAVIDSON
Commissioners

Filed February 12, 1951.

D-E3049

ORDER NO. 5881

1200 163

Book 1200 Page 0163

Upon consideration of the foregoing report, which is made a part hereof; it is

ORDERED, that in the matter of the petition of the New Hampshire Electric Company, filed August 24, 1950, v. Paul C. Badger and Orville Badger, praying for rights for its pole lines over lands of said respondents, situated in the City of Portsmouth, in the County of Rockingham, and State of New Hampshire, this Commission having, upon due notice to all parties in interest, heard and determined the necessity for the rights prayed for, now this twelfth day of February, 1951, orders, adjudges, and decrees, as follows:

That it is necessary in order to meet the reasonable requirements of service to the public that said New Hampshire Electric Company, a public utility subject to supervision under Chapter 294 of the Revised Laws, should erect, repair, maintain, rebuild, operate and control one or more electric distribution lines consisting of suitable and sufficient poles and towers with suitable foundations, together with wires strung upon and extending between the same for the transmission of electric current, together with the necessary crossarms, braces, anchors, wires and guys over and across the lands of said Paul C. Badger and Orville Badger, as hereinafter more specifically set forth, and that said New Hampshire Electric Company, its successors and assigns, by virtue of its said petition and this decree thereon, shall be entitled to construct and maintain lines of poles or towers, or both poles and towers, in the locations hereinafter specifically set forth, and to place upon said poles and towers, the necessary crossarms, braces, anchors, wires and guys; also that in constructing and maintaining said lines of poles and towers with wires, fixtures, guy wires and supports, as hereinbefore set forth, it shall have the right to

cut down, or keep trimmed, trees and bushes upon a strip of land as hereinafter described and located; also that it shall have the right at any time to pass and repass with men, teams, and other vehicles along and under said lines of wires across said tracts of land.

Said distribution line, or lines, shall cross land in the City of Portsmouth, owned by Paul C. Badger and Orville Badger over the following described strips of land:

A strip of land one hundred (100) feet in width throughout, fifty (50) feet on either side of the following center lines:

Commencing at a point in the westerly side line of a certain right of way and easement acquired by New Hampshire Electric Company, then New Hampshire Gas and Electric Company, distant in a direction S. 40° 04' W. 75.92 feet from an angle point in the northwesterly sideline of said existing right of way and easement, said point being distant in a direction S. 81° 16' W. 41.64 feet from a point in the southwesterly sideline of the State Highway leading from Portsmouth to Newington; thence S. 81° 16' W. 224.08 feet to a point; thence N. 41° 14' W. 2712.46 feet to the easterly sideline of Echo Avenue, so-called.

1200 164

Book 1200 Page 0164

1200 1164 For further description reference is made to map entitled "New Hampshire Electric Company, Portsmouth, N. H., 'North Line' Portsmouth-Newington Power Line Right of Way 100 ft. in width across Property of Paul C. and Orville Badger, said property being located on the North side of Rockingham Avenue in the City of Portsmouth, Rockingham County, N. H.," by Albert Moulton, C. E. July 31, 1950, filed with this petition.

The New Hampshire Electric Company shall pay to Paul C. Badger and Orville Badger for said right of way and easement, the sum of two thousand twenty-five dollars (\$2,025).

All rights described herein shall be exercised in a reasonably careful and prudent manner, so that no injury which can be avoided or prevented by the exercise of reasonable care shall result to the lands in respect to

-3-

which the same are granted by reason of the construction, maintenance and operation of said lines.

A certified copy of the petition aforesaid and this decree thereon shall be recorded in the Registry of Deeds in the County of Rockingham.

By order of the Public Service Commission of New Hampshire this twelfth day of February, 1951.

