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{SEC 2015-04} [Day 11 AFTERNOON ONLY] {10-17-18}

1	PROCEEDINGS
2	(Hearing resumed at 1:44 p.m.)
3	PRESIDING OFFICER WEATHERSBY: Okay.
4	Back on the record.
5	Before we go to redirect, I
6	understand, Attorney Patch, you need to make
7	a correction to the record?
8	MR. PATCH: Yes. Actually, I had
9	two things. The first one, Mr. Selig wanted
LO	to make sure the record was accurate. He was
L1	asked a question about the camera that he used
L2	to take the photographs. And the lens size
L3	that he gave he said is actually 24-105, not
L4	135. So we wanted to make sure that was clear
L5	for the record.
L6	And then the second thing, in
L7	anticipation of the panel of witnesses that
L8	Durham and UNH have for next week, I had
L9	spoken to Mr. Iacopino and to Mr. Needleman
20	about questions that we should be allowed to
21	ask or not on direct. And given the fact
22	that DES submitted their letter on
23	August 31st, more than a month after our
24	witnesses submitted their supplemental

questions.

testimony, what I'd like to be able to do is	
ask them a question about that particular	
submission by DES. And I spoke with Mr.	
Needleman about it. And he can obviously,	
you know, correct me if I'm wrong. But I	
think he agrees that I should be able to ask	
about that particular filing on direct. But	
obviously it's subject to what the Committee	
and Chair believe is correct. And I think	
it's clearly a change from the information	
that was available to the panel at the time	
of the filing. At that time, all they had	
was the February 28th final decision from	
DES. And so I'm hoping to be able to ask him	m
that question.	
PRESIDING OFFICER WEATHERSBY:	
Attorney Needleman, would you like to commen	t?
MR. NEEDLEMAN: Yes. If the	
question that Mr. Patch asks is have they	
reviewed it and does it have an effect on	
their testimony, and if so, what's the effect	t,

PRESIDING OFFICER WEATHERSBY:

we would not have an objection to those

```
think the recent DES information is a change
1
2
         to the record and something that is certainly
         relevant to their testimony. And if there's
3
         no objection -- and also I think it would be
4
         helpful to the Committee -- I will allow those
5
         questions.
6
7
                    MR. PATCH:
                                Thank you.
8
                    PRESIDING OFFICER WEATHERSBY:
         Attorney Geiger, do you have any redirect?
9
                    MS. GEIGER:
10
                                 Yes.
                                        Thank you.
11
                    PRESIDING OFFICER WEATHERSBY:
                                                    While
12
         Attorney Geiger is getting set up, while we
         have a shuffling of the witnesses, Ms. Frink
13
14
         will be our next witness, followed by the
15
         Durham Historic Association. We will probably
         not get to Durham Residents today.
16
17
                    Please proceed, Ms. Geiger.
18
                    MS. GEIGER:
                                 Thank you.
19
                    REDIRECT EXAMINATION
20
    BY MS. GEIGER:
21
         Mr. Hebert, do you recall questions from Mr.
22
         Fitzgerald earlier today about a proposed
23
         solution to the Seacoast Reliability Project?
24
         And I believe you responded with some
```

- information about a step-down transformer in two locations. Do I have that correct?
- 3 A. I do.
- Q. Now, I'm showing you a map that was submitted
  with Applicant's Exhibit 41. And this is on
  electronic Page 21 of the PDF. Does that map
  look familiar to you?
- 8 A. Yes, it does.
- 9 Q. Could you please explain what's on that map.
- I can. Basically, it is the grid for the 10 11 Seacoast region. The blue lines indicate, as far as I'm aware, the 345-kilovolt lines, 12 transmission lines; the red lines are the 115 13 lines, lower voltages; and the Project that 14 15 we're talking about right now, if I could 16 with my little pen here, going from Madbury 17 and connecting over, going around here and connecting over to Portsmouth or Newington --18 19 yeah, Portsmouth right there -- so there's a 20 line being connected there. What the issue 21 is, is this line right here, there's only a 22 single line. If you notice, there's two 23 lines here, here and there, and there's two lines, there and there. The auto transformer 24

```
that was installed last summer is in

Deerfield, right there, to keep it up.

Actually, it's kind of interesting. It got

stuck on the road while being delivered.
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What I was pointing out was this, that the auto transformer that's here is providing robust power over to Madbury. And what Mr. Andrew said during the technical sessions last summer was that there was plenty of power here; we simply need to get it over to Portsmouth. And that was the purpose of this line. Well, if you look at it, if you were to install another transformer here that is connected to this line all the way around -and again, there's a loop. Just look at that It's nicely designed, actually. loop. a very good design. You will see that you can still have connectivity should the Deerfield line go down the 115 -- the 345 -the 115 line go down. It still would have power that would be -- excuse me. that wrong. Should the line go down over here, you would still have power being delivered by having the step-down transformer

```
in Portsmouth. You know, there would still
1
2
         be power here and still be power there.
         you wind up with is, if you remember Mr.
3
         Andrew saying, N minus one minus one, as far
4
5
         as the conditions where you have the -- where
         they're getting into issues where conditions
6
7
         are set up that the lines are overheating,
8
         well, here you wind up with N minus one,
9
         minus one, minus one. And what we're talking
         about here is one additional transformer at
10
11
         this end. But if you put two here and you
         put two there at a cost of $25 million each,
12
         it's still cheaper than going with the $85
13
         million proposed line that is being proposed
14
15
         now.
```

- Q. Excuse me, Mr. Hebert. When you say "here"
  and "there," just so the record is clear,
  you're pointing to --
- 19 A. I'm pointing to --
- 20 Q. -- this map; correct? So the record is not 21 going to be able to be understood --
- 22 A. Good point.
- Q. -- with "here" and "there." So could you talk about the towns or the locations that

- 1 you're referring to on this map.
- 2 A. Sure. The town of Portsmouth and the town of
- 3 Deerfield. A transformer -- or two
- 4 transformers at this end, two transformers
- here. There's already a transformer there.
- 6 They need three transformers, \$25 million
- 7 each for the cost, as shared with us on the
- 8 proposal during data requests, would equal
- 9 \$75 million if you total it up completely.
- 10 That particular option, I understand there's
- 11 voltage control issues that there would be,
- but they're not insurmountable, as there are
- voltage control issues with this. So I'm
- just saying that there's another option.
- 15 It's just something I want to be -- I want
- everyone to be aware of. And I know it's
- 17 late in the game, and it's just something
- that happened at the very last minute.
- 19 Q. Mr. Hebert, would this idea, this thought
- 20 that you had at the very last minute, would
- 21 this avoid building a line under Little Bay
- and through the town of Newington?
- 23 A. The way I understand it, it would.
- 24 Q. Thank you.

1	MR. FITZGERALD: Excuse me. Could
2	you provide me with as much as I appreciate
3	Mr. Hebert's opinion what qualifications he
4	has to provide this information and supplant
5	the collective judgment of the Company and
6	ISO-New England?
7	MS. GEIGER: I think I'll defer to
8	the witness. I think he's put his
9	qualifications into the record. If you'd like
10	to hear them again, we can go through them
11	MR. FITZGERALD: Well, specific with
12	regards to the qualifications for analyzing
13	grid solutions to provide solutions to
14	problems that ISO-New England has presented.
15	I understand that he's an engineer. So am I.
16	But does he have any expertise in transmission
17	line design?
18	MS. GEIGER: I'll let Mr. Hebert
19	answer that.
20	WITNESS HEBERT: I am not. I'm an
21	engineer with experience and have gone to the
22	same schools as the engineers presented to you
23	at this board. Do I have transmission line
24	experience or a master's in that? No, I

```
don't. But I have a lot of experience in dealing with distribution systems, installing a distribution system and a substation here at Pease, as well as other air bases around the world, in Afghanistan and then also in Saudi Arabia. It is not with transmission lines.

MR. FITZGERALD: But is your
```

MR. FITZGERALD: But is your experience with the construction of those? I believe you're a civil engineer.

WITNESS HEBERT: No, I'm an electrical engineer.

MR. FITZGERALD: I'm sorry. Is your experience in the design of those solutions, or is it with respect to actually constructing them once they've been designed?

WITNESS HEBERT: It's actually both.

And I've had some training -- not transmission

line. I want to be very clear about that, all

right. So what I'm trying to say is this is

basically -- what I'm looking at here is

trying to explain to you that I think this is

a very easy-to-understand application that I'm

telling you about. If this line goes down

here --

		13
1	MS. DUPREY: Madam Chair	
2	WITNESS HEBERT: I'm trying to	
3	answer the question.	
4	MS. DUPREY: Madam Chair, back to	
5	the expert question. Could I please ask	
6	Attorney Geiger whether she's proffering the	
7	witness as an expert?	
8	MS. GEIGER: I'm not proffering the	
9	witness as an expert in transmission design or	
10	construction. I think his qualifications	
11	speak for themselves. And I believe Mr.	
12	Fitzgerald and Mr. Hebert may have been	
13	talking over one another just a few minutes	
14	ago when Mr. Hebert indicated that he is an	
15	electrical engineer. So, yes, I'm offering	
16	him as an expert in electrical engineering but	
17	not in transmission system planning.	
18	MR. FITZGERALD: I'm sorry. I	
19	missed that. Did you say your degree is in	
20	electrical engineering?	
21	WITNESS HEBERT: It is in electrical	
22	engineering.	
23	MR. FITZGERALD: I thought you said	
24	civil engineering previously.	

1	WITNESS HEBERT: No. I was
2	commander of the civil engineering squadron,
3	all right, of which there are electrical
4	engineers, mechanical, civil. And fortunately
5	or unfortunately, we worked in all disciplines
6	when we were in the Air Force on those
7	disciplines.
8	MR. FITZGERALD: All right. Thank
9	you.
LO	MS. GEIGER: Again, I'm going to
L1	leave this topic because I simply offered it
L2	to elaborate and provide further information
L3	to illustrate Mr. Hebert's answer to Mr.
L4	Fitzgerald's questions. So I'd like to move
L5	on now.
L6	BY MS. GEIGER:
L7	Q. Mr. Hebert, could you please explain why
L8	Newington amended its Master Plan in 2015.
L9	A. Yes, I can. It was a preponderance of people
20	who, through several meetings about this
21	particular project and basically the
22	outcome was the same that we saw last
23	Thursday night at the public hearing at the
24	DES office it was really clear from

```
everybody, knowing people in town, that it
1
        was -- this was not a welcome -- I don't know
2
        anyone in the town is in favor of this
3
        project. And it was just overwhelmingly
4
5
        people who were enticed -- basically asking
        the Town to not allow this particular
6
7
        project. And that basically set forth the
8
        actions put into place to change our Master
        Plan.
9
```

- 10 Q. Thank you. I believe Mr. Iacopino asked you
  11 if Newington has ever in the past changed its
  12 Master Plan in response to a proposed
  13 project. Do you recall that question?
- 14 A. I do.

21

22

23

- 15 Q. And I believe that you may have indicated
  16 that you were -- you couldn't recall any
  17 instance. Have you had time to think about
  18 that, and do you want to offer a different
  19 answer?
  - A. Yes, I do. There were two separate occasions when that happened. One was with the Con Edison project which I'm very familiar with, in 1999, I believe. And then another one was with Tyco. That involved creating a new zone

```
1
         within the -- a new zone within the, I'm
         trying to remember -- the industrial zone.
2
         So we created an office zone. We never had
3
         an office zone.
4
5
               (Court Reporter inquiry)
         So I believe there was another question
6
    Q.
7
         from --
8
                   MS. DUPREY: Madam Chair, before she
         goes on. I'm sorry. That last answer sounded
9
         like it was a change to the zoning
10
11
         ordinance --
                   WITNESS HEBERT: No, it wasn't.
12
                   MS. DUPREY: -- not a change to the
13
14
         Master Plan.
15
                   WITNESS HEBERT: It was a change to
16
         the Master Plan. Maybe I said zoning.
                                                  Thank
17
         you for --
                   MS. DUPREY: No, no, you didn't.
18
19
         You said Master Plan. But it just sounded
20
         like a change to the zoning ordinance.
21
                   WITNESS HEBERT: No, it was a change
22
         to the Master Plan. It was an interim
23
         Master Plan -- it was a change specifically
         because of a project. So I know Con Edison
24
```

was one of those, and the other one was with
Tyco.

MS. DUPREY: Thank you.

4 BY MS. GEIGER:

Q. I believe you were asked this morning about the Town's position on eminent domain. I think Mr. Schulock may have asked you whether it was -- what the Town felt about the Company using its eminent domain authority in the event this Committee were to order, as a condition of a certificate, that the line be buried in the town of Newington.

Could you please indicate what the Town's position on the Company's use of eminent domain is.

- A. Yeah. First of all, I think eminent domain should be the last resort, as I said earlier.

  And then finally, if it comes right down to it, eminent domain should be exercised.
- Q. Now, Mr. Hebert, I believe a couple of times in response to questions today I've heard you say or use the phrase, "We want the line buried underground." Is that a preference of the Town, or is it a requirement?

- A. It's a requirement. "Want" was the wrong
  word that I used. It's a requirement per the
  Master Plan.
- 4 Q. Okay. And I'd like to show you --

5 MS. GEIGER: I'd like to switch to

6 the Elmo now.

7 BY MS. GEIGER:

15

16

17

18

19

20

21

22

23

24

Q. So, Mr. Hebert, I'm showing you an exhibit
that's been marked as Newington Exhibit 2-5.

And in response to my prior question, you
indicated that the Town's Master Plan
requires that the high-voltage transmission
line be buried within Newington's residential
district.

Could you please, using that map, indicate for the Committee the precise locations where Eversource currently proposes to bury the transmission line; and No. 2, the locations where the Town's Master Plan requires it to be buried in addition to those first locations.

A. Certainly. The red area is what is being proposed to be buried. This is the Frink Farm right there and Hannah Lane. And then

```
1
         here is Gundalow Landing is what they're
         proposing to bury. The black areas here and
2
         there are what we're asking for as additional
3
         lines to be buried -- not asking for. That's
4
5
         what we're requiring. But we're asking this
         from the Committee.
6
7
         Thank you.
    0.
8
                   MS. GEIGER: I don't have any
         further questions.
9
                    PRESIDING OFFICER WEATHERSBY:
10
11
         Thank you, Mr. Hebert, for your testimony.
12
         You're free to go.
                   WITNESS HEBERT: I'd like to say
13
14
         thank you very much. I certainly appreciate
15
              I know all of you have a lot of work to
16
         do, and I appreciate the work you have done.
17
                    PRESIDING OFFICER WEATHERSBY:
         next witness will be Helen Frink. If the
18
         witness could be sworn in.
19
20
                (WHEREUPON, HELEN FRINK was duly sworn
21
               and cautioned by the Court Reporter.)
22
                    DIRECT EXAMINATION
23
    BY MR. IACOPINO:
24
         Ms. Frink, I'm going to ask you a few
    Q.
```

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- questions just to get you started, okay, and
- then we'll move to cross-examination.
- First of all, could you tell us your
- a name, please.
- 5 A. My name is Helen Frink.
- 6 Q. And where do you reside?
- 7 A. 24 Clark Road, South Acworth, New Hampshire.
- 8 Q. And in this particular proceeding, who are
- 9 you representing?
- 10 A. I'm representing the Darius Frink Farm,
- Nimble Hill Road in Newington, of which I'm
- 12 co-owner.
- 13 Q. And have you filed prefiled direct testimony
- in this case?
- 15 A. Yes, I have.
- 16 Q. What's the date that you filed it?
- 17 A. July 28th, 2017.
- 18 Q. Did you file supplemental testimony as well?
- 19 A. Yes, I did.
- 20 Q. And what date did you file that?
- 21 A. July 20th, 2018.
- 22 Q. Okay. And if the Administrator's correct, I
- think we're going to mark those as Frink
- 24 Exhibits 28 and 29.

