

**STATE OF NEW HAMPSHIRE**  
**SITE EVALUATION COMMITTEE**

**November 16, 2017 - 9:03 a.m.**  
49 Donovan Street  
Concord, New Hampshire

**DAY 60**  
**Morning Session ONLY**

*{Electronically filed with SEC 11-27-17}*

**IN RE:       SEC DOCKET NO. 2015-06**  
**NORTHERN PASS TRANSMISSION -**  
**EVERSOURCE; Joint Application of**  
**Northern Pass Transmission LLC and**  
**Public Service of New Hampshire d/b/a**  
**Eversource Energy for a**  
**Certificate of Site and Facility**  
**(Hearing on the Merits)**

**PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:**

<b>Chmn. Martin Honigberg</b> <i>(Presiding Officer)</i>	Public Utilities Comm.
<b>Cmsr. Kathryn M. Bailey</b>	Public Utilities Comm.
<b>Dir. Craig Wright, Designee</b>	Dept. of Environ. Serv.
<b>Christopher Way, Designee</b>	Dept. of Business & Economic Affairs.
<b>William Oldenburg, Designee</b>	Dept. of Transportation
<b>Patricia Weathersby</b>	Public Member

**ALSO PRESENT FOR THE SEC:**

Michael J. Iacopino, Esq. Counsel for SEC  
*(Brennan, Caron, Lenehan & Iacopino)*

Pamela G. Monroe, SEC Administrator

*(No Appearances Taken)*

**COURT REPORTER: Cynthia Foster, LCR No. 14**

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**JAN MCCLURE**

**BETH FENSTERMACHER**

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**P R O C E E D I N G S**

**(Hearing resumed at 9:03 a.m.)**

PRESIDING OFFICER HONIGBERG: Good morning, everybody. We're going to get started. Day 60. We have a number of witnesses to hear from today, a group of whom is prepositioned. (Whereupon, **Joshua Olson** and **Rodrigue Beland** were duly sworn by the Court Reporter.)

**JOSHUA OLSON, DULY SWORN**

**RODRIQUE BELAND, DULY SWORN**

PRESIDING OFFICER HONIGBERG: Mr. Baker.

MR. BAKER: Thank you, Mr. Chair. By way of preliminaries, I had expected four clients as opposed to two. These two clients that are here, Messrs. Olson and Beland, are both in the Dummer-Northumberland Abutters group. The two that could not make it are in the Clarksville-Stewartstown group. I'm hopeful that we will get them here at a later date. I'll work with the Administrator to do that at the convenience of the Committee. And I do apologize. They asked me to relay their apologies. One of them was ill when he reached Concord this morning in his car and felt unable to go forward.

1           The other is in the woods out of  
2           communication. He tells me he's changed his  
3           email recently and he's not been able to get my  
4           phone calls. So I have a communications problem  
5           there. And again, I apologize, and my clients  
6           also apologize to the Committee for not being  
7           here.

8           PRESIDING OFFICER HONIGBERG: Thank you,  
9           Mr. Baker. You do what you need to do.

10                           **DIRECT EXAMINATION**

11           **BY MR. BAKER:**

12           Q     Good morning. I'll start with Mr. Beland. Your  
13           full name and address, please, for the record?

14           A     (Beland) My full name is Rodrigue Beland. I  
15           live at P.O. Box -- 144 Hoffman Road, Fayston,  
16           Vermont, 05673.

17           Q     And you have property that you own with your  
18           wife in New Hampshire in Stark; is that correct?

19           A     (Beland) Yes, sir.

20           Q     And you've filed Prefiled Testimony as DN-A  
21           Exhibit 10 and Supplemental Prefiled Testimony  
22           as DN-A Exhibit 11 in these proceedings?

23           A     (Beland) Yes, I did.

24           Q     If you were asked those same questions today,

1 would you give the same answers that are  
2 contained in DN-A Exhibits 10 and 11?

3 A (Beland) I would give the same answer but the  
4 engineering has been changed from one to the  
5 other. The planning.

6 Q Okay.

7 A (Beland) On the structures have been changed.

8 Q So that the structures that been updated since  
9 you filed your Original Testimony, you believe?

10 A (Beland) Yes, sir.

11 Q Do you have any corrections or additions other  
12 than what the Project maps might show?

13 A (Beland) No, sir.

14 Q And just so I can orient the Committee, I have  
15 on the screen Applicant's Exhibit 201 and the  
16 page number is APP 67847. Does this map portray  
17 the properties you own and discussed in your two  
18 Prefiled Testimony documents?

19 A (Beland) Yes, sir.

20 Q I'm moving the cursor to an L-shaped property  
21 that abuts on Route 110, and it is to the north  
22 side of Route 110. Is that the property that  
23 you own that's under the transmission corridor?

24 A (Beland) Yes, sir.

1 Q And if I move my cursor to this small lot here  
2 with the yellow dot, is that the home that you  
3 own on Route 110?

4 A (Beland) Yes, sir.

5 Q Turning to Mr. Olson, could you state your full  
6 name and home address, please?

7 A (Olson) Yes. Joshua Olson. 258 Land Road,  
8 Rindge, New Hampshire, 03461.

9 Q And do you through family trusts own with your  
10 father and mother property in Dummer, New  
11 Hampshire?

12 A (Olson) That's correct. Yes.

13 Q And your father, Eric Olson, filed Prefiled  
14 Testimony in this matter at Exhibit DN-A 12; is  
15 that correct?

16 A (Olson) Yes. That is correct.

17 Q And are you adopting his testimony and prepared  
18 to answer questions on that today if there are  
19 any?

20 A (Olson) Yes, I am.

21 Q And you also filed Supplemental Prefiled  
22 Testimony of your own at DN-A 13; is that  
23 correct?

24 A (Olson) That is correct.

1 Q And that had several photographs that  
2 accompanied it and were addressed in that  
3 Supplemental Testimony, Exhibits DN-A 14 through  
4 26; is that correct?

5 A (Olson) That's correct.

6 Q Do you have any changes to make in the answers  
7 to the questions in those affidavits?

8 A (Olson) No, I do not.

9 Q I have in front of me Applicant's Exhibit 201,  
10 page 67829, showing the transmission line in  
11 Dummer, and for purposes of orienting the  
12 Committee, this map has south to the upper part  
13 of the map and north to the lower side of the  
14 map, east on the left and west on the right.  
15 And as I understand it, the Coos Loop is joined  
16 by this Project at the point where my cursor is.  
17 Is that correct, Mr. Olson?

18 A (Olson) That's correct. Yes.

19 Q And I'm now moving the cursor over to the west  
20 side of the map on Lot 12015. Is that one of  
21 the lots that you and your family own in Dummer?

22 A (Olson) Yes, it is.

23 Q And I'm now going to put one more map in front  
24 of us. And this is, again, Applicant's Exhibit

1 201, and this is page 67831.

2 The lot that we were looking at before had  
3 a small pond on it. Is that the same small pond  
4 where my cursor is now?

5 A (Olson) Yes. Correct.

6 Q And do you own the lot to the west of that at  
7 12019?

8 A (Olson) Yes.

9 Q And to the west of that, 12020, is that another  
10 lot that's owned by you and your family?

11 A (Olson) Yes.

12 Q And this shows the transmission corridor  
13 crossing those three lots. Is the rest of your  
14 property to the south of these three lots?

15 A (Olson) Yes. Most of it is, from what I recall,  
16 yes.

17 Q And you've built an off-the-grid home on this  
18 property that you've referred to. Is that,  
19 again, to the south of these lots but looking  
20 out over them?

21 A (Olson) Yes. Correct.

22 Q I have no further questions.

23 MR. IACOPINO: I just have one question for  
24 you. I have Exhibit 27 and 28 also as photos.

1 Olson photos. Did you mean to include those?

2 MR. BAKER: Oh, Yes, I did. I'm sorry.  
3 There were 15, and I've given you 13 numbers.  
4 Yes. I'm sorry. Yes. I did. Thank you.

