

Orr&Reno

Susan S. Geiger
sgeiger@orr-reno.com
Direct Dial 603.223.9154
Direct Fax 603.223.9054
Admitted in NH and MA

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Via Hand Delivery and Electronic Mail

Ms. Pamela Monroe, Administrator
New Hampshire Site Evaluation Committee
21 S. Fruit Street, Suite 10
Concord, NH 03301

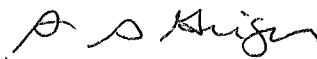
***Re: SEC Docket No. 2015-04 – Application of Public Service Company of New
Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility
– Seacoast Reliability Project***

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket please find the Prefiled Direct
Testimony of Denis J. Hebert on behalf of the Town of Newington, as well as 12 attachments.

Please contact me if there are any questions about this filing. Thank you.

Very truly yours,



Susan S. Geiger

Enclosures
cc: Service List (via electronic mail)
1861801_1

THE STATE OF NEW HAMPSHIRE
BEFORE THE
SITE EVALUATION COMMITTEE
DOCKET NO. 2015-04

Application of Public Service Company of New Hampshire
d/b/a Eversource Energy

For a Certificate of Site and Facility

PREFILED DIRECT TESTIMONY OF DENIS J. HEBERT
ON BEHALF OF THE TOWN OF NEWINGTON

INTRODUCTION/OVERVIEW

- 1 **Q. Please state your name and your address.**
- 2 **A. Denis J. Hebert, 20 Gundalow Landing, Newington, New Hampshire.**
- 3 **Q. Please describe your educational background and employment experience.**
- 4 **A. I hold a Bachelor of Science Degree in Electrical Engineering from the University of**
- 5 **New Hampshire. I spent 34 years in the United States Air Force and Air National Guard. I rose**
- 6 **to the rank of Lieutenant Colonel and held positions of The Base Engineering Commander and**
- 7 **The Base Fire Marshal at Pease Air Force Base. During my career, I was responsible for the**
- 8 **design, construction and final acceptance for several large projects including the Base Jet Fuel**
- 9 **Bulk Storage Tanks, Jet Fuel Truck off loading and on loading stations, Jet Fuels pump house**
- 10 **and two mile underground fueling system (which included 12 aircraft fueling stations, diesel and**
- 11 **gasoline fuel truck off loading station), vehicle fuel stations, an 80 million BTU central heat**
- 12 **plant (natural gas or #6 fuel) and base wide heating distribution system, Base 34.5kV electrical**
- 13 **substation and underground electrical distribution system, several office type buildings, fire**
- 14 **station, energy projects and many other civil engineering projects too numerous to mention here.**

1 I retired from the Air Force in December of 2008 and thereafter was employed by the United
2 States Navy as a Planner for the overhaul of electrical systems on submarines until May 2015. I
3 am presently working as a volunteer for the Town of Newington to assist the Town in evaluating
4 the impacts of the Seacoast Reliability Project.

5 **Q. Do you hold any positions in the Town of Newington?**

6 **A.** I am currently the Chairman of the Newington Planning Board and have held that
7 position since 2002. I have been a member of the Newington Planning Board for approximately
8 21 years.

9 **Q. Please provide a brief description of the occupational and experiential background**
10 **of some of the other members of the Newington Planning Board.**

11 **A.** -Christopher Cross is an electrical engineer with a Master's of Science in Electrical
12 Engineering, pilot and retired member of the United States Air Force. He has been a member of
13 the Newington Planning Board for over 25 years. He recently retired from the Air Force as an
14 Electrical Engineer.

15 -Jack Pare holds a Master's Degree in Business with an undergraduate focus on
16 hydrology and geology. He has been on the Newington Planning Board for approximately 15
17 years.

18 -Peter Welch is a retired professional engineer who holds a Bachelor of Science degree in
19 civil engineering and is a Member of the American Society of Civil Engineers. He has 40 years
20 of experience in civil design and construction, including oversight of Northeast Regional Waste
21 to Energy and three hydroelectric projects, two river remediation projects and other projects with
22 costs totaling more than one billion dollars.

1 -Bernie Christopher is a real estate developer in the Commonwealth of Massachusetts.

2 He has been on the Newington Planning Board for approximately 6 years.

3 **Q. Are you familiar with the Application filed by Eversource regarding the Seacoast**
4 **Reliability Project that is the subject of this docket before the New Hampshire Site**
5 **Evaluation Committee?**

6 **A.** Yes. On behalf of the Town of Newington, I have been involved with the Seacoast
7 Reliability Project (“SRP” or “the Project”) since November of 2013 when the Town received a
8 letter from Eversource informing us about the Project. Since that time, I have been following the
9 progress of the Project’s development and have met several times in person and by phone with
10 representatives of Eversource to discuss the Town’s questions and concerns. I have reviewed the
11 Application and Amended Application and have attended some of the technical sessions with the
12 Applicant’s witnesses.

13 **Q. What is the purpose of your testimony?**

14 **A.** The purpose of my testimony is to provide the views of Newington’s governing body
15 (*i.e.* its Board of Selectmen) and its planning body (the Newington Planning Board) on the
16 Project, along with the reasons underlying those views.

17 **Q. Please provide a brief summary of your testimony.**

18 **A.** My testimony explains why the Seacoast Reliability Project (“SCRCP” or “the Project”)
19 will unduly interfere with the orderly development of the region and is not in the public interest.
20 My testimony also describes how the Project will have unreasonable adverse effects on
21 aesthetics and historic sites in some portions of the Town of Newington, and also expresses the
22 Town’s concerns about the Project’s impacts on the natural environment and water quality. In

1 addition, my testimony discusses Newington's concerns about the impacts of the Project's
2 construction and construction schedule insofar as they will have unreasonable adverse effects on
3 public safety. Lastly, my testimony includes suggested Certificate conditions, chief among them
4 being that if the New Hampshire Site Evaluation Committee ("Committee" or "SEC") decides to
5 issue a certificate for the Project, the Committee should require that Eversource bury the
6 transmission line in the current distribution line easement in all of the portions of the Residential
7 and Historic Districts in Newington in which the transmission line will be located.

8 **ORDERLY DEVELOPMENT OF THE REGION**

9 **Q. Please describe the Town of Newington's physical character, including how the**
10 **Town has been developed over the years.**

11 **A.** Newington is located in southeastern New Hampshire with a population of approximately
12 755. Its municipal boundaries encompass approximately 5,675 acres or 8.9 square miles.
13 Newington is bounded to the west by the Great Bay, northwest by Little Bay and northeast by the
14 Piscataqua River which comprises a substantial portion of New Hampshire's only deep water
15 port.

16 Newington's Zoning Ordinance, originally adopted in 1951, regulates the location and
17 use of buildings, structures, land and water areas for trade, industry, residence and other
18 purposes. The Zoning Ordinance identifies the following Districts: Residential; Office;
19 Commercial; Marina; Industrial; Waterfront Industry and Commerce; Historic; Shattuck Way;
20 Pease Tradeport; and Natural Resource Protection. There is also a Wetlands Overlay District.
21 These Districts are shown on the attached map labeled **Attachment DJH-1**.

1 Newington has several historic landmarks and architecture, and archeological sites and
2 has taken great care to protect them. The 110-acre Old Town Center Historic District is listed
3 on the National Register of Historic Places and features the oldest Town Forest (1640) in the
4 United States, an eighteenth century parsonage, a nineteenth century Town Hall, the 1892
5 Langdon Library, the oldest New Hampshire meetinghouse (1712) in continuous use, and a row
6 of horse sheds behind the meetinghouse that were once commonplace, but are now quite rare.

7 Despite the town's comparatively small land area, Newington has more publicly owned
8 conservation land than any other municipality in southeast New Hampshire. **See Attachment**
9 **DJH-2.** Approximately 26% of Newington's land area is protected open space. Protected tracts
10 include the 120 acre Fox Point which juts far into Little Bay, and the spectacular 1,100 acre
11 Great Bay National Wildlife Refuge which accounts for six miles of shoreline along the Great
12 Bay Estuary.

13 Newington is a host community to a great deal of energy and other infrastructure that
14 provides regional benefits. Newington's Industrial Districts host two electric generating
15 facilities, a liquefied petroleum gas facility (SEA -3), three major tank farms (63 tanks with a
16 combined capacity of 3.1 million barrels), and several other industrial operations. In addition,
17 for several years, Pease Air Force Base controlled approximately half of Newington's land area
18 strictly for federal military purposes. That land was taken by the federal government by eminent
19 domain. When that taking occurred, the electric distribution line formerly located on that
20 property was moved to its existing location within the distribution line easement held by
21 Eversource (*i.e.* the proposed location for the Project in Newington). My understanding is that
22 one of the conditions attached to the taking of private Newington land for the Pease Air Force

1 Base was that if Pease ever ceased operating as an Air Force Base, the land would revert to its
2 original owners. However, that did not occur. With the decommissioning of Pease as an Air
3 Force Base in 1991, the Air Force Base property in Newington came under the control of the
4 State of New Hampshire rather than reverting to the prior private landowners.

5 The New Hampshire Department of Transportation (“NHDOT”) has increased the
6 amount of land it owns in Newington with the expansion of the Spaulding Turnpike (151 acres)
7 and recently acquired another 18 acre parcel of prime Office District property to build a new
8 NHDOT maintenance facility. All of these properties are exempt from Town property taxes but
9 they still require Town services such as water, sewer, police and fire department.

10 Because of extensive infrastructure and other industrial, commercial and state
11 development, as well as open space preservation, there is very little residential land remaining in
12 Newington. Excluding Pease and the Great Bay National Wildlife Refuge, Newington’s land
13 area consists only of 4.7 square miles, and a large portion of that area is zoned for nonresidential
14 districts. Approximately 1.5 square miles is for residential use, and much of this is wetlands and
15 conservation land. Newington has taken great care to protect what’s left of its residential and
16 historic areas. Newington believes that it is critical that the Committee consider these factors
17 and examine the Project in this geographical context when assessing the Project’s impacts on the
18 orderly development of the region.

19 **Q. Has Newington adopted a Master Plan?**

20 **A.** Yes. Newington has adopted a Master Plan for 2010-2020. The “Development Policies”
21 section of the Master Plan states that with respect to specific land development proposals, the

1 development policies represent the official position of the Town of Newington. A copy of the
2 Master Plan Development Policies is attached to my testimony as **Attachment DJH-3**.

3 **Q. Do any of the Master Plan's Development Policies apply to the Seacoast Reliability**
4 **Project?**

5 **A.** Yes. The very first Development Policy stated in the Master Plan is that "Newington's
6 rural residential character should be preserved" and that this Policy "is central to the Master
7 Plan." The stated purpose of this policy is "simply to ensure that the quality of life in
8 Newington's residential areas is protected from incompatible uses."

9 **Q. Does the Newington Master Plan express the Town's views on whether a high**
10 **voltage electric transmission line such as that proposed by the Seacoast Reliability Project**
11 **is a property use that is compatible with residential use?**

12 **A.** Yes. The Master Plan states that an electric transmission line is generally viewed as
13 incompatible with residential property use. The Public Utilities Section of the Master Plan
14 contains a subsection entitled "Utility Easements." That subsection draws a distinction between
15 electric distribution and transmission lines. It states that "[w]hile electric distribution lines are
16 needed to power today's residences, electric transmission lines are generally viewed as uses
17 incompatible with residential uses." A copy of the Utility Easements Section of the Master Plan
18 is attached to my testimony as **Attachment DJH-4**.

19 **Q. Are there any other Newington Master Plan Development Policies that are relevant**
20 **to the Project?**

1 A. Yes. Because the Project will be physically located within and on the shores of Little
2 Bay, Policy Eleven applies. That Development Policy states that the shorelines of Great Bay and
3 Little Bay should be protected. In addition, because the Project will be located in the Newington
4 Historic District which is listed in the National Register of Historic Places, Development Policy
5 Twelve applies. That Policy states that Newington seeks to ensure the preservation of the
6 Town's historic resources. In addition, Development Policy Nine encourages the establishment
7 of conservation areas to protect wetlands, forest, agricultural land and open space because of the
8 residents' "strong interest in protecting natural resources."

9 **Q. Are there any other Master Plan or Newington Zoning Ordinance Provisions that**
10 **are relevant to the Project?**

11 A. Yes. All of the roads in Newington located west of the Spaulding Turnpike and north of
12 the Newington/Greenland town line have been officially designated by the Town as "scenic
13 roads." See Town of Newington Zoning Ordinance, Article IV, General Provisions, Section 9,
14 "Scenic Roads," p. Z-17 (copy attached to this testimony as **Attachment DJH-5**). Newington's
15 Master Plan, Section 4, "Historic Resources," p. 20 (copy attached to this testimony as
16 **Attachment DJH-6**) provides that the "historic character of Newington's rural roads should be
17 respected" and that work near these roads "should be carefully monitored" and that the above-
18 referenced Scenic Road Ordinance "should be strictly enforced." The Scenic Road Ordinance
19 states that when tree cutting or removing portions of a stone wall along a designated scenic road
20 occurs, the Planning Board shall follow the procedures described in RSA 231:158. That statute
21 provides that when a utility company acts to erect, install or maintain poles and wires, it shall not
22 cut, damage or remove trees or tear down/destroy stone walls along a designated scenic road

1 except with the prior written consent of the planning board or other official municipal body
2 designated to implement the statute, after notice and hearing.

3 Newington is very concerned that stone walls near designated scenic roads will be
4 impacted by the Project. Newington is also concerned that Eversource's historic experts,
5 Cherilyn Widell and Victoria Bunker, indicated at the technical sessions that no stone walls are
6 being affected, when in fact some are.

7 My understanding in speaking with Mr. Jim Jiotis, formerly of Eversource, is that the
8 Project will be constructed through a stone wall between the Abbott property and the Sabine
9 Property (in the vicinity of Hannah Lane and Nimble Hill Road). *See* Amendment Volume 2,
10 Appendix 2a, Environmental Maps, page 22 of 28. This pristine, well preserved stone wall is
11 well within view of Nimble Hill Road and the Historic District. Also, I understand that there is
12 another stone wall just off Hannah Lane between the Abbott and Lee properties (on Hannah
13 Lane) that may be affected by the Project.

14 In keeping with the Town's Master Plan, the Town of Newington insists that Eversource
15 avoid touching these walls and any other stone walls they may cross over or under. At the very
16 least, if they remove a portion of a stone wall they must employ a professional stone wall builder
17 to reestablish the stone wall to its prior appearance.

18 Another provision of the Newington Master Plan that relates to the Project is the Historic
19 Resources Recommendation regarding the Knights Brook Corridor region, a region that will be
20 directly impacted by the Project. *See Attachment DJH-6.* The Town's Master Plan
21 Recommendation states that the Knights Brook Corridor is "[o]ne of the region's most scenic
22 and historically significant landscapes of open fields and farmland." *Id.* This is a 250 acre tract

1 comprised of the Frink, Pickering, Hislop and former Rowe properties and that “[e]very effort
2 should be made to preserve this open space.” *Id.* The Town has been actively conserving
3 property in the Knights Brook area in the past and has recently issued a 2017 town meeting
4 warrant article to raise a sum of money to permanently place land (owned by the Ripley Family)
5 into conservation. Development of this area for a high voltage transmission line is inconsistent
6 with the Town’s Recommendation for the Knights Brook Corridor, as well as the Town’s
7 conservation efforts. Therefore, the installation of a high voltage transmission line in the
8 Knights Brook Corridor is inconsistent with the orderly development of the region as indicated in
9 the Town’s Master Plan.