```
1
                    MS. MONROE: 29 and 30.
                                   29 and 30.
2
                    MR. IACOPINO:
                (The documents as described were
3
               herewith marked as Frink Exhibits 29
4
               and 30 for identification.)
5
    BY MR. IACOPINO:
6
7
         Did you have any changes or corrections to
    0.
8
         make to either your prefiled testimony or
         your supplemental testimony?
9
10
         Yes, please. One small wording change to my
    Α.
11
         supplemental testimony.
              At the top of Page 2 --
12
         Go ahead.
13
    0.
14
         At the top of Page 2, I'll read the first two
    Α.
         sentences, if I may. "Subsequent to this
15
16
         agreement encompassing groundwater
17
         management, surface water in Knight's Brook
         tributary was tested on March 12, 2018.
18
         Levels of known contaminants have risen
19
20
         significantly." The words "risen
21
         significantly" should be changed to read
22
         "levels of known contaminants have decreased
23
         slightly."
         And did you have any other corrections to
24
    Q.
```

[WITNESS: FRINK] 22 1 that testimony or your supplemental -- or your original testimony? 2 No, I do not. 3 Α. 4 Q. Okay. 5 MR. IACOPINO: With that, the witness is available for cross-examination. 6 7 PRESIDING OFFICER WEATHERSBY: Off the record. 8 (Discussion off the record) 9 10 PRESIDING OFFICER WEATHERSBY: Our 11 first examiner is Attorney Patch for the Town of Durham. 12 13 MR. PATCH: No questions. PRESIDING OFFICER WEATHERSBY: 14 No 15 questions. 16 Town of Newington, Ms. Geiger. 17 CROSS-EXAMINATION BY MS. GEIGER: 18 Good afternoon, Ms. Frink. 19 0. 20 Good afternoon. Α. 21 I have a question about the conservation 22 easement that's on your property. And more 23 specifically, the Rockingham County

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Conservation District, are they the easement

1 holder?

- A. They hold the conservation easement, and the
  Town of Newington has an executory easement.
  The executory easement holder is the Town of
  Newington.
- Q. And in this process, for this to accommodate this project, were there any changes to that conservation easement that needed to occur?
- 9 Yes. The conservation easement, as Α. originally written, expressly forbids any 10 11 further excavation or development on the land, and for that reason the conservation 12 easement had to be amended to allow for 13 14 construction of the underground line through 15 our property.
- Q. What specifically has to occur in order to place the transmission line underground on your property?
- 19 A. Do you mean in terms of easements, documents,
  20 legal provisions? Or do you mean in terms of
  21 construction on the ground?
- Q. Let's take the first part first, just the
  arrangements, the legal arrangements or
  documentation that needs to reflect the fact

that this would be a permissible endeavor.

A. Eversource needed to acquire the underground rights from us. And we've signed an option agreement with the Company granting them underground rights. If the Project is approved, they will be able to purchase underground rights from us. And in order to amend the conservation easement, Eversource needed to construe this change as an improvement to the agricultural conditions on the farm, and that obligated Eversource to make certain changes.

Among the changes that Eversource has agreed to in order to make this an improvement to the farm are that Eversource will relinquish half the width of the easement post-construction. Eversource has agreed separately with the Town of Newington to move the distribution line to the road side. And Eversource will relinquish the overhead rights on our property as well. And Eversource has also agreed to fund a series of conservation-related farmland improvements to the land.

- Q. Will this money be paid directly to the Frink Family?
- No, the money in question will be paid when 3 Α. and if those conservation improvements take 4 5 place. And those include things like clearing away tree lines that have grown in 6 7 along the edges of fences, reseeding hay 8 fields, improving pasture management, improving drainage where that's appropriate. 9 10 Those improvements would be carried out under 11 the auspices of the Rockingham County Conservation District, and then the payment 12
  - Q. Given the many improvements that you've just listed that Eversource is willing to make, do you continue to oppose this project?

Eversource through RCCD.

for those improvements would be reimbursed by

18 A. We do.

13

14

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16

- 19 Q. Why is that?
- 20 A. There are a series of reasons or concerns
  21 that lead us to continue to oppose the
  22 Project. We're very concerned with the
  23 environmental impact on our land. This is
  24 some of the most valuable farmland in the

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And we're concerned about the construction of two 16-foot-wide access roads on our property. I think it's helpful to point out that the abutting easement on the Pickering land is landlocked. There's no access to that easement except along the utility right-of-way. In order for construction crews to reach the Pickering land, they have to either come in from Little Bay Road, past the Flynn Pit area which is down the road, or come in from Nimble Hill Road through our land. And these two 16-foot-wide access roads suggest to us that this is going to be like a two-lane highway, traffic moving in both directions. So the impacts there will be huge.

A second concern that we have is the PFC contamination on our land. This comes downstream from Pease. There will be a huge amount of construction necessary to truck away any excess soil contaminated by PFCs. Water will need to be treated either on site or trucked off site for disposal, and the exact mechanisms for doing that are unknown

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at this point, and the costs are unknown. We know that the state proposes new limits on PFCs early next year. Those may change what needs to be done and also change that cost of the amount of that construction work. It's massive and it's a big unknown.

Another big concern for us is the lifetime of this project. It's going to be a permanent impact on our farm property. And when we first were contacted by Eversource, Mr. Jim Jiottis, who was then an engineer, said that this was a 25-year improvement. And then here, in these hearings with the Construction Panel, I heard Mr. William Wall say that the estimated lifetime under Little Bay is 30 years, for the most part. Eversource has spoken of it as a 40-year project. We are in the 200-year window with That's how long we've owned it. our farm. And we plan to keep it in the family in perpetuity, and it's conserved in perpetuity. So a change to our land for 25 to 40 years is not satisfactory.

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Those briefly are some of my concerns.

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1
         We can go further into detail perhaps later
         if the Committee has questions or if other
2
         intervenors do, or other parties.
3
         I just have one other question about your
4
    0.
5
         concerns. Do you have any concerns about the
         visual impacts of the transition tower that's
6
7
         proposed to be located on Frink Farm
8
         propriety?
9
         Yes.
    Α.
10
                    MR. NEEDLEMAN: Objection, Madam
11
                  This is friendly cross.
         Chair.
                                            It was
         covered or should have been covered in her
12
         testimony.
13
14
                    WITNESS FRINK: Am I directed to
15
         answer the question?
16
                    PRESIDING OFFICER WEATHERSBY:
                                                     Not
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MS. GEIGER: I think this is relevant information. Ms. Frink is pro se, and I was just trying to elicit from her specifically information about any concerns she might have. I think there was a question from the Committee a while back as to whether or not, you know, certain aspects of the

Not yet.

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18

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23

24

yet.

Sorry.

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Project would be visible from inside
1
2
         landowners' homes. And that's one particular
         area I was going to ask her about, whether or
3
         not she'd be able to see the transition tower
4
         from her property, from inside her house, from
5
         other vantage points. She is an abutter.
6
         She's actually not an abutter. She's actually
7
8
         a property owner that will be impacted
         directly by this project, and I think it's a
9
         fair question.
10
11
                    PRESIDING OFFICER WEATHERSBY:
         I'll overrule the objection. The question may
12
         be answered.
13
14
         Would you please restate the question?
    BY MS. GEIGER:
15
16
         I wanted to ask you whether you had any
17
         concerns about the visual impacts on your
         property arising from the installation of the
18
         new transition structure.
19
20
         Yes, we do. We believe that it will be
    Α.
21
         visible from upstairs, inside our house.
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screening it from view in front of the

There's no 75-foot-tall structure to compare

it to presently on the property. The idea of

22

23

transition towers, as I said earlier, we don't plant trees in hay fields. That's not appropriate. Vegetation in the wetland area directly in front of it doesn't grow 75 feet tall. And any screening from the road side, as Ms. Widell suggested yesterday, would block the view of our fields from Nimble Hill Road, which we know passersby do enjoy.

- Q. Last area of inquiry, Ms. Frink. Are you and other owners of the Frink Farm satisfied with the arrangements that you've entered into with Eversource and generally your dealings with the Company?
- A. We have grave concerns, first of all, about the follow-through on the part of contractors. We know that large parts of this project will be constructed by people on the ground whom we don't know. We were blindsided recently by a clear-cut straight through our wetlands, 100 feet wide, done in late July without our notice. We're very fearful of the liberties that will be taken with this land that means so much to us.

Another aspect is that every time this

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conversation comes up, we seem to be faced with new changes. And just two very short examples: I questioned the Construction Panel here, and I learned that the design of the monopole transition tower that we had been given was no longer the current design; that's been changed. And in speaking with the Construction Panel, I also learned that the engineering drawings which were submitted to this Committee in July of this year are no longer accurate, that the sodium bentonite material has been removed from the farmland So these are surprises that come up trench. every time we take another look at what's in the latest images. And as far as I know, the drawings that have been submitted say "for permitting, not for construction." don't actually know what's going to be built there, and that remains a concern.

Q. Speaking of drawings and mappings, have you been told by Eversource that there would be corrections made to the maps of your property which currently do not accurately show the entire historic district?

Т	Α.	That's been an ongoing issue. I pointed out
2		in my prefiled direct testimony, and once
3		again in my supplemental testimony, that
4		those maps are inaccurate. And I am is
5		dismayed that we continue to be given
6		inaccurate information, which we've pointed
7		out as just plain wrong, as the Durham
8		Historic Association pointed out also. I
9		think that we should all have the opportunity
10		to evaluate this project based on the most
11		accurate and specific information. We did
12		hear an assurance that those maps would be
13		corrected I guess before the Project is
14		constructed. But I don't know if those
15		materials will all be corrected before the
16		Committee needs to make its decision.
	1	

Q. Thank you.

Lastly, and this is lastly. Your status as a consulting party to the Section 106 process that the Army Corps of Engineers is engaged in, did you reach out to become a consulting party?

A. Yes. In 2015, I did write to the U.S. Army

Corps of Engineers and secured my status as a

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1
         consulting party. And I noticed in my
         supplemental direct testimony, I pointed out
2
         that I am a consulting party. I also pointed
3
         that out in my prefiled direct testimony.
4
         And so I'm baffled as to why my consulting
5
         party status wasn't recognized, given that
6
7
         Eversource had my prefiled and supplemental
8
         testimony, had the information that I was a
9
         consulting party. If the Army Corps of
10
         Engineers neglected to call me into these
11
         discussions, I think that Eversource was
         fully aware of my status as well.
12
         Thank you.
13
    Q.
14
                   MS. GEIGER: I have no further
15
         questions.
16
                    PRESIDING OFFICER WEATHERSBY:
17
         Anyone here for Conservation Law Foundation?
         Ms. Ludtke or Mr. Irwin?
18
19
                [No verbal response]
                    PRESIDING OFFICER WEATHERSBY:
20
21
         Durham Residents, Attorney Brown, any
22
         questions?
23
                    MS. BROWN: We have no questions of
24
         Ms. Frink.
                      Thank you.
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1	PRESIDING OFFICER WEATHERSBY:
2	Durham Historic Association is down for five
3	minutes. Ms. Mackie, your group's
4	representation was limited, Durham historic
5	properties, limited to issues associated with
6	the impact of the Project on historic
7	resources in Durham. Do you have questions
8	concerning historic resources in Durham of
9	this witness?
10	MS. MACKIE: I have a question
11	concerning how historic resources in Newington
12	was handled that will inform our knowledge
13	about what should be done in Durham or what
14	hasn't been done in Durham.
15	(Discussion off the record between
16	Presiding Officer and SEC Counsel.)
17	PRESIDING OFFICER WEATHERSBY: So
18	you're asking your question about Newington so
19	that it will better inform you as to
20	effects
21	MS. MACKIE: In other words, the
22	process
23	(Court Reporter interrupts.)
24	PRESIDING OFFICER WEATHERSBY: As

to effects, and I stopped.

MS. MACKIE: My question has to do with how a situation that we have in Durham for which nothing was done, I want to know if something was done in Newington for the same type of historic situation.

PRESIDING OFFICER WEATHERSBY: You may ask that question.

MS. MACKIE: Thank you.

## CROSS-EXAMINATION

11 BY MS. MACKIE:

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- Q. Ms. Frink, we've seen on several occasions
  the Environmental Panel visual assessment
  expert's and the Construction Panel
  photographs of the large transition pole on
  your land. And my question is whether you've
  been offered mitigation for historic adverse
  effect of that pole?
- 19 A. No, we have not.
- 20 Q. Do you know why?
- 21 A. I imagine that the reason we weren't offered 22 any mitigation was that it was determined by 23 the state historic preservation officer that 24 there was no adverse effect, obviously a

- 1 conclusion with which we disagree.
- Q. Do you know what the reason was that that decision came out that way?
  - A. I inquired, and I got back an e-mail. Very briefly, the primary reason that DHR did not recommend an adverse effect is because the majority of the line was going underground. No question. Transition pole was tucked within the existing forested area and did not protrude significantly from the top of the tree line. I'm quoting from an e-mail received from Ms. Nadine Miller on October 4th. It might be helpful to the Committee if I submitted that as an exhibit.

PRESIDING OFFICER WEATHERSBY: I

don't think it's helpful. Your testimony is

now in the record, and it's also very

consistent with the testimony of Ms. Widell.

MS. FRINK: Thank you.

If you say so, I can do it.

21 BY MS. MACKIE:

- Q. So I take it, you do not agree with that assessment; is that accurate?
  - A. We do not agree with that assessment that

- there's no adverse effect.
- Q. And do I understand you to say it's because the pole is above the trees?
- A. It's above the tree line, and the forested area is cleared to a distance of 100 feet.
- 6 So it's very obvious. Also in Mr. Raphael's
- 7 visual simulation, it was obvious. And
- 8 behind it, the line through the Pickering
- 9 property will be kept very clear.
- 10 Q. I see. Thank you.
- 11 PRESIDING OFFICER WEATHERSBY:
- 12 Attorney Aslin or Counsel for the Public.
- 13 Sorry. I can't remember your name. I know we
- 14 received an appearance. So maybe you can
- introduce yourself.
- 16 MR. MILLER: Thank you, Madam Chair.
- 17 My name is Matt Miller, and I represent
- 18 Counsel for the Public.
- 19 CROSS-EXAMINATION
- 20 BY MR. MILLER:
- 21 Q. Good afternoon, Ms. Frink.
- 22 A. Good afternoon.
- 23 Q. So I want to start with a couple more
- questions about the transition structure.

- So you mentioned the visibility of that

  structure from Nimble Hill Road and from

  inside the farmhouse. Is that structure also

  visible from Little Bay Road?
- A. I don't know. And I don't believe there was
  any visual simulation provided from that
  point. I suspect it may not be visible from
  Little Bay Road because Little Bay Road would
  be looking somewhat downslope toward it.
- 10 Q. Okay. Thank you.
- Will that transition structure affect agricultural operations on the farm?
- 13 A. It increases the impervious surface because
  14 of the foundation and the size of it. I
  15 believe that it's going to be embedded
  16 12 feet into the ground. So there's going to
  17 be some digging and excavation there. Those
  18 are the chief impacts that I imagine.
- Q. Can you describe your communications with
  Eversource about the transition structure and
  any mitigation?
- 22 A. I will explain. We entered into a long
  23 process, as I've alluded to, to alter our
  24 conservation easement and were signing the

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1
         papers to finalize that with the Rockingham
         County Conservation District in Brentwood at
2
         a face-to-face meeting with the board of RCCD
3
         and Eversource's representatives.
                                             The date I
4
         believe was June 21st of 2016. That was the
5
         first time that we were informed that the
6
         transition structure would be located on our
7
8
               We were flabbergasted and we were
         dismayed. Until that time, we had been told
9
10
         that it would be located on the Pickering
11
         property, where the line would be overhead.
         That was a shock.
                            It was a three-pole riser
12
         at that time, a three-pole transition
13
14
         structure. And sometime after that we were
15
         offered the alternative of the monopole
16
         transition structure, which certainly
17
         appeared preferable to us.
                                      It reduces the
         size of the foundation. In questioning the
18
         Construction Panel here, I learned that the
19
20
         monopole design that we have been given is no
21
         longer the current design. The design's been
22
         changed again. Does that answer your
23
         question accurately, sir?
24
         It does. Thank you.
    Q.
```

{SEC 2015-04} [Day 11 AFTERNOON ONLY] {10-17-18}

So what mitigation has been offered by
Eversource to deal with the visibility
impact?

- A. There has been no offer of mitigation. I'd like to make clear that if historic mitigation were to be offered, I think we would very much like the money to go to the Town of Newington's Historic District for something like repairs to one of the buildings that was mentioned earlier, preferably the Stone School that I attended back in the day.
- Q. Okay. Thank you.

So I'd like to transition to another concern that you mentioned in your prefiled testimony. The original soil and groundwater management plan stated that soil from the Project area is suitable for reuse elsewhere on the property. And you had concerns with that; correct?

21 A. Yes.

- Q. Okay. Has this issue been addressed with Eversource?
- 24 A. Yes, it has been addressed. And it's been

solved in the most recent revision of the soil and groundwater management plan. Excess soil will be trucked off site. It's deemed to be not suitable for reuse for agricultural purposes. And apparently that would not be allowed by terms of our conservation easement.

I might add that the adherence to the terms of the conservation easement falls under the purview of the Rockingham County Conservation District, whose executive director, Dr. Leonard Lord, is a certified wetlands scientist and a soils scientist.

And so his experience and knowledge guides us here.

- Q. So you have no remaining concerns with the possibility of reuse of that soil.
- A. The soil will not be reused on the property.

  It will be trucked away. We are concerned

  about trucking, the impact on those two

  16-foot-wide access roads I described

  earlier.
  - Q. That was my next question. So you noted in your supplemental testimony that trucking on

- the property will cause dust, noise and soil
  compaction which will affect agricultural
  viability. What's your basis for that
  conclusion?
- The weight of the trucks that will be used is 5 Α. enormous. Soil compaction is an issue. 6 7 According to the terms of our agreement with Eversource, they are obligated to de-compact 8 the soil afterwards. But soil that's been 9 driven over by large vehicles over the rather 10 11 long-term construction period isn't going to 12 recover very easily. It may take years. This pathway through the field along the 13 right-of-way may be visible for a long time. 14 15 And I have no experience to say when or how 16 that could be brought back to its present 17 degree of fertility.
  - Q. Okay. Thank you. So I just have one more area I'd like to ask you a couple questions about.

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23

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So I want to clarify your or your family's involvement with the Section 106 process. Were either you or any member of your family involved in that process at any

```
43
1
         stage?
         I was involved to the point of requesting my
2
         status as a consulting party from the U.S.
3
         Army Corps of Engineers. I was not involved
4
         in any of the discussions about historic
5
         mitigation that resulted in the MOU or the
6
7
         MOA between Eversource, NHDHR or the Army
8
         Corps of Engineers. No, I was not involved.
         I wasn't invited.
9
         Thank you.
10
    Q.
11
                    MR. MILLER: If I can have one
12
         moment?
                (Pause in proceedings)
13
    BY MR. MILLER:
14
15
         Before the discussions surrounding that MOU,
    0.
16
         did you have any involvement in that process,
17
         in the Section 106 process, that was not
         related to the MOU before that point in the
18
19
         process?
20
         No.
    Α.
21
         Okay.
                 Thank you.
    Q.
22
                                 No further questions.
                    MR. MILLER:
23
                    PRESIDING OFFICER WEATHERSBY:
                                                    Thank
```

you, Mr. Miller.