5 PRESIDING OFFICER HONIGBERG: Mr. Aslin?

6 **CROSS-EXAMINATION**

7 **BY MR. ASLIN:**

8 Q Good morning, gentlemen. My name is Chris  
9 Aslin. I am from the New Hampshire Attorney  
10 General's Office, and I've been designated as  
11 Counsel for the Public in these proceedings. I  
12 just have a few questions to follow up on the  
13 background that Attorney Baker presented for  
14 your testimony.

15 So I'll start with Mr. Beland. And  
16 Mr. Baker was just showing this portion of the  
17 Project maps. You identified your property as  
18 the L-shaped property coming off of Route 110  
19 and the small house lot, correct?

20 A (Beland) Yes, sir.

21 Q And you mentioned that the engineering had  
22 changed a little bit. So I want to just go over  
23 what you understand to be the proposal for the  
24 towers that are going to be crossing your

1 property.

2 A (Beland) Are you asking me?

3 Q I'll ask you a couple questions.

4 A (Beland) Okay.

5 Q So do you see on this map that there are white  
6 squares with an X through them indicating the  
7 existing structures across your property that  
8 are going to be removed?

9 A (Beland) Yes, sir. There's three.

10 Q Correct. And those are going to be moved to  
11 where the green squares are; is that your  
12 understanding?

13 A (Beland) Yes, sir.

14 Q And so those are moving a little bit away from  
15 your house. That's still on your property.

16 A (Beland) The yellow ones, greenish-yellow one  
17 there, yes.

18 Q Okay. And then the red, you understand that the  
19 red squares represent the proposed new  
20 transmission line with the towers? The new  
21 line?

22 A Yes, and that's coming closer to my house.

23 Q Yeah, it's a little bit closer than what's there  
24 today, correct?

1 A (Beland) Than the existing is now.

2 Q Okay. And you see that those three new  
3 structures for the new line are labeled?

4 A (Beland) Yes, sir. There is some red and the  
5 other three are in, I call it yellow.

6 Q An they have labels DC 441 through 443 for the  
7 red?

8 A (Beland) Yes, sir.

9 Q Just for the record, this is part of Applicant's  
10 Exhibit 201, and it was APP 67847. Now we're  
11 going to go to the prior page.

12 Do you see at the top on the left there's a  
13 listing of the structures that are shown on this  
14 map or the previous map?

15 A (Beland) Yes, sir.

16 Q And DC 440, 441 and 442 are listed there?

17 A Yes.

18 Q And you understand that this current proposal  
19 from the Applicant is that those towers will be  
20 100, 120, and 105 feet tall?

21 A (Beland) Yes, sir.

22 Q You mentioned earlier that there's been a change  
23 to the design. What's your understanding of the  
24 change?

1 A (Beland) The way I understood it when I talked  
2 to Eversource when this first started and they  
3 came through here, they told me that they were  
4 going to move the structures further ahead, and  
5 then they decided that, the engineer themselves  
6 said that we're going to try to move it back and  
7 put a higher one in front of your house to make,  
8 so it won't be, you know, so they redesigned it,  
9 and I didn't ask them to redesign it. They just  
10 told me they're going to have to redesign it.

11 So I just took it they changed the plan,  
12 you know what I mean? What the existing, very  
13 first one that I got with Eversource, they  
14 changed it to move the structures over and  
15 higher structures than what was planned at the  
16 very first.

17 Q Did the changes that have been made, I think  
18 you're saying that they were made by the  
19 Applicant without your request?

20 A (Beland) Without my request. Yes. They were  
21 engineering. They moved them back and forth and  
22 to whatever, I believe they're trying to get the  
23 height for the road. I don't know what it was,  
24 but they had a plan, and then they changed their

1 plan.

2 Q And based on your understanding of the changes,  
3 has the change made the impacts greater or  
4 lesser on your property?

5 A (Beland) Well, the whole change as far as I'm  
6 concerned is, you know, is a big change. I  
7 mean, you know --

8 Q I was asking specifically about the change in  
9 design during the, since the original maps. Not  
10 the addition of the new towers.

11 A (Beland) It's not going to make any difference  
12 if you're going to put the structures in there.  
13 I mean, I'm fully against putting them, you  
14 know, you're going to see them one way or the  
15 other. I mean, I can't get a tree high enough  
16 to climb 110 feet, like you said. I mean.

17 Q Okay. And so the change in design doesn't  
18 really have a meaningful impact to you. Either  
19 way it's something you don't want?

20 A (Beland) Either way it's going to be, it's going  
21 to be seen. I mean, there's no way that they're  
22 going to be able to hide it.

23 Q Okay. And so from your house, do you currently  
24 have a view of the three towers that are on your

1 property?

2 A (Beland) Right now?

3 Q Yes.

4 A (Beland) The wooden structures, no, I can't see  
5 them.

6 Q So they're screened by trees?

7 A (Beland) Yes, sir.

8 Q Do you currently have a view of the tower that's  
9 across the road from you?

10 A (Beland) Yes, sir.

11 Q Okay.

12 A (Beland) But it's hard to see the wooden one  
13 because they've got trees, at that corner in  
14 front of my house you look on the left in that  
15 little corner, there's some trees there. The  
16 only way you can really see it is the conductors  
17 going across the road.

18 Q Okay.

19 A (Beland) Right now there's only like three. You  
20 know what I mean?

21 Q Sure. But you just said you could see the  
22 structure that's across the street?

23 A (Beland) Yes, sir. If you go look for it,  
24 you'll find it. Yes.

1 Q And it's your understanding that you'll be able  
2 to see the new structures because they'll be  
3 taller than the trees?

4 A (Beland) Almost three times taller. The one  
5 you're talking about I believe is going to be  
6 130 feet.

7 Q I think it showed 120 on the most recent one.

8 A (Beland) Okay. 120. Pretty good height  
9 anyway. You know, we're talking 50 feet, you  
10 know, to 130 is quite a distance.

11 And then while you're asking me about the  
12 height, on the other side, the Potter Road,  
13 that's not in a valley. That's climbing up the  
14 hill. That's climbing up the mountain, them  
15 structures. Right now you cannot see them  
16 structures.

17 Q Are you able to see, and so you're talking about  
18 the current right-of-way that goes across Route  
19 110?

20 A (Beland) Right, and you go across the Potter  
21 Road, them structures going up on the side of  
22 that mountain, you can't see them right now.

23 Q Are you able to see the cleared right-of-way  
24 currently?

1 A (Beland) The right-of-way itself? No. But if  
2 you put them good and high, you'll be able to  
3 see them.

4 Q Your belief is that with the taller structures  
5 you will be able to see them up on the hill?

6 A (Beland) There's no doubt about it. There's not  
7 a doubt in my mind. The vision, you know,  
8 you're going see nothing but wires. Going to be  
9 like a little substation when they get done  
10 there.

11 Q I'm going to show you a different Project map in  
12 just a moment. So now we're talking a look at  
13 Applicant's Exhibit 199, and this is APP 66233.  
14 Do you recognize this as the edge of your  
15 property on the bottom left-hand part of the  
16 screen?

17 A (Beland) Bottom left side. I can see the, you  
18 know, I can see the road to the power line  
19 there. And the road to my driveway. I don't  
20 see my house there, no.

21 Q Correct. But your property is that area to the  
22 bottom left?

23 A (Beland) Yes, sir. Sorry about that, yeah.

24 Q That's all right. And that's your driveway that

1           you mentioned right at the bottom coming off  
2           Route 110?

3       A     Right, and take a left and my house is right at  
4           the bottom there.

5       Q     And do you see the red lines that end at Route  
6           110?

7       A     (Beland) Yes, sir.

8       Q     Do you have, and you see on the left side of  
9           Route 110 which I believe is the north side,  
10          there's sort of a trapezoidal shape and then  
11          there's dotted red lines?

12      A     (Beland) Yes, sir.

13      Q     Do you understand that that trapezoidal area is  
14          a proposed apron for an access road and the  
15          dotted line represents an existing access road  
16          into the right-of-way?