10 **Q. Does the Master Plan contain any provisions specifically addressing the Seacoast**
11 **Reliability Project?**

12 **A.** Yes. The following two paragraphs are found at page 25 of in the Utility Easements
13 subsection of the Public Utilities Section of Newington’s Master Plan:

14

15 The proposed installation of an electric transmission line between the
16 Gundalow Landing neighborhood, through the Frink Farm heritage site, the
17 Hannah Lane neighborhood, and continuing through the Fox Point Road
18 neighborhood towards the Spaulding Turnpike would interject a significant
19 visual blight upon Newington’s small residential district. Such a
20 transmission line development with utility towers at height from 65’ to 90’
21 or higher, would have considerable negative view impacts from many
22 homes and upon the view shed of the Town’s Historic District.

23 It has been the town’s policy to require land developers to place their
24 electric utility service improvements in the Residential District underground.
25 This policy should extend also to electric transmission line improvements.
26 It is strongly recommended that electric transmission line improvements, if
27 they must pass through Newington from East to West, that the transmission
28 line follow the approximate route used by the PNGTS gas transmission lines
29 that skirts the northwestern boundary of the Pease Development Authority.

1 Such utility infrastructure improvements should be kept at the very
2 periphery of the Residential District should be placed underground, **and**
3 **under no circumstances should such improvements be permitted to be**
4 **constructed above ground within existing easements that bisect the**
5 **heart of the Residential District.**

6 (Emphasis added.) *See Attachment DJH-4.*

7 **Q. Does Newington believe that Eversource's amended application which provides for**
8 **burying the transmission line in portions of Newington adequately addresses the Town's**
9 **position as expressed in the above-quoted section of its Master Plan?**

10 **A. Newington's Master Plan clearly expresses an intent that construction of new electric**
11 transmission lines through Newington be placed along the approximate route of the PNGTS gas
12 transmission lines. In addition, the Master Plan expresses the Town's clear intent that if the
13 Project is to use the Eversource's existing distribution line easement, the Project's transmission
14 line must be buried in that easement in all Residential and Historic District locations in
15 Newington. Because the route and configuration of this Project does not comply with these
16 provisions, the Project does not conform to the Town's position as expressed in its Master Plan.
17 While Newington appreciates that Eversource has amended its original application to include
18 burying the transmission line in certain sections of Newington, the Town's official position as
19 indicated in its Master Plan, is that if the Project is authorized by the SEC to be constructed in
20 Newington's Residential and Historic Districts, the line must be buried within the existing
21 distribution line easement in those Districts.

22 **Q. Does Newington concur with Eversource's position that the Project will not unduly**
23 **interfere with the orderly development of the region?**

1 A. No. As Newington's Master Plan indicates, a high voltage transmission line is
2 incompatible with residential use and is inconsistent with the Recommendation of preserving the
3 open fields and farmland of the Knights Brook Corridor. In addition, the overhead line will be
4 inconsistent with the character of the proximate historic sites such as Pickering and Frink Farms.
5 This type of development is precisely what Newington's Master Plan seeks to guard against. An
6 overhead high voltage transmission line running through Newington's Residential and Historic
7 Districts – small geographic areas that Newington's Master Plan affirmatively seeks to protect
8 from such use – will most certainly unduly interfere with the orderly development of the region.

9 As I indicated above, the Project as currently configured is clearly contrary to several of
10 the Town's Master Plan provisions which are designed to insure that development in the Town
11 of Newington occurs in a thoughtful and orderly fashion. Despite the fact that the Project does
12 not conform to the Newington's Master Plan, Eversource's consultant nonetheless states that
13 "[t]he Project is consistent with the goals and strategies of local and regional plans..."
14 Application Appendix 43, "Review of Land Use and Local Regional Planning" (April 2016), p.
15 15. In addition to that false premise, Eversource's position that the Project will not unduly
16 interfere with the orderly development of the region relies heavily on another faulty premise, *i.e.*,
17 that constructing a high voltage overhead transmission line in an easement/corridor currently
18 occupied by a 34.5 kV distribution line automatically means that the new facility will be
19 consistent with the orderly development of the region. For example, Eversource's consultant
20 states that "[t]he Project follows existing corridors so as to have the least amount of impact on
21 local land use patterns and to help insure it is consistent with the orderly development of the
22 region." *Id.* Newington respectfully disagrees that using an existing distribution line easement

1 for a high voltage overhead transmission line will be consistent with the orderly development of
2 the region.

3 Eversource's slide presentation made at the July 21, 2016 Public Information Session in
4 Newington analogized high voltage transmission lines to interstate highways. Using
5 Eversource's own analogy, a 34.5 kV distribution line is similar to a town road. Given the
6 differences between the two road types it cannot be assumed that an easement presently used as a
7 town road would be suitable for an interstate highway. Similarly, the existence of a distribution
8 line within a utility easement located in a town's residential and historic districts does not
9 necessarily mean that construction of high voltage transmission lines in those locations is
10 appropriate or consistent with the orderly development of the region. The mere fact that both
11 lines are used to carry electricity does not make them equivalent for purposes of determining
12 whether the new high voltage transmission line will unduly interfere with the orderly
13 development of the region. A graphic illustration of this point is made by comparing the
14 photograph of the existing distribution line as seen from Nimble Hill Road (a designated scenic
15 road) in Newington with a visual simulation of the Project at the same location. *See Application,*
16 *Volume 2, Appendix 32, Exhibit 17.*

17 Another illustration is the Project's impacts on the open fields in the vicinity of the
18 Frizzells' property which will be bisected by the proposed overhead transmission line. The line
19 will be starkly visible from this portion of Nimble Hill Road – a scenic roadway that provides the
20 primary entrance to Newington's residential and historic districts. This area of open fields is not
21 only one of the most prominently visible viewsheds in town, but is also one of the last, large

1 undeveloped field landscapes in Newington. In addition, the transmission line will also be
2 visible from multiple historic properties in the neighborhood.

3 For all of the reasons discussed above, Newington believes that the Project as currently
4 proposed will unduly interfere with the orderly development of the region.

5 **PUBLIC INTEREST**

6 **Q. What is Newington's position on whether the issuance of a Certificate of Site and**
7 **Facility for the Project will serve the public interest?**

8 **A.** It is Newington's understanding that in determining whether a project will serve the
9 public interest, the Committee's rules (Site 301.16) require that the Committee consider the
10 following: the welfare of the population; private property; location and growth of industry; the
11 overall economic growth of the state; the environment of the state; historic sites; aesthetics; air
12 and water quality; the use of natural resources; and public health and safety. The Legislature has
13 expressly determined that "it is in the public interest to maintain a balance among those potential
14 significant impacts and benefits in decisions about the siting, construction, and operation of
15 energy facilities in New Hampshire." RSA 162-H:1. Accordingly, Newington urges the
16 Committee to carefully consider the Project's impacts on all the above-referenced issues and to
17 maintain a proper balance among them in determining whether this particular project should be
18 certificated.

19 While Newington understands that this Project was developed to address the issues of
20 load growth and grid reliability in the Seacoast portion of New England's power grid¹,

¹ Newington was not notified of and therefore did not participate in the ISO-NE planning process which led to the selection of the Project in 2012 as the ISO-NE's preferred solution to the Seacoast Reliability issue.

1 Newington does not believe that the proposed Project (*i.e.*, a high voltage transmission line
2 running from Madbury, through Durham, Little Bay, Newington and Portsmouth) is the best
3 solution to those issues. Newington's position is supported by ISO-New England's own
4 evaluation of this Project as compared with another proposal (Gosling Road Autotransformer
5 Solution) which was also put forth as a potential solution to address grid reliability issues in the
6 Seacoast region.

7 In response to Newington's Data Request 1-3, Eversource provided a document from
8 ISO-New England (NH/VT Transmission System Solutions Study Update dated January 18,
9 2012) containing a matrix comparing the Project with the Gosling Road Autotransformer
10 Solution. That document is submitted with my prefiled testimony as **Attachment DJH – 7**. As
11 shown on page 6 of **Attachment DJH-7**, the Gosling Road Autotransformer Project received a
12 ranking of "A" while the proposed Transmission Line Project received a ranking of "A/B".
13 Although the Gosling Road Autotransformer Project ranked higher than the proposed
14 Transmission Line Project during the ISO-NE evaluation process, it was rejected by ISO-NE on
15 the basis of cost. *See* Application, p. E-3. For several reasons, Newington believes that
16 proceeding with the proposed Transmission Line Project instead of the Gosling Road
17 Autotransformer Solution is not in the public interest when one examines all of the factors listed
18 in Rule Site 301.16.

19 **Q. Please explain why Newington believes that the Project is not in the public interest?**

20 **A.** Newington believes that when compared to the Gosling Road Autotransformer Option
21 ("Gosling Road"), the proposed Transmission Line Project is not in the public interest for several
22 reasons outlined below.

1 1) The information contained in **Attachment DJH-7** which was used by ISO-NE in the
2 process that led to the selection of the proposed Transmission Line Project over Gosling Road
3 reveals that Gosling Road would provide an additional 400 MW of power to address load growth
4 versus 190 MW of power that the proposed Transmission Line Project would provide. The 2012
5 cost estimates for both options indicated that Gosling Road would cost 22.5% or \$25 million
6 more than the proposed Transmission Line Project. However, Gosling Road would provide
7 much more flexibility and would accommodate 210 MW more in future load growth than the
8 proposed Transmission Line Project. My understanding is that the Seacoast Region accounts for
9 25% of the entire State of New Hampshire's electric load and that power consumption for the
10 Seacoast Region is not falling off and will continue to grow. Comparing the 2012 cost
11 estimates² for Gosling Road against the proposed Transmission Line Project we find that for
12 22% more cost, Gosling Road could provide the region with over twice the amount of power
13 than the proposed Transmission Line Project would provide.

14 2) According to Eversource's response to Newington's Data Request 1-32, for every \$10
15 million of project costs, the rate paid by New Hampshire ratepayers would be 0.0014 cents/kWh.
16 *See Attachment DJH-9.* That means that for \$25 million of additional costs (as estimated in

² Eversource's response to Newington's Data Request 1-3 indicates that the estimated costs for both Gosling Road and the Project have increased since 2012. However, it is not clear why the cost for the Gosling Road solution increased from \$136 million to \$210.5 million, an increase of nearly 55%, while the cost for the proposed SRP transmission line from Madbury to Portsmouth increased from \$110.7 to \$121.4 million, an increase only of approximately 10%. In addition, the 2017 cost estimates show a contingency amount of 18% or \$39.4 million for Gosling Road, while the proposed SRP transmission lines from Madbury to Portsmouth had a lower contingency of 15% or \$18.2 million. *See Attachment DJH-8.*

1 2012), New Hampshire ratepayers would pay just 0.0035 cents³ per kWh more for Gosling Road
2 than for the proposed Transmission Line Project.

3 3) During the Technical Sessions in June 2017, Mr. Andrew of Eversource indicated that
4 the next round of Transmission System Solutions Study is underway. If it is discovered that the
5 demand for electricity in the Seacoast region is still growing as it has been for a number of years,
6 then another solution will soon be needed. Based on the fact that the two best solutions
7 identified by ISO-NE to address the existing reliability problems in the Seacoast were Gosling
8 Road and the proposed Transmission Line Project, and given that the proposed Transmission
9 Line Project has already been selected to address current reliability issues, one could reasonably
10 conclude that the next action or choice to increase power and reliability to the Seacoast Region
11 would be the 400 MW autotransformer solution on Gosling Road. It ranked higher than the
12 Project during the current round of solutions for the Seacoast Region, and was rejected because
13 of cost. Gosling Road appears to be a better long term solution to the Seacoast reliability issues
14 than the SRP Project and is a sensible solution given that the demand for electricity in the
15 Seacoast Region continues to grow.

16 4) It appears that even before the ISO-NE selection process began, building new
17 transmission lines to connect Deerfield (a substation location for the Northern Pass project) to
18 Portsmouth was highly preferred. At a technical session in this docket I asked Mr. Andrew of
19 Eversource if Madbury is connected to Deerfield and he responded “yes.” Mr. Andrew also

³ This figure is derived by multiplying 0.0014 by 2.5.

1 indicated that there was plenty of power available in Madbury to support the proposed
2 transmission line from Madbury to Portsmouth.

3 The Transmission line Project submitted to ISO-NE indicates that Eversource sized the
4 project to carry 190 MW of power (which is the amount of power that ISO-NE stated was
5 needed by 2020). However, the Gosling Road Autotransformer Option was sized for 400 MW
6 and included the added cost of a second transformer. Eversource's witness, Mr. Andrew,
7 indicated at the technical session in this docket that 400 MW, 135kV/115kV is a standard size
8 transformer that Eversource uses in New Hampshire, and that Eversource likes to have a
9 redundant or back-up transformer in case the first transformer goes down for some reason.
10 However, it is unclear that a second transformer is necessary. A second transformer was not
11 installed at the Larrabee Road substation in Lewiston, Maine, which was recently brought on line
12 using a single 400 MW, 135KV/115KV transformer. Larrabee Road is the first of four bulk
13 energy electrical substations that are planned to beef up system reliability in the State of Maine,
14 each using a *single* 400MW, 345/115V transformer with no back-up transformer. *See*
15 <https://www.cmpco.com/OurCompany/News/2012/news121220.html> and
16 <https://www.youtube.com/watch?v=z3IT14T82Z4> .

17 During the technical session Mr. Andrew was asked about the redundant or back-up
18 power source for the proposed Project (i.e. the transmission line from Madbury to Portsmouth) if
19 it failed. He responded that the power lines north and south of Great Bay to the region would be
20 the back-up power source. Based on that response, it is reasonable to conclude that if the power
21 lines north and south of Great Bay to Portsmouth are expected to back up the Project's proposed
22 190 MW transmission line, then those same lines can be used to back up the Gosling Road

1 autotransformer if it were to fail. Eliminating a second back-up transformer from the Gosling
2 Road proposal would have reduced the cost estimate for that option by approximately \$20
3 million (based on 50% of the 2012 estimated cost of \$39.5 million for the 2-transformer Gosling
4 Road option) thereby making it more cost competitive. Therefore, ISO-NE could have viewed
5 Gosling Road as the best solution for addressing the Seacoast Reliability Project and for New
6 Hampshire ratepayers.

7 5) The Gosling Road Autotransformer Proposal would physically impact less geography
8 and resources than the proposed Transmission Line Project and therefore would either avoid or
9 greatly mitigate the Project's impacts. The Gosling Road solution would not unduly interfere
10 with the orderly development of the region as it would completely avoid the construction of new
11 high voltage transmission lines through the University of New Hampshire, Durham, Little Bay,
12 Newington and Portsmouth. It would also avoid the impacts to aesthetics, historic sites, water
13 and the natural environment in those areas.

14 As indicated in **Attachment DJH-7**, pages 4-6, Gosling Road would require just 3 miles
15 of new transmission lines as compared with 19 miles of new high voltage transmission lines
16 required by the proposed Transmission Line Project. Although Gosling Road would require the
17 upgrade of 18 miles of *existing* transmission lines, those upgrades would have little to no
18 additional impacts on the surrounding environment and communities. While I believe that the
19 three new miles of transmission lines may cross the Piscataqua River in Dover into Maine and
20 may have an impact on the environment there, it seems that it would not be nearly as great as
21 crossing Little Bay, given that the river is much narrower (i.e. approximately less than 1000 feet)
22 than the Bay. The 19 mile proposed Transmission Line solution will use an easement that

1 presently hosts a small 34.5 kV distribution line with small wooden poles and will cross under
2 Little Bay with a great deal of impact on the environment, the UNH Campus, Durham and
3 Newington Residential areas, National Historic Resources, and the economic interests of
4 businesses dependent on the Great Bay Estuary.