1 Attorney Needleman.

2 CROSS-EXAMINATION

- 3 BY MR. NEEDLEMAN:
- Q. Hello, Ms. Frink. I'm Barry Needleman. I represent the Applicants, as I think you
- 6 know.

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- 7 A. Good afternoon.
- Q. A moment ago you mentioned that you were, I
  think you said, quote, blindsided, by recent
  work that was done on your property. Were
  you here when Mr. Nelson testified that
  Eversource discussed this work with your
  brother prior to the time that it was done
  and that your brother said that it would be

acceptable to do that work?

A. Yes. And I know that Mr. Nelson and I disagreed about that, and for that reason I spoke to my brother and asked him. I saw him at the public hearing date, October 11th and 12th. I was at the farm, and I took the opportunity to ask him very specifically about that. And he said -- I want to make sure we're clear about this, Mr. Needleman, because I know this has been an issue. He

spoke with the people who did the work. This
is the John D. Brown Company of Weare, New
Hampshire. And they did the maintenance work
on the Pickering line, which was what
necessitated this, or what brought this issue
to the fore. And my brother was asked for
his permission for them to drive out through
our property. And he gave them permission to
use our right-of-way to come out to Nimble
Hill Road. Again, I would like to clarify
that the Pickering easement is landlocked.
They were given permission. The maintenance
crew was given permission to access the
right-of-way in the Pickering property going
from the Pickering driveway toward the
right-of-way, but not to go back out that
way. And so they needed to come out through
our property. My brother, John Frink, gave
them permission to drive out through our
property, and he warned them expressly to go
around what is marked on the maps as
"Newington Wetland 18." That's not the
Knight's Brook wetland. He didn't want them
driving through that other wetland. He was

```
not informed about the cutting at all.
1
        had no idea that there would be any cutting
2
        on our property. I believe Mr. Nelson
3
        mentioned a door hanger left for him.
4
        Eversource has my brother's home telephone,
5
        cell phone number, both, answering machines
6
7
        available on both. He did not receive a
8
        phone call.
```

Q. But after the door hanger was left there, I believe Mr. Nelson testified that your brother called Eversource, and they spoke prior to the time the work was done.

- A. I am not aware of that. My understanding is that my brother merely gave permission to drive out through the field, but had no knowledge of any clear-cutting on our property.
- Q. Okay. We'll let the testimony stand as is.

I'd like to call your attention to

Applicant's Exhibit 250. This is an outreach
summary that was put together summarizing
Eversource's various interactions with you
and your family over the course of the last
five years or so. There were, I think, nine

```
1
         site visits that Eversource conducted to your
2
         family property. Does that sound right?
               (Witness reviews document.)
3
         I'm scanning the list of dates. Some of
4
    Α.
         these are very clear in my mind. Perhaps we
5
         could scroll down a little further.
6
7
         Sure. Just tell us when to stop.
    0.
               (Witness reviews document.)
8
                   PRESIDING OFFICER WEATHERSBY:
9
         Attorney Needleman, is this a new exhibit?
10
11
                   MR. NEEDLEMAN: I believe so, yes.
                   MR. IACOPINO: Can you make it
12
         bigger then so we can read it on the screen?
13
14
                   MR. NEEDLEMAN:
                                    Can you enlarge it,
15
         Dawn, so we can see it? Enlarge the exhibit
16
         so people can read it.
         And is there a particular date or site visit
17
         that you would like me to comment on?
18
    BY MR. NEEDLEMAN:
19
20
         No. My question was, does it sound right to
    0.
21
         you that Eversource visited your family's
22
         property during the course of this proceeding
23
         at least nine times in connection with trying
         to address the issues of concern to you and
24
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1 your family?
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- A. Again, I'm unable to count. If you say it's nine visits, that's possible. There certainly were a vast exchange of e-mails primarily, yes. And if there's a particular instance that you would like me to confirm or comment on, just let me know what item you're looking at.
- Q. Okay. Thank you. You anticipated my next -MR. PATCH: Madam Chair, the last
  exhibit that I have from Eversource is 227. I
  don't have anything above that. And reference
  here is being made to 250. So I thought we
  were supposed to be provided the exhibits
  before, the day before they're being used.

MR. NEEDLEMAN: Well, first of all,
I don't think that's the agreement. Second of
all, there have been multiple parties during
the course of this proceeding who have used
exhibits in real time and provided them
afterwards. So that's news to me.

PRESIDING OFFICER WEATHERSBY: This is a new exhibit that will be provided. I know the Committee has at least to 248. I

```
1
         think that's something all parties should
                But we can check on that.
2
                   MS. GEIGER: Madam Chair, we do not.
3
         The last exhibit I have is No. 227. And I
4
         raised this with Attorney Needleman at the
5
         break and was told that we would get these
6
7
         tonight. Is that correct?
8
                    MR. NEEDLEMAN: I'm not sure exactly
         when we're going to upload. Part of the issue
9
         was the change in witness order. But yes,
10
11
         they'll be provided.
                   May I continue?
12
                   (The document as described was
13
                  herewith marked as Applicant's
14
15
                  Exhibit 250 for identification.)
16
                    PRESIDING OFFICER WEATHERSBY:
                                                     Yes,
17
         you may continue.
18
                    MR. NEEDLEMAN: Thank you.
19
    BY MR. NEEDLEMAN:
20
         Ms. Frink, at the technical session when
21
         Eversource questioned you, we asked whether
22
         you agreed that Eversource had made a
23
         good-faith effort to try to address the
         concerns that you and your family had raised.
24
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And you said you thought they did; is that correct?
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- A. That's not my recollection. I distinctly remember Mr. Dumville asking me, "Would you say that Eversource had dealt with you fairly?"
- 7 And I said, "I would delete the word 'fairly.'"
- 9 Q. So you think Eversource has not dealt with
  10 you in a fair and honest way during this
  11 proceeding?
- 12 A. That's at least partially correct.
- 13 Q. And why would you say that?

A. I've just cited issues over the location of the transition structure. That was one issue. I can name other changes in the design of the farmland trench that were of concern to us, that we found out about at the last moment; one had to do with removing fluidized thermal backfill; another had to do with my discovery during the Construction Panel questioning here that the sodium bentonite is no longer in the trench; that the design of the monopole transition tower

had been changed yet again. Some of these things could be construed as positive. It seemed to me that the change to the transition tower is a positive, but I haven't seen an image. I really don't know what that consists of. Again, I think that we're lacking details that we would need to have before us completely before I could say that it had all happened in good faith.

I might bring up another issue, Mr.

Needleman, that I know you're very aware of,
and that is our option agreement with

Eversource expired at the end of 2017. And
as we approached that deadline and needed to
extend it, we made sort of a very short-term
extension into early this year and then
needed to continue working with you to extend
the option agreement, which now runs until
after the Site Evaluation Committee gives its
decision. And in that process, we tried to
contact project manager Deanna Champy because
we had ongoing questions about the trench
design. And instead of answering our
questions, which she, I believe as an

engineer or a project manager could probably have done, she directed us to run all of our inquiries to you. And with all due respect, we recognize that you are a lawyer, but not an engineer. And we needed an engineer, and we were forbidden to contact her directly, which I think would have been more direct and far more helpful communication.

Q. You've raised a range of issues there that I want to get into in some more depth. Before I do, one other question about this outreach summary.

Will you agree with me that the summary demonstrates that Eversource has made a very significant effort to engage with you and your family during the course of this process?

- 18 A. Yes. A significant effort to engage with us?19 Yes.
- 20 Q. Now, you mentioned the conservation easement,
  21 so I want to talk about that for a minute.
  22 You said earlier, you explained earlier that
  23 your family's farm is subject to this
  24 conservation easement. And I believe you

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also said that in order for it to be changed,

it required the approval of a number of

entities, including the federal government

and the Rockingham County Conservation

District; is that right?
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- 6 A. Yes.
- Q. And Eversource worked with you and those other entities to secure that approval; is that correct?
- 10 A. Mostly, yes.
- 11 Q. And that approval was memorialized in the

  12 Memorandum of Agreement with the Darius Frink

  13 Farm Conservation Easement Improvement Form,

  14 and that's Applicant's Exhibit 169. So I

  15 wanted to call that up and ask you about that

  16 specifically.

MR. NEEDLEMAN: And I want to start
on Page 1 with the sixth "Whereas" clause,
Dawn.

- 20 BY MR. NEEDLEMAN:
- Q. So the purpose of this, as we understand it,
  is to amend the easement and to fund certain
  improvements on your family's property. Is
  that fair to say?

- A. I want to be a little more specific about the
  wording. The purpose of this is to fund
  certain conservation easements for the
  purpose of modifying the conservation
  easement. Not and, but for the purpose of.
  - Q. Okay. Fair enough. And then if we go to Page 2, Section 2.3, according to this section, and I believe it's in the middle towards the right side, Eversource has committed to providing in excess of \$243,000 in funds to support those conservation easement improvements on your family's farm; is that right?
- 14 A. Would you please restate that?

- Q. Yes. The question is: Eversource has committed to providing in excess of \$243,000 in total to help fund conservation easement improvements on your family's farm; is that correct?
  - A. We need to subtract \$10,000 from that sum.
    \$10,000 of the \$243,635 goes to Rockingham
    County Conservation District for stewardship
    and management of these improvements. So the
    actual sum to be spent on farm conservation

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1 improvements themselves is $233,635.
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- Q. Okay. Thank you.
- And is it also correct that a portion of
  the money that's being spent will be used to
  pay for a natural resource scientist prior
  to, during and after construction?
- 7 A. Yes.

2

- Q. And in addition to needing to amend the
  conservation easement, you mentioned a moment
  ago that Eversource also needed an option
  agreement from your family in order to go
  underground across your farm; is that
  correct?
- 14 A. Yes.

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Q. And so I wanted to introduce Applicant's 251, which is that option agreement, and ask you some questions about that.

18 (The document as described was

19 herewith marked as Applicant's

20 Exhibit 251 for identification.)

Q. On Page 2, Section 2 of the option agreement, in addition to the funds that we just saw,

Eversource has also agreed to pay your family an additional \$50,000 to purchase these

- underground rights; is that correct?
- 2 A. Yes.
- Q. And another section of this agreement, which
  I can direct you to if you need me to,
  involves Eversource terminating the overhead
  rights across your family's farm; is that
- 7 right?
- 8 A. Yes, it is.
- 9 Q. And another section of the agreement speaks
  10 to an issue that I think you raised at one
  11 point during the proceeding, which is that
  12 Eversource provides a \$4,000 guaranty for
  13 crop damage; is that correct?
- 14 A. Yes.

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Q. Okay. Let me ask you about this transition structure on your property which I know has been a concern to you.

In what I believe is your Exhibit 30, your supplemental testimony, on Page 2 at the bottom you stated, "Eversource provided an illustration of a monopole that we were later told was not a current design, but we have never seen a definitive design to which the Applicant has committed." Do you remember

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1 saying that?
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- A. Excuse me. Are you referring to this document that we were looking at just now?
- Q. No. I'm sorry. I moved on. I was done with that document. I was referring to your
- 6 supplemental testimony. And at the bottom of
- 7 Page 2 of that supplemental testimony, you
- 8 made the statement about the monopole. Do
- 9 you recall that?
- 10 A. Yes, I have it here.
- 11 Q. Okay. I want to bring up Applicant's
- Exhibit 185, Appendix 33, at Page 87.
- 13 DIR. MUZZEY: Could you please
- 14 repeat those numbers?
- 15 MR. NEEDLEMAN: Sure. It's
- 16 Applicant's Exhibit 185, Appendix 33, PDF Page
- 17 87.
- DIR. MUZZEY: Thank you.
- 19 BY MR. NEEDLEMAN:
- 20 Q. This is an e-mail from Mark Doperalski to
- 21 Nadine Miller, who I believe is at DHR, from
- June 8th of 2018. And the e-mail is
- indicating that a monopole design in lieu of
- a three-pole design has been agreed upon on

- on your property and that it was found

  acceptable to your family and by the Town of

  Newington. Have you seen this e-mail before?
- 4 A. No, I have not.
- Q. And does this sound familiar to you, in terms of the timing?
- 7 A. No, it does not.
- 8 Q. Well, do you recall that you yourself sent an 9 e-mail not too long after this verifying to 10 Eversource that that monopole design was 11 acceptable to you? I have the e-mail if 12 you'd like to see it.
- MR. NEEDLEMAN: I don't know, Dawn,
  if you have it loaded. Okay.
- 15 (Pause in proceedings)
- 16 A. Excuse me. Can we see a date for this?
- 17 BY MR. NEEDLEMAN:
- Q. Yes, I'm going to show it to you. Flip it
  over to the other side. This is an e-mail
  from you -- or from Eversource to you talking
  about various issues on your property, and
- one of those issues relates to the transition
- 23 structure. Do you see that?
- 24 A. I do see that, yes.

- Q. And then on the bottom of the page there's an e-mail from you. Do you see the date up
- 3 there? It's August 17, 2017.
- 4 A. Yes, this is correct.
- 5 Q. And you're writing back to Lauren at
- 6 Eversource --
- 7 A. Yes.
- Q. -- confirming that the monopole transitionstructure is acceptable to you.
- 10 A. Yes, indeed.
- 11 Q. And then are you aware of the fact that
- shortly after this, on September 19th, 2017,
- 13 Eversource submitted a design change
- 14 memorializing the monopole structure?
- 15 A. I'm not aware of that. But I take your word
- 16 for it.
- 17 Q. Okay. And on Page 1 of your supplemental
- 18 testimony, I think you said that there had
- been no evaluation done by DHR of the
- 20 concerns that you raised regarding the
- 21 monopole structure on your property. Does
- 22 that sound familiar?
- 23 A. I'm not clear on where you -- excuse me. I'm
- 24 not clear on where you are.

- 1 Q. It was Page 1 of your testimony. I don't
- 2 have a line that I --
- 3 A. Of my direct testimony, sir, not supplemental
- 4 testimony.
- 5 Q. I believe that's right.
- 6 A. Okay. Yup.
- 7 Q. And you raised a concern about that monopole
- 8 structure and about whether it had been
- 9 properly evaluated. Do you recall that?
- 10 A. I can see it here in my prefiled direct
- 11 testimony, yes.
- 12 Q. Now, yesterday when you were asking Ms.
- Widell questions, I think you specifically
- 14 asked her why it was that she believed that
- the effect of this monopole was not
- 16 considered an adverse effect.
- 17 A. Yes, I did ask.
- 18 Q. Do you recall that?
- 19 A. Yes, I did.
- 20 Q. And she explained to you her view of why that
- 21 was the case. Do you remember that?
- 22 A. Yes. I'm not -- I don't remember her precise
- wording. But I do remember that she insisted
- that it would not be an adverse effect, yes.

- Q. Well, that's what I wanted to talk to you about. So let me try to help.
- MR. NEEDLEMAN: Dawn, if we can put

  up Applicant's 164, and I'm going to start at

  Page 81 of the PDF.

## 6 BY MR. NEEDLEMAN:

- 7 Q. This is the Division of Historic Resources
  8 Effects Table for the Newington Center
  9 Historic District. And I'm wondering if
  10 you've seen this document, because it sounded
  11 to me like the things Ms. Widell was telling
  12 you yesterday were things you hadn't heard
  13 before.
- 14 A. No, I have seen this. I am familiar with it.
- Q. Okay. So in that first block at the top on the right as it's talking about the various findings on the effects table, it says that there will be no physical destruction of character-defined features in the District.

  Do you see that?
- 21 A. I see it.
- Q. And then further down it talks about the proposed project will not affect the District's existing use. Do you see that?

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1 A. I do.
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- 2 Q. I don't want to go through the whole
- document. It's time-consuming, and it speaks
- 4 for itself.
- 5 MR. NEEDLEMAN: But, Dawn, if you
- 6 could go down to the bottom of this document.
- 7 A. Excuse me.
- 8 BY MR. NEEDLEMAN:
- 9 Q. Sure.
- 10 A. May we go back for a moment --
- 11 Q. Sure.
- 12 A. -- just to the preceding page?
- 13 Q. Where did you want to go?
- 14 A. Exactly where you were. The proposed project
- will not affect... to the right. That's
- 16 fine.
- 17 Q. Okay.
- 18 (Witness reviews document.)
- 19 A. All right.
- MR. NEEDLEMAN: If we can go over,
- Dawn, just to the next page. In the middle
- there's one other -- yeah, right there, the
- 23 middle paragraph.

