

# Orr&Reno

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July 20, 2018

**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 Supplemental Prefiled Testimony of Denis J. Hebert on behalf of the Town of Newington, as well as 4 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)

**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**

**SUPPLEMENTAL PREFILED 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. Did you submit prefiled direct testimony in this docket?**

4 **A. Yes. On behalf of the Town of Newington, and in my official capacity as Chairman of**  
5 **the Newington Planning Board, I submitted the Prefiled Direct Testimony of Denis J. Hebert in**  
6 **this docket on July 28, 2017.**

7 **Q. Did the Newington Board of Selectmen authorize you to submit the above-**  
8 **referenced Prefiled Direct Testimony?**

9 **A. Yes. Before filing my Prefiled Direct Testimony with the New Hampshire Site**  
10 **Evaluation Committee (“SEC” or “Committee”), I reviewed it with the Newington Board of**  
11 **Selectmen who concurred with it and authorized me to submit it in this docket for the purpose of**

1 presenting Newington's municipal governing body's views on the Seacoast Reliability Project  
2 ("the Project").

3 **Q. Has the Newington Board of Selectmen authorized you to submit this Supplemental**  
4 **Prefiled Testimony, and if so on what date?**

5 **A.** The questions contained in this Supplemental Prefiled Testimony and my proposed  
6 responses were reviewed by the Newington Board of Selectmen on July 16, 2018. On that date,  
7 the Board voted to authorize me to file this Supplemental Prefiled Testimony on its behalf.

8 **Q. What is the purpose of this Supplemental Prefiled Testimony?**

9 **A.** The purposes of my Supplemental Prefiled Testimony are to: 1) clarify, as indicated  
10 above, that both my Supplemental and Prefiled Direct Testimonies constitute the views of  
11 Newington's governing body regarding the Seacoast Reliability Project; 2) make minor  
12 corrections to my Prefiled Direct Testimony; 3) update or supplement my Prefiled Direct  
13 Testimony in response to events that have occurred since that testimony was submitted; and 4)  
14 provide the Newington Board of Selectmen's views regarding conditions that the Committee  
15 should impose if it decides to grant a certificate for the Project.

16 **CORRECTIONS TO PREFILED DIRECT TESTIMONY**

17 **Q. Please describe the corrections to your Prefiled Direct Testimony.**

18 **A.** There are two errors contained on page 19, lines 15 and 22 of my Prefiled Direct  
19 Testimony. In both lines, the number 19 should be changed to 12.9.

20

1 **UPDATES/SUPPLEMENT TO PREFILED DIRECT TESTIMONY**

2 **Q. Please describe events that occurred after the filing of your Prefiled Direct**  
3 **Testimony that necessitate updating and/or supplementing that testimony.**

4 A. On January 31, 2018, Eversource signed a Memorandum of Understanding (“MOU”)  
5 with the Town of Newington to address the Town’s concerns about Project-related construction  
6 issues including, but not limited to: road excavation; road restoration; and operations in and  
7 around the Town’s rights-of-way. The Newington Board of Selectmen approved the MOU on  
8 February 5, 2018. The MOU is submitted herewith as Attachment DJH -1/ Supplemental.

9 On July 12, 2018, Eversource and the Newington Board of Selectmen entered into an  
10 Addendum to the Memorandum of Understanding (“MOU Addendum”) to address the Town’s  
11 concerns about Project-related blasting. The MOU Addendum is submitted herewith as  
12 Attachment DJH-2/ Supplemental.

13 Taken together, the MOU and MOU Addendum satisfactorily address the issues raised in  
14 the “Public Health and Safety” section of my Prefiled Direct Testimony at page 30, line 3  
15 through page 37, line 14. They also satisfactorily address the issues raised in Eric Weinrieb’s  
16 Prefiled Direct Testimony filed July 31, 2017. As indicated on page 1 of the MOU and the  
17 MOU Addendum, Eversource and the Town desire that the Committee adopt the MOU and  
18 MOU Addendum provisions as conditions to a Certificate of Site and Facility if one is granted to  
19 Eversource for the Project.