5 In evaluating the public interest, the Committee must consider the Project's use of natural
6 resources such as the Great Bay Estuary, *see* Site 301.16(i), impacts on Newington's historic
7 resources (e.g. Frink Farm and Historic District) as well as those in Durham/UNH campus, *see*
8 Site 301.16(f), and impacts on aesthetics, including impacts on Newington's designated scenic
9 roads. *See* Site 301.16 (g). Newington respectfully urges the Committee to carefully consider
10 that these impacts are either greatly reduced or eliminated with the Gosling Road alternative.

11 6) We believe that the overall economic growth of the state would be served better by
12 the Gosling Road solution than the proposed Transmission Line Project. The economic value of
13 having a robustly available power source like that which the 400MW autotransformer would
14 have brought to the New Hampshire Seacoast region for the foreseeable future would be of great
15 economic benefit to the state. Large companies looking for places to establish their businesses
16 need electricity. The 400MW autotransformer would put into place additional power which
17 would be available to energy intensive industries seeking to establish businesses along New
18 Hampshire's only deep water port and could develop support to further the Waterfront Industrial
19 Zone in Newington as well as in Portsmouth. I believe that this would have a huge ripple effect
20 to the entire region in terms of jobs and economic prosperity.

21 Under its rules regarding the public interest standard, the SEC must consider: welfare of
22 the population (Site 301.16(a)); the location and growth of industry (301.16(c)); and the overall

1 economic growth of the state (301.16(d)). When compared to the Gosling Road solution, the
2 proposed Transmission Line Project falls short of meeting these criteria.

3 For all of the reasons noted above, the Town of Newington believes that granting a
4 certificate to the Project would not serve the public interest.

5 **AESTHETICS**

6 **Q. What is the Town of Newington's position on whether the Project will have an
7 unreasonable adverse effect on aesthetics?**

8 **A.** As I have stated above, Newington's Master Plan expressly states that the
9 installation of an overhead transmission line "would interject a significant visual
10 blight upon Newington's small residential district. Such a transmission line
11 development with utility towers at a height from 65' to 90' or higher, would have
12 considerable negative view impacts from many homes and upon the view shed of
13 the Town's Historic District." Therefore, Newington's position is that the portions
14 of the Project consisting of an overhead high voltage transmission line in
15 Newington's residential and historic districts would have an unreasonable adverse
16 effect on aesthetics. This position is supported by some of the Applicant's visual
17 simulations. *See* Application, Volume 2, Appendix 32, Exhibit 17 (Sheet 3 of 3)
18 and Amendment Volume 2, Appendix 32a, Exhibit 20A (Sheet 3 of 3).

19 Newington believes that the Project's visibility from its designated scenic roads will have
20 an unreasonable adverse effect on aesthetics in those areas. Committee Rule Site 301.14(a)(2)
21 requires that in deciding whether the Project will have an unreasonable adverse effect on
22 aesthetics the Committee must consider the significance of the affected scenic resources and

1 their distance from the proposed facility. “Scenic resources” within the meaning of this rule
2 include “resources to which the public has a legal right of access that are...[d]esignated pursuant
3 to applicable statutory authority by ...municipal authorities for their scenic quality.” Site 102.45.
4 Pursuant to its authority under RSA 231:157, Newington has designated as “scenic” all of its
5 roads west of the Spaulding Turnpike and north of the Newington/Greenland town line. This
6 includes Nimble Hill Road, Little Bay Road, Fox Point Road and Old Post Road (among others).
7 Thus the Project’s impacts on these scenic roads must be carefully examined when determining
8 whether the Project will have an unreasonable adverse effect on aesthetics.

9 Newington is concerned that Eversource has not presented a full and complete
10 assessment of the Project’s aesthetic impacts in Newington. For example, the Application,
11 Amendment Volume 1 at page 14 states that “a full list of the scenic resources in the 10-mile
12 area” is contained in Table 2 of Appendix 32, Visual Assessment (April 2016). Nimble Hill
13 Road (a designated scenic road) is not included in this list. Yet, the Project will cross and be
14 clearly visible from Nimble Hill Road as indicated in the Visual Simulations contained in
15 Volume 2, Appendix 32, Exhibit 17. This visual simulation indicates that the Project’s new
16 overhead high voltage transmission lines will present persons walking and driving along Nimble
17 Hill Road with a much more industrial looking setting than what currently exists with a single
18 distribution line.

19 Newington Master Plan (Policy Eleven) states the Little Bay shoreline should be
20 protected. The installation of concrete mattresses on the shore of Little Bay is inconsistent with
21 this policy. Eversource’s Addendum to the Visual Assessment dated July 2017 indicates that the
22 configuration of concrete mattresses on the Newington shoreline will be approximately 214 feet

1 long and between 16 and 34 feet wide. Newington is concerned that a concrete installation of
2 this size and type along the shores of Little Bay will have an unreasonable adverse effect on
3 aesthetics in that area.

4 Newington is concerned about the aesthetic and other impacts of the relocated 34.5 kV
5 distribution line that is proposed as part of this Project. Eversource's initial Application
6 indicates that certain segments of the existing distribution infrastructure in the Town of
7 Newington will be upgraded and/or relocated.⁴ The initial Application also states that the
8 distribution line in Newington between Little Bay Road and Fox Point Road will be removed and
9 rebuilt along public streets, and that such relocation in Newington responds to feedback from
10 Town officials and residents.⁵ However, the Application does not identify the precise areas
11 where the rebuilt lines will be installed, and instead asserts that the relocation of the distribution
12 lines does not fall under SEC jurisdiction.⁶ Relocating the 34.5 kV distribution lines to
13 Newington's scenic roads will directly impact those roads. However, Eversource has not
14 provided information or analysis about the precise location or appearance of the new distribution
15 poles and wires it intends to construct to replace the existing 34.5kV distribution poles and wires
16 that will be removed as part the Project, nor has Eversource indicated what additional impacts
17 the relocated line will have.

18 Eversource's Amended Application also indicates that as part of the Project, Eversource
19 will remove the 34.5kV distribution line that currently exists in the Project corridor in certain
20 locations in Newington: Flynn Pit to Frink Farm and the Newington Center Historic District;

⁴ Application, Volume 1, page 27.

⁵ Application, Volume 1, p. E-2.

⁶ *Id.*

1 Newington Historic District to East Side of Nimble Hill Road; and East Side of Nimble Hill
2 Road to Fox Point Road.⁷ However, the amended Application does not indicate whether all of
3 the removed lines will be relocated and, if so, to which locations. In addition, the Applicant has
4 not provided information or analysis about the appearance of the relocated lines, how much
5 clearing (if any) will be needed for the installations and whether the new 34.5kV line (poles and
6 wires) will have any other impacts on the relocation areas.

7 Despite Eversource's claim that the relocation of the distribution line in Newington is
8 not subject to the SEC's jurisdiction because it is not a transmission line, the removal and
9 relocation of the distribution line is directly related to the Project and therefore the Committee
10 and intervenors should be provided with information about it so that they can assess that portion
11 of the Project's impacts. While the distribution line may not need to be certificated by the
12 Committee, Eversource's failure to provide information about that line's location and appearance
13 leaves the parties and the Committee with insufficient information to make a determination about
14 the entirety of the Project's impacts.

15 Eversource has provided Newington officials with a draft copy of the layout of the poles
16 to be relocated on Nimble Hill Road, Fox Point Road and Little Bay Road, but has repeatedly put
17 off holding public meetings with the Planning Board, explaining that they (Eversource) are not
18 ready to present the complete information at this time. Part of the issue is that a third party
19 (FairPoint) owns the distribution poles in this section of Newington, and therefore Eversource
20 claims that FairPoint must make the application and pole relocation presentation to the Planning
21 Board. Although Eversource has indicated that they will attend FairPoint's presentation,

⁷ Amendment Volume 1, pages 9-10.

1 Newington believes that Eversource should also apply to the Town to relocate its distribution
2 line in the town's right of way. Therefore, Newington respectfully requests that if the SEC
3 issues a certificate for this Project that it require Eversource to be a co-applicant with FairPoint
4 for the relocation of the existing 34.5 kV poles and wires associated with this Project.

5 **HISTORIC SITES**

6 **Q. Has Newington examined the issue of whether the Project will have an unreasonable**
7 **adverse effect on historic sites?**

8 **A.** Yes. Over the years, Newington has taken affirmative steps to protect its historic
9 resources. For example, Newington has been designated a Certified Local Government ("CLG")
10 under the federal National Historic Preservation Act. This designation entitles Newington to
11 receive ongoing technical assistance from the New Hampshire Division of Historical Resources
12 ("NHDHR") to help the community conduct historic preservation projects and resolve concerns
13 relating to federally-assisted activities that may affect historic properties. The CLG designation
14 also means that Newington has demonstrated its commitment to local preservation by, among
15 other things, appointing a Historic District and Historic District Commission ("HDC") under
16 RSAs 674:46 and 674:46-a, respectively. The HDC serves as an advisory body to municipal
17 government and land use boards and it has expressed concerns about the Project's impacts on
18 Newington's historic resources.

19 The Town's position is that as currently proposed, the project will have an unreasonable
20 adverse effect on historic resources in Newington.

21 **Q. On what information does the Town base its position that the Project will have an**
22 **unreasonable adverse effect on historic resources?**

1 **A.** Among other things, a significant portion of the high voltage transmission line in
2 Newington is proposed to be installed in properties that are listed in the National Register of
3 Historic Places. These include the Frink Farm identified as LL# 410 on Maps 21 and 22 of 28 in
4 Application Appendix 2, and also include resources eligible for listing, for example, the
5 Pickering Farm, identified as LL# 408 and LL#409 on Map 21 of 28 in Application Appendix 2,
6 or properties having a clear view of the visual impact on such sites, for example, properties
7 depicted in the Application Appendix 2, on Map 22 of 28, and Map 23 of 28. The Town's
8 position is that absent appropriate mitigation discussed below, the cumulative direct and indirect
9 impacts on our historic sites and Historic District will have an unreasonable adverse effect.

10 **Q.** **Does the Town have concerns about whether the historic sites as depicted on the**
11 **Applicant's maps are accurate?**

12 **A.** Yes, we are concerned that the maps Eversource submitted with its Application are not
13 correct and do not accurately reflect the location of some of Newington's historic sites. For
14 example, the maps contained in Volume 2, Appendix 2 and Amendment Volume 2, Appendix
15 Maps 21 of 28 do not include a section of the Frink Farm that is in fact part of the historic site.
16 This is concerning because an above-ground transition structure is proposed to be located
17 directly on this historic site and immediately adjacent to an eligible site. Additionally, the Maps
18 do not include any way to identify properties that are *eligible* for listing in the National Register.
19 Properties that are eligible for listing are "historic sites" as defined in Rule Site 102.23, and
20 Eversource is required to identify all historic sites within the area of potential effect ("APE").
21 *See* Site 301.06 (b). For example, the Pickering Farm property is eligible for listing in the
22 National Register but is not designated as such on the Application maps. By failing to

1 adequately identify Newington's historic resources that appear on the maps submitted with the
2 Application, Eversource has not provided the Committee with accurate information upon which
3 to determine the Project's impacts on historic resources.

4 **Q. Are you aware of NHDHR's position on the Project's effects on historic resources?**

5 A. Yes. I am aware of a letter dated June 20, 2017 from Deputy State Historic Preservation
6 Office Richard A. Boisvert to the U.S. Army Corps of Engineers indicating that DHR's analysis
7 results in a finding of "Adverse Effect" for the Seacoast Reliability Project as well as specific
8 findings regarding individual historic properties.

9 **Q. Does Newington agree with DHR's position on the Project's effect on historic**
10 **resources?**

11 A. Newington is concerned that the above-referenced letter does not contain a complete list
12 of impacted historical properties. As I stated above, because Eversource failed to accurately
13 depict historic sites that are eligible for inclusion on the National Register, and also failed to
14 include a portion of a historic site that *is* included in the APE (*i.e.* the section of the Frink Farm
15 that will be directly impacted by a transition structure is not designated as part of the historic
16 site), DHR based its assessment on incomplete information and therefore failed to determine the
17 Project's impacts on the Frink Farm. In addition, DHR did not consider the Project's effects on
18 the Town's scenic by-ways. Based on my knowledge and understanding of Newington's historic
19 sites, I believe that DHR's letter should be viewed as an incomplete assessment of the Project's
20 impacts on Newington's historic sites.

1 **Q. Does the Town have an opinion as to how the unreasonable adverse effect on**
2 **historic sites could be mitigated?**

3 **A. Yes. Please see my comments below under the heading “Certificate Conditions.”**
4

5 **NATURAL RESOURCES and WATER QUALITY IMPACTS**

6 **Q. What is the Town of Newington’s position on whether the Project will have an**
7 **unreasonable adverse effect the natural environment and water quality?**

8 **A. Policy Eleven of Newington’s Master Plan is to protect the shorelines of Great Bay and**
9 **Little Bay. See Attachment DJH- 3. Little Bay is part of the Great Bay Estuary which the**
10 **Master Plan indicates is “one of the richest estuaries in North America” and has been designated**
11 **as a National Estuarine Research Reserve by the federal government. *Id.* The Town of**
12 **Newington understands that the Town of Durham has filed expert testimony regarding concerns**
13 **about the Project’s potential impacts on Little Bay but defers to Durham’s experts regarding this**
14 **issue. In accordance with its Master Plan, the Town respectfully urges the Committee to take**
15 **great care to protect and preserve this important natural resource. Because the Gosling Road**
16 **autotransformer solution would completely avoid impacting Little Bay, Newington would urge**
17 **the Committee to consult with ISO-New England to examine whether the Gosling Road**
18 **autotransformer option could be pursued to address the Seacoast Reliability problem and at the**
19 **same time avoid impacting the significant Great Bay Estuary.**

20 **Newington is also concerned about the Project’s impact on wetlands, a vernal pool and a**
21 **Prime Wetland in Newington. Because the New Hampshire Department of Environmental**
22 **Services’ (NHDES) final position on the Project’s permit applications submit to NHDES**

1 jurisdiction will not be provided until the day after this testimony is filed, Newington reserves its
2 rights to supplement this testimony on these particular issues.

3 With respect to water quality, Newington is concerned that the Project will be constructed
4 in areas where the groundwater is currently contaminated (from the former Pease Air Force
5 Base) with perfluorooctane sulfonate (“PFOS”) and perfluorooctanoic acid, (“PFOA”). It is my
6 understanding that PFOS and PFOA are present in the Frink Farm property and perhaps other
7 locations in Newington where the Project is proposed to be located. Accordingly, the Town
8 believes all Project excavations in areas where contaminants are present should be undertaken
9 with substantial care and under the direct supervision of NHDES to avoid further contamination
10 of ground water and soils.

11 The Town is also concerned that the Applicant has not identified the precise locations for
12 the marshalling yards and laydown areas it intends to use during the construction phase of the
13 Project, or the impacts that Project activity will have on those locations. *See* Application, pages
14 22-23. Instead, the Application requests that the Committee delegate authority to the New
15 Hampshire Department of Environmental Services (“NHDES”) to issue approvals for such areas.
16 *Id.* Newington disagrees with this approach and believes that the Committee should require
17 Eversource to identify the laydown areas and marshalling yards and their impacts for the
18 Committee and the parties as part of the SEC process. In addition, Newington does not believe
19 that the Committee has the authority to delegate approval of these locations to another state
20 agency. My understanding is that RSA 162-H:4, III-b says that the Committee may not delegate
21 its authority except as provided in RSA 162-H. The only delegations specified in RSA 162-H
22 are those relating to monitoring (RSA 162-H:4, III) and the authority to specify the use of a

1 technique, methodology, practice or procedure, or to specify changes in route alignment (RSA
2 162-H:III-a).