17      A     (Beland) Are you saying that's their  
18          right-of-way? The red dotted line? Is that  
19          what you're saying?

20      Q     No. The right-of-way is shown with a heavy  
21          black dashed line.

22      A     (Beland) Okay.

23      Q     An the dotted red line, I believe, is an  
24          existing access road.

1 A (Beland) I know that they have 150-foot  
2 right-of-way from the centerline out and 150  
3 from the centerline out. Now, I don't know what  
4 they got for figures here, but I do know that  
5 the gas line there, right? You know where the  
6 closest red dotted line, there's a gas line that  
7 goes right straight through there. Not too far  
8 away from it. It's not very far away from the  
9 outside conductor toward the house.

10 Q Okay.

11 A (Beland) You'll see that when you drive up there  
12 there's a yellow tube thing that tells you the  
13 gas line, and you see where the red there it's  
14 cleared? You know what I mean? The little  
15 dotted? And then your right-of-way?

16 Q Yes.

17 A (Beland) That's where the gas line goes through.  
18 They just trimmed that, the gas company. It  
19 hasn't been but probably a couple months ago or  
20 something.

21 Q Do you ever see vehicles going through that area  
22 to do maintenance on the line or on the  
23 right-of-way?

24 A (Beland) There's nobody allowed on that

1 property. I've got some neighbors. They've  
2 been there before I was. They've been there  
3 for, you know, 40 or 50 years. I gave them  
4 permission to enter. They hunt up there. You  
5 know? They go up in four-wheelers, but by  
6 permission only on that. You know.

7 Q But do you ever see Eversource or Portland  
8 Natural Gas vehicles coming in for maintenance  
9 of the right-of-way?

10 A (Beland) They didn't have permission, but I had  
11 a gate down by my driveway. I've got a rope  
12 gate, and I put no trespassing, and they, you  
13 know, they took the excavator and they dropped  
14 it off at my driveway and they ran it up the  
15 road. Up to their, where they cut all the  
16 right-of-way. But when they went back down,  
17 they did go down over the bank. But the tracks  
18 first went up into my driveway.

19 And then up on that road, the furthest  
20 towards the left, this spring, you know, my  
21 brother ain't been up there, nobody I know has  
22 been up there, and the road was all, you know,  
23 dug up where somebody must have got stuck or  
24 something. They had marks all over the hill.

1 But I mean, they could have been, you know, them  
2 checking the lines. They've been up and down  
3 the right-of-way checking the, you know, the  
4 measuring and whatever they've got to do for the  
5 power line. You know what I mean?

6 Q Okay. So you've seen utility personnel and  
7 vehicles going up there?

8 A (Beland) I haven't.

9 Q You have not.

10 A (Beland) No. But what I've seen there, I've  
11 seen some ribbons here and there and my brother  
12 told me they'd been going up and down doing some  
13 measuring and stuff. Actually seen a vehicle,  
14 Eversource vehicle, I can't say I have. I see  
15 the contractor last year, they're clearing the,  
16 from the blue line this way, they were cleaning  
17 the -- there was an outfit with a couple great  
18 big excavators that trim trees and they trimmed  
19 all the trees there. Weren't the same outfit as  
20 the one that did it this year. Two different  
21 contractors.

22 Q Do you have an understanding of how the current  
23 access to that right-of-way, how it's gained by  
24 the utilities? Do they have to drive through

1 your driveway to get into the right-of-way area?

2 A (Beland) I guess three can drive right up over  
3 that bank. There's a bank there where the red  
4 is. I don't believe they have the right-of-way  
5 through my property, no.

6 Q That was my question. Because it was unclear  
7 whether they had current access or not.

8 A (Beland) I don't believe they have right-of-way  
9 through my property. They have a right-of-way  
10 in the easement. But not on my --

11 Q Okay. You, in your testimony, have a concern  
12 about noise and construction impacts from the  
13 Project. What's your understanding of the  
14 number of vehicles and the type of work that's  
15 going to be going on in the vicinity of your  
16 property?

17 A (Beland) Okay. Are you asking me what I think  
18 is going to happen? Is that the question?

19 Q Well, do you have any information?

20 A (Beland) I've got probably 20-something years  
21 experience in transmission lines. I built them,  
22 I removed them, I've transferred them, and  
23 there's a lot of equipment, takes a lot of  
24 equipment. They've got swamp down there.

1 They're going to have to have mats, to put out  
2 mats out there. Not going to be just a walk in  
3 the park. It's pretty consisting big job.

4 Could be a lot of damage before they get done.

5 Q You said you have experience in that kind of  
6 work?

7 A (Beland) Yes, sir.

8 Q Were you employed with a contractor in the past?

9 A (Beland) Yes, sir.

10 Q And you did specifically electric utility work?

11 A (Beland) Yes. I'm certified to burying up to  
12 500 kV lines.

13 Q Now, in your testimony you make, you reference  
14 your deed or rather the easement that was  
15 granted previously to Eversource or its  
16 predecessor for this right-of-way, and I  
17 understand that was granted before you owned the  
18 property?

19 A (Beland) It was granted to Public Service.  
20 Eversource after many years bought Public  
21 Service out. And the reason they bought it, it  
22 weren't Eversource at the time, but Seabrook  
23 went bankrupt. The government wouldn't let them  
24 fire the Seabrook plant up and Berlin utility,

1           they gave them the okay, and Public Service went  
2           bankrupt, Northern Utilities took over, came in  
3           and now it's called Eversource.

4       Q     Okay. But the existing right-of-way and the  
5           easement that is across the property, that was  
6           granted before you purchased the property?

7       A     (Beland) Not to Eversource. No.

8       Q     But was there an existing power line  
9           right-of-way there?

10      A     (Beland) Yes, sir. Sorry about that. Okay.

11      Q     And you reference in your testimony a  
12           restriction within that deeded right-of-way  
13           easement. Do you have that? A restriction on  
14           the number of structures?

15      A     (Beland) Right. It's right on the deed. I  
16           think I have a copy of it. I'm not sure.

17      Q     This is Appendix 1 to your Supplemental  
18           Testimony which is DN-A 11, and is this the  
19           easement deed that you were just talking about?

20      A     (Beland) No, sir. What I'm talking about, it's  
21           the same thing, but it consists of on the  
22           bottom --

23      Q     This is the first page of that document. Is  
24           that your understanding? This was attached to

1 your Supplemental Testimony.

2 A (Beland) On the bottom it says meaning and  
3 intending to convey the same farm deeded and is  
4 only allowed to have three structures on the  
5 property in the fields.

6 Q Okay. So if we go to the second page, I think  
7 that's where you're looking. Is this what  
8 you're looking at, the bottom sentence here that  
9 says there shall not be more than three  
10 structures in the field?

11 A (Beland) Yes, sir.

12 Q And it's your understanding that this  
13 restriction applies to your property and also a  
14 couple additional parcels?

15 A (Beland) That's my property right there. It was  
16 all field at one time.

17 Q Okay.

18 A (Beland) And that's where the three structures  
19 are right now as you can see it right on the  
20 map.

21 Q And it's your understanding that that  
22 restriction is still applicable?

23 A (Beland) Yes, sir. It's a deed. It's supposed  
24 to be. I don't think we can change a deed. But

1 anything is possible, I guess.

2 Q So in your testimony you assert that, well, we  
3 looked at the Project map, and there are  
4 currently three structures on your property, and  
5 they've proposed to add three more, and so that  
6 would be a total of six structures on your  
7 property, correct?

8 A (Beland) Yes, sir.

9 Q And it's your contention that that would be a  
10 violation of the deed restriction.

11 A (Beland) Yes, sir.

12 Q Okay. Have you had any discussions with the  
13 Applicant about that issue?

14 A (Beland) No, sir.

15 Q Have you had any communications with the  
16 Applicant about any of your concerns regarding  
17 the proposed Project?

18 A Yes, sir.

19 Q What kind of discussions?

20 A When you say the Applicant, you mean Eversource,  
21 I hope.

22 Q Yes. I do.

23 A (Beland) Sorry about that.

24 Q That's quite all right. So you have had some

1           conversations with Eversource?