JAMES W. DOON

Secretary

A TRUE COPY

ATTEST:

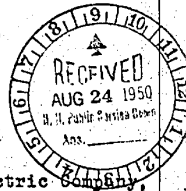
James W. Doon
SECRETARY
N. H. PUBLIC SERVICE COMMISSION

Book 1200 Page 0165

1200 165

Read	Assigned	File
	Secty.	
	Hunter	
	Thompson	
	Parsons	
Docket No. D-153019		

Registry of Deeds
 STATE OF NEW HAMPSHIRE
 PUBLIC SERVICE COMMISSION



Respectfully represents New Hampshire Electric Company,

a corporation duly organized and existing under the Laws of the State of New Hampshire, with a principal place of business in Portsmouth, in the County of Rockingham, and State of New Hampshire, and says:

1. That it is a public utility under the Laws of the State of New Hampshire.
2. That it is duly authorized by its charter to manufacture, generate, transmit and distribute electric energy and power in the City of Portsmouth, the Town of Newington, and in other Towns in the County of Rockingham and in the Counties of Strafford and Cheshire, in the State of New Hampshire, to take and hold such lands and interests in lands as are reasonably necessary to enable it to manufacture, generate, transmit and distribute electric energy and power in the localities where it is authorized to operate as an electric public utility, and to carry out the purposes and objects for which it was organized.
3. That it owns and operates certain transmission lines extending from the Jackson Hill Substation, so-called, in said Portsmouth, through various towns in the County of Rockingham, including the City of Portsmouth, and the Town of Newington, and that it has previously acquired the necessary rights to construct and maintain a transmission line from said Jackson Hill Substation through the said City of Portsmouth to a point on land of Paul C. Badger and Orville Badger across the State Highway running from said Portsmouth to Newington.
4. That its present transmission line facilities, constructed in 1902, are not adequate to properly care for its increasing load in its franchise area, and that it is necessary for it to construct new and additional transmission lines throughout its territory,

1200 166

-2-

and specifically a line connecting with the proposed line from Jackson Hill Substation to land of Paul C. Badger and Orville Badger.

5. That the new proposed line will commence at a point on land of Paul C. Badger and Orville Badger, in the City of Portsmouth, distant Westerly approximately three hundred (300) feet to a point in the Westerly sideline of the State Highway leading from Portsmouth to Newington, and thence running Northwesterly across lands of said Paul C. Badger and Orville Badger, land of Angelos Kostrelas and William Alexanderopoulos, land of Ruth D. Twitchell, land of Theodore T. Arendt, the Gosling Road, so-called, land of Ira A. Coleman, land of William J. Cater, land of Joseph Malevski, land of Robert R. Smith and Pearl I. Smith, land of Forrest M. Rines and Elsie F. Rines, land of Leon R. Pickering, land of the Town of Newington, the Post Road Route No. 151, and again land of the Town of Newington, land of the heirs of Samuel Hoyt, land of Alfred T. Pickering and Frederick M. Pickering, land of Louise S. Flynn and Thomas E. Flynn, Jr., and land of Richard B. MacFarland and Gertrude C. MacFarland to the cable house of New Hampshire Electric Company on the shore of Little Bay so-called, a distance of three and ninety-seven hundredths (3.97) miles.

For further description of the proposed line reference is made to plan entitled "New Hampshire Electric Company, Portsmouth, N. H. 'North Line' Portsmouth-Newington Power Line Right of Way 100 feet in width from the 'South Line' in Portsmouth, N. H. to the 'Cable House' on Little Bay, in Newington, N. H., Located in the City of Portsmouth and in the Town of Newington, Rockingham County, N. H.," by Albert Moulton, C. E., July 31, 1950 filed with this petition.

6. That said proposed line will cross the lands of Paul C. Badger and Orville Badger, William J. Cater, and of Louise S.

Flynn and Thomas E. Flynn, Jr., all of said Portsmouth, to the extent and in the locations as hereinafter described.

(a) Land of Paul C. Badger and Orville Badger, situate in Portsmouth, and being a portion of the premises inherited by said Paul C. Badger and Orville Badger from the Estate of Catherine H. Badger, late of said Portsmouth, which estate is filed with Rockingham County Registry of Probate, Docket #33194.