1 **Q. Please identify other events that have transpired since the filing of your Prefiled**  
2 **Direct Testimony to which the Newington Selectmen would like the Subcommittee in this**  
3 **docket to give due consideration?**

4 **A.** On March 30, 2018, a Subcommittee of the SEC issued a decision and order (“Northern  
5 Pass Order”) in the Northern Pass Docket (No. 2015-06). The Northern Pass Order denied  
6 Eversource’s application for a Certificate of Site and Facility based upon that Subcommittee’s  
7 determination that Eversource had not met its burden of proving that the Northern Pass Project  
8 would not unduly interfere with the orderly development of the region. This determination is  
9 significant because the Applicant’s testimony regarding orderly development of the region in  
10 both the Northern Pass Docket and the Seacoast Reliability Docket is essentially the same. In  
11 both dockets, Robert Varney provided nearly identical statements in his prefiled testimony to  
12 support his conclusions that both projects would not unduly interfere with the orderly  
13 development of the region. In both dockets, Mr. Varney states that by using existing electric line  
14 rights of way or transmission corridors, as well as transportation corridors, and locating portions  
15 of the Project underground, “the Project will have minimal impact on prevailing land uses and is  
16 consistent with local patterns of development.”<sup>1</sup> In both testimonies, Mr. Varney concludes  
17 that “[s]iting a new transmission line in existing corridors is a sound planning and environmental  
18 principle because it reinforces local patterns of development and minimizes environmental

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<sup>1</sup> Pre-filed Direct Testimony of Robert W. Varney, Application of Northern Pass and PSNH, Northern Pass Transmission Project, p. 7, lines 5-8; Pre-filed Direct Testimony of Robert W. Varney, Application of PSNH, Seacoast Reliability Project, p. 7, lines 8-11.

1 impacts. There will be no changes to prevailing land uses as a result of the operation of the  
2 Project.”<sup>2</sup>

3 The Northern Pass Order notes that, “[i]n essence, Mr. Varney suggests that as long as a  
4 corridor is used for transmission lines, there can never be a ‘tipping point’ where the effect of  
5 transmission infrastructure on the land use becomes too intense.”<sup>3</sup> The Northern Pass  
6 Subcommittee expressly rejected this position. Instead, that Subcommittee found that “[o]ver-  
7 development of an existing transmission corridor can impact land uses in the area of the corridor  
8 and unduly interfere with the orderly development of the region.”<sup>4</sup> The Northern Pass  
9 Subcommittee further found that the Northern Pass Project’s “increased tower heights and  
10 reconfiguration of existing facilities” would, in certain areas along the route, “create a use that is  
11 different in character, nature and kind from the existing use”...and “would have a substantially  
12 different effect on the neighborhood than does the existing transmission facilities.”<sup>5</sup>

13 Newington believes that the SEC Subcommittee should consider and apply the same  
14 rationale in the instant docket as was applied in the Northern Pass proceeding, especially given  
15 that the Seacoast Project, in certain locations, involves clearing and constructing an overhead  
16 high voltage transmission line in a right of way (“ROW”) currently occupied by a 34.5 kV  
17 distribution line having much shorter poles than the proposed overhead line. This change clearly

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<sup>2</sup> Pre-filed Direct Testimony of Robert W. Varney, Application of Northern Pass and PSNH, Northern Pass Transmission Project, p. 7, lines 14-17; Pre-filed Direct Testimony of Robert W. Varney, Application of PSNH, Seacoast Reliability Project, p. 7, lines 18-21.

<sup>3</sup> *Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire, d/b/a Eversource Energy for a Certificate of Site and Facility*, SEC Docket No. 2015-06 (March 30, 2018), pp. 277-278.

<sup>4</sup> *Id.*, p. 278.

<sup>5</sup> *Id.*, p. 279.

1 creates a use of the ROW that is different in character, nature and kind from the ROW's existing  
2 use as a pathway for a distribution line.