## 1 BY MR. NEEDLEMAN:

- 2 Q. So as part of this description, it also --
- 3 this was an issue that came up earlier. The
- 4 second sentence notes that the overhead
- 5 transition will be about 100 feet deep into
- the tree line. Do you see that?
- 7 A. Yes. And this is something that Ms. Widell
- 8 mentioned several times that frankly baffled
- 9 me. So let's continue this discussion and
- see if we can clear it up.
- 11 Q. Okay. Well, I was going to go now to the end
- of the document, the Recommended Finding --
- 13 A. Can we stay here for a moment perhaps?
- 14 Q. Sure.
- 15 A. May I read? I'm not certain to the extent to
- 16 which I'm allowed to --
- 17 Q. If there's something you want to look at,
- then you should look at it.
- 19 A. Okay. It says the overhead transition will
- 20 be about 100 feet into the tree line. And my
- issue there is that the tree line is -- it
- has a 100-foot-wide gap in it, in the middle
- of which sits the transition structure. So
- the existing tree line can obscure it when

viewed from an angle, but doesn't obscure it when viewed from straight on. That's one issue.

Second, in the photography that I did -and that's my Frink Exhibit No. 28, which
says "transition tower location photograph,"
you can see there that the trees are by no
means 75 feet high.

So, for those two reasons I disagree with this finding.

Q. There are a range of other statements in here which I'm not going to go into at this point.

It's in the record for anyone to see. But I did just want to go to the last statement, the Recommended Finding on Page 3.

MR. NEEDLEMAN: Page 3, Dawn. The third page of the -- sorry. There we go. The Recommended Finding in that box.

## BY MR. NEEDLEMAN:

Q. So this is the finding as it pertains to the Newington Center Historic District, where the recommendation is that there be no -- it's a no adverse effect finding. And, again, in light of the question that you asked Ms.

- Widell yesterday, I take it you disagree with this. But I'm just wondering whether you
- 3 were aware of all of this.
- 4 A. Yes, I am.
- 5 Q. Okay.
- MR. NEEDLEMAN: And now, Dawn, I

  want to call up Applicant's 167. This is the

  August 1st, 2017 DHR letter. And if we could

  go to Page 2 of the letter, Dawn, on the top

  half.
- 11 BY MR. NEEDLEMAN:
- 12 Q. This is where DHR is making its findings
  13 based on I guess its analysis and material
  14 that's been submitted to it. And the
  15 Newington Center Historic District on this
  16 DHR letter is found to have no adverse
  17 effect; is that correct?
- 18 A. Yes, I'm very familiar with this letter. I

  19 read it carefully.
- Q. And we don't have to go there at this point.

  But are you aware of the fact that on Page 1,

  the DHR introduced this portion by talking

  about the substantial public involvement that

  went into this entire process?

1 A. Yes.

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- Q. Now, on this list there are four adverse effect findings; is that correct?
- A. Yes. I've been concerned only with the one in Newington, that being the Alfred Pickering Farm.
- Q. Well, I wanted to ask you about that, given your knowledge of the area. The only adverse effect finding by DHR in Newington is the Alfred Pickering Farm; is that correct?
- 11 A. According to this letter, yes.
- Q. And am I also correct that the Alfred

  Pickering Farm is not in the Newington Center

  Historic District?
- 15 A. It is not. It is eligible for the state and
  16 National Register. But I recognize that
  17 wasn't your question.
  - Q. So would it also then be correct to conclude that when DHR was talking with the Applicant and the Town about mitigation for historic effects in Newington, the mitigation they were focusing on would have pertained only to this one adverse effect and not to anything having to do with the historic district? Is

1 that fair?

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- A. Please repeat that?
- When DHR and the Town and Eversource Sure. 3 Q. were focusing on mitigation in Newington for 4 historic effects, am I correct that they 5 would have focused on the adverse effect at 6 7 the Alfred Pickering Farm, and that would be the only effect that they would be focusing 8 on, and it's not in the historic district? 9 Is that your understanding? 10
  - A. I'm somewhat baffled. I'm fully aware that the Alfred Pickering Farm is eligible for the state and National Register because I did the historic documentation work myself. So it is a historic resource. It's documented as such. So I'm surprised that it would not have been included in those discussions.
  - Q. I may not be making myself clear. Let me try one more time.

I understood that you were present at some of the meetings, or at least one of the meetings with DHR where mitigation in Newington was discussed.

24 A. No, I was not.

- Q. Okay. So you wouldn't have specific information --
- 3 A. That's right.
- Q. -- about this. Okay. I misunderstood, so I'll move on.

On Page 29 of your -- or Exhibit 29,
referring again to your prefiled testimony,
Page 3, in the middle, you state that the
monopole structure will impair the
conservation value of the Frink property; is
that right?

- 12 A. Again, would you please give me the reference?
- Q. Yeah, it's your prefiled testimony, which is
  Exhibit 29, and I'm in the middle at Page 3.

  And the question is: "Will the transition
  structure impair the conservation values of
  the Frink property?" And you say "Yes." Do
  you see that?
- 20 A. Yes. Hmm-hmm.
- Q. So I want to call up Applicant's 218, which
  is the first amendment to the conservation
  easement deed. And I want to call your
  attention to Page 2, Paragraph C.

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Paragraph C defines "replacement utility
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         work" as it relates to this document.
2
         that replacement utility work includes this
3
         proposed project. Do you see that?
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5
                (Witness reviews document.)
         Yes.
6
    Α.
7
         And then when we go to Page 2, Paragraph E of
         this same document, this actually indicates
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         that the replacement utility work is not
9
         prohibited by the conservation easement, but
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         instead enhances the purposes of the
         easement; is that right?
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                (Witness reviews document.)
13
         It says that it enhances the purposes of the
14
    Α.
15
         conservation easement deed. It doesn't say
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conservation easement itself.

Q. Well, what do you understand the purpose of the deed to be if not to deal with the

that it enhances the purposes of the

20 conservation easement?

- 21 A. I view the deed as simply recording and 22 defining the conservation easement.
- Q. So you think this is only referring to the purposes of the written document, not --

- 1 A. Yes.
- 2 Q. -- actually to the land itself.
- 3 A. Yes. Hmm-hmm.
- Q. Okay. There have been a number of questions
  that have been asked about your involvement
  in the consulting party process. Are you
  aware of the fact that the U.S. Army Corps of
  Engineers runs the 106 process and that
  Eversource does not participate in the
- 10 running of that process?
- 11 A. I'm aware that USACE runs the process, yes.
- 12 Q. So, to the extent that you had concerns about
- 13 your involvement or whether you were given
- notice or something like that, that concern
- 15 would have to be directed to the Corps of
- 16 Engineers; right? You understand Eversource
- 17 has no control over that.
- 18 A. I believe that as signatory to the documents
- 19 with USACE, Eversource would have been able
- 20 to invite consulting parties into the
- discussion had Eversource chosen to do so.
- 22 Q. Do you believe that's Eversource's obligation
- as a party to the process?
- 24 A. I would make a distinction between obligation

- and good communications or good-faith
  efforts.
- Q. Actually, you've mentioned this before, but just to clarify. There was a DHR forum in Portsmouth on January 10, 2017 that your brother attended; is that correct? Are you
- 8 A. As far as I know.

aware of that?

- 9 Q. Also, you attended the February 2nd, 2017
  10 public meeting in Newington on the Project;
  11 is that right?
- 12 A. Yes, yes.

- Q. And you also attended the October 4th, 2017
  effects meeting that was called by the Corps
  of Engineers; is that correct?
- A. And that was at the Schiller Plant; is that correct? Do you have the location?
- 18 Q. I think that was the location.
- 19 A. Yes, I'm very well aware of that meeting.
  20 Yes.
- Q. So your family certainly has had the
  opportunity to participate in these types of
  meetings during the course of the process,
  hasn't it?

- A. I must say at times our participation has
  been ineffective and useless. I have felt
  that we were not heard.
- 4 Q. Who didn't hear you?
- 5 A. The U.S. Army Corps of Engineers seemed to be
  6 inadequately represented at those
  7 proceedings. I have felt that DHR was either
  8 powerless to represent us or that the
  9 strength of their representation was lower
  10 than I would have expected.
  - Q. Switching topics one more time. I'm looking again at Exhibit 29, which is your prefiled testimony. And near the bottom of Page 3 you raise concerns about the potential impact of the Project on the agricultural value of your family's farm. Do you see that?
- 17 A. Yes, I do.

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- Q. Now, we've talked already about the soil and groundwater management plan for your family farm in the Memorandum of Understanding connected with that. Do you recall that?
- 22 A. Yes.
- Q. And at the technical session, I think

  Mr. Dumville asked you about these documents

- and whether they had resolved your concerns
  with respect to these issues. And you said
  they were largely resolved. Do you remember
  that?
- 5 A. Yes.

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- Q. Do you have remaining concerns pertaining to this issue?
- "The devil is in the details" as we often 8 9 say. I think the plans are, to some extent, satisfactory. I'm going to come back to that 10 11 in just an instant and say there's a difference between the paper and the soil. 12 The plans and the legal documents may be 13 14 pretty clear. What happens when the 15 machinery comes onto the land and begins to 16 excavate is another matter.
  - Q. So, again, it sounds like in the case of Mr.

    Hebert, it's not the documents and the

    agreements you're concerned about, it's the

    parties following them; is that correct?
- 21 A. That's very fair, yes. That's exactly right.
- Q. And so as long as the parties who are responsible for following those agreements, whether they're permits or other agreements,

- they follow them, then your concern on this issue would be resolved?
- A. Insofar as I can see into the future, yes.

- Q. Okay. On top of Page 4 of that prefiled testimony, you raised a concern about the underground line creating a type of dam impeding the flow of water on your property.

  And my understanding is, since the time you filed that testimony, it's now your view that that concern is resolved; is that right?
- A. We discussed this at some extent with Mr -or Dr. Leonard Lord of RCCD, who's a soil
  scientist and wetlands scientist, and he said
  he was no longer concerned about it.

I'll tell you what my concerns are that remain, and that is Eversource has drilled three monitoring wells on our land, which is a good thing to do to detect the depth of the surface water. Those wells were placed only where the poles would have been placed if the line was overhead. That's not very much testing. The water levels in the wetland now are so high that you can't drive a tractor within about 300 feet of it without getting

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stuck. So as far as the depth at which the groundwater is found and what will happen with excavation there, it can be a very seasonal problem. We're in a really wet year, and so those concerns do linger. The
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Q. One more set of questions. At the bottom of Page 4 and top of Page 5, you raised concerns about PFOA and PFOS --

paper is good, the dirt is more important.

10 A. Yes.

- 11 Q. -- these contaminants. Do you recall that?
- 12 A. Yes. Yes, indeed.
- Q. And the soil and groundwater management plans
- are designed in part to address those issues;
- is that right?
- 16 A. Yes.
- 17 Q. And at the technical session, I think you
- also stated that based on those soil and
- 19 groundwater management plans, your concerns
- 20 had been addressed; is that right?
- 21 A. Addressed but not solved.
- 22 And if I may be indulged with a little
- bit more here. There are a number of
- 24 concerns. Eversource has done very little

testing for these toxins in the groundwater and has done one test in the surface water of Knight's Brook. The Air Force -- or Pease continues to test here. And they really do not understand themselves how the water -how the pollutants in the water moved downslope through our land and through the Pickering land. There's a great deal that we don't know about the behavior of the water in that area, and there's a great deal that we don't know about the impact of these toxins. Early next year, DES is planning, I believe, to set new limits for PFOA and PFOS. more we find out about these things, how widespread they are and how serious to our health, the more serious they appear. So that does remain a concern.

- Q. And is it your understanding that Eversource will be doing this work subject to the oversight of New Hampshire DES?
- A. That is my understanding.

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Another vast unknown is the cost. I
think this is going to have a huge cost
impact because Eversource has committed

- itself and must commit itself to following

  DES practice. This could be a very, very

  expensive proposition. And until we know the

  true costs here, we don't have an adequate

  basis for comparing the cost of this project
- to the alternative, such as the Gosling Road
  Transformer.
- 8 Q. And do you have confidence in the expertise 9 of DES to effectively oversee this process?
- 10 A. That remains to be seen. I don't have that
  11 much experience with the efficacy of DES.
- Q. But you would agree that DES certainly has significant experience in this area.
- 14 A. I pray that they do.
- 15 Q. Thank you, Ms. Frink.
- 16 MR. NEEDLEMAN: Nothing further.
- 17 PRESIDING OFFICER WEATHERSBY: Does
- anyone on the Committee have questions for Ms.
- 19 Frink? Mr. Fitzgerald.
- 20 QUESTIONS BY SEC MEMBERS AND COUNSEL:
- 21 BY MR. FITZGERALD:
- 22 Q. Good afternoon, Ms. Frink.
- 23 A. Good afternoon.
- 24 Q. Michael Fitzgerald. I'm from DES. We're

{SEC 2015-04} [Day 11 AFTERNOON ONLY] {10-17-18}

- 1 here now.
- 2 A. Thank you. I'm glad you are.
- 3 Q. You brought up an issue with regards to soil
- 4 compaction and that due to that soil
- 5 compaction there would be a resultant
- adverse, or potential resultant adverse
- 7 impact on the soil fertility --
- 8 A. Yes.
- 9 Q. -- is what I believe you said.
- 10 A. Yes.
- 11 Q. Bear with me because my experience in farming
- is limited to watching Green Acres. But when
- 13 you farm, do you not cultivate the soil or,
- 14 you know, rototill it? I know it's bigger
- than rototilling, which I do for gardening.
- But do you till the soil in some way?
- 17 A. No. This is a hay field, and the soil there
- is not tilled. And in agriculture, no-till
- 19 agriculture has gained a great deal of
- 20 credence most recently. But the hay fields
- 21 are not tilled.
- 22 Q. So is your concern that the hay won't -- that
- the field will no longer support hay?
- 24 A. In the area -- I want to be clear. In the

- area that's impacted by these access roads, I
  think the hay crop will be reduced perhaps.

  And I also think that the more the soil is
  compacted, that it could be very wet in those
  wet and boggy areas that are considerable on
- 7 Q. Thank you. That helps a lot.

our land.

I'd like to go back to your status in the 106 consulting process. And I know Mr.

Needleman had some questions about this also, but I'd like to clarify.

First of all, your prefiled testimony indicates that you do pro bono historical preservation work now; is that correct?

- 15 A. Yes, I do.
- Q. And related to areas other than your own farm?
  - A. Yes. I do this work in Acworth where I live and in the neighboring town of Alstead. I do historic preservation work, writing grants for LCHIP. Kind of supervising the construction process so that it goes in accord with historic preservation guidelines from the Secretary of Interior standards and

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1 so forth. Yes.
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- Q. So are you familiar with the 106 process other than this project, through this project?
- 5 A. Only through this project with respect to the Section 106.
- 7 Q. Okay. I believe yesterday we had some
  8 testimony sort of outlining the distinction
  9 between a consulting party and an actual
  10 party to the agreement.
- 11 A. Excuse me. To which agreement, sir?
- The MOA and MOU. And my understanding of 12 Q. that was that as a consulting party, that the 13 14 parties in particular, the Corps, I believe, 15 if they're the ones that run this, they're 16 required to consult with you, but that their 17 negotiations and discussions with the other entities that are actual parties to the 18 19 agreement as opposed to consulting parties, 20 that you would not necessarily be a party to Is your understanding of that 21 22 different as to your participation in those 23 discussions?
  - A. I think that was a distinction that Ms.

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Widell made yesterday that I was not aware
1
2
             What struck me was that originally there
         was a draft MOA that appeared from the U.S.
3
         Army Corps of Engineers, and I appear there
4
5
         as a consulting party. And I was never -- I
         never reviewed it. It wasn't sent to me
6
7
         directly. I'm not remembering right now in
8
         what group of parties I was copied in on
         that. But when I saw the final version, my
9
         name no longer appeared as a consulting
10
11
         party, and I thought that was very odd.
12
         And did you inquire about that?
    Q.
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- A. Yes. That refers to my e-mail exchange with Ms. Nadine Miller at NHDHR. And I asked her why my name was removed. And may I quote?

  May I read?
- 17 Q. Absolutely.