2       A     Yes, sir.

3       Q     What type of conversations were those?

4       A     (Beland) Well, we had a meeting in White River  
5           Junction quite a few years back, and it was over  
6           the property, and I tried to explain to them  
7           that it's a scenic view, you know, and I told  
8           them that, you know, it would be, you know, I'd  
9           like to see it go underground, and, you know,  
10          and then you guys can just keep, you know, be no  
11          problem. But I just, they didn't want to even  
12          discuss underground. They didn't want to  
13          discuss anything, and, you know, that's when we  
14          talked, you know, you asked a little while ago  
15          about the structures. You know what I mean?  
16          And they said well, that's not in gold yet.  
17          We're going to probably move the structures  
18          around a little, you know what I mean?

19      Q     Sure.

20      A     (Beland) But I said I'm still going to see it.  
21          You know, it's going to be a sore thumb, you  
22          know, and they didn't want to discuss it, they  
23          didn't want to talk about it, didn't even want  
24          to come up with the underground. It weren't

1 even in the Project. You know. It was --

2 Q And you said this was several years ago, this  
3 conversation?

4 A (Beland) I'm going to say probably three or four  
5 years ago. I'm not going to guarantee to the  
6 date.

7 Q That's fine. It's been a number of years.

8 A (Beland) It's been a couple of years anyways I'm  
9 pretty sure.

10 Q Have you had subsequent conversations after that  
11 time?

12 A (Beland) No, sir.

13 Q So the last communications you've had is a  
14 couple years or maybe more.

15 A (Beland) Then I came here. I don't know when I  
16 came here neither, but it's last year, I think.

17 Q Did you receive letters from the Applicant early  
18 on in the process notifying you of the proposals  
19 of the Project?

20 A (Beland) I don't believe, no.

21 Q But you got notice in some way, and you attended  
22 one of the public meetings and had that  
23 conversation?

24 A (Beland) Yes, sir.

1 Q You also in your testimony referenced the  
2 existing gas pipeline that's within the  
3 right-of-way. Is that correct?

4 A (Beland) Yes, sir.

5 Q And you make some statements about concerns  
6 about that the existence of that pipeline near  
7 the construction. Do you have specific concerns  
8 about what might happen?

9 A (Beland) You know, it's a serious concern to me.  
10 You know what I mean? You know, the gas line,  
11 you know, the house is not that far away from  
12 the gas line, but there's nothing I can do about  
13 that. It is what it is. You know what I mean?  
14 But it's, I think it could be, you know, a power  
15 line, you've heard about it just a couple weeks  
16 ago, week ago, when all the outages came down.  
17 You know what I mean? It's not a secret.  
18 Things happen, you know? And I do worry about  
19 that. You know? And if we put more lines, and  
20 we're getting closer to the gas line, you know,  
21 it's not like we're going away from the gas  
22 line. We've getting closer to the gas line.  
23 You know what I mean? It concerns me. Yes. It  
24 does. Very much so.

1 Q In your experience working on electric  
2 transmission lines --

3 A (Beland) Yes, sir.

4 Q -- did you ever have work on a line that was in  
5 the vicinity of a gas pipeline?

6 A (Beland) They asked me that, and I'll be honest  
7 with you, I can't remember. The only one I  
8 worked with was down in Louisiana, but it was  
9 right, gas line, we didn't know where the gas  
10 lines were. That's where we got the job. I was  
11 working for Seaward Construction out of Kittery,  
12 Maine, and they had a job in the bayous and  
13 worked down there. But it was, you know,  
14 nothing working, it was all dead line. You  
15 know, it was nothing, no power on the line. It  
16 was all new and there were pumping water out of  
17 the mines and pumping oil back into it. That  
18 was the whole idea of that.

19 Q Okay.

20 A (Beland) But it was not a working line.

21 Q And lastly, Mr. Beland, you in your testimony  
22 reference your belief that if the Project is  
23 constructed that your property value will suffer  
24 a six-figure loss. What's the basis for that

1 statement?

2 A (Beland) Well, I'm just looking at it, you know,  
3 I've looked at other properties around there,  
4 and the values is, you know, is worth quite a  
5 bit. You know, if somebody comes up there, just  
6 take the big picture, you know what I mean? You  
7 look at two great big steel towers. There's six  
8 of them. Some across the road. You know what I  
9 mean? Who's going to, you know, nobody around  
10 here is going to want to buy it. You know what  
11 I mean? When they can go down the road, and you  
12 know right now it's hidden so it's pretty hard  
13 to, unless you really go out and look at it.  
14 You know what I mean? It's pretty hard to see.

15 But you put them towers up in the air, I  
16 mean, just nobody's going to want it. You're  
17 not going to get even close to what it's worth.  
18 You'll sell it. You know what I mean? But  
19 you're not going to get what it's worth. You  
20 have to deal with whatever they offer you. Not  
21 to be rude, but would go buy, you know, a  
22 \$300,000 place with power lines or would you  
23 wait and go up the road and see the same lot and  
24 no power lines and give them 300,000. You know?

1           And I'm not a realtor, and I don't want to be  
2           rude, I'm just saying, you know.

3           Q     But that's your belief?

4           A     (Beland) That's my belief. Yes. That's what I  
5           would do. You know what I mean?

6           Q     Sure.

7           A     (Beland) If I was looking for property. And I'm  
8           not, the reason I kept this place, right? Is  
9           that we want to retire here. My wife and I. I  
10          have lot of friends in Groveton, Lancaster,  
11          Stark, you know what I meant? That's where I  
12          went to school, in Groveton. I got my twelfth  
13          grade education. You know? Just that's what  
14          I'm keeping it for. You know? But I'm not  
15          going to move into a substation. You know? I  
16          guess, if they give them the permit to do it,  
17          then I'll have to, you know, do something  
18          different, make another plan of attack, and I  
19          don't think it's right. Because I've been  
20          paying the taxes on that.

21                 And I think that when I bought it, it was  
22                 there. I dealt with what was there. It weren't  
23                 in the way. It was hidden. Now by some right  
24                 they can come through there and put not three

1 structures, six of them; not 50 feet, but 110  
2 feet. You know? I just don't think that -- and  
3 they didn't pay no taxes on the property or  
4 nothing. They just figure they're going to do  
5 it.

6 There's no doubt, it's like if you were  
7 down in, I don't know, like I live in Sugarbush.  
8 Mad River. The ski resort. Right? There's no  
9 way you're going to put a ten-story building in  
10 in the Valley. You know what I mean? People  
11 will not accept it. That's no different than  
12 me. You know, but I just don't think that it's  
13 right, but, you know, I think there's other ways  
14 of doing it. I think there's a lot, you know,  
15 it may be expensive, but on the long run, I  
16 think it will be cheaper.

17 Q And you're referencing burial?

18 A (Beland) In burial. I really do. I think, we  
19 don't have to worry about the gas line because  
20 it can't fall. It's in the air. When you put  
21 it underground, it ain't going to go nowhere.  
22 It's going to be underground. That's one minor  
23 trouble you ain't got to worry about. You know?  
24 It's expensive. I understand it's expensive,

1 but you ain't got to worry about storm damage,  
2 you ain't got to worry about anything falling,  
3 you know?

4 Q Mr. Beland, I'm assuming since you haven't had  
5 recent communications with the Applicant that  
6 you have not been made aware of the proposal to  
7 compensate property owners, certain property  
8 owners, for property loss.

9 A (Beland) No, sir.

10 Q Do you have an estimate of the distance from  
11 your home to the edge of the right-of-way?

12 A (Beland) I did have an estimate. I had it all  
13 written down. I can't, I'm going to say, I  
14 don't even dare to say. It's probably maybe 150  
15 feet.

16 Q Okay.

17 A (Beland) I'd have to measure it again, you know,  
18 to be honest with you. It's not that far.

19 Q Okay. Thank you very much, Mr. Beland.

20 A (Beland) I hope I answered your question right.  
21 I'm a little nervous, I can tell you that.

22 Q You're doing just fine.

23 Mr. Olson, I'll turn to you for a few  
24 minutes. Let's pull up your -- I think we

1 covered where your property is located, and it's  
2 a large number of parcels but it's a large area,  
3 correct? About a thousand acres?