3 **Q. Are there other provisions of the Northern Pass Order that you believe the**  
4 **Subcommittee in the instant docket should consider?**

5 A. Yes. The Northern Pass Order, at page 276 states: "The pre-emptive authority of the Site  
6 Evaluation Committee does not diminish the importance of considering the views of ...municipal  
7 governing bodies. Rather, the Subcommittee must listen to and consider the views expressed by  
8 municipalities." The Northern Pass Order also states: "We recognize that master plans represent  
9 the considered views of the communities and should not be disregarded or minimized in  
10 importance." *Decision and Order Denying Application for a Certificate of Site and Facility*  
11 (March 30, 2018), pp. 280-281.

12 **Q. Are there any provisions of Newington's Master Plan that the Newington Board of**  
13 **Selectmen would like the SEC Subcommittee to consider in this docket?**

14 A. Yes. Excerpts from Newington's Master Plan are attached to my prefiled direct  
15 testimony, and we would ask that the Subcommittee carefully consider all of them. Newington's  
16 Master Plan clearly evidences the Town's intent that electrical transmission lines either be  
17 located outside of the residential and historic areas, or be buried in those areas. In particular,  
18 Newington believes that the Subcommittee should focus on and give due consideration to the  
19 following Master Plan provisions:

20 -The very first Policy statement in the Town's Master Plan is that the "protection of the  
21 quality of the town's residential areas is central to the Master Plan...The purpose is simply to

1 ensure that the quality of life in Newington’s residential areas is protected from incompatible  
2 uses.”<sup>6</sup>

3 -The Master Plan also states that “electric transmission lines are generally viewed as  
4 incompatible with residential uses. This is especially true in Newington, where the residential  
5 district is small...The prospect of splintering the residential district with upgrade electric  
6 transmission line development within existing easement is strongly disfavored.”<sup>7</sup>

7 -**The Master Plan expressly prohibits above-ground transmission facilities in the**  
8 **residential district.** The Master Plan states that “under no circumstances” should electric  
9 transmission line improvements “be permitted to be constructed above ground within existing  
10 easements that bisect the heart of the Residential District.”<sup>8</sup>

11 -The Master Plan expressly recognizes the Town’s policy of requiring land developers to  
12 place their electric service improvements underground in the residential district, and that this  
13 policy should also apply to electric transmission line improvements.<sup>9</sup>

14 -Policy Twelve of the Master Plan states that Pease Air Force Base has caused much of  
15 Newington’s historic, architectural and scenic resources to suffer in the past, and “Town seeks to  
16 protect remaining resources.”<sup>10</sup>

17 -Policy Eleven of the Master Plan states that “the shorelines of Great Bay and Little Bay  
18 should be protected. The bays’ scenic and natural resources are unparalleled in New

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<sup>6</sup> Prefiled Direct Testimony of Denis J. Hebert (July 28, 2017), Attachment DJH-3, p. 1.

<sup>7</sup> Prefiled Direct Testimony of Denis J. Hebert (July 28, 2017), Attachment DJH-4.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Prefiled Direct Testimony of Denis J. Hebert (July 28, 2017), Attachment DJH-3, p. 4.



1 Hampshire...”<sup>11</sup> As indicated in my Prefiled Direct Testimony, page 23, lines 1 through 3,  
2 Newington is concerned that the installation of concrete mattresses along the shores of Little Bay  
3 will have an unreasonable adverse effect on aesthetics in this area. Although the Applicant’s  
4 visual assessment report identifies Little Bay as a scenic resource within the area of greatest  
5 potential visual impact<sup>12</sup>, the report makes no mention of the concrete mattress installations and  
6 contains no visual simulations of these structures. In response to a Technical Session Data  
7 Request (3-5), on July 18, 2017, Eversource provided the parties with an Addendum to the  
8 Visual Assessment which discusses the visual impact of the concrete mattresses. In addition, the  
9 aforementioned response included four (4) pages of photographs relating to concrete mattresses  
10 in the Little Bay area. However, from what I can tell, none of those photos depict the concrete  
11 mattresses on the Newington shore of Little Bay as viewed from the middle of Little Bay at low  
12 tide. Also, none of these photos show how the concrete mattresses would appear when viewed  
13 from abutting properties. Without this information, Newington believes there is insufficient  
14 information for it and for the Committee to determine whether the Project will have an  
15 unreasonable adverse effect on aesthetics in the Little Bay area. Accordingly, given Master Plan  
16 Policy Eleven, Newington remains concerned about this issue.