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A. Her e-mail -- this is Nadine Miller's e-mail to me. And she says, "I believe that it was the Army Corps of Engineers who removed your name from the final MOA. I don't have a specific answer, except my guess would be, since you do not have a specific task assigned to you under the MOA, they removed

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your name." That equates, that matches what
1
2
        Ms. Widell suggested. So I can only assume
        that that's correct. And then she goes on to
3
        say that both towns, that would be Newington
4
5
        and Durham, have to coordinate with
        Eversource on the location of an exhibit.
6
7
        I believe that's why they are still
8
        identified as signatories. That makes sense.
9
```

- Q. Okay. In the original draft that you reviewed, where you referenced -- did your name appear as a signatory to the --
- 12 A. Yes, it did.

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- 13 Q. -- as a party of the MOA?
- A. My name appeared at the bottom with a blank
  for my signature beneath, which it said
  "consulting party."
  - Q. Okay. And in that version, were there tasks or duties that were assigned to you? In other words, when you received the document in its final form and your name had been removed, was the document changed in some way to eliminate your participation or any responsibilities you might have under the MOA?

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A. Not insofar as I recall, nor do I recall that
the documents specified any tasks or who was
responsible for them.
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- Q. So do you know why your name was on there originally?
- A. I had assumed that my name was on there originally because of my status as a consulting party.
- 9 Q. All right. Thank you very much.
- 10 PRESIDING OFFICER WEATHERSBY: Mr.
- 11 Schmidt?
- MR. SCHMIDT: No.
- 13 PRESIDING OFFICER WEATHERSBY: Ms.
- 14 Duprey.
- MS. DUPREY: Could you pull up Helen
- 16 Frink Exhibit 3, please.
- 17 QUESTIONS BY MS. DUPREY:
- 18 Q. I want to get a sense of where exactly this
- 19 transition structure will be. And I was
- looking through all the various exhibits, and
- I couldn't find anything better than this
- 22 photograph to give me a sense of it.
- So I see up at the top, although it's
- faint, I see the distribution lines. Yes,

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84
1
         the arrow. And am I right that -- if you
2
         would pull the arrow all the way to the far
         right, yeah -- is that the side that the
3
         transition structure is going to be on on
4
5
         your property?
         If you look at the top left-hand photograph,
6
7
         the very top left-hand corner, that's it,
         further back than that. So off the
8
9
         photograph --
10
         I see.
    0.
         -- further back.
11
    Α.
         So is it your position that you believe that
12
         from the interior of the house you will have
13
         a full-on view of that transition structure,
14
15
         or will you see the top of it over the trees?
         It's misleading because this is an aerial
16
    Α.
17
                 The house is fairly tall, fairly good
                 There is an Exhibit 4 that shows the
18
         size.
         house a little better. Maybe if Dawn could
19
20
         bring that up we could see the scale.
21
    Q.
         No, I saw the house. This one shows me more
22
         where --
23
         Okay. So, directly --
    Α.
24
                (Court Reporter interrupts.)
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- 1 A. I believe it will be visible from upstairs in
- the house.
- 3 Q. The entire tower?
- 4 A. No, probably the top of it.
- 5 Q. Okay. All right. So we don't think -- you
- don't think there will be a full-on view of
- it from anywhere in the house, but you think
- you can probably see the top of it from the
- 9 second floor of the house.
- 10 A. Yes.
- 11 Q. And can I also ask you, is your family
- 12 currently living in the house?
- 13 A. Yes, my brother lives there full time.
- 14 Q. Okay. Thanks very much.
- MS. DUPREY: That's all.
- MR. FITZGERALD: Could I follow up
- on that?
- 18 PRESIDING OFFICER WEATHERSBY: Yes,
- 19 Mr. Fitzgerald.
- 20 BY MR. FITZGERALD:
- 21 Q. So is your concern -- if you could bring that
- 22 picture back up, Dawn. You stated the
- concern would be relative to a view from the
- second floor.

- 1 A. Yes.
- 2 Q. But is your concern -- also, do you have
- 3 concerns that the views of people who were
- driving by on adjacent roads, that it would
- not be adequately shielded from those views
- as well or from the views of people who are
- 7 employees of yours or whatever that are out
- 8 on the farm?
- 9 A. Yes. From Nimble Hill Road, I do think it
- will be full-on visible. We could see that
- 11 pretty clearly in Mr. Raphael's visual
- simulation. And I might add that Nimble Hill
- Road is very popular with people jogging and
- 14 bicycling and dog walking paths, yes.
- 15 Q. So your concern is the view looking down the
- 16 transmission line?
- 17 A. That's right, yes. Yes
- 18 Q. Okay. Thank you very much.
- 19 PRESIDING OFFICER WEATHERSBY: Mr.
- Way.
- 21 QUESTIONS BY MR. WAY:
- 22 Q. Hello, how are you?
- 23 A. Good afternoon.
- MR. WAY: Could we -- just leave it

87 up there permanently. [Laughter] 1 2 Actually, while you're there, Dawn, can you go back to that one -- the other one? 3 Was that -- that's not --4 That's the Pickering house, 2015 photograph. 5 Α. MR. WAY: All right. If we can go 6 back to the previous one, Dawn. 7 8 BY MR. WAY: Not to beat a dead horse, but in terms of the 9 Q. view from the second floor, I get the feeling 10 11 that it's really not a prominent view. that a real issue to you, considering the 12 fact that a lot of the overhead transmission 13 14 lines up to that point would be removed, or 15 is it an annoyance? Or how prominent do you 16 feel that view is from that second floor? 17 An "annoyance" is good as a term. appropriate. I also have to say we love 18 19 being out in the fields. I mean, we're out 20 there often. The farm means everything to 21 So the view from the fields, dog walking 22 or working in the fields, mending fence,

beings out there, that's significant. I have

to also say there's a magnificent view from

23

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the barn that looks right out down the field,
and I expect it to be visible from the barn
as well.
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- Q. So I guess from my standpoint, I'm trying to see the trade-off, too. Because even though you're seeing that, you're also having lines removed up to that point.
- 8 A. We're very used to those lines. They've been
  9 there since we were children. I must add, my
  10 brother would be very grateful not to need to
  11 mow around those five poles anymore when the
  12 lines are removed.
- 13 Q. I hear you there.
- That other road, is that Little Bay

  Road --
- 16 A. Yes, it is.
- 17 Q. -- on the left?
- 18 A. Yes.

- 19 Q. So I think I heard your earlier point, that
  20 if you go down that road, and I can kind of
  21 see it from your testimony, there's a slope
  22 and a grove of trees. Probably won't be able
  23 to see it from that road?
  - A. That's right.

- 1 Q. All right. Thank you.
- 2 PRESIDING OFFICER WEATHERSBY:
- 3 Director Muzzey.
- 4 QUESTIONS BY DIR. MUZZEY:
- 5 Q. Good afternoon.
- 6 A. Good afternoon.
- 7 Q. Thank you for being here.

I wanted to get a better sense of the

full extent of the construction impacts from

the Project. And I've been looking at

Applicant's Exhibit 148, PDF Page 25, which I

DIR. MUZZEY: If we could put that

believe shows the area on your farm.

up, it would be a help. Applicant

Exhibit 148, PDF Page 25, which I believe

shows the Frink Farm, if we could zoom in sort

of the right-half part of the map. That's

not -- I don't believe that's showing the full

work pad. If we could go all the way up to

the line or even over Frink Farm would be

21 great.

12

- 22 BY DIR. MUZZEY:
- Q. So, Ms. Frink, is it your understanding that
- this is the environmental maps, particularly

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the map that shows the portion on the edge of
your farm where this new transition structure
is going?
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- 4 A. Yes, that's clear.
- Q. And the transition structure is labeled
  "F107-106"; is that correct?
- 7 A. It's labeled both "109" and "106" I think. I
  8 think one number is for construction and one
  9 is for some other purpose.
- 10 Q. I see what you mean. Thank you.
- 11 And the actual structure itself is that
  12 little yellow square. Is that what you
  13 understand?
- 14 A. Hmm-hmm. Yes, yes.
- 15 Q. Okay. Great.
- And we can see the tree clearing. It's
  the blue dots. And the work pad is sort of
  the big, L-shaped outline in orange section?
- A. Yes. Looks like it's got a handle on it, kind of like Oklahoma.
- 21 Q. Exactly. I see it.
- 22 So what is your understanding of what 23 that work pad is and what the actual impact 24 on the landscape will be?

A. I do not know. I don't know what it consists of. I asked that with the Construction Panel, and I'm afraid I didn't get a very clear answer. I think I understood some timber mats. I can discuss some of my concerns about it.

I think this is going to be a mammoth structure. I think the measurements are about 300 feet along the longest side of it, which would be the northern side. And I think that when you look at access roads on our property, the work pad is going to become a main feature for construction of all of the rest of this line because the easements from our land toward the west, toward Little Bay, are landlocked as I mentioned. So I think this is going to be a staging site for a great deal of construction on other property to the west of ours. So that's a huge concern.

I might also bring up the fact that
there was on earlier iterations of this map a
dewatering area on the Pickering land. And
this whole business of dewatering and stream

diversion is not terribly clear to me, I must say. And then exactly where you see the work pad itself straddling the border between our land and Pickering's, there is a stone wall which is a boundary marking. And I need to explain here that it's visible clearly to the south, which I showed Ms. Widell yesterday in one of my exhibits. And in the cleared area of the right-of-way, the stone wall is buried. And I believe that it was destroyed in construction of the distribution line back in the 1950s. We'd like very much to have it put back together. So the work pad is another impact, whose complete impact we're not certain of.

- Q. So is it your understanding that the work pad after the construction of this line will go back to a -- it will be flattened, but will go back to a natural state? Or is it concrete? Do you know what the surface is?
- A. I don't know. I can say that this is all conservation land. So that yellow notched marking that stops short of the border is also incorrect. The conservation land

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extends all the way to the property boundary. And by terms of our conservation easement, again, it has to be pretty well restored on our land. I'm not aware that there are similar protections in place for the Pickering land.
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I would also like to say that the level of PFOA, PFOS contamination on the Pickering property is higher than it is on our property. It's seriously very high. And I do believe that's one obstacle, as far as the landowner's concerned, to construction of the underground line on the Pickering property.

Q. Thank you.

Thinking of the testing that was done for those pollutants, do you know whether there was any testing done, a monitoring well or that type of thing, on the work pad area?

- A. As far as I know, there was not.
- Q. And if we look at, there's a white line that
  travels what I think is north-south, goes
  right over the hyphen between 107 and 106, is
  that the property line between --
- 24 A. Yes.

- 1 Q. -- your property and the Pickering property?
- 2 A. Yes.
- 3 Q. And so the yellow conservation line, as well
- 4 as the orange hatching for historical
- designations, should go to that white line?
- 6 A. Yes.
- 7 0. Thank you.
- 8 And the stone wall that you talked
- about, does it go along that white line as
- 10 well?
- 11 A. Yes, it's a property boundary.
- 12 Q. And is it visible where the work pad is? You
- said part of is buried and part of it is
- 14 visible?
- 15 A. It is buried. Where you see the work pad,
- it's buried for the width of the
- 17 right-of-way. And then south of that, it's
- very clear, as in the photo I showed Ms.
- 19 Widell, to the north of the work pad, to the
- 20 north of the right-of-way. If you're used to
- 21 looking at historic properties and can
- recognize lined trees, it's visible.
- 23 Q. Okay. Thank you. Perhaps on LIDAR it would
- 24 be visible?

- 1 A. I'm not familiar enough with LIDAR to judge.
- 2 Q. Okay. Thank you.
- And if we look to the right of the work

  pad, we see the lines indicating the access

  road that will be used -- the two access

  roads that will be used during construction,

right, in the dotted lines?

8 A. Yes.

7

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23

- 9 Q. Do you know if those dotted lines indicate to 10 scale the width of those access roads?
- 11 A. When I asked the Construction Panel or the
  12 Environmental Panel, I believe it was Sarah
  13 Allen who answered and said they represent
  14 two access roads, each of them 16 feet wide.
  15 That's 32 feet total in a 100-foot
  16 right-of-way.
- 17 Q. Do you know if they're immediately adjacent
  18 to each? Are they sort of spread out? Is
  19 there space in between them? Do we have that
  20 information?
  - A. I don't have that information. But I'm assuming with the size of trucks that I envision traveling east and west along those two access roads, there's going to be some

1 space between them.

- Q. Have you had any discussions with Eversource, thinking about the future, how this line will be accessed during operations, upgrades that may be needed, power outages, that type of thing? Will they be using your farm to access the line?
- A. That is a very good question. First of all, after construction they will have only a 50-foot right-of-way, and of that, 25 feet is a permanent right-of-way for the underground line. And the other 25 feet is solely for maintenance and repair purposes.

But I think one of the things you're asking is how the underground line would be accessed in the need of repair. And our fear is that it would be necessary to excavate and dig it up again. Again, originally we were told this is a 25-year upgrade. Mr. William Wall said this was a 30-year lifetime for the submarine line, and then we were told later a 40-foot -- excuse me -- a 40-year life span for the underground line. For people who've owned the property for two centuries, 40

1 years is too short.

- Q. In any of the agreements that you have with

  Eversource, does it address whether or not
  they continue to have the right-of-way to
  travel over this area for accessing the line?
- A. That's a good question. And I don't have a good answer at this time. I know very clearly the right-of-way easements from the 1950s grant the right to pass and re-pass over our land to access the rest of the right-of-way. My assumption is that they will be able to access the 25-foot width that is for maintenance and repair, also to travel to, for example, the Pickering overhead line and beyond. It would be easier perhaps once the line is built for them to travel beneath the overhead line rather than continue to drive on our land. I simply don't know.
- Q. Okay. I understand.

Do you know whether there's anything in those agreements that say they need to talk with you first before they do that, or is it their right to access without landowner permission?

- 1 It's their right to access I think without Α. 2 landowner permission. For the most part, they've been pretty good about calling my 3 brother John and the letting him know they 4 5 intend to come on the property. They've done a pretty thorough job of that. That's why we 6 7 were really surprised by that clear-cutting that we weren't aware of in advance. 8
- 9 Q. Okay. So, given your experience with the
  10 Company to date, do you have concerns about
  11 how this will unfold in the coming years
  12 regarding access?
- Regarding access and repair, yes, that does 13 Α. 14 remain a concern. And I might add that 15 access from Nimble Hill Road is pretty clear 16 and easy. Nimble Hill Road is flat and 17 straight, and you can get in easily there. Accessing easements to the west of us from 18 Little Bay Road is a little bit more 19 20 difficult. We do not want to become the 21 super highway to access the entire span of 22 the SRP through that area of Newington.
  - Q. Thank you.

24 And finally, you know, we've talked

			99
1		about the tree clearing and the work pad and	
2		how that will look during construction and	
3		after construction. Do you know if the Army	
4		Corps of Engineers and the DHR had that	
5		information when they were doing their	
6		effects determination?	
7	A.	I don't know. The one place where I think	
8		that's referenced is in that August of 2017	
9		letter from NHDHR that calls out the adverse	
10		effect on the Pickering Farm. And when it	
11		mentions no adverse effect to the Newington	
12		Center Historic District, it does mention	
13		possible environmental impacts during	
14		construction I think on the Frink property.	
15	Q.	Yes, I saw that in the letter as well. Thank	
16		you.	
17		DIR. MUZZEY: That's all I have	
18		right now.	
19		PRESIDING OFFICER WEATHERSBY: Any	
20		other questions from the Committee? Attorney	
21		Iacopino, do you have any questions?	
22	QUES	TIONS BY MR. IACOPINO:	

{SEC 2015-04} [Day 11 AFTERNOON ONLY] {10-17-18}

Brook goes right through the field that was

Q. Am I correct in understanding the Knight's

23

- 1 up on the picture before?
- 2 A. Yes, it does.
- Q. And that's the brook where they found the PFOS and --
- 5 A. Yes, indeed.
- Q. Have you been required to not allow your

  cattle to drink from there or to do anything

  as far as your haying goes because of these

  contaminants?
- First of all, good farming practice keeps 10 11 livestock out of wetland areas because of manure. So the cattle don't graze there 12 anyway. And in answer to your question about 13 14 the hay, you can't really hay that area of 15 wetlands because you get stuck. And also, 16 the hay growth isn't good there. 17 cattails, fern, goldenrod. Very low-quality stuff. 18
- Q. And do you know, offhand, if the Pickering
  Farm has been curtailed at all because of
  these findings?
- 22 A. They do have livestock. They have alpaca and
  23 miniature cattle. The part of their land
  24 where there is contamination they don't need

- to use. Both of us have wells that to date
  show blessedly little contamination. I do
  know that some properties in Hannah Lane are
  on bottled water because of PFC
  contamination. And it spreads in a kind of
  unpredictable pattern. Nobody really knows
  how it travels.
- 8 Q. And then my last question is about the 9 viewshed from your farm. There's going to be 10 four distribution poles that are 11 eliminated --
- 12 A. Excuse me. It's five.

23

- I'm sorry. Five distribution poles are going 13 Q. to be eliminated, and then the addition of 14 the transition station. And you've indicated 15 16 that you've become very "adapted," I guess is 17 the best word, to the existing poles. 18 see any reason why over the years you and 19 following generations of the Frink family 20 will not become adapted -- will not adapt to 21 the transition pole?
  - A. I can't foresee how future generations will react. You may be right, that people get used to such things. I must say it was -- we

- got used to Pease Air Force Base flying B-52s and so forth right over our barn. So people do adapt. It's not pleasant, but yes.
- 4 Q. Thank you.

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- MR. IACOPINO: No further questions.
- 6 BY PRESIDING OFFICER WEATHERSBY:
  - Q. Ms. Frink, there's nobody here to give you redirect, so is there any clarifications you'd like to make at all about anything you've said here this afternoon?
- Do you have other questions? Before you do that, one more question here from Mr.

  Fitzgerald.
- 14 QUESTIONS BY MR. FITZGERALD:
- I just want to follow up on Attorney
  Iacopino's question. From a visual aspect
  only, do you see any benefit in the trade-off
  of the five existing towers to the one
  monopole? Or do you see the one monopole
  because of the changes outweighs the removal
  of the five?