4 A (Olson) That is correct. Yes.

5 Q As I gather from your testimony, the sort of  
6 development plan for this area is to build out  
7 or advertise it for wilderness homes?

8 A (Olson) Yes. There's a potential for that.  
9 There's many different options. When you have  
10 16 parcels, you can do that.

11 Q How many residences or homes are there  
12 currently?

13 A (Olson) One.

14 Q Just you. Just the one?

15 A Yes.

16 Q And I believe your testimony states that  
17 there's, that the right-of-way passes for about  
18 a mile through your properties?

19 A (Olson) That is correct.

20 Q And, again, you or your father and you in your  
21 testimony estimate that the Project will result  
22 in a considerable property value loss.

23 A (Olson) Absolutely, and the reason for that is  
24 because of the height of the towers and the

1 amount of them. Right now you can barely see in  
2 certain portions of the property the towers.  
3 Once they go and double them or more than double  
4 them, that will definitely devalue the property  
5 without question.

6 Q Okay. Have you had any sort of an appraisal or  
7 talked to realtors about that?

8 A (Olson) I've been in the business for 20 years  
9 building houses and real estate and I know the  
10 business.

11 Q So it's based on your experience.

12 A (Olson) Yes.

13 Q And similar to Mr. Beland, have you had  
14 conversations with the Applicant, with  
15 Eversource, about your concerns about the  
16 Project design or location?

17 A (Olson) We had one meeting, me and my father,  
18 with them probably, oh, might have been a year  
19 ago, give or take. And we told them basically  
20 our concerns with the height of the towers. We  
21 told them also about how they get access to that  
22 section of power lines, if they go up Kelly  
23 Brook Road which we've had fixed up which is a  
24 discontinued road. We had concerns with the

1 wetlands. There's wetlands on that area that  
2 they're going to be going through. Streams and  
3 such. So we bring those concerns to them, and  
4 we hadn't had no response per se if they were  
5 going to lower the towers or go underground.

6 The current towers that are there now,  
7 that's not a problem. When they start raising  
8 the heights on them, that will become a problem.

9 Q You mentioned Kelly Brook Road. Is that the  
10 access road that you use to get to your home?

11 A (Olson) That is correct.

12 Q So you pass under the existing right-of-way to  
13 get up to --

14 A (Olson) We do not pass underneath.

15 Q You don't.

16 A (Olson) No. It cuts off and goes to our home  
17 first, and then if we keep going on Kelly Brook  
18 Road you'll hit the right-of-way.

19 Q Yeah, because I believe on one of the maps that  
20 Mr. Baker showed Kelly Brook Road was crossing  
21 underneath the power lines.

22 A (Olson) It does cross underneath it, but it does  
23 not from where our house is located.

24 Q Understood. Okay. And one last question. Are

1           your parcels, are any of your parcels in current  
2           use status?

3           A     (Olson) Yes. I would say that some of them are,  
4           yes.

5           Q     Do you have an estimate of how many?

6           A     (Olson) I would say probably most of them except  
7           for where the house is there's a little garage  
8           that we have on another parcel. So I would say  
9           probably most of them are, but the ones with the  
10          buildings are not.

11          Q     Okay. Do you know whether those current use  
12          parcels are also receiving the 20 percent  
13          recreation reduction?

14          A     (Olson) I honestly don't know that.

15          Q     Thank you very much. That's all I have.

16                   PRESIDING OFFICER HONIGBERG: I think the  
17          only other Applicant group that indicated they  
18          had questions in the earlier meetings was the  
19          Deerfield Group. Are there questions? Yes.  
20          Ms. Menard? Off the record.

21                   (Discussion off the record)

22                   PRESIDING OFFICER HONIGBERG: Ms. Menard.

23                   **CROSS-EXAMINATION**

24                   **BY MS. MENARD:**

1 Q Good morning, everyone. Mr. Beland, my  
2 questions for you have already been answered.

3 So I just have a few questions for you,  
4 Mr. Olson.

5 A (Olson) Okay.

6 Q Have you ever marketed building lots or have you  
7 always built homes and then sold it as a  
8 package?

9 A (Olson) We've marketed homes on individual lots.  
10 We've sold off parcels of land. We've done, we  
11 build homes currently, upscale homes in  
12 Massachusetts. We've done them in New  
13 Hampshire. So we've done a lot of stuff with  
14 real estate.

15 Q Okay. But you have just marketed just raw land  
16 as parcels?

17 A (Olson) Correct.

18 Q Thank you. Do you do the marketing for your own  
19 developments?

20 A (Olson) No. I have certain real estates that I  
21 hire.

22 Q Okay. How many subdivisions have you developed  
23 in your career?

24 A (Olson) Subdivisions? I'd say probably

1            somewhere around ten. But then we do regular  
2            ANR lots, road frontage lots that we've done  
3            hundreds.

4            Q     Okay. Thank you. Due to your experience, do  
5            you feel you're capable of determining lot value  
6            for each building site in your subdivision up in  
7            Dummer?

8            A     (Olson) Yes.

9            Q     And this analysis is separate from any  
10           determining the value of a house to be built.

11           A     (Olson) Yes.

12           Q     So you've done the analysis independent, even  
13           though this development you indicated that  
14           you're going to be building homes and selling  
15           them as a package? Have you done a analysis of  
16           the individual building sites separate from the  
17           house building?

18           A     (Olson) Yes, we did absolutely. Each property,  
19           each lot, if you've got 16 parcels, different  
20           parcels will be different valued depending on  
21           what they have for views, what the size of them  
22           are, the land up there, fields, different things  
23           of that nature. Different parcels have  
24           different values.

1 Q Okay. Thank you. Are you aware that  
2 Mr. Chalmers and Mr. Chalmers is the Applicant's  
3 real estate expert, and he did a report. And  
4 are you aware that he actually did an analysis  
5 of 13 subdivisions and 10 of which are on the  
6 proposed route for Northern Pass?

7 A (Olson) I was not aware of that, no.

8 Q Okay. The purpose of the subdivision studies  
9 was determine whether or not the HVTL had any  
10 effect on the pricing of the lots or the timing  
11 of the lots.

12 A (Olson) Okay.

13 Q Do you agree that pricing a lot depends on  
14 several factors?

15 A (Olson) Yes.

16 MR. NEEDLEMAN: Objection. This is now  
17 wandering into information that could have and  
18 should have been included in his testimony or  
19 supplement.

20 PRESIDING OFFICER HONIGBERG: Ms. Menard?

21 MS. MENARD: I do have a transcript that  
22 I'm putting up next that raises a question about  
23 visibility. And so may I do that and see if we  
24 can proceed.

1 PRESIDING OFFICER HONIGBERG: Sure. You  
2 can try a different question.

3 MS. MENARD: Thank you.

4 PRESIDING OFFICER HONIGBERG: I think we  
5 need the ELMO.

6 BY MS. MENARD:

7 Q So this was a question that was asked of  
8 Mr. Chalmers by Attorney Pappas in a  
9 cross-examination with regards to his overall  
10 conclusions of the subdivision studies, and you  
11 can see from the tail end of the question, the  
12 encumbrance, and he's asking, this question is  
13 being asked of Mr. Chalmers. The encumbrance  
14 was the primary issue, not the visibility of the  
15 line. And the answer was yeah, visibility  
16 wasn't an issue at all.

17 And I was wondering if you would care to  
18 agree or offer any comments in terms of when  
19 you're developing and pricing lots in your  
20 subdivision is visibility a key factor?

21 MR. NEEDLEMAN: Same objection.

22 PRESIDING OFFICER HONIGBERG: Ms. Menard?  
23 This is not what his testimony generally was  
24 about. His testimony was about his own

1 property. He happens to know things. So you're  
2 inviting him to give some new opinions on things  
3 that really aren't part of his testimony.