3 **PUBLIC HEALTH AND SAFETY**

4 **Q. Does the Town of Newington have concerns that the Project will have an**
5 **unreasonable adverse effect on public health and safety?**

6 **A.** The Town of Newington is concerned about the Project's impacts on the Town and the
7 Town's residents during construction. Some of our concerns include public safety, damage to
8 private and public property, road damage and restoration, traffic, noise, dust and erosion control.

9 **Q. Have you had experience supervising road construction and road restoration work**
10 **in New Hampshire?**

11
12 **A.** Yes. As I previously indicated, I spent 34 years in the United States Air Force and Air
13 National Guard and held positions of Base Civil Engineering Commander and Base Fire Marshal
14 at Pease Air Force Base. During my career, I was responsible for the design, construction and
15 final acceptance for several large projects including repair and replacement of several base roads
16 as well as the construction of new roads. I was also responsible for the replacement of the 16
17 inch concrete apron which is approximately 40 acres in size. I also completed projects such as
18 the Base Jet Fuel Bulk Storage Tanks, Jet Fuel Truck off loading and on loading stations, Jet
19 Fuels pump house and two miles of underground fueling system (which included 12 aircraft
20 fueling stations, diesel and gasoline fuel truck off loading station), base gas station, an 80 million
21 BTU central heat plant (natural gas or #6 fuel) and base wide heating distribution system, the

1 Base 34.5kV electrical substation and underground electrical distribution system, several office
2 type buildings, fire station, aircraft hangar, energy projects and many other civil projects.

3

4 **Excavation**

5

6 **Q. Has the Town of Newington through its Selectmen adopted any standards to**
7 **regulate excavation within the Town's roads?**

8 **A. Yes.** The Town's "Regulations for Excavations in Town Streets and Rights-of-Way" are
9 attached to my testimony as **Attachment DJH-10.**

10 **Q. What is the purpose of having such roadway excavation and restoration standards?**

11

12 **A. Safety first.** Second, to insure that roads are properly restored to a standard that will
13 hold up to traffic over time. Proper restoration is very important to assuring that roads that are
14 excavated or disturbed in some manner are properly restored to a standard that will pass the test
15 of time of traffic over the years.

16 **Q. Do Newington's roadway excavation and restoration standards include the**
17 **requirement of onsite inspection by the Town's engineer at the applicant's expense?**

18 **A. Yes.**

19

20 **Q. Can you please explain why onsite inspection is necessary?**

21

22 **A. It is critical that proper inspection is accomplished with town inspectors and oversight for**
23 **safety purposes and to protect the town tax payers who have paid for the road. As an example,**
24 **improper compaction or using incorrect materials for the road bed, may result in problems that**
25 **show up years later which the taxpayers would end up paying to repair. I am aware of a utility**
26 **contractor that was doing work on a road, and was not using proper methods to backfill the**
27 **trench, and failed to notify the Town three days in advance as required by the construction**

1 permits. The three day notice was required so that the Town could arrange for inspectors to be on
2 site. As a result, the work was halted until an inspector could get to the site. The inspector then
3 directed that the proper procedures be observed, which resulted in having to re-excavate and
4 refill part of the trench with proper material, using proper compaction methods.

5 Safety issues also warrant on-site inspection. Improperly compacted materials can create
6 frost heaves or potholes on roads due to poor restoration practices which can cause road hazards
7 that can make the roads dangerous to vehicle operators and pedestrians alike.

8 **Q. Do the Town of Newington's roadway excavation and restoration standards require**
9 **the person performing excavation and restoration work to post a performance guarantee**
10 **acceptable to the Board of Selectmen?**

11 **A.** Yes. The regulations require that an applicant provide the Board of Selectmen with an
12 irrevocable letter of credit written on a New Hampshire bank or a cash deposit for a period of 24
13 months from the date of project completion.

14
15 **Q. Why is a financial guarantee for excavations in Newington's roads and rights of way**
16 **required?**

17
18 **A.** It is required to guarantee that the road is built and restored properly. As the attached
19 regulations indicate, the financial security requirement "is intended to guarantee that the roadway
20 will be restored to its condition prior to excavation. Determination of whether a restoration
21 meets this standard shall be at the sole discretion of the Board of Selectmen."

22 **Q. In your experience with the Newington Planning Board, have you had occasion to**
23 **work with contractors for the purpose of seeking to draw upon or actually drawing upon**
24 **such performance guarantees to pay for Town road repair or restoration work?**

1 A. Yes. A bond/financial guarantee is a very useful tool to entice contractors to properly
2 restore the roads.

3
4 **Q. Are you familiar with the Project's excavation work that will be required within the**
5 **Town of Newington's roads and on adjacent private property?**

6 A. Yes.

7
8 **Q. Are you aware of any issues presented by the Project's proposed excavation within**
9 **the Gundalow Landing right-of-way?**

10 A. Yes. Gundalow Landing was recently rebuilt by the Town a few years ago at great
11 expense. This occurred because improper material was used in constructing the road base,
12 especially near the lower part of the road nearest the Little Bay. Much of the relatively new
13 material had to be removed and replaced with proper fill, and stabilization fabric had to be
14 placed under the road. Based on my knowledge of that area, it is my belief that this road will not
15 be able to sustain heavy truck loads as proposed by Eversource. Thus, I am concerned about
16 road damage and the costs to repair the same.

17 **Q. Are you aware whether property owners in Newington have expressed concerns**
18 **about restoration of their lawns that will be disturbed during Project construction?**

19 A. Yes. Some of the residential properties in Newington that will be affected by the Project
20 are located within the Town's right-of-way and some are within the easement areas granted to
21 Eversource by the property owner.

22 **Q. Please describe those concerns.**

23
24 A. The Town and affected residents are concerned about the following issues: 1) Soil
25 erosion. Gundalow Landing is wet. During construction and when it rains, especially during the

1 spring thaw, much erosion of soil that is not protected gets washed into Little Bay leaving large
2 areas to be repaired. 2) Delay in completing construction. Work should be completed in a timely
3 manner because of the potential erosion, and because during dry times dust is of concern. 3)
4 Timely restoration to original condition. Everyone wants their property to be restored to its
5 original conditions or better as soon as possible.

6 **Q. Does the Town of Newington have any requirements regarding removal of loam**
7 **from the Town's right-of-way and from the adjacent property owner's property?**

8 **A.** Yes. The attached regulations (**Attachment DJH -10**) require that original/excavated
9 loam not be taken offsite, be stockpiled on site and used for restoration. Newington has deep,
10 rich farm soil. We want that farm soil to stay in Newington and placed back into the places it
11 came from verses having soil imported from an outside source. Typically soil that is brought in
12 does not have the same rich make-up that you find in Newington. It is typically cut with sand,
13 has disease and insects not native to Newington and is put down to an unacceptable depth of only
14 4 inches or less. There is no way to grow grass in such imported soil that matches the existing
15 lawns in Newington. This is also true for hay fields and other farm land. We have found that,
16 unless prevented by the enforcement of the regulations, contractors will take 8 to 12 inches of
17 rich farm loam off site, cut it with sand, bring back 4 inches of loam cut with sand, and sell the
18 rest at great profit. Loam is a valuable asset for any town, and as a farming community,
19 Newington does what it can to protect that natural resource.

20 **Q. Do you believe that the above-described excavation and restoration challenges and**
21 **concerns underscore the requirement for onsite inspection?**

22 **A.** Yes.
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Blasting

Q. Are you familiar with the use of blasting as a technique that is used in roadway construction and excavation?

A. Yes.

Q. Can you please explain some of the challenges to public safety and property property damage risks that such blasting can present?

A. Whenever explosives are being used, safety is of great concern to both the user and to the general public. Blasting in or near a road can temporarily disrupt traffic flow and damage underground utilities. Blasting can also cause damage to structures like water supply wells, house foundations, plaster walls etc. Blasting should be the last resort to removing rock or ledge.

Q. Has the Town of Newington adopted regulations with respect to blasting?

A. Yes. These regulations are attached to my testimony as Attachment DJH-11. These regulations require that before blasting occurs in the Town of Newington, application must be made to and approved by the Town Fire Chief.

Road Damage/Heavy Loads

Q. Are you familiar with the damage that can be caused to public roads arising from heavy loads traveling across such roads?

A. Yes. Damage to asphalt roads from heavy loads can be visible and can also occur at the soil particle level where the damage is not visible and won't show up for months or even years later. Roads are designed to take many years of traffic. All traffic has an impact on the life of a paved road. However the heavier loads reduce the life of the paved roads. Extremely heavy

1 loads which exceed designed weight limitations can and will reduce the life of the paved road
2 significantly.

3 **Q. Have you actually seen roads that have been substantially damaged as a result of**
4 **heavy loads? If so, please explain.**

5 **A.** Yes. I have seen damage to a road caused by a contractor delivering concrete over a
6 portion of a road that was repaved two years earlier. The contractor ignored weight limitations
7 that required him to reduce the amount of concrete he could place in the truck. Instead, the
8 contractor delivered full load capacity to the site using only a portion of a road. Stress cracks
9 occurred, which really weren't that visible at the time. However, the following winter and spring
10 the road damage was clearly visible. The portion of the road that was not traveled on by the
11 overloaded concrete trucks was just fine.

12 **Q. Has the Town of Newington taken steps to protect its roads from damage caused by**
13 **overweight loads?**

14 **A.** Yes. Pursuant to its authority under RSA 231:191, the Board of Selectmen has adopted
15 town-wide road weight limits to protect local roads from damage. *See Attachment DJH-12.*
16 Vehicles that exceed these weight limits may travel on town roads but only if they have secured
17 permits from the Selectmen. *Id.* Such permits may include conditions including posting of an
18 appropriate performance guarantee and pre-and post-inspection of the roadways to be traveled by
19 the permit holder. *Id.*

20 **Q. Do you believe that a requirement that Eversource observe Newington's Regulations**
21 **of Excavations in Town Streets and Right-of-Way, Newington's Blasting Ordinance and**
22 **Newington's maximum road weight limits will advance the orderly development of the**
23 **region and protect public health and safety?**

1 **A.** Yes. The protections afforded by the provisions contained in **Attachments DJH-10,**
2 **DJH-11 and DJH-12** are reasonable conditions that will ensure that the Project will not unduly
3 interfere with the orderly development of the region and will not have an unreasonable adverse
4 effect on public health and safety. Without rules there is chaos. Contractors are typically
5 focused on their work and will not always look out for the Town's best interest. In many cases
6 contractors simply make mistakes or their hired help does. Without these rules and proper
7 enforcement of the rules through oversight and inspection by the Town, affected property owners
8 (including the Town) will not be protected, and the taxpayer ends up paying in many ways, not
9 just financially. Safety is paramount. Eversource has claimed it will follow NHDOT rules and
10 guidance. However, NHDOT has no authority over town owned roads, nor do they have an
11 interest in town roads. The town, through the authority given to it by the state, has the
12 responsibility to protect the public health and safety of its citizens, roads and other infrastructure
13 through the adoption and enforcement of rules and regulations designed to protect its residents'
14 health and safety.

15 **OTHER ISSUES**

16 **Q.** Are there any other issues that Newington wishes to present to the Committee
17 regarding the Project?

18 **A.** Newington wishes to express its concerns about various aspects of the ISO-NE planning
19 process that led to the selection of the Project as the solution to the Seacoast Reliability Project.
20 In addition, given the significant environmental issues posed by the Project's crossing of Little
21 Bay and Newington's Historic and Residential Districts, as well as numerous other issues raised
22 in my testimony and by the other intervenors in this docket, Newington believes that the
23 Committee should exercise its authority under RSA 162-H:16, III to consult with ISO-NE to

1 confirm that the Project is still the best overall solution to address grid reliability in the Seacoast
2 Region.

3 **Q. Please explain Newington's concerns about the ISO-NE process that resulted in the**
4 **selection of the Project to address grid reliability issues in the Seacoast Region.**

5 **A. The process has failed in three critical areas:**

6 First, there was no notice of the process provided to affected Towns. Mr. Quinlan's pre-
7 filed testimony in Application Volume 1, page 4 of 14 talks about public involvement in the
8 ISO-NE process. He states "Participants consist of various stakeholders such as governmental
9 representatives, local communities, state agencies" etc. and that "the meetings are open to the
10 public." However, I do not believe that the New Hampshire Seacoast communities were invited
11 or informed of the process. Newington was informed by letter in November, 2013 of a decision
12 by ISO-NE to construct a power line through Newington. The decision to construct this
13 particular Project had already been made by ISO-NE at that time, however the details were not
14 finalized. Newington respectfully asks the SEC to request that ISO-NE change its process for
15 selecting reliability projects to notify communities and solicit their involvement and input *before*
16 ISO-NE makes a final decision on a reliability project. In short, affected ratepayers and Towns
17 should be provided with actual notice of the ISO-NE process for addressing reliability problems
18 so that they can have the opportunity to weigh in on preferred options.

19 Second, we believe that the ten year planning horizon used by ISO-NE is short sighted
20 and may lead to cost-ineffective decisions in the long run. We understand that ISO-NE does not
21 want to over build the system and that transmission companies may not be able to recover their
22 costs associated with overbuilding. However, the option for the greatest flexibility and most

1 economical cost in the long run, is often the more expensive option. Rejecting a preferred
2 solution (like the Gosling Road Autotransformer) simply on the basis of cost and without
3 considering other factors (like environmental and other impacts on host communities) is poor
4 planning and not in the best interest of the rate payers or the orderly development of the region.
5 Small fixes in short periods of time further negatively impact the region by creating patchwork
6 transmission line or other solutions that cumulatively will create negative impacts to
7 communities and regions. Illustrative of this is the fact that the next round of regional
8 transmission studies has already started before this Project has even been reviewed or approved
9 by the SEC.

10 Third, nine other projects associated with the proposed Madbury to Portsmouth 115KV
11 line, *see* Attachment DJH-7, page 5, all of which did not require the SEC's approval, were
12 completed or almost completed well before the SEC's final hearing on this Application. This is
13 according to Mr. Andrew's statements during the June technical session and confirmed to me by
14 other Eversource representatives. Newington does not understand why a public utility could be
15 able to complete tens of millions of dollars of upgrades at the ratepayers' expense before they
16 receive the SEC's approval for the one critical project that ties all those projects together.
17 Eversource has stated that if the Project line from Madbury to Portsmouth is not approved by the
18 SEC, the costs related to the suite of projects supporting this 115 kV line would be
19 stranded/unrecoverable costs and cannot be used for other solutions like the Gosling Road
20 autotransformer solution. It seems that Eversource's election to proceed with those other
21 projects before securing SEC approval for the Project puts pressure on this Committee to
22 approve the Project in order to avoid creating stranded costs. However, the Committee must not
23 let the issue of stranded costs sway its decision in this docket. Eversource put the cart before the

1 horse and unilaterally decided to move ahead with spending millions of dollars on nine other
2 projects that support the Madbury to Portsmouth transmission line before obtaining SEC
3 approval of that line. Eversource elected to take the risk that the costs of the other nine projects
4 could be stranded if this Project is not certificated. Eversource should bear the consequences of
5 its decision (financial and otherwise) if the SEC cannot make the findings under RSA 162-H:16
6 needed to issue a certificate for this Project.