  - A. The five existing poles are considerably shorter, as you know. And to speak quite candidly, I think that we would not have such

- an adverse reaction to the transition pole if

  it had been introduced to us perhaps more

  clearly and directly. If we'd been aware

  from the first it was going to be located on

  our property, I think we would not have seen

  it as such a blow.
- 7 Q. Well, I guess that opens up something for me.
  8 I understand that it's a surprise. But are
  9 you saying that aside from the surprise, it's
  10 not as much of a -- it's not as much of a
  11 visual issue for you, other than that it
  12 was -- it came into the picture late? No pun
  13 intended.

A. That's a factor. The blow that I mentioned is certainly a factor. Another factor is that this is a historic property. So we're very aware of not doing anything ourselves that would damage the viewshed. And the scenic views across the property were mentioned in our original conservation easement, and clearly, one of the aspects that lead the Town of Newington to contribute a quarter of the value of the conservation easement. So we know that the community, as

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well as we, value that view very highly. So
that's -- the public enjoyment of the view is
also a factor.
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- Q. Okay. And the monopole aside, I assume, although you've said you've grown accustomed to them, the removal of the existing five poles distribution line is a positive for you?
- 9 A. As I mentioned, my brother will be very glad
  10 not to have to mow around those five poles,
  11 yes.
- 12 Q. Okay. Thank you.

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PRESIDING OFFICER WEATHERSBY: Thank
you.

Ms. Frink, were there any
clarifications you wanted to make to any
statements you made here this afternoon?

WITNESS FRINK: I think if the

Committee has no further requests of me, I'm
content to leave it as it is.

And I want to thank the Committee for your cordiality and your indulgence in welcoming someone who's a novice and a beginner. You've been very courteous, and I

[WITNESS PANEL: MACKIE|SANDBERG] 105 appreciate that. 1 PRESIDING OFFICER WEATHERSBY: 2 you. We're glad you're here as well. And you 3 were very articulate. So thank you for your 4 5 testimony. We will take a break and be back at 6 7 ten minutes to four, five to minutes to four. That will allow for Ms. Sandberg and Ms. 8 Mackie to take the witness stand for Durham 9 Historic Association. 10 11 (Recess was taken at 3:43 p.m. and the hearing resumed at 4:03 p.m.) 12 PRESIDING OFFICER WEATHERSBY: Okay. 13 14 We are going to resume. If the witnesses 15 could be sworn in, please. 16 (WHEREUPON, JANET MACKIE AND NANCY 17 SANDBERG were duly sworn and cautioned

by the Court Reporter.)

19 DIRECT EXAMINATION

BY MR. IACOPINO: 20

- 21 0. Good afternoon.
- 22 (Sandberg) Good afternoon. Α.
- 23 Would each of you please identify yourself,
- starting with Ms. Mackie. 24

- A. (Mackie) Janet Mackie, M-A-C-K-I-E. I'm vice president of the Durham Historic Association.
- 3 A. (Sandberg) And I'm Nancy Sandberg, and I'm curator of the Durham Historic Association

5 Museum.

17

- 6 (Discussion off the record.)
- 7 A. (Sandberg) I live in Durham at 15 Langley Road.
- 9 Q. Thank you. And are both of you here to
  10 testify on behalf of the Durham Historic
  11 Association?
- 12 A. (Mackie) Yes, we are.
- Q. And have you provided prefiled testimony to
  the Committee in the form of an exhibit
  identified as DHA Exhibit 1, Historic
  Resources Testimony on the Impact of the
- 18 A. (Mackie) Yes, we have.
- Q. And have you also filed supplemental prefiled testimony which has been marked as DHA
  Exhibit 4, Historic Resources Supplemental
  Testimony on the Impact of the Proposed
  Seacoast Reliability Project?

Proposed Seacoast Reliability Project?

24 A. (Mackie) Yes, we have.

107 1 Q. And are the both of you contributors to both of those testimonies? 2 (Mackie) Yes, we are. 3 Α. 4 Α. (Sandberg) Yes. Do you have any changes or additions that 5 Q. you'd like to make to that testimony? 6 7 (Sandberg) No. Α. 8 Α. (Mackie) No, we don't. And if you were to be asked these questions 9 Q. 10 in that testimony today, would you give the 11 same answers? (Mackie) Yes, we would. 12 Α. Thank you. 13 Q. 14 MR. IACOPINO: Witnesses are available for cross-examination. 15 16 PRESIDING OFFICER WEATHERSBY: 17 Attorney Patch. **CROSS-EXAMINATION** 18 19 BY MR. PATCH: 20 Good afternoon. 0. 21 (Sandberg) Good afternoon. 22 A. (Mackie) Good afternoon. 23 As I think you know, I'm Doug Patch. Q. Ι 24 represent the Town of Durham and UNH.

{SEC 2015-04} [Day 11 AFTERNOON ONLY] {10-17-18}

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I have a question about what we, Durham
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         and UNH, marked as Exhibit 27. It should be
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         up on the screen. I don't know why it isn't.
3
         Okay. And there are a few questions that I
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         had asked, I believe it was yesterday, of Ms.
         Widell about that particular exhibit. Are
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7
         you familiar with that exhibit?
8
         (Mackie) Yes, we are.
9
         Did you prepare that?
    0.
10
         (Mackie) Yes, we did.
    Α.
         Could you explain it to the Committee?
11
    Q.
         (Mackie) Yes. The text in black is the stone
12
    Α.
         walls chart prepared by Eversource for the
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14
         stone walls in Durham and provided to us on
15
         November 2nd of last year. And the yellow
         text -- I'm sorry. The red text is the
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17
         result of a multi-page list we sent to Mr.
         Doperalski adding 20 more stone walls that
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19
         had been omitted. And also changing --
20
         informing him, for example, which stone walls
21
         were actually boundary walls that were missed
22
         by Eversource, probably because the polygon
23
         tax parcels for the Durham layer are skewed
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         in the GIS system.
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So he responded back to us in May of this year, indicating that he agreed with everything that we had brought to his attention. And that was his May 17th letter. I think it was -- or 27th of this year. And so I incorporated those changes into the original Eversource list. And so this is the current status of what Eversource agrees to protect for Durham stone walls. And the ones with the yellow highlight on the left are the ones that qualify for protection.

- Q. Okay. And you said there was correspondence he sent back to you indicating that he agreed with this list as being ones that should be protected; is that fair to say?
- A. (Mackie) I made this list after I received his response. Basically, he gave us their chart in November of 2017. We gave him our corrections, I think in March, around that period. And then he responded back to us on May 17th, agreeing with what we had sent him as corrections. So I made this list to update their original chart.
- Q. And so that May 17th letter you say basically

- 1 approves what's included in this list.
- 2 A. (Mackie) Yes, that's correct.
- Q. And that, I believe, is one of your exhibits;
- 4 is it not?
- 5 A. (Mackie) His letter to us is our Exhibit 2,
- and the maps that were attached to his letter
- 7 are our Exhibit 3. And that's the most
- 8 recent stone wall maps for Durham.
- 9 Q. Okay. Thank you.
- 10 Now, there was some discussion
- 11 yesterday, too, with Ms. Widell about two
- 12 Class VI roads in Durham. Are you familiar
- with those two roads?
- 14 A. (Mackie) Yes, we explain them in our
- 15 testimony.
- 16 Q. And could you explain to the Committee what
- 17 your position is on those two roads.
- 18 A. (Mackie) Yes. Those particular proposed
- 19 access roads are currently Class VI town
- 20 roads. The one at Beech Hill dates from
- about 1689, and that one was also the
- 22 Province Road, which was a very important
- road that went from the Seacoast up to
- 24 Haverhill, New Hampshire, on the Connecticut

River. After the French were defeated at

Canada, it became British and therefore was
safe to travel inland and settle the inland
towns which had been granted previously. So
the royal government -- and this is before
the Revolutionary War. In 1763, they wanted
to encourage the inland settlement of towns
away from the coast, and so they passed an
act for the construction of this road. And
it was this road which goes from Durham up to
the Lakes Region, across the Pemigewassett
and on to Haverhill on the Connecticut River
that helped to facilitate the inland
settlement of the towns inland in New
Hampshire.

- Q. I believe she asked me what a Class VI road is, and I didn't do a very good job of answering that. Could you explain what your understanding of a Class VI road is.
- A. (Mackie) Well, I don't have the statute in front of me. But basically it's a town road that the town decides to no longer maintain, and therefore they close the road to vehicles. So it's still public land, and it

- still exists as an apparent road, but it's no
- longer allowed to be used by vehicles.
- People can use it. You can bicycle on it,
- 4 that kind of thing.
- 5 Q. And is Eversource proposing to use these two
- 6 roads for the purpose of access to the
- 7 right-of-way?
- 8 A. (Mackie) That's right.
- 9 Q. And do you have a position on that?
- 10 A. (Mackie) Yes. Well, the first road -- well,
- we don't want either road to be used because
- the weight of the equipment, even if they put
- down gravel, will destroy the original look
- of the road which is, well, basically, two
- 15 ruts that run parallel to the each other with
- 16 a crown in the middle. And that gives you
- 17 the feeling and the sense that it's an old
- 18 road. The Beech Hill Road --
- 19 A. (Sandberg) A cartway.
- 20 A. (Mackie) Yes, they're cartways. The Beech
- 21 Hill Road, the section that they want to use,
- 22 was closed after the railroad track in Durham
- was moved west in 1910. So there was never
- automobile traffic on that section. And it's

a section of road preserved in time from before the age of the automobile.

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The other road that we object to them using -- and there is another way to get into the right-of-way. It's not the only choice, in both cases. The second road that we don't want them to use is another road that goes off of -- well, it's called Foss Farm Road It used to be called Mill Road. that road dates from 1686. It was the original route from the village to Packers It went from mill to mill to mill. Falls. And that road was used regularly as the main road until the railroad came through in 1841 and cut across the road. After that, they changed the road to another route. again, that road is a very old road, and it connects to -- or actually, part of it was an Indian path from before the settlement.

A. (Sandberg) And I believe the Committee, on the tour at the Seacoast, walked down that road to the raised cemetery with the maple trees on either side of the stone wall. So you had a sense of that on that tour.

Q. Now, what about the Samuel Hill, Eighteenth
Century family burial site? I asked a couple
of questions I think about that yesterday of
Ms. Widell. And could you explain what that
site is and if there are any concerns about
that site.

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(Mackie) Well, the fact that there's a Α. graveyard or a burial site there is recorded in the town history. What's unusual about it is the fact it no longer has any apparent fieldstone markers. In Durham, in general, there were no engraved gravestones until sometime in the late 1700s, early 1800s. it's common that fieldstones would have been marking that grave. And what sometimes happens with farms is a later farm owner removes the stones so they can hay the field or use it for some other purpose, and the stones are in the way. So that's why there's no marking on it. We know that the location of the farmhouse, what it used to be before it was demolished by UNH to build the field house, we have maps showing where the house was. We have photographs showing where the

house was. And the location described in the town history is exactly where most burial grounds were sited relative to a house at that period of time, which is the Eighteenth Century.

- Q. If I understand correctly, there's a concern about Eversource not being willing to use ground-penetrating radar survey of that area?
- A. (Mackie) Right. We thought that the best thing to do is just do a GPR survey, because that way they would know easily whether the graves were underneath where they wanted to do the trench or if they're further east.

  It's not invasive. It's simple. The engineers for Eversource said it was cheap. So it's not expensive, and that's what we'd like done before the trenches are dug.

One thing we're concerned about is it's not a typical operation where you have a backhoe and you scoop and another scoop and you dump the dirt and you can see if there are bones in it or something like that. The area where these graves may be is in the path of the pipe-jacking machine, which basically

- has cutting heads that just grind everything
  up, mix it with a lubricant and then eject
  it, which means you wouldn't be able to
  identify anything if the graves are that
  deep.
- Q. Now, what about the quarry sensitive area?

  Are there some concerns with that and the quarrymen's granite slab bench?
- (Mackie) Right. The sensitive area that's 9 Α. 10 marked on the stone wall maps doesn't extend 11 far enough west to include the quarry cut that's on the west of the marked section. 12 And the quarry cut that's to the west of the 13 14 outlined quarry area is the part that includes the slab bench. So we'd like to 15 16 have the sensitive area extended west 17 probably about 300 feet.
  - Q. And are you concerned that that be marked on construction maps?

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A. (Mackie) Yes. The mapping situation has been a real problem for us because there's no set of maps that's ever been produced that shows the three historic districts that are eligible, all of which have been accepted as

valid by DHR. One of them was identified because of a DOT project about 2010, and the other two historic districts were identified by Eversource's experts for this project. And what we'd like to see is a map that has all three historic districts coded as such and also something that marks, for example, where the granite bench is, you know, where the things we've identified as being important objects are located. 

- Q. Now, Durham has an exhibit which provides some excerpts at least from the Durham Master Plan. You're familiar with that exhibit, I think. I've put it up on the screen a number of times in term of asking questions of people. But to the best of your knowledge, is that anywhere in the record, the full Durham Master Plan?
- 19 A. (Mackie) I haven't been able to find it, no.
  - Q. I believe I asked the question of Mr. Varney, and he indicated that he thought it was provided through a link. But I haven't been able to find it. Have you seen a link anywhere in the Application, which is where

- they were required to provide it?
- 2 A. (Sandberg) I have not.
- 3 A. (Mackie) I haven't.
- 4 Q. And do you think it would be useful for the
- 5 Committee to have a copy of the full Master
- 6 Plan, not just the excerpts that we were
- 7 provided?
- 8 A. (Mackie) Oh, absolutely, because all the
- 9 chapters tie together.
- 10 Q. And is there anything in there with regard to
- 11 historic resources that you think would be
- important to the Committee?
- 13 A. (Sandberg) Most definitely. The 2015 Master
- 14 Plan has a whole chapter devoted to historic
- 15 resources that a committee of the town
- prepared. And Janet and I were on that
- 17 committee. We brought to the committee the
- 18 documents and research materials that we are
- so familiar with from the DHA collection, and
- 20 that helped inform the writing of that quite
- 21 lengthy, quite thorough chapter.
- MR. PATCH: That's all the questions
- I have. Thank you.
- 24 PRESIDING OFFICER WEATHERSBY: Thank

[WITNESS PANEL: MACKIE|SANDBERG] 119 1 you. Attorney Geiger. 2 MS. GEIGER: No questions. 3 PRESIDING OFFICER WEATHERSBY: 4 5 Attorney Brown. No questions? Ms. Frink? 6 7 MS. FRINK: Thank you. QUESTIONS BY MS. FRINK: 8 I have just one question, a matter of 9 0. 10 curiosity. Yesterday when we were 11 questioning Cheryl Widell, you asked Ms. Widell about something in the table of 12 effects that was submitted to DHR. 13 MS. FRINK: And, Dawn, I'm not sure 14 15 if you can bring this up. I don't have the 16 Applicant's exhibit number, but it's on the web site as an exhibit from August 15th of 17 2017. It's going to say "Effects Table." 18 MR. ASLIN: I believe the effects 19 20 tables are Applicant's 164. 21 MR. NEEDLEMAN: Does the Committee 22 want to see them? Typically people who are 23 cross-examining handle their own exhibits.

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But if the Committee would like Dawn to bring

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         it up, we can.
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                   PRESIDING OFFICER WEATHERSBY:
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         would be appreciated.
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                   MR. IACOPINO: Yes, please.
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                   MS. GAGNON: Do you know what
         exhibit number it is?
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                   MS. FRINK:
                                I believe he said 164.
8
              And we're looking there for Page 27.
                   MS. GAGNON: PDF Page 27?
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                   MS. FRINK: I think so.
                                             It's
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11
         photographs. There we are. Thank you. Can
         you enlarge it, Dawn?
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                   MS. GAGNON: Which one?
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                   MS. FRINK: Both of them preferably,
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         or we can look at one and then the other.
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                   MS. GAGNON: That's as good as I can
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         get it.
                   MS. FRINK: Is it helpful to see
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         perhaps the top one first? Can we look at one
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         at a time? Thank you very much.
    BY MS. FRINK:
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22
         So, Ms. Mackie, I believe you asked a
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         question about this photograph that was taken
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         from Google Earth, and you were trying to
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{SEC 2015-04} [Day 11 AFTERNOON ONLY] {10-17-18}

- point out something about the red-lined area between which we see a power line corridor. Can you explain what the issue was here?
- 4 A. (Mackie) Yes. I didn't notice it at first.
- 5 But when I was reviewing it recently, I
- looked at the pictures more carefully and I
- 7 thought, well, this can't be right, because I
- 8 know the corridor like the back of my hand.
- 9 And there are only three wires on these
- 10 poles, and, you know, it looks like there's
- 11 quite a few wires. So I blew up the picture
- on my computer, and I could see they were --
- it was something added to the image. You
- 14 know, lines had been added to the image,
- which really shocked me, because DHR has very
- 16 strict digital image rules. You know, when
- somebody does a survey, they have to sign a
- 18 statement saying they haven't altered or
- doctored any images at all; yet, these had
- 20 been changed.

- 21 Q. And what was the change?
- 22 A. (Mackie) The change was to add all these gray
- lines that look like wires.
  - Q. How many lines are there in reality, based on

- 1 your own observation and experience?
- 2 A. (Mackie) There are three.
- 3 Q. There are three. And how many do we see
- 4 here?
- 5 A. (Mackie) It looks like about eight.
- 6 Q. And do we know by whom those lines could have
- been added? Is there any way to tell?
- 8 A. (Mackie) Well, I asked Cherilyn, and she