Description

Commencing at a point at land of Paul C. and Orville Badger, distant in a direction S. 81° 16' W. 41.64 feet from a point in the southwesterly sideline of the State Highway running from Portsmouth to Newington and in the northwesterly sideline of an existing right of way and easement acquired by New Hampshire Electric Company, then New Hampshire Gas and Electric Company, over land of said Paul C. and Orville Badger; thence S. 40° 04' W. 151.84 feet by the westerly side line of said right of way and easement to a point at other land of said Paul C. and Orville Badger; thence by said Badgers' land S. 81° 16' W. 194.40 feet to a point; thence by said Badgers' land N. 41° 14' W. 2758.22 feet to a point in the Easterly side line of Echo Avenue, so-called; thence by said Echo Avenue N. 46° 51' E. 100.06 feet to a point at other land of said Badgers', distant in a direction S. 46° 51' W. 142 feet, more or less, from the northwesterly corner of land of William and Ruth Palmer; thence by said Badgers' land S. 41° 14' E. 2686.70 feet to a point; thence N. 81° 16' E. by said Badgers' land 253.76 feet to point of beginning. Containing 6.74 acres.

Center Line

Commencing at a point in the westerly side line of a certain right of way and easement acquired by New Hampshire Electric Company, then New Hampshire Gas and Electric Company, distant in a direction S. 40° 04' W. 75.92 feet from an angle point in the northwesterly sideline of said existing right of way and easement, said point being distant in a direction S. 81° 16' W. 41.64 feet from a point in the southwesterly sideline of the State Highway leading from Portsmouth to Newington; thence S. 81° 16' W. 224.08 feet to a point; thence N. 41° 14' W. 2712.46 feet to the easterly sideline of Echo Avenue, so-called.

For further description reference is made to map entitled "New Hampshire Electric Company, Portsmouth, N. H., 'North Line' Portsmouth-Newington Power Line Right of Way 100 ft. in width across Property of Paul C. and Orville Badger, said property being located on the North side of Rockingham Avenue in the City of Portsmouth, Rockingham County, N. H.," by Albert Moulton, C. E., July 31, 1950, filed with this petition.

(b) Land of William J. Cater, situate in Newington, N. H., and being a portion of the premises acquired by said William J. Cater by deed of Albert Hislop, dated June 12, 1911, and recorded

Book 1200 Page 0168

1200 168

-4-

in Rockingham County Registry of Deeds, Book 1143, Page 130, and by deed of Paul C. and Orville Badger, dated July 24, 1950 and recorded in said Registry, Book 1179, Page 429.

Description

Commencing at a point in the division line between land of Ira A. Coleman and land of William J. Cater distant as said division line runs S. 73° 31' W. 113.04 feet from the southwesterly corner of land now or formerly of the heirs of Emile deRochemont; thence by said Coleman land S. 73° 31' W. 110.12 feet to a point at other land of said Cater; thence N. 41° 14' W. 1142.89 feet to a point at land of Joseph Malevski; thence by said Malevski land N. 73° 42' E. 110.28 feet to a point; thence by said Cater land S. 41° 14' E. 1142.51 feet to said Coleman land and point of beginning. Containing 2.62 acres.

Center Line

Commencing at a point in the division line between land of William J. Cater and land of Ira A. Coleman distant in a direction S. 73° 31' W. 168.10 feet from the southwesterly corner of land now or formerly of the estate of Emile deRochemont; thence N. 41° 14' W. 1142.70 feet to land of Joseph Malevski.

For further description reference is made to map entitled "New Hampshire Electric Company, Portsmouth, N. H. 'North Line' Portsmouth-Newington Power Line Right of Way 100 ft. in Width across property of William J. Cater, said property being located Northerly from the Gosling Road in the Town of Newington, Rockingham County, N. H." by Albert Moulton, C. E., March 7, 1950.

(c) Land of Louise S. Flynn and Thomas E. Flynn, Jr. and being a portion of the premises acquired by said Louise S. Flynn and Thomas E. Flynn, Jr. by deed of Alice G. Flynn, dated December 17, 1938 and recorded in Rockingham County Registry of Deeds, Book 947, Page 484.