7 **CERTIFICATE CONDITIONS**

8 **Q. If the Committee were to issue a Certificate of Site and Facility to Eversource for**
9 **this Project, what conditions, if any, does the Town of Newington recommend that the**
10 **Committee include with the Certificate?**

11 **A.** To avoid or mitigate its unreasonable adverse effects on aesthetics and historic resources,
12 Eversource should be required to bury the transmission line along the entire length of
13 Eversource's distribution line easement which is located in Newington's residential and historic
14 districts. By my calculations this is approximately an additional 5,250 feet or approximately
15 one mile, at a cost of approximately \$8.75 million⁸. That equates to 0.0012 cents/kWh for
16 ratepayers. In addition, the buried lines should be at depths in existing roadways and known
17 future roadways that will allow the burial of future infrastructure to occur in the same locations.

18 To ensure that the Project will not have an unreasonable adverse effect on aesthetics and
19 the Town's scenic roads, Town of Newington insists that Eversource avoid touching stone walls
20 located near these roads, and any other stone walls they may cross over or under. At the very

⁸ According to Eversource, the cost for burying the line is approximately \$10 million/mile versus the cost of an overhead line which is \$1 million/mile minus the cost of the transmission poles.

1 least, if Eversource removes a portion of a stone wall they must employ a professional stone wall
2 builder to reestablish the stone wall to its prior appearance.

3 To ensure that the Project will not have an unreasonable adverse effect on public health
4 and safety, in constructing the Project in Newington, Eversource should be required to adhere to
5 the Town of Newington's regulations regarding excavation, blasting and road weight limits as set
6 forth in Attachments DJH-10, 11 and 12.

7 To ensure that the Project will not have an unreasonable adverse effect on water quality
8 and/or the natural environments, all Project excavations in areas where PFOS and PFOA are
9 present should be undertaken with substantial care and under the direct supervisions of NHDES
10 to avoid further contamination of ground water and soils.

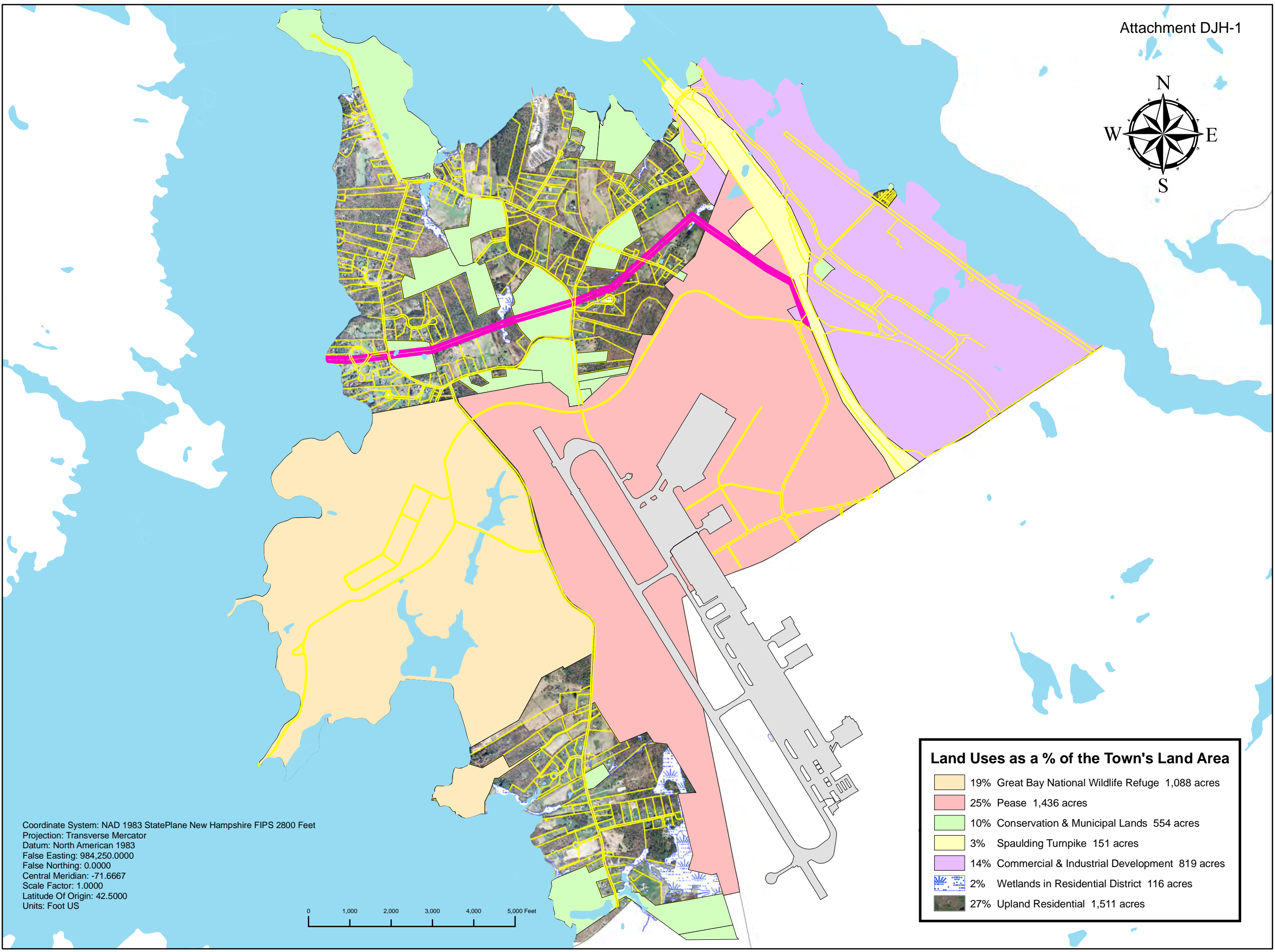
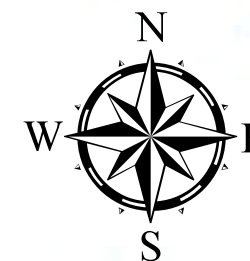
11 To ensure that the relocation of Eversource's existing 34.5 kV distribution line is
12 relocated in a responsible manner that considers, among other things, avoiding impacts to
13 Newington's scenic roadways, Eversource should be required to take full responsibility for
14 applying to and working with the Town of Newington for permission to move its existing 34.5
15 kV line.

16 **Q. Do you have anything else to add to your prefiled testimony?**

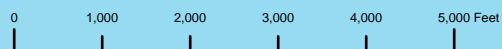
17 **A.** Yes. Because the deadline for state agencies to file their final permits and conditions is
18 after the deadline for filing this testimony, Newington respectfully reserves the right to file
19 additional testimony that takes into account information submitted by the state agencies with
20 those permits and conditions.

21 **Q. Does this conclude your prefiled direct testimony?**

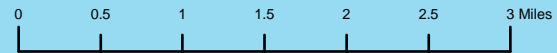
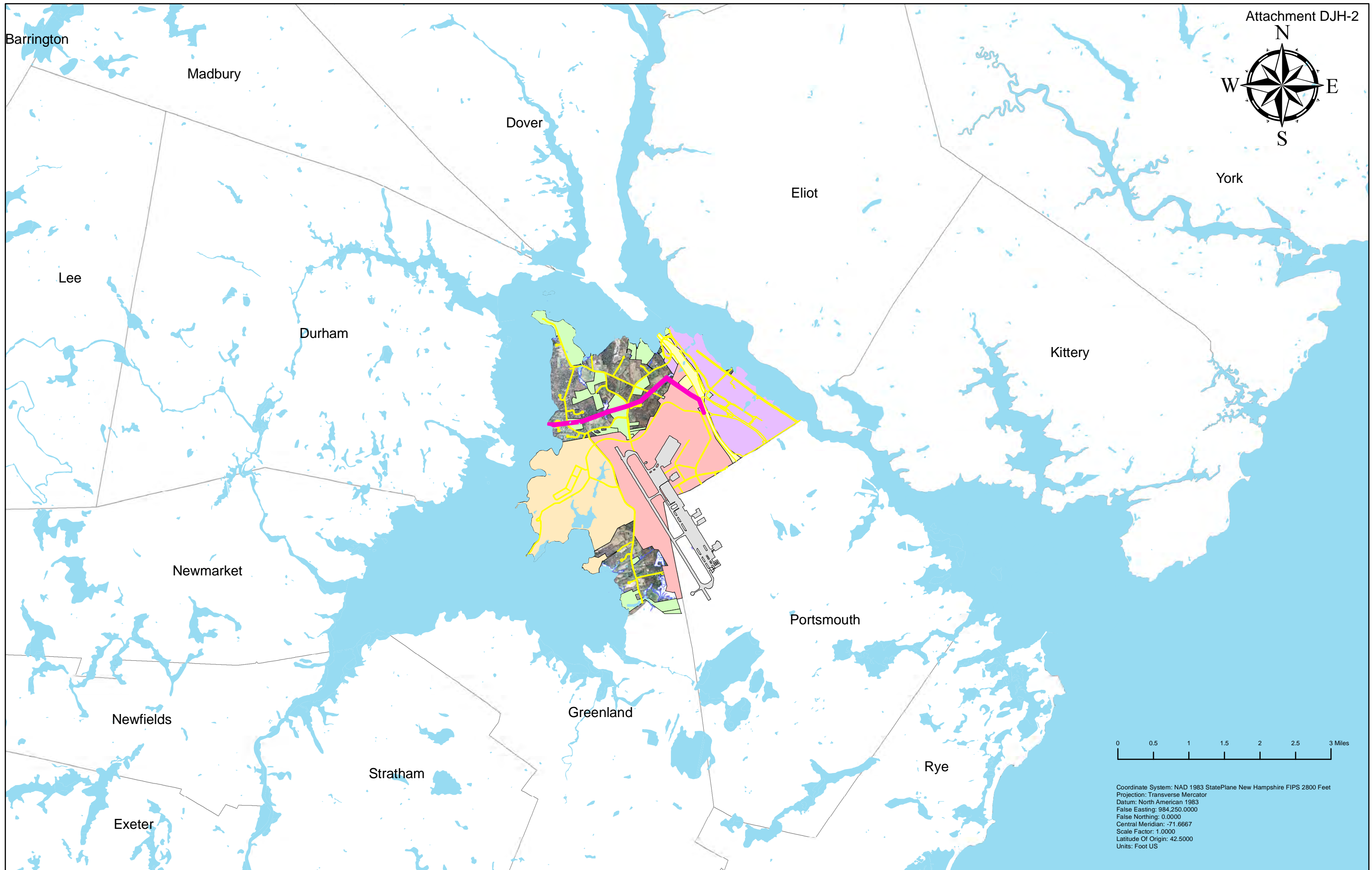
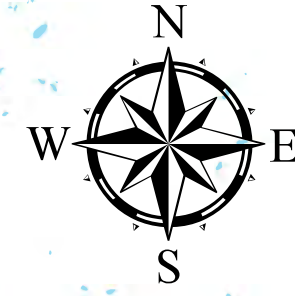
22 **A.** Yes.



Coordinate System: NAD 1983 StatePlane New Hampshire FIPS 2800 Feet
Projection: Transverse Mercator
Datum: North American 1983
False Easting: 984,250.0000
False Northing: 0.0000
Central Meridian: -71.6667
Scale Factor: 1.0000
Latitude Of Origin: 42.5000
Units: Foot US



Land Uses as a % of the Town's Land Area	
19%	Great Bay National Wildlife Refuge 1,088 acres
25%	Pease 1,436 acres
10%	Conservation & Municipal Lands 554 acres
3%	Spaulding Turnpike 151 acres
14%	Commercial & Industrial Development 819 acres
2%	Wetlands in Residential District 116 acres
27%	Upland Residential 1,511 acres



Coordinate System: NAD 1983 StatePlane New Hampshire FIPS 2800 Feet
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Development Policies

The Master Plan is primarily a policy document. In regards to specific land development proposals which may be presented in coming years, the 13 development policies summarized on this page represent the official position of the Town of Newington. These policies are presented in greater detail on the pages which follow.

Policy One

Newington's rural residential character should be preserved

The protection of the quality of the town's residential areas is central to the Master Plan. This statement is made realizing the critical importance of Newington's industrial operations. The purpose is simply to ensure that the quality of life in Newington's residential areas is protected from incompatible uses. For the most part, such a policy should not affect the town's commercial and industrial districts, or the relatively positive attitude taken towards commercial and industrial growth. In some cases, however, adjustments to local controls may be warranted.

Policy Two

Industrial development is encouraged, providing that conflicts between incompatible land uses are minimized, the environment is not adversely affected and public safety is ensured.

Industry has long been important to Newington. Industrial wages are relatively high. The demands of industry on town services are minimal, as is the traffic generated by industrial operations. Tax revenues generated by local industry are substantial, resulting in one of the lowest municipal tax rates in New Hampshire.

Newington's low tax rate has helped to shield the Town's lower income residents from the displacement and gentrification that is widespread in much of southern New Hampshire. Newington is thus able to maintain a diverse population.

Policy Four
 In recent years, local industry has struggled to compete for increasingly scarce industrially zoned real estate with other, less desirable, land uses. It is in the best interest of both Newington and the region that industrial land be reserved for the exclusive use of industry.

Policy Three

The Town encourages responsible commercial development which does not generate a large traffic volume, and whose demand on community services does not result in a burden on other taxpayers.

As host for two of the largest shopping malls in New Hampshire, Newington has accommodated more than its fair share of retail development. The Planning Board should carefully scrutinize future commercial proposals in order to prevent an undue burden on local services.

Policy Four

The Town seeks to improve the safety appearance, operation, and character of the mall area.

Traffic studies have indicated that traffic safety in the vicinity of the malls requires much improvement.

Policy Five

The Town continues to encourage land use along the Piscataqua River that is dependent upon the sea /or transport and resources.

There is a very limited amount of deepwater frontage in the State of New Hampshire. This prime land is recognized as an invaluable natural resource of the Town of Newington and of the State of New Hampshire, and should be reserved for optimum utilization so that the economic benefits may be realized to their fullest extent.

Policy Six

A number of hazardous materials are presently transported through town on local rails, highways, and along the Piscataqua River. The Town seeks to improve the safety of such transport.

Flammable, toxic, and explosive materials pose a potential threat to the environment and nearby residents. The local rail is in poor condition

and should be upgraded. Highway and river traffic warrant further study to better assess potential problems.

Policy Seven

The Town of Newington seeks to provide an adequate supply of housing to meet the needs of all its residents, and to provide for Newington's fair share of regional housing. The Town especially seeks to allow for the housing needs of Newington's young and elderly.

Community housing policies often have far reaching implications. The housing issue and growth typically provide the greatest degree of controversy in small communities. The Planning Board recognizes the difficulties many currently face in finding adequate housing, and the role local regulations often play in such problems. The Town, therefore, seeks to promote strategies for providing fair and equitable housing opportunities. By maintaining an exceptionally low tax rate, Newington, unlike other southern New Hampshire communities, has thus far achieved remarkable success in enabling lower income residents to remain in town.

Policy Eight

The Town seeks to develop improved community services and facilities in a manner that encourages orderly growth, but does not place an excessive financial burden on the community.

This policy represents a recognition that Newington's public services will be in need of improvement to keep pace with growth. Town officials do, however, recognize definite fiscal constraints in providing these services in a relatively short time.

Policy Nine

The Town encourages the establishment of conservation areas to protect wetlands, forests, agricultural land, and open space, and to prevent premature subdivision of Newington's undeveloped area.