- 9 didn't know. So I don't know. But it's not
- the Google -- it's not an image from Google
- 11 Earth. It's an image that's been altered.
- 12 Q. So this is not an accurate Google Earth
- image. It's been Photoshopped or changed in
- 14 some way --
- 15 MR. NEEDLEMAN: Objection. This
- 16 calls for speculation.
- 17 MS. FRINK: Can we take a look at
- the bottom image, please? Thank you.
- 19 BY MS. FRINK:
- 20 Q. And again we're looking at a sort of
- elbow-shaped, red-lined area there. And what
- 22 was the issue here?
- 23 A. (Mackie) Well, that's where I first noticed
- it. Because I was looking at the image

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relative to the proximity of the corner there to Durham Point Road. It's all deciduous trees through there, and the line will be visible of course. But then I noticed, well, there's so many wires there. So I blew it up, and that's where I saw that something had been added to the image. And the reason I was upset about it was because this is a form that was sent to DHR for the purpose of determining whether there's any adverse effect to the historic district that will come out of this project. And it looks as if the existing situation here involves many, many more wires than are there in reality, and it may lead DHR to think, well, the new lines won't be any different, there's already a lot of wires there, when in fact there I went and looked at Google Earth aren't. myself, and you can't even see the wires.

- Q. As we look at the image here, we can assume that the red line was added?
- A. (Mackie) Yes. Yes, and that was explained as outlining the right-of-way. It's the gray lines in the middle that I'm talking about.

			124
1	Q.	And again, it's your belief or your	
2		understanding that there were in reality,	
3		there are lines there. And now in this	
4		Google Earth image we see how many?	
5	A.	(Mackie) Well, I counted eight when I blew it	
6		up. The thing is you can't even see the	
7		three wires on Google Earth, and yet so	
8		that would be the real image. And now it	
9		looks like there's many wires. And as I	
10		said, I was very surprised because DHR	
11		doesn't allow any alteration of digital	
12		images.	
13	Q.	In effect, is this similar to a visual	
14		simulation which would require clarification	
15		of exactly what was done? In other words,	
16		when we looked at Mr. Raphael's visual	
17		simulations, he had to specify the height of	
18		structures that had been inserted. And	
19		that's lacking here. Is that what I'm	
20		understanding?	
21		MR. NEEDLEMAN: Objection. Calls	
22		for speculation. No basis for these witnesses	;
23		to be able to know that.	
24		MS. FRINK: No further questions.	

1 Thank you.

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2 PRESIDING OFFICER WEATHERSBY:

3 Counsel for the Public, Attorney Aslin.

4 MR. ASLIN: Thank you, Madam Chair.

5 QUESTIONS BY MR. ASLIN:

Q. Good afternoon. For the record, my name's
Chris Aslin, acting as Counsel for the
Public.

Since we just had some questions about this effects table, figure we'll start right there. You were just saying that you looked at Google Earth to take a look at the conditions of this portion of the line; is that correct? So I pulled it up since I have a computer.

Does this look like the same location as what was shown in the effects table?

- 18 A. (Mackie) That's correct.
- Q. Okay. And at this scale, can you see any transmission lines?
- 21 A. (Mackie) No.
- 22 Q. Okay. If we zoom in, are you able to --
- 23 A. (Mackie) You can see three poles, or their 24 shadows, but I can't make out much of any

1 wires.

- 2 Q. Okay. I can see three, I think, wires.
- 3 A. (Mackie) Yes. Yes, I can at this angle.
- Q. Okay. So is your concern, then, what was represented in the effects tables overstates the existing conditions?
- 7 A. (Mackie) Yes.
- 8 Q. Thank you.

In your testimony, you've raised concerns about impacts to stone walls. But I understand that there's been back and forth with the Applicant and an agreement to protect stone walls in Durham.

At this point, are you satisfied that all the stones walls that you've identified are going to be protected pursuant to the proposal by the Applicant?

A. (Mackie) I'm happy for all the stone walls, except on East Foss Farm. And the reason I didn't catch it originally is because the UNH Historic District was not coded on their environmental map. Some of the stone walls at East Foss Farm are boundary walls, so they're protected by statute. Some of them

- involve the burial site there. So that's

  protected under the cemetery statute. And a

  couple of them are sensitive areas, so that's

  protected for that reason. But there are

  others which are within a historic district

  that haven't been addressed.
- Q. Just so I'm clear, you were looking at

  Exhibit TD-UNH 27 earlier. And I believe you

  testified that this was a compilation of the

  stone walls that the Applicant has agreed to

  protect in the Town of Durham; is that

  correct?
- 13 A. (Mackie) That's right.
- Q. And are you testifying now that this list does not include all potentially impacted stone walls?
- 17 A. (Mackie) No, they're all listed here, but
  18 they're not all shown as protected within the
  19 historic district.
- 20 O. Okay.
- 21 A. (Mackie) For example, the ones that are
  22 labeled "Mill Road," Eversource calls this
  23 segment of the line Mill Road. So, for
  24 example, WP-6, 8-A, 8-F, 8-G, the ones that

- aren't highlighted that are labeled "Mill
- Road" should be protected because they're in
- a historic district.
- 4 Q. Okay. And are those stone walls that are
- 5 listed here that are not highlighted in
- 6 yellow stone walls that you understand are
- 7 going to have some impact from construction
- 8 or just in the vicinity of potential
- 9 construction?
- 10 A. (Mackie) I don't know.
- 11 Q. I mean, I'm looking at this column that says
- "Action To Be Taken," and some of them say
- 13 "No Impact to Construction." So I just want
- 14 to understand which walls do you think --
- 15 A. (Mackie) The ones that --
- 16 Q. -- have not yet been protected?
- 17 A. (Mackie) Starting with Wall WP-5, do you see
- where it says the next column is "Road or
- 19 Segment"?
- 20 Q. Yes, right here.
- 21 A. (Mackie) I'm concerned about the ones that
- are called Mill Road that do not have yellow
- 23 highlight. Those are the ones in East Foss
- Farm that are not designated to be protected

1 currently.

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- Q. Okay. And have you had further discussion
  with the Applicant about protection of those
  additional walls?
- 5 A. (Mackie) I would have, except Mark doesn't work at Eversource anymore.
- Q. Do you understand that someone has replaced

  Mark in his capacity as Eversource's --
- 9 A. (Mackie) I don't know who it is.
- 10 Q. Okay. Okay. Thank you.
- You also raised concerns in both sets of
  testimony about the Edgerly Farm site near
  Little Bay in Durham. The Applicant -Dr. Bunker, Applicant's consultant, went back
  and did an additional archeological Phase IA
  survey of that area; is that correct?
  - A. (Mackie) Yes. We're happy about that part of it. We just wanted that area checked to make sure it didn't have anything there. We don't know if the house site was there or along that highland going down towards the water.
- Q. Okay. So you're satisfied at this point with the work that's been done by the Applicant?
- 24 A. (Mackie) I'm satisfied with the archeological

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work. What I was asking Cherilyn Widell
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         about is the fact that we're fine within the
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         direct APE because Victoria checked it.
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         concern is the indirect APE because sometimes
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         things happen there. And nobody did any
         research, as far as we know, to decide
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         whether or not that first contact site might
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         qualify. We gave a fair amount of
         information about the mill site, the public
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         landing, the house that was burned in the
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         massacre, the house that was built later --
         (Sandberg) The graves.
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    Α.
         (Mackie) -- the graves site. And it may in
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    Α.
         fact rise to some kind of level of
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         protection. But nobody checked on it, so we
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         don't know.
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    0.
         Okay.
                Thank you. That clarifies it for me.
              Another area of concern in your
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         testimony was what you've labeled as the
         "Norton cellar hole." And it was unclear to
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         me if that cellar hole is within the
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         right-of-way or adjacent to the right-of-way.
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         Do you know?
         (Mackie) Yes. It's on Beech Hill Road, the
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Class V section of Beech Hill Road.
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         reason is we just basically wanted to advise
         everybody that there may be human remains
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         because the place people buried relatives was
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         generally east of the house, 4- to 500 feet.
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         And 4- to 500 feet east of the house starts
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         to get close to the right-of-way. We don't
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         know. We have no idea where those particular
         graves are. There's no description of them.
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         It just mentions they exist. So we don't
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         have as much of a clue as we had for the
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         other one.
         So the concern is not direct impact to the
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         cellar hole, but potentially burial grounds
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         that are associated with that former --
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         (Mackie) Always.
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    0.
         Okay.
                Thank you.
              Now, your supplemental testimony, on
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Now, your supplemental testimony, on

Page 19 -- and that's Durham Historic

Association 4 -- you have a list of concerns
about the draft MOU between the DHR and the

Applicant. Did any of your concerns get
addressed by the final version that has been
submitted as an exhibit here?

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- A. (Mackie) Well, we understand that the
  Winthrop Smith cellar hole is protected.
- 3 (Witness reviews document.)

A. (Mackie) I'm not sure how the sensitive area at the quarry is protected. I don't remember if that was addressed. And anyway, we don't agree with the limits of it. It should be larger.

I still have a problem with the monitoring. You know, monitoring yourself is, you know, not really reassuring. And also, some of the terms of the contract of the MOU aren't defined. There's no definition of "unanticipated effects," no definition of "historic architectural property," no provisions for remedial action or compensation or --

- Q. But none of those concerns that you put in your testimony I guess have been resolved by the final document.
- 21 A. (Mackie) I think only the Winthrop Smith 22 cellar.
- 23 Q. Okay. Thank you.
- Now, was the Durham Historic Association

- involved directly in the Section 106 process?
- 2 A. (Mackie) I'm sorry?
- 3 Q. Was the Durham Historic Association directly
- 4 involved in the Section 106 process?
- 5 A. (Mackie) No, we were not.
- 6 Q. I think my last couple questions, you had
- 7 testified the other day, or maybe it was in
- 8 cross-examination, that you were not
- 9 initially contacted by Ms. Widell or the
- 10 other historic consultants for the Applicant;
- is that correct?
- 12 A. (Mackie) We were contacted by nobody.
- 13 Q. All right. At some point did you reach out
- 14 and then have contact with the Applicant
- 15 about historic resources?
- 16 A. (Mackie) We've had two contacts with the
- 17 Applicant, both initiated by DHA.
- 18 Q. Okay. And were those with Mr. Doperalski?
- 19 A. (Mackie) Ultimately, yes.
- 20 Q. Thank you.
- MR. ASLIN: No further questions.
- 22 PRESIDING OFFICER WEATHERSBY:
- 23 Attorney Needleman.
- 24 OUESTIONS BY MR. NEEDLEMAN:

- 1 Q. Good afternoon, Ms. Mackie and Ms. Sandberg.
- 2 Generally my questions aren't directed to
- anyone in particular, so whichever one of
- 4 you, or both of you want to answer, please
- 5 feel free to do so.
- MR. NEEDLEMAN: I want to start,
- 7 Dawn, if you could pull up Applicant's Exhibit
- 8 165, at PDF Page 324. This is a May 17, 2018
- 9 letter from Mark Doperalski at Eversource to
- 10 you. You're nodding your head. Are you
- 11 familiar with the letter?
- 12 A. (Mackie) Yes. That was the letter I was
- 13 referring to in answer to the previous
- 14 question.
- 15 Q. That's what I thought. That's why I wanted
- 16 to pull it up. So my understanding is you
- 17 had raised concerns about stone walls with
- Mr. Doperalski, and he responded by
- indicating that some of the walls you had
- identified had been added to Eversource's
- inventory in the first paragraph; is that
- 22 right?
- 23 A. (Mackie) That's correct.
- 24 Q. And then in the second paragraph, the second

- half of that paragraph, I think he identified the methods that Eversource intended to use to avoid damage to stone walls within the right-of-way; is that correct?
- 5 A. (Mackie) Yes.
- Q. And I'm not going to recount those four methods. They're clear there. But my question to you is: Are those methods acceptable to you?
- 10 A. (Mackie) Generally, if they're effective.
- 11 Q. Now, during the course of this entire 12 process, my understanding is that you have 13 had an opportunity to interact with New 14 Hampshire DHR; is that correct?
- 15 A. (Mackie) Yes, sometimes.

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- Q. And I think that you stated at the tech
  session that you had several meetings with
  DHR and that you thought that DHR had been
  generally attentive to your concerns; is that
  right?
  - A. (Sandberg) We spoke with them at Eversource presentation meetings. We met Edna Feighner and Nadine Miller and talked with them at those presentations afterward, after the

presentations, and generally made them aware of some of our concerns.

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- Q. My understanding, and we've heard a little bit about this, is that one of the concerns that the Durham Historic Association had during this process was at one point you thought that boring activity in the corridor had done damage to resources of concern to you. Do you recall that?
- (Mackie) Yes. After we were accepted as an Α. intervenor, I went out to do GPS work on the stone walls for placement purposes. was really surprised because, you know, we've had those corridors in Durham for decades. And, you know, usually it's rubber-tire trucks that go back and forth and have cherry pickers on them that do work on the lines. And I could tell from the tracks and marks left by the metal-tracked drilling or boring rigs that we were dealing with a whole different degree of equipment. For example, the thing drove over stone walls and cracked the granite rocks, which is pretty unusual. I could tell it was metal track because it

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left scar marks on the rocks. And it also went across wetlands and actually crossed Laroche Brook. And I was just really taken aback because we're not used to seeing Eversource or Public Service trucks crossing wetlands and running over stone walls and that sort of thing.
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So we raised the issue to the town council, and they contacted Eversource. And then it snowed. And everybody was going to go out and a take look at what we saw, but it had to be put off until, I think it was April.

- 14 A. (Sandberg) No, it was November to April.
- Q. Let me -- I have some documents that may help you. Let me try to put those up.

So it sounds to me like your concerns were partly related to stone walls, partly related to environmental impacts; is that right?

- A. (Mackie) And just the question of what is this huge equipment that's so heavy.
- 23 MR. NEEDLEMAN: So, Dawn, if you could put Applicant's 211 up.

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1 BY MR. NEEDLEMAN:
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- 2 Q. This is a December 23rd, 2016 letter from Mr.
- Quinlan at Eversource to Mr. Selig, which I
- 4 think specifically acknowledges the issue you
- were just raising, the concerns that you
- 6 addressed. And this is an indication from
- 7 Mr. Quinlan that they intend to take this
- 8 seriously and to look into that; is that
- 9 correct?
- 10 A. (Mackie) I guess. I can't see the date.
- MR. NEEDLEMAN: Well, let's go up to
- the top, Dawn, if we could, and show the date.
- 13 A. (Mackie) Yes, that would be his response.
- 14 Q. And I think, as you said, in fact, on
- 15 April 10, 2017, a site walk occurred; is that
- 16 right?
- 17 A. (Sandberg) [Nodding]
- 18 Q. And I want to go to Applicant's Exhibit 212,
- which is a May 5th, 2017 letter from
- 20 Mr. Quinlan. And he notes in paragraph -- on
- 21 Page 1, Paragraph 2 --
- MR. NEEDLEMAN: If we could blow
- that up, Dawn.
- 24 Q. -- that the site walk actually did occur.

- 1 MR. NEEDLEMAN: Paragraph 2, please.
- 2 BY MR. NEEDLEMAN:
- 3 Q. He notes the site walk did occur on April 10,
- 4 2017; is that right?
- 5 A. (Sandberg) Yes.
- 6 A. (Mackie) Yes.
- 7 Q. And I think he also notes that there were two
- 8 representatives from your organization
- present, Mr. Karo and Mr. Sandberg; is that
- 10 right?
- 11 A. (Sandberg) That's correct.
- 12 A. (Mackie) That's what it says, yeah.
- 13 Q. And also several representatives from DHR and
- also representative from DES; is that right?
- 15 A. (Sandberg) That's right.
- 16 A. (Mackie) That's right.
- 17 Q. And then on Page 1, in the middle of the next
- 18 paragraph, it recounts the findings from
- 19 this. And it indicates that the state
- 20 representatives who were present didn't find
- 21 any issues of concern. I think I'm
- 22 paraphrasing. But that's essentially the
- conclusion; is that right?
- 24 A. (Mackie) That's what it says. But I wasn't

- on the walk. I was overseas at the time, and
  I don't actually know what they looked at.
- Q. And to the best of your knowledge after this
  time, was there any other focus on this issue
  or any other follow-up that would have
  contradicted the observations in this letter?
- 7 A. (Mackie) Well, I don't think the drilling rig came back.
- 9 Q. I'm sorry. What was that?

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- 10 A. I don't think the drilling rig returned to the right-of-way.
- 12 Q. I understand. But with respect to the

  13 concerns that you called to the attention of

  14 the Town and Eversource, and in light of this

  15 response, my question is: Was there anything

  16 else that came up afterwards, or were you

  17 satisfied at that point with this response

  18 from DHR and DES?
  - A. (Sandberg) Well, I would just like to say
    that when we approached the town council with
    our concerns, we had photographs of what Ms.
    Mackie observed as damage in the
    right-of-way. And when this walk in April
    took place, it was many months, several

months later, and after a heavy snow and lots 1 2 of rain. And except for the scarring on the rocks, which they attributed to past 3 scarring, which seems surprising, they just 4 5 didn't observe the damage that she observed in November. And it's hard to explain 6 7 exactly why, but there was significant 8 weathering through the winter and changing of 9 the matting of shrubbery and grasses. And so I think they did not observe the damage. 10 11 we do have the photographs that we showed to our town council, and it concerned them 12 enough to take some action. 13