17 -The Master Plan recommends strictly enforcing the Town’s Scenic Road Ordinance  
18 which regulates activities affecting trees and stone walls in the vicinity of Town owned roads.<sup>13</sup>

19 In addition to the foregoing, another provision of Newington’s Master Plan should be  
20 noted. The “Future Land Use” section of the Town’s Master Plan states that the Town supports

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<sup>11</sup> *Id.*

<sup>12</sup> Application, Appendix 32, p.47.

<sup>13</sup> Prefiled Direct Testimony of Denis J. Hebert (July 28, 2017), Attachment DJH-6.

1 improvements to electrical transmission infrastructure, but only if those improvements are made  
2 outside the Town's residential district and would help to attract electrical generating plants to  
3 Newington's industrial waterfront. A copy of this provision is submitted herewith as Attachment  
4 DJH-3/Supplemental.

5 **REQUESTED CERTIFICATE CONDITIONS**

6 **Q. If the Subcommittee issues a Certificate of Site and Facility for the Seacoast**  
7 **Reliability Project, please identify conditions, if any, that the Newington Board of**  
8 **Selectmen would like the Subcommittee to include with the Certificate.**

9 **A.** 1. Consistent with the will of the people of Newington as expressed in Newington's  
10 Master Plan, if the Subcommittee grants a certificate for this Project, it should require that the  
11 Applicant bury the transmission line in all areas of Newington's residential and historic districts  
12 where the line is proposed to be located.

13 Although Eversource currently proposes to bury two segments of the transmission line  
14 that passes through the Newington residential and historic districts, Newington believes,  
15 consistent with its Master Plan, that the entire line should be buried in those districts. A map  
16 showing the additional locations where Newington believes the transmission line should be  
17 buried is submitted herewith as Attachment DJH -4/Supplemental. Burial should be at depths in  
18 existing roadways and known future roads that will allow the burial of future infrastructure in the  
19 same locations.

20 In the Northern Pass docket, Eversource agreed to bury 60 of the 192 miles of the  
21 proposed transmission line. In this docket, the additional burial would amount to approximately

1 5,250 feet or just under 1 mile. In these circumstances, a condition requiring the line to be  
2 buried where it traverses the residential and historic districts is reasonable and appropriate, and  
3 will insure that the Project will not unduly interfere with the orderly development of region and  
4 will not have an unreasonable adverse effect on aesthetics or historic sites.

5 2. In order to insure that the Project will not have an unreasonable adverse effect on  
6 aesthetics, prior to construction, Eversource should be required to provide the Committee and all  
7 parties to this docket with a visual simulation that depicts the concrete mattresses on the  
8 Newington shore of Little Bay as viewed from the middle of Little Bay at low tide and from  
9 abutting properties at low tide. Eversource should also be required to work with interested  
10 parties to develop a plan for mitigating aesthetic/visual impacts of concrete mattresses installed  
11 on the banks of Little Bay, and to file the plan with the Committee for approval prior to  
12 construction.

13 3. The provisions of the MOU and MOU Addendum attached hereto should be made  
14 conditions to any certificate granted to the Applicant for the Seacoast Project.

15 4. The Project should be required to avoid touching stone walls located near  
16 Newington's scenic roads and any other stone walls in Newington that it crosses over or under.  
17 In addition, if any such stone wall is impacted by the Project during construction or operation, a  
18 professional stone mason must be employed to return the stone wall to its prior appearance.

19 5. Eversource should be required to apply to and cooperate with the Town of  
20 Newington for permission to move its 34.5 kV distribution line to ensure that the line relocation  
21 occurs in an orderly manner.

1 **Q.** Does this conclude your supplemental testimony?

2 **A.** Yes.

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