This policy is based on the results of the community survey which indicated a strong interest in protecting natural resources, and in providing local residents with open space and conservation lands for recreational purposes.

Policy Ten

The Town seeks to reduce adverse impacts of future housing on environmentally sensitive areas by encouraging flexibility in the design and siting of such housing.

The principal implication of this policy would be amendments to current regulations relative to multifamily housing, as well as allowing for flexibility in design and siting.

Policy Eleven

The shorelines of Great Bay and Little Bay should be protected.

The bays' scenic and natural resources are unparalleled in New Hampshire. The bay and its immediate environs provide habitat to a wide range of wildlife. Several bald eagles, for example, are known to winter along the Newington shore. As one of the richest estuaries in North America, the bay has been designated by the federal government as a National Estuarine Research Reserve.

Policy Twelve

Newington seeks to ensure the preservation of the town's historic resources.

Much of Newington's historic, architectural and scenic resources have suffered in the past due to the arrival of Pease Air Force Base and the rapid growth east of the Spaulding Turnpike. The Town seeks to protect remaining resources.

Policy Thirteen

Development is to be discouraged in areas that are subject to excessive aircraft noise or which have high potential for aircraft accidents.

For obvious reasons, it is not in the public interest, nor is it responsible planning, to permit dense residential development in areas that are subject to excessive aircraft noise or in areas that are identified as having a high potential for aircraft accidents.

broadband business so as to afford Newington residents and business more choice at less cost.

The City of Philadelphia is in the process of creating a Metropolitan Area Network (MAN) which will provide wireless internet access to the entire city at a fraction of the cost of other providers. Service, billing, and administration will be operated much like other municipal utilities. Newington should follow suit. Newington's 4.7 square mile area is so small that a wireless network that covers the entire town would be fairly easy to implement.

Utility Easements

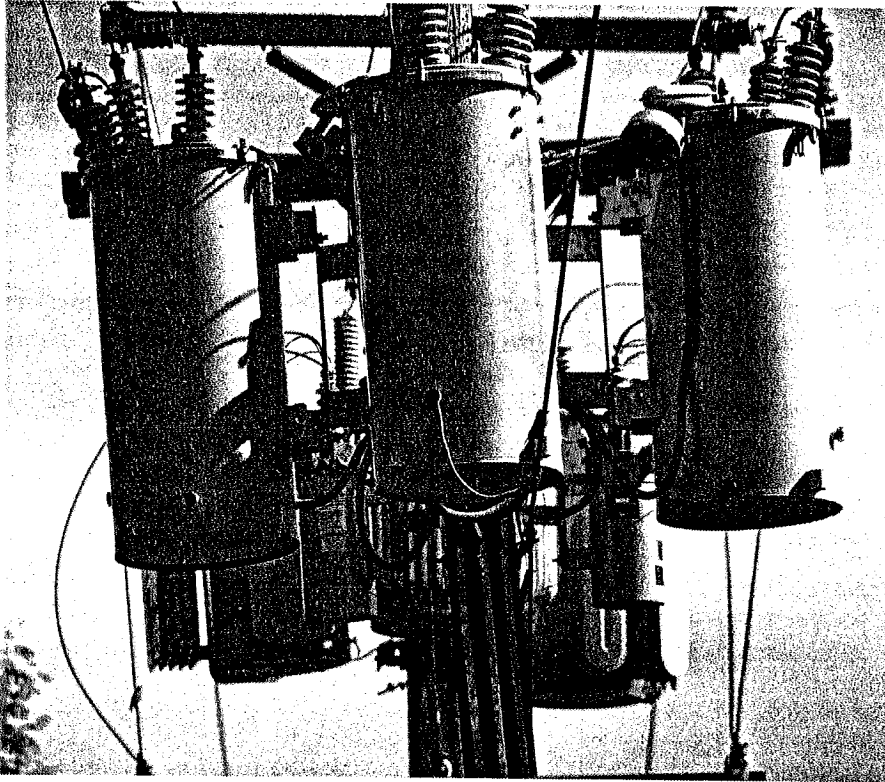
Utility easements often times present significant obstacles to the development of otherwise suitable building land. While electric distribution lines are needed to power today's residences, electric transmission lines are generally viewed as uses incompatible with residential uses. This is particularly true in Newington, where the residential district is small, compact; with a long established history of residential development amidst the surrounding heavily intensive, nonresidential development that characterizes most of the rest of the town. The residential district is bounded by the Spaulding Turnpike, bay waters, federal forest/open land, and the Pease Tradeport-and it is small enough to be easily avoided. The prospect of splintering the residential district with upgrade electric transmission line development within existing easements is strongly disfavored.

The proposed installation of an electric transmission line between the Gundalow Landing neighborhood, through the Frink Farm heritage site, the Hannah Lane neighborhood, and continuing through the Fox Point Road neighborhood towards the Spaulding Turnpike would interject a significant visual blight upon Newington's small residential district. Such a transmission line development with utility towers at heights from 65' to 90' or higher, would have considerable negative view impacts from many homes and upon the view shed of the Town's Historic District.

It has been the town's policy to require land developers to place their electric utility service improvements in the Residential District underground. This policy should extend also to electric transmission line improvements. It is strongly recommended that electric transmission line improvements, if they must pass through Newington from East to West, that the transmission line follow the approximate route used by the PNGTS gas transmission lines that skirts the northwestern boundary of the Pease Development Authority. Such utility infrastructure improvements should be kept at the very periphery of the Residential District should be placed underground, and under no circumstances should such improvements be permitted to be constructed above ground within existing easements that bisect the heart of the Residential District.

Utility Easements

Unauthorized structures should be strictly prohibited within power easements so as to prevent a reoccurrence of the fatality that occurred at Great Bay Services several years ago.



Two major drainage ditches funnel storm water from Pease to the bay. The protective easements which encompass these ditches are 100 feet in width, and extend over some 27 acres.

Another significant easement is the one owned by Portsmouth Water Works protecting its 24" main connecting the Bellamy Reservoir with the City of Portsmouth. This line runs roughly parallel with Fox Point Road (note map in the Water Resources chapter of this plan). The accompanying easement varies from 10 to 20 feet in width.

SECTION 9 – Scenic Roads: Designated scenic roads are all Town of Newington roads west of the Spaulding Turnpike and north of the Newington / Greenland town line. When an activity such as the cutting or removal of trees or the alteration of all or a portion a stone wall is proposed on a designated scenic read, the Planning Board shall follow the procedures described in NH RSA 231:158.

SECTION 10 - Buildings per Lot: There shall be no more than one principal building and no more than one dwelling building per lot.

Recommendations

Newington's Old Town Center

is exceptional not only for its historic sites, but also for its remarkable state of preservation. The district enters the twenty-first century with its nineteenth century appearance almost entirely intact. Particular care and attention should be directed toward maintaining the historic character and ambience of this area.

Roads

The Scenic Road Ordinance regulates activities affecting trees and stone walls in the vicinity of Town owned roads. The historic character of Newington's rural roads should be respected. Work near these roadways should be carefully monitored, and this section of the ordinance should be strictly enforced.



Newington's Town Forest dating to 1640, is believed to be the oldest such community forest in the nation. The forest is an integral component of

Newington's historic town center. The PDA deeded the forest back to Newington in 2008. The Town should take whatever reasonable and practical steps are necessary to preserve the forest.

National Register of Historic Places

Expansion of Newington's National Register Historic District should be considered, as should the nomination of individual sites in other parts of town. No such expansion or nomination should be undertaken, however, without the consent of affected property owners.

Knights Brook Corridor

One of the region's most scenic and historically significant landscapes of open fields and farmland is that 250-acre tract situated immediately northwest of the Town Center, comprised of the Frink, Pickering, Hislop and the former Rowe properties. Every effort should be made to preserve this open space.

NH/VT Transmission System Solutions Study Update

January 18, 2012 Planning Advisory Committee Meeting

Jinlin Zhang, ISO New England Inc.

Jim DiLuca, Northeast Utilities

Seacoast NH Solutions

- Area Load: Approximately 700 MW *
- Identified Needs:
 - Thermal and voltage violations for loss of 115 kV paths into the area
- Transmission Solution Alternatives:
 - #1: New Gosling Road 345/115 kV autotransformers
 - #2: New Madbury-Portsmouth
115 kV line
 - #3: Dynamic voltage control
device at Ocean Road
 - #4: New Madbury-Brentwood
115 kV line

* Note: This value provides an order of magnitude for the amount of load in this area.

Seacoast NH Solutions, continued

- Leading Alternatives
 - Alternative #1 Gosling Road 345/115 kV autotransformers
 - Alternative #2 Madbury – Portsmouth 115kV line

- Alternatives no longer under consideration
 - Alternative #3
 - High cost estimates
 - Large amount of dynamic voltage support
 - Alternative #4
 - Poor electrical performance

Seacoast NH Solutions – Alternative #1

(Gosling Road 345/115 kV Autotransformers)

Gosling Road Substation

- New Substation, including
- (2) 345/115 kV Autotransformers
- (2) 115 kV breakers
- New control house
- Underground cable

Newington Substation

- New 345 kV bay
- (4) 345 kV Circuit Breakers
- New control house

Dover Substation

- (2) 115 kV Circuit Breakers

Three Rivers Substation

- (1) 115 kV Circuit Breaker
- Relocation of the existing capacitor banks

Ocean Road Substation

- (1) 115 kV Circuit Breaker
- Substation upgrade to accommodate new bus tie breaker

Schiller Substation

- (1) 115 kV Circuit Breaker
- Substation upgrade to BPS design standard and thermal capacity upgrade to accommodate Gosling Road auto

N133, Schiller – Three Rivers 115 kV line

Rebuild, 6-mile existing 115 kV overhead line

E194, Schiller – Ocean Rd. 115 kV line

Rebuild, 6-mile existing 115 kV overhead line

U181, Schiller – Ocean Rd. 115 kV line

Rebuild, 6-mile existing 115 kV overhead line

Dover – Three Rivers 115 kV line

New 3-mile 115 kV overhead/submarine line

Total Project Cost \$136 M

Seacoast NH Solutions – Alternative #2

(New Madbury – Portsmouth 115 kV line and upgrades)



Madbury Substation

(1) 115 kV Circuit Breaker

Portsmouth Substation

(1) 115 kV Circuit Breaker

Madbury – Portsmouth 115 kV line

New 13-mile 115 kV overhead/submarine line

Scobie Pond – Chester 115 kV line

New 6-mile 115 kV overhead line

Relocation of the existing 115 kV line

Schiller Substation

(6) 13.3 MVAR 115 kV capacitor banks

(3) 115 kV Circuit Breakers

Chester Substation

(6) 115 kV Circuit Breakers

(3) 13.3 MVAR 115 kV capacitor banks

Three Rivers Substation

(1) 115 kV Circuit Breaker

Scobie Substation

Terminal upgrades

H141, Chester - Great Bay 115 kV line *

Upgrade, 19-mile existing 115 kV overhead line

R193, Scobie Pond - Kingston Tap 115 kV line *

Upgrade, 11-mile existing 115 kV overhead line

Total Project Cost \$110.7 M

*All upgrades necessary to allow existing conductor to operate at 140°C

Seacoast NH Leading Alternatives Comparison Matrix

	Preferred Alternative	Economics	Cost to Construct (\$M, 2016\$)	MW Loss Reduction (PK)	Capability to Expand Proposed Facility	Environmental	State Siting Required (SEC)	Existing Right of Way(s)	Within Existing Property	New Right of Way(s)	New Circuit Miles	Rebuild Circuit Miles	Expand Existing Substation(s)	Greenfield Substation(s)	Operation & Maintenance	Construction Outage(s) Impact	Construction Outage(s) Impact Generation	Time to Construct	Flexibility	Reliability	MVAR Margin	MVAR Margin (QV) to 0.95 p.u. V (N-1)	MW Load Growth (PV) to 0.95 p.u. V (N-1)	Existing MW Load in Area	Existing Mvar Capacitor Installed	MVAR Capacitor Additions	Impact to Circuit Breakers (% Duty)	Converts Substation(s) to BPS	Local Area Voltage Control
Gosling Auto. and upgrades		\$136	2-7	C		YES-Residential NH & ME	YES	YES	NO	3	18	YES	YES	Regional/Local	YES	C	A			430	400	760	164	0	>100%	Yes	A		
		✓	✓			✓	✓	✓	✓	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
New Madbury-Portsmouth 115kV line and upgrades		\$111	.5-2	C		YES-Residential	YES	YES	NO	19	0	YES	NO	Local	NO	C	B			100	190	760	164	120	<100%	NO	A/B		
	✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

A= Better B=Good C=Fair n/a = not available ✓ = Positive attribute

Seacoast NH Preferred Solution

- Alternative #2
 - New Madbury – Portsmouth 115 kV line
 - New Scobie – Chester 115 kV line
 - Existing line upgrades and new capacitor banks
- Solution Attributes
 - ***Less costly than the other alternatives***
 - Provides adequate voltage support
 - Provides long term load growth margin
 - Minimal impact to circuit breaker short circuit duties

Seacoast NH Solutions				
	PAC Presentation Dollars		Updated Estimates (\$ presented \$1M & 2017 values)	
Alternative #1-Gosling Rd Family of Projects	01/18/2012		07/30/2014	
Gosling Road Substation	\$ 39.5		\$ 47.3	
Newington Substation	\$ 22.4		\$ 16.7	
Dover Substation	\$ 5.2		\$ 10.0	
Three Rivers Substation	\$ 6.2		\$ 3.5	
Ocean Road Substation	\$ 5.5		\$ 11.0	
Schiller Substation	\$ 15.8		\$ 28.9	
N133, Schiller - Three Rivers 115kV	\$ 8.8		\$ 8.1	
E194, Schiller - Ocean Road 115kV	\$ 11.4		\$ 14.4	
U181, Schiller - Ocean Road 115kV	\$ 11.4		\$ 13.7	
Dover - Three Rivers 115kV	\$ 9.8		\$ 25.4	
Totals	\$ 136.0		\$ 210.5	
Out of the \$210.5M - \$39.4M is contingency (18.7%) = (\$171.1M w/o contingency)				
	PAC Presentation Dollars		Current Forecast (per Rev.6 PCS 2014)	
Alternative #2 -F107 Family of Projects	01/18/2012		07/30/2014	
Madbury Substation	\$ 1.7		\$ 2.5	
Portsmouth Substation	\$ 1.7		\$ 3.2	
Madbury - Portsmouth 115kV Line	\$ 27.2		\$ 52.3	
Scobie Pond - Chester 115kV Line	\$ 13.7		\$ 20.9	
Schiller Substation	\$ 21.8		\$ 14.6	
Chester Substation	\$ 24.2		\$ 16.2	
Three Rivers Substation	\$ 3.2		\$ 2.2	
Scobie Substation	\$ 3.8		\$ 2.4	
H141, Chester - Great Bay 115kV Line	\$ 8.4		\$ 5.4	
R193, Scoble Pond - Kingston Tap 115kV Line	\$ 5.0		\$ 1.7	
Totals	\$ 110.7		\$ 121.4	
Out of the \$121.4M - \$18.2M is contingency (15%) = (\$103.2M w/o contingency)				

Seacoast Reliability Project
Estimated Total Costs Allocated to Public Service Company of New Hampshire Retail Rate Payers
for Potential Regional Costs in New Hampshire
(For Informational Purposes Only: \$/kWh per \$10 million in Project Costs)

(A)	(B)	(C)=(A)x(B)	(D)	(E)=(C)x(D)	(F)=(E)/kWh	(G)=(F) x 700	(H)=(G)x12 mos.
Estimated Project Regional Network Service Cost	Estimated Carrying Charge	Estimated Revenue Requirements	Estimated Load Percentage for PSNH Customers	Estimated Annual Retail Cost to PSNH Customers	Estimated Cost to PSNH Retail Customers (\$/kWh)	Estimated <u>Monthly</u> Impact to a 700 kWh PSNH Retail Customer	Estimated <u>Annual</u> Impact to a 700kWh PSNH Retail Customer
\$ 10,000,000	17.15%	\$ 1,715,000	6.60%	\$ 113,000	\$ 0.000014	\$ 0.01	\$ 0.12

Assumptions:

- (1) All numbers are based on an ROE of 11.07% which is the latest FERC Authorized ROE per Order No. 531.
- (2) Costs use a carrying charge factor of 17.15% (filed publicly as part of the annual PTO AC Informational Filing) to calculate estimated annual revenue requirements.
- (3) PSNH Retail kWh is equal to: 8,007,308,000 (filed publicly as part of PSNH's annual Transmission Cost Adjustment Mechanism filing)
- (4) Based on Average 2013 calendar year 12CP RNS Loads for PSNH (filed publicly as part of the annual PTO AC Informational Filing).