4 MS. MENARD: I think his testimony is very  
5 much about the value of his property which  
6 happens to be a subdivision.

7 PRESIDING OFFICER HONIGBERG: Sustained.  
8 This is a new area for him. These general  
9 questions about how property is valued for sale  
10 is new testimony for this witness, a new area,  
11 not something that he was represented to be  
12 testifying about.

13 MS. MENARD: Do you consider this new area  
14 relevant to the discussion about subdivisions?

15 PRESIDING OFFICER HONIGBERG: One of the  
16 cool things about this generally is that we get  
17 to ask the questions.

18 MS. MENARD: Sorry.

19 PRESIDING OFFICER HONIGBERG: The objection  
20 is not based on relevance. The ruling is not  
21 based on relevance. It's based on this is not  
22 part of his Prefiled Testimony. It's well  
23 beyond his Prefiled Testimony.

24 MS. MENARD: Okay. Thank you. I think I'm

1 done. Thank you, Mr. Olson.

2 A (Olson) Thank you.

3 PRESIDING OFFICER HONIGBERG: I have no  
4 other Intervenors that indicated that they had  
5 questions for the Panel. Mr. Needleman or  
6 Mr. Walker.

7 MR. WALKER: Just a few questions, Mr.  
8 Chairman.

9 **CROSS-EXAMINATION**

10 **BY MR. WALKER:**

11 Q Good morning, Mr. Beland. My name is Jeremy  
12 Walker, and I am one of the attorneys for  
13 Eversource, the Applicants.

14 A (Beland) Okay.

15 Q You mentioned earlier that you believe your  
16 house is about 100 or 150 feet from the  
17 right-of-way, and I understand you were  
18 estimating.

19 A (Beland) Right. I'm just guessing. You know  
20 what I mean? It's not that far.

21 Q Would it surprise you to learn that the closest  
22 proposed structure to your home is actually 535  
23 feet?

24 A (Beland) That's not what I was discussing.

1 Sorry, but I don't want to be rude, but --

2 Q No, that's okay.

3 A (Beland) I thought we were discussing the  
4 liable -- if a wire fell down, if a conductor  
5 fell down, how far would the conductor be from  
6 your house. Not the structure. You know what I  
7 mean?

8 Q I understand.

9 A (Beland) I thought we were talking about how  
10 close.

11 Q To the right-of-way. You were talking --

12 A (Beland) We've got a gas line. Sorry.

13 PRESIDING OFFICER HONIGBERG: The two of  
14 you need to take turns because as good she is,  
15 she can only do one of you at a time.

16 COURT REPORTER: Thank you.

17 MR. WALKER: And I apologize.

18 WITNESS BELAND: I apologize.

19 BY MR. WALKER:

20 Q Let me just make this clear. All I'm asking is  
21 would it surprise you if the closest proposed  
22 structure to your house is 535 feet?

23 A (Beland) Would it surprise me? No. I don't  
24 know where it is.

1 Q You also referred to the 1946 deed that you  
2 presented.

3 A (Beland) Yes, sir.

4 Q And in that deed, the easement limits the number  
5 of structures in the fields, correct?

6 A (Beland) Yes, sir.

7 Q Do you know in 1946, which is the date of that  
8 deed, where those field were? In other words,  
9 what that description is?

10 A (Beland) I think if we look careful enough,  
11 we'll see that it comes in, that's where the  
12 fields are because I've talked to some other  
13 friends of mine. They've got pictures, their  
14 grandparents and stuff, they told me that was  
15 farm field. There weren't no hay field. It was  
16 farm field. They used to put the cattle up  
17 there.

18 Q And this is based on?

19 A (Beland) Just say-so. You know what I mean? I  
20 haven't never got into the paper deal. I've got  
21 all I can do to be up here, say nothing about  
22 the paper deal.

23 Q Fair enough. But as you sit here today, you do  
24 not know where the proposed structures are in

1 relation to what's described at the fields in  
2 the deed?

3 A (Beland) Not as of today. But I will find out.

4 Q Nothing further. Thank you.

5 PRESIDING OFFICER HONIGBERG: Members of  
6 the Committee? Questions for the witnesses?  
7 Commissioner Bailey.

8 **QUESTIONS BY COMMISSIONER BAILEY:**

9 Q Good morning. In both your testimony, you  
10 suggested that the Committee shouldn't decide  
11 your individual property rights, and that a  
12 Superior Court should do that. Have you filed  
13 in the Superior Court to make a determination on  
14 this?

15 A (Beland) Are you asking me?

16 Q I'm asking both of you so you can answer.

17 A (Beland) I haven't yet, but I'm working on what  
18 that gentleman asked me a minute ago about the  
19 field. You know, I'm working, it's going to  
20 take a little time because, but I'm planning on,  
21 you know, it's just not going to be just we're  
22 going through. You know what I mean? I think  
23 I've got a little better right. I don't know  
24 what I've got, but the deed is there. It's

1 written. And I don't think, my belief, and I'm  
2 not a lawyer or nothing, but my belief says a  
3 deed says three structures. It has to be just  
4 three structures. You just can't, I don't think  
5 they can just do whatever they want. But I  
6 don't know. You know, now you're asking me  
7 something way out of my hand.

8 Q No, I'm not asking you a legal question. I was  
9 just asking you if you hired a lawyer and you  
10 filed something at court.

11 A (Beland) Thank you. I haven't yet. I'm working  
12 on it.

13 A (Olson) I have not filed nothing in the court as  
14 of this time. We're just keeping our options  
15 open.

16 Q Thank you. That's all I have.

17 PRESIDING OFFICER HONIGBERG: Mr. Wright.

18 **QUESTIONS BY DIR. WRIGHT:**

19 Q Good morning. Craig Wright with the Department  
20 of Environmental Services.

21 I think just a couple clarification  
22 questions. Mr. Beland, you said you're  
23 certified in something related to power line  
24 construction?

1 A (Beland) Yes, sir.

2 Q And I didn't quite hear what you said you were  
3 certified in.

4 A (Beland) I've been certified to AB Chance. Few  
5 years back now. Not yesterday.

6 Q Yes.

7 A (Beland) To AB Chance to burying up to 500 kV  
8 lines.

9 Q Okay.

10 A (Beland) I worked in Portsmouth at the mall on  
11 the 345 lines. I've worked just about every  
12 state just about in the union working, and I've  
13 done maintenance for Public Service at the time.  
14 I was there when Seabrook went bankrupt. I see  
15 the whole Eversource thing with Northern  
16 Utilities. You know. Had a lot of good friends  
17 of mine that worked for Public Service for a  
18 long, long time, and their stocks went from good  
19 money to peanuts overnight.

20 Q Were you a member of the IBEW unions?

21 A (Beland) No, sir.

22 Q Not in the past and not currently?

23 A (Beland) No, sir. I belonged to IBEW one time  
24 on a white ticket in Springfield, Illinois. I

1 worked distribution down there.

2 Q Okay. Thank you. Mr. Olson, you mentioned one  
3 mile of the right-of-way goes through your  
4 parcels of land. Is that correct?

5 A (Olson) That is correct.

6 Q Does it go through all 16 of your parcels?

7 A (Olson) No, it does not.

8 Q There are some adjoining parcels.

9 A (Olson) Absolutely.

10 Q Do you believe that you'll be able to see those  
11 new lines from all 16 of those parcels --

12 A (Olson) I would say just --

13 Q I mean, I know I'm asking --

14 A (Olson) I would say the majority of them. I  
15 would say the majority of them, yes, you would.  
16 I would say up to at least 12 of the parcels  
17 you'd be able to see the lines.

18 Q Is that primarily from elevation sites --

19 A (Olson) That is correct. Because a lot of those  
20 areas in that location have got the elevation.  
21 You've got Cummings Mountain, you've got the  
22 different hills there where you can put  
23 structures to get the views.