- Q. And I would assume that the two members of your organization who were present for that site walk, Mr. Karo and Mr. Sandberg, would have had the opportunity to share those photographs with the state representatives; is that right?
- 20 A. (Sandberg) I don't know. I don't remember.
  21 I think so.

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22 A. (Mackie) But some photographs were sent
23 originally to Eversource. The original
24 contact I think includes some photographs.

- And I tried to explain to these people which stone walls had which crushed rocks where, but I don't know what they looked at.
- A. (Sandberg) The problem was that Mrs. Mackie
  was out of the country, and I was not able to
  go to that site. So we're not absolutely
  sure they got to the places where you would
  have wanted them -- she would have wanted
  them to go.
- 10 Q. Let me turn your attention, if I could, to
  11 your Exhibit No. 1, which is your July 31st,
  12 2017 prefiled testimony. And in particular,
  13 I wanted to call up Pages 46 and 47. And on
  14 Pages 46 and 47, you provide a list of
  15 resources of concern to your organization; is
  16 that right?
- 17 A. (Mackie) Yes.
- Q. At the tech session, you told me you provided this same list to New Hampshire DHR. Do you recall that?
- 21 A. (Mackie) Yes, everybody got a copy.
- Q. Have you had the opportunity to look at
  Applicant's Exhibit 143, which is Ms.
  Widell's supplemental testimony in this

1 matter?

- 2 A. (Mackie) Yes, from July 27th of this year?
- 3 Q. Yes.
- 4 A. (Mackie) Yes, I have.
- 5 MR. NEEDLEMAN: So I want to call
- that up if I could. It's Attachment A to her
- supplemental testimony. And Dawn, if we could
- go to, I think it's Page 5, where she first --
- 9 actually, let's just go straight to
- 10 Attachment A. That may be easier.
- 11 BY MR. NEEDLEMAN:
- 12 Q. And so Ms. Widell, in this testimony,
- 13 responded specifically to each one of the
- resources that you identified; is that right?
- 15 A. (Mackie) Yes, there's an entry for each one.
- 16 MR. NEEDLEMAN: Could we go to the
- 17 very top and highlight that very first
- 18 paragraph, Dawn.
- 19 BY MR. NEEDLEMAN:
- 20 Q. So her response here corresponds precisely to
- 21 what we just looked at, which is Pages 46 and
- 22 47 of your testimony that listed all those
- 23 resources; correct?
- 24 A. (Sandberg) Yes.

MR. NEEDLEMAN: And, Dawn, if you

could go further down. I'm on Page 1. I want

to look at the entry under Edgerly Farm to

start. There's a big heading of Edgerly Farm.

No, no. At the top.

## BY MR. NEEDLEMAN:

- Q. There's the big heading of Edgerly Farm and then right underneath is that first heading of Little Bay. Do you see that? And so am I correct that for some of the resources that you identified, Ms. Widell concluded that those resources had actually already been evaluated, and this is one such example? Is that right?
- A. (Mackie) Well, we didn't see her testimony.

  It wasn't filed until after our supplemental was filed on the 20th. So we couldn't address what she said in this thing.
- Q. No, but my question is with respect to the resources you identified, Ms. Widell indicated that a number of those resources had actually been addressed already in Eversource's evaluation, and this is one of a number of examples of those; is that correct?

- (Mackie) Not really, because she's confusing 1 Α. 2 the Edgerly Farm category, which was on our original testimony, with a photograph we had 3 of Little Bay Shore, which was on our 4 5 supplemental testimony, and it had nothing to do with Edgerly Farm. The reason we put a 6 7 photograph of Little Bay on our supplemental 8 was because it showed the bay at low tide.
- 9 Q. Well, I think if you go through these, you'll
  10 see that each one corresponds to your
  11 numbers. Maybe we could just drop down to
  12 the next one.
- 13 A. (Mackie) Well, she combined our two
  14 testimonies into one when she did her answer.
- MR. NEEDLEMAN: So, Dawn, go to Page
  2 to the Plum Swamp Farm if we could.
- 17 BY MR. NEEDLEMAN:
- Q. And again, this is another example where she looked at issues that you raised and concluded that they had already been addressed; is that right?
- 22 (Witness reviews document.)
- 23 A. (Mackie) You mean --
- 24 A. (Sandberg) You mean the stone walls? The

- 1 protection for stone walls?
- 2 Q. She says in the second sentence, "The
- 3 historic district was identified, evaluated
- and assessed for adverse effects." Do you
- 5 see that?
- 6 A. (Sandberg) Yes.
- 7 A. (Mackie) Yes, that's right.
- MR. NEEDLEMAN: Now if we could go
- 9 to Page 1, No. 3, Dawn.
- 10 BY MR. NEEDLEMAN:
- 11 Q. There were other categories of resources here
- 12 where Ms. Widell noted that resources you had
- identified were actually outside of the
- 14 direct APE; is that right? And this is one
- 15 example, as she noted in the last sentence;
- 16 is that correct.
- 17 (Witness reviews document.)
- 18 A. (Sandberg) Yes.
- 19 A. (Mackie) But what she was addressing wasn't
- our concern. She didn't read the text. She
- just looked at the list.
- 22 Q. And let me go to one other category on
- Page 4, No. 11. There were a number of
- resources or areas that you identified where

- either Ms. Widell or Ms. Bunker concluded
  there wasn't sufficient data to conclude that
  the resources were in fact historical;
  resource; is that right?
- A. (Mackie) Well, in the case of the stone
  bridge remains, if somebody had called us up,
  we would have been glad to show them where
  they were.
- 9 Q. In this analysis that she went through, am I
  10 correct that in various places she identified
  11 resources like this where there was no
  12 evidence? Is that correct?
- A. (Mackie) Well, they couldn't find it. But they didn't ask us where it was.
- 15 Q. Are you familiar with the efforts they
  16 undertook to access these resources?
- 17 A. (Mackie) who's "they"?
- 18 Q. Ms. Widell and Ms. Bunker.
- A. (Mackie) I know what Ms. Bunker did. I don't know what Ms. Widell did.
- Q. Are you also familiar with the fact, given
  the DHR had this list, that they also looked
  over the information that was provided by Ms.
  Widell and Ms. Bunker in connection with

1 these resources?

- 2 A. (Mackie) Well, they would have read they couldn't find them, so...
- Q. So, understanding that you're not necessarily happy with the analysis that Ms. Widell and Ms. Bunker did, you would agree with me that they did look at the resources you identified and made an effort to evaluate them in the context of this case; is that correct?
  - A. (Mackie) Well, not really, because they had already done the survey before we did our testimony. And that's why we became an intervenor.
  - Q. Understood. But after you became an intervenor and provided this list, Ms. Widell and Ms. Bunker went back and looked at every single resource you identified and provided in a supplemental testimony a response to that; is that correct?
    - A. (Mackie) I know Victoria Bunker went back and did some test pits where we had raised an issue. That's true. As far as the above-ground stuff, though, I'm not aware that anybody did anything.

- 1 Q. And then in conclusion, on August 1st, 2017,
- we saw the letter from DHR earlier with their
- 3 effects table. Do you recall that?
- 4 A. (Mackie) The effects table?
- 5 Q. Well, the conclusion about adverse effects.
- 6 MR. NEEDLEMAN: If we could call
- 7 that up, Dawn. It's Applicant's 167, and on
- 8 the second page.
- 9 BY MR. NEEDLEMAN:
- 10 Q. So, DHR, again on the first page recounting
- the public involvement, listed the resources
- that they determined would experience adverse
- 13 effects as a result of this project; is that
- 14 correct?
- 15 A. (Mackie) Where am I reading?
- 16 Q. Right here on the top of Page 2.
- 17 (Witness reviews document.)
- 18 A. (Mackie) We saw this, yes.
- 19 Q. And like Ms. Widell and Ms. Bunker, DHR
- 20 ultimately concluded that there were no
- 21 adverse effects to any of the resources that
- 22 DHR identified; is that fair to say?
- 23 A. (Mackie) That's right.
- 24 Q. Okay. Thank you both.

1 MR. NEEDLEMAN: I have nothing

2 further.

PRESIDING OFFICER WEATHERSBY: Does

anyone on the Committee have questions for Ms.

5 Mackie or Ms. Sandberg? Director Muzzey.

6 QUESTIONS BY SEC MEMBERS AND COUNSEL:

- 7 BY DIR. MUZZEY:
- 8 Q. Good afternoon. Thank you for being here.
- 9 A. (Sandberg) Good afternoon.
- 10 A. (Mackie) Good afternoon.
- 11 Q. Just a little a while ago there was some
- discussion of monitoring, particularly for
- 13 some of the areas that DHA had some concerns
- 14 about. And it seems like you had some
- 15 negative opinions of that. Could you speak a
- 16 little more to DHA's opinions of the
- 17 monitoring plan that's been put forth.
- 18 A. (Mackie) Well, I'm concerned for several
- 19 reasons. One reason is because the Applicant
- 20 would be monitoring itself. And there are a
- 21 lot of pressures during construction
- 22 projects. There are a lot of time deadlines.
- I don't believe there was anybody named on
- the list of any of the positions that was

- going to be involved in monitoring, so I'm
  not sure they have people that are trained.
  Or I don't even know what they propose to
  actually do.
- 5 (Sandberg) We've also been very concerned Α. about the mapping situation because this is 6 such a big project and the mapping carries so 7 many details in it, construction details, 8 that we're just very, very concerned that it 9 would be very easy for a heavy equipment 10 11 operator with the best of intentions would be going over historic artifacts that aren't 12 really carefully specified, fenced, 13 14 protected, timber matted, if timber matting 15 is the most effective way to protect 16 resources in the easement. It will be our 17 continuing concern.
  - Q. Having sat through much of this proceeding, do you have any suggestions as to ways that the monitoring plan or the protection of resources -- I mean, you just mentioned fencing. But do you have any other suggestions that would further protection?

    A. (Mackie) I'd like to see an independent

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- Q. What do you mean by "independent monitor"?
- A. (Mackie) Someone perhaps that's hired by the
  Counsel for the Public or, you know, an
  uninvolved person in terms of the Project.
  - (Sandberg) And that person would need to have Α. very accurate maps and have background in identifying these historic resources that are rather unusual. They're not like a built house with a beautiful doorway. They're granite rocks that the average person is just going to think it's rubble or just a huge piece of granite. And they're not. I mean, they are really telling an important story in our town that we are looking forward to illustrating and elaborating upon because the whole quarrying in Durham was a very big, profitable business from the Seventeenth through the Nineteenth century. And Durham granite was famous. Still is. I mean, there are samples in Portsmouth on the walkways, along the streets in Portsmouth with Durham flagstones. All those oldest mills in Newmarket are from the quarries in Durham.

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        And there's a lot of history to tell.
        don't want those artifacts that are in the
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        path of this transmission line to be crushed.
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        And we are very worried that this
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        hundred-foot easement is very small for the
        kind of equipment that will need to be
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7
        brought in there to do the construction.
        It's going to be very, very difficult.
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Q. Thank you.

You also raised the mapping concern. Do you have any -- you know, the Applicant has committed to improving that situation. Do you have any particular suggestions or -- what would reassure you that that would happen?

A. (Mackie) I'd like to see a much larger scale where detail can be noted. For example, as the environmental committee or panel told us, the roads weren't drawn to scale on the current maps. And so we can't really assess how the road -- how close they'll come to these various places within the easement. It's just too compressed, the scale, to be useful.

- Q. All right. Thank you very much.
- DIR. MUZZEY: I don't have any other
- questions.

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- 4 PRESIDING OFFICER WEATHERSBY:
- 5 Anyone else on the committee have questions?
- 6 Mr. Fitzgerald.
- 7 MR. FITZGERALD: Thank you.
- 8 QUESTIONS BY MR. FITZGERALD:
  - Q. Good afternoon -- good evening. Time flies?
- 10 MR. FITZGERALD: Dawn, would it be
- possible for you to bring up Applicant's 164
- and go to PDF 14? And if you could blow that
- up so that it shows very significantly the
- area of the -- between the red lines. Even
- 15 further if possible. Not quite as good as I
- 16 can see on my screen. But in any case...
- 17 BY MR. FITZGERALD:
- 18 Q. This is not the pictures that you referenced
- 19 earlier. But I've been looking through this
- document and at several places I see these
- Google Earth images. And as you see here,
- this one is marked "proposed structure." And
- I'm looking at that in a much more blown-up,
- you know, isolating those. I see five lines

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associated. But it appears to me that those
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         lines appear to be -- there, now you can see
              Thank you.
         it.
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               It seems to me that here they may be
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         showing the proposed line, the structure.
         They have a structure, and they may be
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         showing the proposed lines as well as the
         existing lines. Is it possible that in these
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         other representations with the additional
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         lines, that they may be showing what it will
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         look like in the -- after the construction of
         the Project, as they do here?
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         (Mackie) I have no idea. You'll have to ask
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    Α.
14
         Eversource. Because what I was looking at
15
         wasn't labeled as anything other than the
16
         existing situation.
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    Q.
         Okay.
                    MR. FITZGERALD: Is that something
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         we can ask the Company to clarify for us?
                    PRESIDING OFFICER WEATHERSBY:
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                                                     So
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MR. FITZGERALD: Well, there seems to be some representation that these photos, for lack of a better word, "doctored" in some

you're asking whether the photo --

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         way, and I'm wondering if it's sort of the
         other situation, where they're showing what's
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         being shown here is an image with the
3
         construction as is here.
4
                    So would it be possible for the
5
         Company to clarify for us why in several of
6
7
         these photographs there are more than three
         lines?
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                   MR. NEEDLEMAN: Yeah, I don't know
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         the answer, but I can find out.
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                   MR. FITZGERALD: That would be very
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         helpful.
                   Thank you.
                    PRESIDING OFFICER WEATHERSBY:
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                                                    Mr.
         Schmidt, questions?
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                   MR. SCHMIDT:
                                  Yes.
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    QUESTIONS BY MR. SCHMIDT:
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         Good afternoon. Just curious.
18
         Eversource give you any reason why they
         didn't want to do the ground penetrating
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20
         right now?
21
    Α.
         (Mackie) I can't hear you.
22
         Did Eversource ever give you any reason why
    Q.
23
         the GPR wasn't -- they weren't willing to do
24
         it or there wasn't any useful tool in that
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1		particular situation or anything like that?
2	A.	(Mackie) We received no reason. And we just
3		don't understand it because it's very common,
4		as the Construction Panel said.
5	Q.	Right. I realize that. But I know different
6		terrains and everything, it's less and I
7		was just curious if they had given you any
8		rationale why it might not be appropriate for
9		that given location.
10	A.	(Mackie) No, we received no reason.
11	Q.	Okay. Thank you.
12		PRESIDING OFFICER WEATHERSBY: Do
13		any other Committee members have questions for
14		Ms. Mackie or Ms. Sandberg?
15		[No verbal response]
16		Attorney Iacopino?
17		MR. IACOPINO: No.
18		PRESIDING OFFICER WEATHERSBY: Do
19		either of you have any clarifications you'd
20		like to make concerning any testimony here
21		this afternoon?
22		WITNESS SANDBERG: I think we're all
23		set. Thank you.
24		PRESIDING OFFICER WEATHERSBY: Okay.

Thank you both for your testimony. Much appreciated. And you are excused.

WITNESS SANDBERG: Thank you.

WITNESS MACKIE: Thank you.

PRESIDING OFFICER WEATHERSBY: That brings us to the end of our day. I will not call any witnesses at this hour. We will reconvene Monday afternoon, I believe at 1:00.

MS. MONROE: At 1:00.

PRESIDING OFFICER WEATHERSBY: Ms.

Monroe will let us know the order of

witnesses, unless, Pam, do you know them now?

MS. MONROE: I do. So, on October 22nd, beginning at 1:00, it will be Counsel for the Public's, guess we'll call them environmental witnesses, Payson Whitney and Matthew Ladewig from ESS. On October 23rd, we will start at 9:00 a.m. And I think we have a hard stop. I think we lose our quorum at 1:30 that day. And the witnesses will be the Durham/UNH panel of Joseph Famely, Matthew Schultz, Stephen Jones and Michael Dacey. And I will also send out a revised list looking forward past that to the parties as to

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1
         projections of completing the remaining
 2
         witnesses.
 3
                    PRESIDING OFFICER WEATHERSBY:
                                                      Thank
         you, Ms. Monroe. We will adjourn for the day.
 4
         Have a pleasant weekend. Hearing adjourned at
5
          5:10 p.m.
 6
 7
                (Whereupon the Day 11 Afternoon
                Session was adjourned at 5:10
8
9
                p.m., with the hearing to resume
10
                on Monday, October 22, 2018
11
                commencing at 1:00 p.m.)
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## CERTIFICATE

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
notes of these proceedings taken at the
place and on the date hereinbefore set
forth, to the best of my skill and ability
under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Susan J. Robidas, LCR/RPR

Licensed Shorthand Court Reporter
Registered Professional Reporter

N.H. LCR No. 44 (RSA 310-A:173)

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	accessed (2)	addition (4)	42:9;48:21;140:16	79:19
ф	96:4,16	18:20;55:8,22;	again (22)	alter (1)
\$	accessing (2)	101:14	8:15;11:10;14:10;	38:23
<b>440.000.(4)</b>	97:5;98:18	additional (6)	32:3;39:22;45:10;	alteration (1)
\$10,000 (2)	accommodate (1)	9:10;19:3;55:24;	48:2;51:1,6;64:23;	124:11
54:20,21	23:6	129:4,15;155:9		altered (2)
\$233,635 (1)			68:7,12;72:12;73:17;	
55:1	accord (1)	additions (1)	93:3;96:18,18;	121:18;122:11
\$243,000 (2)	79:23	107:5	113:17;122:20;	alternative (2)
54:10,16	According (3)	address (5)	124:1;145:18;149:10	39:15;77:6
\$243,635 (1)	42:7;54:7;66:11	47:24;49:23;75:14;	age (1)	although (2)
54:21	accurate (6)	97:3;144:18	113:2	83:23;104:5
\$25 (2)	4:10;31:11;32:11;	addressed (10)	ago (4)	Always (1)
9:12;10:6	36:23;122:12;152:7	40:22,24;75:20,21;	13:14;44:8;55:10;	131:16
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