REGULATIONS FOR EXCAVATIONS IN TOWN STREETS AND RIGHTS-OF-WAY

PERMIT REQUIREMENTS

An excavation permit shall be obtained from the Town of Newington's Board of Selectmen prior to disturbing, excavating or opening the ground or pavement in any street, highway, sidewalk or greenbelt within a Town of Newington's public right-of-way, or on Town property. For projects that open or disturb multiple streets, rights-of-way, et cetera, a separate permit shall be required for each road opening or disturbance.

Application for an excavation permit shall be made on the form provided by the Board of Selectmen and shall be submitted to the building inspector no later than fourteen (14) days prior to the proposed excavation commencement date.

A fee of \$100.00 must accompany each application for a permit.

The application must include a plan for the area of excavation and adjacent properties showing existing surface and subsurface conditions including the placement of existing utilities, structures, street layouts, trees, or other vital structures within the public right-of-way or on private properties that may be affected by the work. The Applicant shall provide a diagram or plan showing the proposed cross-section of the proposed installation and restoration, which shall conform to the Town's restoration standards.

INSURANCE

The applicant for a permit shall provide the Board of Selectmen with a certificate of insurance, naming the Town of Newington as additionally insured, providing the following coverage:

- Comprehensive General Liability Insurance with limits of not less than \$1,000,000 per occurrence for bodily injury, \$500,000 per occurrence for property damage, \$2,000,000 general aggregate, \$50,000.00 fire damage (any one fire) and \$5,000.00 for medical expenses (any one person).
- Automobile Liability Insurance with limits not less than \$1,000,000 per occurrence for bodily injury, and \$500,000 per occurrence for property damage.
- Worker's Compensation Insurance including Employer's Liability Insurance with limits of \$100,000 for each accident.

The applicant agrees to indemnify and save harmless the Town of Newington, NH from all claims and damage or injury whatsoever, that may arise from the encumbrance, obstruction or use of the street, highway, sidewalk or greenbelt within the Town's right-of-way. The applicant shall be responsible for all damage that may occur on account of said encumbrance, obstruction or use of the street or right-of-way. The Town of Newington in no case assumes any responsibility or liability by reason of granting this permit.

FINANCIAL GUARANTEE

The applicant shall provide the Board of Selectmen an irrevocable letter of credit written on a New Hampshire bank or a cash deposit for a period of twenty-four (24) months from the date of completion. The financial guarantee shall be a minimum of \$5,000 (except that the Board of Selectmen may require a multiple of that amount depending upon the location and scope of the

excavation) guaranteeing the condition of the excavation and the fulfillment of the provisions, instructions and regulations prescribed herein. The financial guarantee must clearly identify the location of the excavation and the expiration date of the guarantee. The financial guarantee shall state that if the financial guarantee is drawn upon for repair or restoration by the Town, the guarantee shall be extended in an amount determined by the Town Engineer for a period of 12-24 months to guarantee the repair work, in a sum set by the Town Engineer after the completion of the repair/restoration work. Similarly, if the Applicant undertakes to repair previously completed restoration work at the Town's direction, the financial guarantee shall be extended for a period of 12-24 months as determined by the Town Engineer.

The financial security is intended to guarantee that the roadway will be restored to its condition prior to excavation. Determination of whether a restoration meets this standard shall be at the sole discretion of the Board of Selectmen.

The requirement for a financial guarantee may be waived by the Board of Selectmen.

EMERGENCIES

Nothing in these regulations shall be construed to prevent the making of such excavations as may be necessary for the preservation of life and property; or for the location of trouble in conduit or pipe; or for making repairs; provided that the public utility or contractor making the excavation shall apply to the Town for such permit on the first working day after such work is commenced. All other sections of these regulations will still apply.

CONSTRUCTION AND RESTORATION REQUIREMENTS

1. All work authorized by an excavation permit shall be performed Monday through Friday, 7 a.m. – 5 p.m. from April 15th through November 15th unless the applicant obtains written permission from the Board of Selectmen to do work at another time. Such permission shall be granted only in the case of an emergency, in the event the work authorized by the permit is to be performed in a high traffic and congested area, or if in the best interest of the Town.
2. The permit holder shall comply with current DIG-SAFE requirements as specified by NH state law.
3. Where it is necessary to cut and remove pavement, curb, sidewalk and/or other surface improvements, the material shall be cut and removed by means of equipment and tools suitable to the type of material to be removed, and in a manner that results in a minimum amount of damage to adjacent improvements. NOTE: The saw cuts shall be required for all roadway excavations, and shall be a minimum of two (2) feet from the edge of the excavation. The first cut shall be for construction and the second shall be for the permanent patch.
4. A minimum of one lane of traffic shall be provided on streets at all times. No opening or excavation in any street shall extend beyond the centerline of the roadway before being backfilled and the surface of the roadway made passable to traffic.
5. All trenches shall be backfilled with suitable, material in a thickness and material as specified by the Town of Newington's Construction Specifications for Residential Roadways, or Construction Specifications for Non-Residential Roadways, whichever is applicable. Connector Roadways such as, but not limited to, Little Bay, Fox Point, Nimble Hill, Old Post, Newington, McIntyre Roads and Patterson Lane shall be considered Non-Residential Roadways for purposes of these restoration standards.

6. Any excavation authorized by the permit shall be backfilled, compacted and temporarily patched at the completion of work. In no case shall an open excavation be left overnight. All temporary patches shall be of an acceptable hot patch material depending on the location of the opening. The contractor shall maintain effective 24/7 dust control measures in accordance with best management practices.
7. The surface of the street shall be permanently restored as soon as possible after completion of the work for which the permit has been given. No permanent street restoration will be allowed between November 15 and April 15. The permit holder will be responsible for a permanent patch that meets the specifications of the Town of Newington for a period of two (2) years from the date of final inspection. Final restoration shall occur no sooner than one (1) year after permanent installation to the required standards. If at any time during this 24 month period the excavation requires any additional work (repair of settlement, loaming, seeding, etc.), the permit holder will be responsible to complete this work in a timely manner which work shall be completed no less than fifteen (15) days following written notification by the Town. The Town of Newington reserves the right to repair any excavation at the expense of the permit holder if public safety dictates. Such work shall extend the financial guarantee for 12-24 months as determined by the Town Engineer in its sole discretion.
8. Any sidewalk affected shall be restored with a minimum of 6 inches of compacted crushed gravel placed beneath the pavement material. The pavement material shall be matched in kind, except that hot top shall be at least 2 inches thick and 3000 psi concrete a minimum of 4 inches thick.
9. Any existing grassland or landscaped area that is disturbed shall be restored with the stockpiled, original loam stored on site, with a minimum of 6 inches of compacted screened loam, fertilized, with a matching seed and mulched. No original loam shall be taken off site.
10. The permit holder will furnish the Town with an as-built plan certified by a registered land surveyor or licensed professional engineer in PDF and CAD format for all underground installations.

PROTECTION OF STREETS

1. In an effort to protect the Town's investment in infrastructure, excavations in newly constructed, reconstructed, rehabilitated, or overlaid with pavement within the public right-of-way or on Town Property may be prohibited at the discretion of the Board of Selectmen.
2. Contractor shall be responsible for the degradation or damage to any and all roads, rights-of-way that are used for project travel arising from heavy loads. The permit applicant shall post a suitable road repair performance guarantee in a form and amount acceptable to the Selectmen and the permit holder shall bear the expense of the Town's geotechnical consultant conducting a before and after road survey (photos shall be date stamped) so that any road damage can be assessed and repaired. Projects with anticipated heavy loads traveling on Town roads shall provide with the permit application projected heavy load travel routes and the number of trips anticipated during the project.

TRAFFIC CONTROL

1. The permit holder is required to take all appropriate measures to assure that during performance of the excavation work, so far as practical, normal traffic conditions including vehicular, bicycle, and pedestrian traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the adjoining properties and to the general public.
2. It shall be the responsibility of the permit holder to provide all necessary cones, barricades, flashing lights, signs, qualified uniform police officers and flaggers. Requests for

uniform police officers shall be made at least 24 hours prior to the commencement time of a traffic control assignment.

3. Maintenance of traffic shall be accomplished by the use of flaggers or qualified uniformed police officers wherever construction restricts the flow of traffic on frequently traveled roads, or as required to direct traffic through or around the work or as ordered.
4. When the work area encroaches upon a sidewalk, walkway or crosswalk area, protective barriers, together with warning and guidance devices and signs, must be utilized so that the passageway is safe and well defined.
5. If acceptable traffic control is not maintained, as determined by the Board of Selectmen, the Police Chief or their designee, in their sole discretion, the contractor may be required to suspend work that interferes with traffic.

INSPECTION

Proper inspection by the Town Engineer or his designee shall be required in conjunction with all street excavation permits. The permit holder shall call for inspections as directed by the Town Engineer. The expense of inspections shall be borne by the permit holder, who shall post an estimated inspection expense at the time of permit issue.

Article I: General Provisions

§ 202-1 Applicability.

- A. This chapter shall apply to the transportation, storage, possession and use of explosive materials in the Town of Newington.
- B. This chapter shall not apply to:
 - (1) Explosive materials while in the course of transportation via railroad, water, highway or air when explosive materials are moving under the jurisdiction of and in conformity with regulations adopted by any federal or state department or agency.
 - (2) The laboratories of schools and similar institutions when confined to the purpose of instruction or research or to explosive materials in the forms prescribed by the official United States Pharmacopeia or the National Formulary and used in medicines and medicinal agents.
 - (3) The normal and emergency conditions of any government, including all departments, agencies and divisions thereof, provided that they are acting in their official capacity and in the proper performance of their duties or functions.
 - (4) Explosive materials for delivery to any government or any department, agency or division thereof.
 - (5) Pyrotechnics commonly known as "fireworks," including signaling devices such as flares and fuses.
 - (6) Small arms ammunition and components thereof, which are subject to the Gun Control Act of 1968 (Title 18, Chapter 44, of the United States Code) and regulations promulgated thereunder.
 - (7) Gasoline, fertilizers and propellants used in propellant-activated power devices or tools.
- C. Blasting should be the last option as a technique to assist excavation. The applicant shall present information why non-blasting methods (e.g. mechanical hammering, et cetera) are not feasible.

§ 202-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED, APPROVED or APPROVAL

Authorized, approved or approval by the Fire Chief or his designee.

BLAST AREA

The area of a blast within the influence of flyrock gasses and concussion.

BLASTER

That qualified person in charge of and responsible for the loading and firing of a blast.

BLASTING AGENT

An explosive material which meets prescribed criteria for insensitivity to initiation in conformity with Title 27 of the Code of Federal Regulations, Section 55.11 (for storage), and Title 49 of the Code of Federal Regulations (for transportation).

BLAST SITE

The area where explosive material is handled during loading, including the perimeter of blast holes and for a distance of 50 feet in all directions from loaded holes or holes to be loaded.

DETONATING CORD

A flexible cord containing a center core of high-velocity explosive and used to initiate other explosives.

Town of Newington, NH General Provisions

DETONATOR

Any device containing any initiating or primary explosive that is used for initiating detonation. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors and nonelectric instantaneous and delay blasting caps which use detonating cord or other replacement for electric lag wires.

EXPLOSIVE

Any chemical compound mixture or device, the primary or common purpose of which is to function by explosion.

EXPLOSIVE MATERIALS

These include explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, safety fuses, detonating cord and igniters. Title 49 of the Code of Federal Regulations, Parts 1 through 999, subdivide these materials into:

- A. Class A explosives: detonating or otherwise maximum hazard.
- B. Class B explosives: flammable hazard.
- C. Class C explosives: minimum hazard.
- D. Blasting agents: See definition.

Fire Chief shall mean the Newington Fire Chief or the Chief's designee.

HIGH EXPLOSIVES

Explosives which are characterized by a very high rate of reaction, high pressure development and the presence of a detonation wave in the explosive.

PERSON

Any individual, corporation, company, association, firm, partnership, society or joint-stock company.

PYROTECHNICS

Any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects. "Pyrotechnics" are commonly referred to as "fireworks."

SAFETY FUSE

A flexible cord containing an internal burning medium by which fire or flame is conveyed at a continuous and uniform rate from the point of ignition to the point of use, usually a fuse detonator.

§ 202-3 Word usage.

Words used in the singular shall include the plural and in the plural shall include the singular. Words used in the masculine gender shall include the feminine gender and vice versa.

§ 202-4 Forms and procedures.

The Fire Chief shall issue forms necessary or useful for carrying out the purposes of this chapter. [1] He may also establish procedures necessary or useful for carrying out the purposes of this chapter which are consistent with the provisions of this chapter.

[1] *Editor's Note: Said Forms are on file at the Fire Department and in the town offices and may be examined there during regular business hours.*

§ 202-5 Violations and penalties.

Any person who violates any provision of this chapter commits a separate violation of this chapter for each provision violated and shall be subject to a civil fine of not more than \$500 for each separate violation.

Article II: Licenses and Permits

§ 202-6 Applicability of Article.

Safety and security are primary considerations in the manufacture, transportation, storage, sale, possession and use of explosive materials. An appropriate and thorough system of licensing or permitting is designed to promote these considerations by assuring that these products come only into the hands of qualified persons who require them in their own occupation.

- A. The license and permit requirements of this Article shall apply to all explosive materials.
- B. This Article is intended to supplement existing federal and state laws and regulations.

§ 202-7 Exceptions.

This Article shall not apply to hand-loading of small arms ammunition for personal use and not for resale.

§ 202-8 Manufacture of explosives.

- A. The manufacture of explosive materials within the Town of Newington shall be limited to those having an appropriate state and/or federal license,
- B. The manufacture of explosive materials within the Town of Newington shall be prohibited when such manufacture presents an undue hazard to life and property.

§ 202-9 Dealers of explosives.

- A. Persons intending to act as dealers in explosive materials must possess an appropriate federal license from the Bureau of Alcohol, Tobacco and Firearms.
- B. Explosive materials shall not be sold, given, delivered or transferred to any person not in possession of a valid license or permit.

§ 202-10 Blaster's license required.

- A. No person may load or fire explosive materials unless such person or his supervisor is a licensed blaster in conformance with the rules and regulations promulgated under RSA 158: 9 of the State of New Hampshire.
- B. Proof of said license shall be provided upon request to the Fire Chief.

§ 202-11 Permit required.