24 Q Okay. Thank you.

1 A (Olson) Yes.

2 PRESIDING OFFICER HONIGBERG: Ms.  
3 Weathersby?

4 **QUESTIONS BY MS. WEATHERSBY:**

5 Q Good morning. I'm Patricia Weathersby. I'm a  
6 Public Member on the Committee.

7 Just a couple questions for you, Mr. Olson.  
8 When those 16 parcels were purchased, were they  
9 purchased for development or for another reason?

10 A (Olson) No, they were purchased at the time for  
11 basically for us as far as enjoying property,  
12 but we buy the property, 16 parcels, in case you  
13 ever want to -- it's an investment so in the  
14 future if you want to go and sell it, you've got  
15 16 parcels which you can do as you see fit. You  
16 can put camps up there, you can do for  
17 snowmobiling, for hunting. Or you can sell it  
18 off to one big parcel to somebody. So there's  
19 options in that one piece.

20 Q So was part of your rationale for purchasing the  
21 various parcels and adding to the holdings  
22 potential development in the future?

23 A (Olson) That is correct.

24 Q And have you taken any steps to develop or

1 market the properties or subdivision plan or --  
2 A (Olson) Well, all 16 parcels right now are  
3 completely surveyed. So they're surveyed in the  
4 field, they're on paper and they've been  
5 surveyed in the field. So yes, that's been done  
6 there.

7 Q Okay. Thank you. Nothing further.

8 PRESIDING OFFICER HONIGBERG: Mr. Way?

9 **QUESTIONS BY MR. WAY:**

10 Q Good morning. Mr. Beland, just a clarification.  
11 In terms of communication with the Applicant,  
12 you mentioned that they had come to you with  
13 some design changes.

14 A (Beland) No. At the meeting? They asked me  
15 about the meeting earlier?

16 Q Yes.

17 A (Beland) At the meeting, this, when they first  
18 started, you know, coming down by my property,  
19 they had a meeting in Twin Mountain. And that's  
20 when their lawyer and a gentleman from Berlin  
21 and it was another lady there. And they're the  
22 ones that tell me that it's not a done deal,  
23 we're going to be moving structures around, it's  
24 not, you know, it's not written in gold right

1 now. You know what I mean? What you see might  
2 change.

3 A (Beland) Well, it weren't a public meeting. It  
4 was just the three or four of us, my lawyer and  
5 three others.

6 Q I see. And the motivation for the changes, they  
7 didn't elaborate on why they were doing the  
8 changes? Or did they imply that they were doing  
9 that for your benefit or --

10 A (Beland) I don't really, to be honest with you,  
11 I don't really think that there was an advantage  
12 or disadvantage. I think it was so they can,  
13 you know, like get the stuff across the scenic  
14 view? I believe? You know what I mean? To try  
15 to get maybe because of the hills and down  
16 across the roads, kind of low. I don't know.  
17 Why they moved it here and moved it there, you  
18 know, an engineer is, you know, they just move  
19 it, and then they, like you said, it weren't  
20 written in stone. You know, it might go a  
21 little bit one way or the other.

22 Q All right. Thank you very much.

23 A That's at the meeting.

24 Q Thank you.

1 PRESIDING OFFICER HONIGBERG: Mr. Iacopino?

2 MR. IACOPINO: Thank you, Mr. Chairman.

3 **QUESTIONS BY MR. IACOPINO:**

4 Q Mr. Olson, I had some questions for you first.

5 Is the gas transmission pipeline co-located  
6 in the right-of-way on your property as well?

7 A (Olson) Yes, it is.

8 Q Do you know when that was installed?

9 A (Olson) I don't recall, but it was installed  
10 quite some time ago, yes.

11 Q Do you know if there is a separate deed of  
12 easement for that particular structure?

13 A (Olson) I'm sure there is. I'm not sure. I'll  
14 leave it at that.

15 Q Mr. Beland, the same questions for you. Was the  
16 gas pipeline in the right-of-way when you  
17 purchased your property?

18 A (Beland) When I owned the house, it was not in,  
19 no, and when they built that, you know, the  
20 pipeline through there, gas pipeline, I went to  
21 the contractor, and I says, you know, you guys  
22 think this is fair? You know, kind of close to  
23 the house? And they just said well, the only  
24 thing we can tell you, Mr. Beland, if you've got

1 a complaint on it call Washington, D.C. So I  
2 called Washington, D.C., and they said they're  
3 building the gas line the easiest and faster  
4 way, and it was to keep, it's going to help the  
5 north up there, north, Groveton and Berlin and  
6 everything, because the paper mills needed gas  
7 to generate.

8 Q All right.

9 A (Beland) And it didn't last but three years  
10 afterwards and now the gas line is through there  
11 and all the paper mills are shut down.

12 Q Do you understand there is a separate deed of  
13 easement or not with respect to the gas  
14 pipeline?

15 A (Beland) I'd have to look again. I didn't look.  
16 I didn't look at it, no. I don't know for sure.

17 Q Do you know if that easement was taken from you  
18 by eminent domain through the federal process?

19 A (Beland) Yes, sir. It was taken by eminent  
20 domain. But not by me. You know. I didn't own  
21 the line at the time. The land?

22 Q Oh, okay.

23 A (Beland) I bought it from the gentleman after  
24 the line went through.

1 Q Okay. Thank you.

2 A (Beland) But it was eminent domain. And the  
3 only reason I called was because it was so close  
4 to the house.

5 Q Thank you.

6 PRESIDING OFFICER HONIGBERG: Mr. Wright?

7 **QUESTIONS BY DIR. WRIGHT:**

8 Q Mr. Olson, just one followup question.

9 The 16 parcels that your family owns, when  
10 did you obtain the first parcel and when did you  
11 obtain the last parcel; do you know?

12 A (Olson) Roughly maybe 2003. Somewhere in that  
13 area, if I recall correctly.

14 Q Was the first parcel?

15 A (Olson) Yes.

16 Q When did you obtain the last parcel?

17 A (Olson) We bought some maybe a year ago or so.  
18 Year or two ago we bought one more parcel added  
19 on to it so there's a total of 1000-plus acres  
20 there.

21 Q Okay. Thank you.

22 PRESIDING OFFICER HONIGBERG: Anyone else  
23 from the Committee? Yes. Commissioner Bailey.

24 **QUESTIONS BY COMMISSIONER BAILEY:**

1 Q Following up on Mr. Wright's question, the  
2 parcel that you bought last year, was that  
3 encumbered by the right-of-way? That piece?

4 A (Olson) That piece that we bought is definitely  
5 encumbered by the right-of-way, yes.

6 Q Did you get it at a discount because it had the  
7 right-of-way on it?

8 A (Olson) No, we did not because it was something  
9 that we were, I would say we knew that the  
10 height of the power at the time, the lines, we  
11 accepted it, we've been there, and then they  
12 come in, like I said, and moved the lines, and  
13 the towers, make them larger, that's why it's  
14 going to become an issue.

15 Q But you don't think that you paid less for the  
16 property last year with the -- I mean, everybody  
17 that we've heard from so far says that they  
18 can't sell their property for what it's worth  
19 because --

20 A (Olson) Well, yeah, obviously, it's going to a  
21 little cheaper because it's more back land than  
22 the piece that we bought. So it's back land so,  
23 obviously, it's not complete road frontage up  
24 near Kelly Brook Road. It's more back land.

1 Q Okay. Thank you.

2 PRESIDING OFFICER HONIGBERG: Anything else  
3 from the Committee? Seeing none, Mr. Baker, do  
4 you have any redirect for the witnesses?

5 MR. BAKER: I have nothing. Thank you.

6 PRESIDING OFFICER HONIGBERG: Thank you,  
7 gentlemen. You can stand down. You can leave  
8 your seats and either leave or hang around and  
9 watch the festivities.

10 A (Beland) Can I ask the Committee a question?

11 PRESIDING OFFICER HONIGBERG: Now would not  
12 be the time. Why don't you confer with  
13 Mr. Baker, and he'll be able to ask a question  
14 if it's necessary. Off the record.

15 (Discussion off the record)

16 PRESIDING OFFICER HONIGBERG: Why don't we  
17 take a ten-minute break.

18 (Recess taken 10:08 - 10:20 a.m.)