Description

Commencing at a point in the division line between land of Louise S. Flynn and Thomas E. Flynn, Jr. and land of Alfred J. Pickering and Frederick M. Pickering, distant northerly as said division line runs 484.56 feet from a point in the northerly side-line of land of O. F. Rawson; thence by land of said Louise S. Flynn and Thomas E. Flynn, Jr. N. 56° 55' W. 344.20 feet to a point; thence continuing by said Flynn land N. 80° 03' W. 722.49 feet to a point in the easterly, sideline of the Bay Road, so-called; thence by said Bay Road N. 04° 22' E. 100.48 feet to a point distant as said Bay Road runs S. 04° 22' W. 316.69 feet from an iron pipe at the southwesterly corner of land of Alice L. Cole; thence continuing by said Flynn land S. 80° 03' E. 752.69 feet to a point; thence continuing by said Flynn land S. 56° 55' E. 308.50 feet to a point in the division line between land of said Flynn and land of Alfred T. and Frederick M. Pickering; thence by said division line S. 03° 46' W. 114.68 feet to point of beginning. Containing 2.45 acres.

Center Line

Commencing at a point in the division line between land of Alfred T. and Frederick M. Pickering, and land of Louise S. Flynn and Thomas E. Flynn, Jr.; distant northerly as said division line runs 541.90 feet from a point in the northerly sideline of land of O. F. Rawson; thence N. 56° 55' W. 326.35 feet to a point; thence N. 80° 03' W. 737.59 feet to a point in the easterly sideline of the Bay Road, so-called, distant as said Bay Road runs in a direction S. 04° 22' W. 366.93 feet from an iron pipe in the southwesterly corner of land of Alice L. Cole.

For further description reference is made to map entitled "New Hampshire Electric Company, Portsmouth, N. H. 'North Line' Portsmouth-Newington Power Line Right of Way 100 ft. in Width across property of Louise L. Flynn and Thomas E. Flynn, Jr., said property being located on the Northeasterly side of the Bay Road, in the Town of Newington, Rockingham County, N. H." by Albert Moulton, C. E., August 2, 1950, filed with this petition.

7. That it is necessary, for the proper maintenance and operation of its plant and system, that your petitioner acquire the perpetual and exclusive right and easement to enter upon the strips of land hereinbefore described, and to construct, reconstruct, extend, repair, replace, maintain, operate, inspect, and patrol, and at its pleasure remove a line or lines for the transmission and/or distribution of electric energy, power and current, consisting of suitable and sufficient poles or towers, or both, with wires, supported by the same, and necessary guys, cross arms, braces, insulators, counterpoises, and other usual fixtures, equipment and appurtenances used or adapted for the transmission and/or distribution of electric energy, power and current, including wires for the private telephone line of the petitioner, together with the further perpetual right and easement to clear and keep clear by cutting or use of chemicals said strips of land, to an extent not to exceed one hundred (100) feet in width, fifty (50) feet on either side of the center lines, as hereinbefore described, of trees, underbrush, buildings and other structures, to cut large trees adjacent to but not within said one hundred (100) foot strips, and to pass along and over said hereinbefore described strips for all of the above purposes, including the removal of said line or lines.

Book 1200 Page 0170

1200 170

-6-

8. That it is for the public use and benefit that said transmission lines be constructed over the above described premises in the manner as herein described.

9. That your petitioner is unable to agree with the said defendants either as to the rights herein prayed for, or the compensation to be paid therefor.

Wherefore your petitioner prays:

(a) That the Public Service Commission may hear and determine the necessity for the rights and easements herein described, and the compensation to be paid therefore;

(b) That the Public Service Commission may issue appropriate orders and decrees, granting to said New Hampshire Electric Company, and its successors and assigns, the perpetual right and easement to erect, construct, repair, replace, maintain, operate, inspect and patrol said transmission lines over the property of the defendants, with necessary and attendant rights, privileges and easements as herein described;

(c) For such other and further relief as may be just.

New Hampshire Electric Company

By Richard E. White
Its Attorney

A TRUE COPY

ATTEST:

James W. Brown
SECRETARY
N. H. PUBLIC SERVICE COMMISSION

Received and recorded Feb. 21, 4:20 P.M., 1951.