- A. No person shall use explosive materials within the Town of Newington without first obtaining the proper permit from the Newington Fire Chief which authorizes him to use such materials. The permit application shall be accompanied by a letter of explanation setting forth why non-blasting methods are not feasible.
- B. The authorized agent or person conducting an operation or activity requiring the use of explosive materials shall obtain a permit to use explosive materials and shall be responsible for the results and any other consequences of any loading and firing of explosive material and shall permit the loading and firing to be performed or supervised only by a licensed blaster.

§ 202-12 Permit applications; fees; pre-blasting conference; renewal.

- A. Application for a permit or its renewal shall be made to the Fire Chief on forms provided by him, with a copy to be simultaneously filed with the New Hampshire Board of Selectmen, and shall contain such information as may be required.

Town of Newington, NH Licenses and Permits**Page 4 of 9**

- B. Applications submitted shall have attached proof of the following:
- (1) State of New Hampshire license to use, purchase and transport explosive materials.
 - (2) State of New Hampshire certificate of competency to conduct blasting operations.
 - (3) Certificate of insurance showing minimum coverage of \$2,000,000 bodily injury and \$500,000 property damage by a carrier authorized by the State of New Hampshire Insurance Commissioner to do business in New Hampshire. The insurance certificate shall state that the insurance company is authorized to do business in the State of New Hampshire.
 - (4) The blaster's license of the person in charge of or supervising the use of explosives.
 - (5) Written permission from the owner of the land on which the use of explosives will occur for the Fire Chief to inspect the land during the period of the permit and until 20 days after the expiration of the permit.
- C. Applications with application permit fees must be received by the Fire Chief at least 10 and not more than 30 business days prior to the estimated start date of blasting operations.
- D. A fee shall be assessed for each permit. Checks shall be made payable to the Town of Newington with "Fire Department" noted on the check. The check must be received by the Fire Department prior to permit approval and issuance. Permit fee rates have been established by either the Board of Fire Engineers or by the Board of Selectmen.
- E. Pre-blasting conferences may be scheduled by the Fire Chief prior to approval of permit application. Conference attendees may include but not be limited to representatives of the blaster, other town officials and/or citizens likely to be affected by blasting operations.
- F. If an application for renewal is filed with the issuing authority before expiration of the old permit, the renewal will become effective when the old permit expires. No renewal permit shall be issued more than 30 days before the expiration date of the current permit.
- G. If an application for renewal is filed after the expiration of the old permit, it shall be considered as an application for a new permit.

§ 202-13 Permit restrictions.

- A. No permit shall be assigned or transferred.
- B. Approved permits shall be dated and be valid for no more than one year from date of issue.
- C. The permit expiration date shall be no later than the expiration date of the blaster's insurance certificate.
- D. The permit shall bear the name and address of the person who applied for the permit, the name and address of the person(s) with a blaster's license who will supervise the use of explosives and the signature of the approving authority.

§ 202-14 Denial, revocation or suspension of permit.

- A. A permit for use of explosive materials may be denied, revoked or suspended for any of the following reasons:
 - (i) Noncompliance with any order of the issuing authority.
 - (2) If it is determined that any applicant or permit holder was or is under the influence of any drug (prescription or nonprescription) or alcohol that may have impaired their judgment or ability to transport, store, possess or use any explosive material under the jurisdiction of the Town of Newington in a safe and prudent manner, while operating under such permit, their permit to operate in the town shall be suspended immediately. The Fire Chief shall contact the Newington Police Department and the State of New Hampshire Department of Safety if they feel that any applicant or permit holder has or is suspected of violating this or any part of this chapter because

Town of Newington, NH Licenses and Permits

they may have been or were impaired by any drugs (prescription or nonprescription) or alcohol. No permit to operate shall be reissued until the matter is fully investigated and the Fire Chief's office provided with the findings of any investigations into the matter.

- (3) Proof that the permit holder or applicant suffers from a mental or physical defect that would interfere with the safe handling of explosive materials.
- (4) Violation by the applicant or permit holder of any provision of any law or regulation relating to explosive materials or proof that false information was willfully given or a misrepresentation was willfully made to obtain the permit.
- (5) Determination by the issuing authority that blasting operations pose a hazard to the health or property of any person or have or will cause an unnecessary nuisance to any person.
- (6) For other good cause.

B. Notification; hearing.

- (1) In any case where the Fire Chief determines that it may be appropriate to deny a permit, he shall promptly notify the applicant. Said notice will set forth specific basis for the denial and state that, upon written request, a hearing before the Chief will be held within 10 days after the date of receiving the request. Following said hearing, the Chief will make a final determination as to whether to grant or deny the applicant a permit,
- (2) In any case where the Fire Chief determines that it may be appropriate to revoke a permit from a current permit holder, he shall promptly notify the applicant that the applicant's current permit is temporarily suspended pending a hearing. Said notice will set forth specific basis for the suspension and anticipated revocation and state that, upon written request, a hearing before the Chief will be held within 10 days after the date of receiving the request. Following said hearing, the Chief will make a final determination as to whether to revoke the permit.

- C. Within 15 days after such hearing, the Fire Chief shall state his findings and conclusions, in writing, and transmit a copy to the applicant or former permit holder.
- D. Upon notice of the revocation or suspension of any permit, the former permit holder shall immediately surrender to the issuing authority the permit and all copies thereof.

§ 202-15 Licenses and permits available for public inspection; protection of permits.

- A. Licenses (or copies thereof) to deal in explosive materials shall be kept available for inspection at each place of operation.
- B. A permit to blast (or copies thereof) shall be kept available for inspection at each place of operation.
- C. Permit holders shall take every reasonable precaution to protect their permits from loss, theft, defacement, destruction or unauthorized duplication, and any such occurrence shall be reported immediately to the Fire Chief.

§ 202-16 Recordkeeping and reporting.

- A. A holder of a permit to use explosive materials shall make a record of all operations within the Town of Newington. Such record shall be made available to the Fire Chief upon request and shall be retained for five years.
- B. All persons holding a blasters permit shall make daily records for each blast that at a minimum contains the information required by the current version of the Newington Fire Department's Records Requirements for Blasting. These records shall be retained for five years.
- C. The Fire Chief shall be notified promptly by any permit holder of a change in business address or phone number and home address, if applicable.
- D. The theft or loss of explosive materials shall be reported immediately to the Fire Chief and to the Newington Police Department.

Town of Newington, NH Licenses and Permits

- E. Records made and kept pursuant to regulations promulgated by any federal or state agency need not be duplicated to satisfy the requirements of this section.

Article III: Use of Explosive Materials

§ 202-17 General regulations.

- A. The conduct of all blasting operations shall be governed by the New Hampshire Code of Administrative Rules, Chapter Saf-C 1600, Explosives.
- B. In the case of conflicting rules or regulations, the most stringent rule or regulation shall apply.
- C. While explosive materials are being handled or used, smoking shall not be permitted, and no one near the explosive material shall possess matches, open flame or fire- or flame-producing devices, except that the blaster may possess a device for the specific purpose of igniting the safety fuse.
- D. No one shall handle explosive materials while under the influence of alcohol, narcotics or other substances that may impair one's judgment.
- E. For all blasts, the blaster shall exercise precautions to prevent injury to persons and damage to property and to prevent earth vibrations and atmospheric sounds from exceeding regulatory limits.
- F. When conducting blasting operations, the holder of the permit shall use reasonable precautions, including but not limited to warning signals, flags, barricades or mats as may be required or appropriate to maximize safety.
- G. Blasting operations shall be conducted during daylight hours only, except by permission of the Fire Chief.
- H. No explosive materials shall be intentionally abandoned in any location for any reason, nor left in such a manner that they may easily be obtained by children or other unauthorized persons. All unused explosive materials shall be returned to proper storage facilities.
- I. Explosive materials shall be loaded and used in a manner that is consistent with any recommendations or instructions of the manufacturer for that explosive material.
- J. Transportation, storage and possession of explosive materials in the Town of Newington shall be governed by the New Hampshire Code of Administrative Rules, Chapter Saf-C 1600, Explosives.

§ 202-18 Notification.

- A. Notification of intent to conduct blasting operations shall be published in a local daily newspaper on at least three consecutive days prior to the start of blasting. Said notification shall also be published in the local weekly newspaper at least once prior to the start date of blasting. Notification shall include the area of operations and the name of the company responsible for operations.
- B. Persons intending to conduct blasting operations within the Town of Newington shall submit written notification of such intent to the Chief of the Police and Fire Departments and the Selectmen's office. Said notification shall be made no less than 24 hours prior to the estimated start date of blasting and shall be submitted on the permit forms.
- C. The blaster shall also notify the Newington Fire Department dispatcher no less than 30 minutes prior to each blast. The blaster shall provide:
 - (i) The name of the company conducting the blasting;

Town of Newington, NH Use of Explosive Materials

- (2) The address of the blasting;
- (3) The time of the blasting; and
- (4) The amount of explosive material to be used.

§ 202-19 Pre-blast surveys.

Prior to conducting any blasting operations, the applicant or their agent shall conduct a pre-blast structural inspection condition survey of all existing structures and conditions on the site, adjacent to the site or in the vicinity of the site at no cost to the property owner or the Town of Newington. This survey shall extend to such structures or conditions as may be affected by the applicant's blasting operations. As a minimum, pre-blast structural inspection condition surveys shall be performed on all structures, including homes, foundations, driveways, roadbeds, swimming pools, wells and mobile homes within 500 feet of the anticipated blasting area. The applicant as well as the owner of the property being surveyed shall sign all such surveys once completed if an owner refuses to allow for or sign a pre-blast survey form for whatever reason the applicant shall note this on the form. The applicant shall make at least three attempts to notify the owner of the need for such surveys; the last such attempt shall include written notification and the name and contact number of a person that they may contact.

- A. The pre-blast structural inspection condition survey shall consist of a written description of the interior and exterior condition of each of the structures examined. Descriptions shall locate any existing cracks, damage or other defects and shall include such information so as to make it possible to determine the effect, if any, of the blasting operations on the defect. Where significant cracks or damage exist, or for defects too complicated to describe in words, photographs shall be taken. A good quality videotape survey with appropriate audio description of locations, conditions and defects can be used in lieu of a written form. Prior to the start of work, a copy of the pre-blast condition survey shall be submitted to the Fire Chief and the homeowner or occupant.
- B. The individual person conducting the survey shall give written notice to the owner of the property concerned and tenants of the property. The notice shall state the dates on which the surveys are to be conducted. Copies of all notices shall also be provided to the Fire Chief.

§ 202.20 Blasting operations.

- A. During the time that holes are loaded or are being loaded with explosives, blasting agents or detonators, the blast site shall be barred to all but those authorized personnel engaged in the drilling and loading operations or otherwise authorized to enter that site. The blast site shall be guarded or barricaded and posted.
- B. After loading for a blast is completed, and before firing, all excess explosive materials shall be removed from the area and returned to proper facilities.
- C. As soon as practical after all blast holes are connected, prior to connecting to a source of initiation, such as a blasting machine, and until the shot has been fired and subjected to post-blast examination, the blast area shall be guarded or barricaded and posted or flagged against unauthorized entry.

§ 202-21 Warning required.

- A. No blast shall be fired until the blaster in charge has made certain that all surplus explosive materials are in a safe place, all persons and equipment are at a safe distance or under sufficient cover and that an adequate warning signal has been given.
- B. The blaster shall inform the Fire Chief of the method by which a signal is sounded and the type of signal prior to starting blasting operations.

§ 202-22 Supervision of operations.

- A. Loading and firing shall be performed or supervised only by a person possessing an appropriate blaster's permit. (See Article II.)

Town of Newington, NH Use of Explosive Materials**Page 8 of 9**

- B. The Fire Chief may, at his discretion, monitor at or near the blast site any blasting operations conducted within the Town of Newington.
- C. If, making the required thirty-minute prior notification (§ 202-18D), the blaster is informed that the blast will be monitored, the blaster shall delay initiation of the shot until such time as the Fire Department representative is in position to monitor the blast.

§ 202-23 Seismographic monitoring.

- A. The Fire Chief may, at his discretion, require that seismographic monitoring be conducted by the blaster for any or all blasts initiated.
- B. The location of seismographic equipment for tests may be determined by the Fire Chief in coordination with the blaster.
- C. The seismographic instrumentation shall, at a minimum, meet the specifications as outlined by the Newington Fire Department. The Chief has the option of requiring that the original seismographic strip chart, digital seismographic data and calibration data be provided.
- D. All seismographic test results shall be made available, in writing, to the Fire Chief upon request. The Chief has the option of requiring that the original seismographic strip be provided.

Article IV: Complaints**§ 202-24 Categories of complaints.**

- A. The Fire Chief shall have the responsibility of coordinating all activities relative to complaints received concerning blasting operations within the Town of Newington.
- B. Complaints received may be grouped into two categories:
 - (1) Complaints of an informational nature or of a nuisance nature relative to blasts.
 - (2) Complaints wherein possible damage is claimed as a result of blasting operations.

§ 202-25 Nuisances.

- A. Complaints of an informational nature or reporting a nuisance factor relating to blasting operations shall be handled by the Fire Chief. The Chief shall contact, in a timely manner, the complainant and attempt to resolve the complaint. In the event that the complainant is not satisfied after contact by the Chief, the Chief shall require the blaster or the blasting company to contact the complainant directly.
- B. If, in the determination of the Fire Chief, sufficient complaints have been received in reference to a specific blasting operation, the Chief may direct such actions as may reduce the possible nuisance factor. Such actions may include but not be limited to reductions in the amounts of explosive materials used, change in the time of the blast initiation and monitoring of blasts by noise level or earth vibration equipment to determine the extent of or existence of the nuisance factor.

§ 202-26 Damage complaints.

- A. Complaints received by the Fire Department which allege damage to property as a result of blasting operations shall be coordinated promptly by the Fire Chief.
- B. The complainant shall be contacted directly by the Fire Chief to ascertain pertinent information relative to the alleged damage.

Town of Newington, NH Use of Explosive Materials

- C. The complainant shall also receive written instructions outlining the procedures to follow in order to seek compensation for possible damage.
- D. The Fire Chief may elect to inspect the alleged damage and shall be authorized to document and/or photograph such evidence as he deems necessary,
- E. If, in the determination of the Fire Chief, the blaster, the blasting company or their insurance representatives are not dealing with the complainant in a satisfactory manner, the Chief may exercise any option provided by the Code, including ordering suspension of blasting operations until such time as a satisfactory resolution is attained.



OFFICE OF
SELECTMEN

The Town Of Newington New Hampshire

Established 1713

Susan S. Geiger, Esq.
Orr & Reno, P.A.
45 South Main Street
Concord, NH 03301

July 24, 2017

Attorney Geiger,

Following is the motion approved by the Newington Board of Selectmen at their meeting held on July 10, 2017:

Town-wide Road Weight Limits. The Selectmen adopt the following weight limits on town maintained roads: 80,000 lbs. on Shattuck Way, Gosling Road, Piscataqua Road and Fox Run Road; 65,000 lbs. on Nimble Hill Road, up to Fox Point Road, and on Fox Point Road up to and including Beane Lane; 33,000 lbs. on Patterson Lane (previously established) and, 40,000 lbs. on all other town maintained roads. This limit may be revised on a temporary seasonal basis during the winter/spring thaw. Permits may be granted by the Selectmen to allow vehicles to travel on town roads with weights that exceed this limit, subject to permit conditions including posting of an appropriate performance guarantee and pre-and post-inspection of the roadways to be traveled by the permit holder.

Should you need anything further, don't hesitate to call.

Sincerely,

Martha S. Roy
Town Administrator

Copy: Denis Hebert, Planning Board Chair