19 PRESIDING OFFICER HONIGBERG: All right.  
20 Is there anything that we need to deal with  
21 before the next Witness Panel gets sworn in?  
22 Mr. Walker.

23 MR. WALKER: Yes, Mr. Chairman. Thank you.  
24 We've had some discussions or I've had some

1 discussions with Attorney Pacik. There was an  
2 exhibit downloaded last night by Attorney Pacik.  
3 It was some time after 9 o'clock. It's  
4 additional expert opinion from Mr. Van der Poll  
5 relating to work that he did in June of this  
6 year. It's a report and then some field notes.

7 We have not had the ability to go through  
8 that, particularly with our experts. Attorney  
9 Pacik has agreed. She's willing to have Mr. Van  
10 der Poll come back for our cross-examination  
11 because we've not prepared to cross, and we  
12 would like to request that he be brought back.

13 PRESIDING OFFICER HONIGBERG: Ms. Pacik?

14 MS. PACIK: That's fine with me. I intend  
15 to proceed with my questions for Dr. Van der  
16 Poll today if other parties want to ask  
17 questions, but I'm certainly fine bringing him  
18 back to the extent the Applicants have followup  
19 and want to defer their cross until another  
20 date.

21 PRESIDING OFFICER HONIGBERG: How big an  
22 exhibit was uploaded last night?

23 MS. PACIK: He did some field work in June,  
24 and it was a recent report he did just

1           documenting his findings. So it was, the  
2           report itself was several pages, and then added  
3           to it were the data forms from when he went and  
4           looked at the wetlands.

5           PRESIDING OFFICER HONIGBERG: Anyone else  
6           have comments or concerns about that? All  
7           right. We'll deal with it as it comes in. We  
8           understand the request, and it maybes perfect  
9           sense, Mr. Walker, and I gather there's a  
10          agreement. So whoever needs to ask questions of  
11          Dr. Van der Poll will be able to do it based on  
12          their review of the new materials.

13          Anything else we need to deal with before  
14          the witnesses are sworn in? Cindy, would you do  
15          the honors, please?

16          (Whereupon, **Rick Van de Poll, Kristine Tardiff, Jan**  
17          **McClure, Beth Fenstermacher, Gail Matson, Candace**  
18          **Bouchard and Heather Shank** were duly sworn by the  
19          Court Reporter.)

20                           **RICK VAN DE POLL, DULY SWORN**

21                           **KRISTINE TARDIFF, DULY SWORN**

22                           **JAN MCCLURE, DULY SWORN**

23                           **BETH FENSTERMACHER, DULY SWORN**

24                           **GAIL MATSON, DULY SWORN**

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**CANDACE BOUCHARD, DULY SWORN**

**HEATHER SHANK, DULY SWORN**

PRESIDING OFFICER HONIGBERG: Ms. Pacik?

MS. PACIK: Thank you.

**DIRECT EXAMINATION**

**BY MS. PACIK:**

Q I'd like to start with Beth Fenstermacher. Ms. Fenstermacher, could you state your name and title for the record, please?

A (Fenstermacher) Beth Fenstermacher, Assistant City Planner for the City of Concord.

Q I've given you two exhibits, and I'd like to identify those. The first one was Joint Muni 137 which is the Prefiled Testimony from you dated December 30th, 2016, and the other was Joint Muni 138 which was your Prefiled Testimony dated April 17th, 2017.

Do you have both of those exhibits in front of you?

A (Fenstermacher) I do.

Q With respect to your Prefiled Testimony, Exhibit 137 and 138, do you have any corrections to the testimony that you would like to make?

A (Fenstermacher) No. I do not.

1 Q With respect to that testimony, Exhibit 137 and  
2 138, do you adopt all of that testimony and  
3 swear to it today?

4 A (Fenstermacher) I do.

5 Q Ms. Shank, Heather Shank, could you please state  
6 your name for record and title, please?

7 A (Shank) Heather Shank, City Planner for the City  
8 of Concord.

9 Q I've given you three exhibits, and I'd like to  
10 identify those for the record. The first was  
11 Joint Muni 133 which is Prefiled Testimony dated  
12 November 15th, 2016; Joint Muni 134 which is  
13 Prefiled Testimony, dated April 17th, 2017; and  
14 I've also given you Joint Muni 139 which is a  
15 notice withdrawing the testimony of Carlos Baia  
16 and notice that you are adopting portions of his  
17 testimony.

18 Do you have all three of those exhibits in  
19 front of you?

20 A (Shank) I do.

21 Q In terms of corrections, I understand that you  
22 do have a correction to Joint Muni 133. Is that  
23 correct?

24 A (Shank) Correct.

1 Q And could you explain what correction you would  
2 like to make to that Prefiled Testimony?

3 A (Shank) Would you like me to specify by page  
4 number and line number?

5 Q Yes, please.

6 A (Shank) Page 5 of 11.

7 Q And yes, please speak in the microphone.

8 A (Shank) Line 14, I would like to amend the last  
9 sentence that starts on line 14. I would like  
10 to amend it to say -- would you like me to just  
11 read the sentence?

12 Q Yes, please say how you would like it to be  
13 phrased.

14 PRESIDING OFFICER HONIGBERG: Ms. Shank,  
15 you're not coming through the microphone at all.

16 A (Shank) Okay. Is this better?

17 PRESIDING OFFICER HONIGBERG: Much.

18 A (Shank) It is inappropriate to locate a large  
19 high voltage line into a right-of-way that  
20 appears to be intended for smaller low voltage  
21 lines.

22 Q So that's what you would like the testimony to  
23 now state?

24 A (Shank) Correct.

1 Q Okay. Any other corrections to the three  
2 exhibits that we just referenced that you would  
3 like to make?

4 A (Shank) No.

5 Q With respect to your Prefiled Testimony, Joint  
6 Muni Exhibits 133 and 134, as well as the Notice  
7 marked as Joint Muni 139, do you adopt all of  
8 that testimony and swear to it today?

9 A (Shank) I do.

10 Q I'd like to now turn to Councilors Bouchard and  
11 Matson. Councilor Bouchard, could you please  
12 state your name and role at the City of Concord,  
13 please?

14 A (Bouchard) Candace White Bouchard. My role is  
15 City Councilor representing Ward 9.

16 Q And Councilor Matson, could you please state  
17 your full name and role at the City of Concord?

18 A (Matson) Gail Riggs Matson. I'm the Concord  
19 Ward 8 City Councilor.

20 Q And I've given you both two exhibits, and I'd  
21 like to identify those for the record. The  
22 first is Joint Muni 128 which is your testimony  
23 dated November 15th, 2016, and Joint Muni 129  
24 which is your testimony dated December 30th,

1           2016. Do you have both of those exhibits in  
2           front of you?

3           A     (Bouchard) I do.

4           A     (Matson) I do.

5           Q     With respect to the Prefiled Testimony, Exhibits  
6           128 and 129, do either of you have corrections  
7           to the testimony you would like to make?

8           A     (Bouchard) I do not.

9           A     (Matson) I do not.

10          Q     With respect to your Prefiled Testimony,  
11          Exhibits 128 and 129, do you adopt all of that  
12          testimony and swear to it today?

13          A     (Bouchard) I do.

14          A     (Matson) I do is.

15          Q     I'd like to now turn to Kris Tardiff and Jan  
16          McClure. Ms. Tardiff, could you please state  
17          your full name and role at the City of Concord?

18          A     (Tardiff) Yes. Kristine Tardiff, and I am here  
19          as Chair of the Concord Conservation Commission.

20          Q     And Ms. McClure, could you please state your  
21          full name and role at the City of Concord?

22          A     (McClure) Jan McClure. I'm an alternative  
23          member of the Conservation Commission.

24          Q     And I've given both of you two exhibits, and I'd

1           like to identify those. The first is Joint Muni  
2           Exhibit 135 which is Prefiled Testimony from  
3           November 15th, 2016, and Joint Muni Exhibit 136  
4           which is Prefiled Testimony dated December 30th,  
5           2016. Do you both, do you have those exhibits  
6           in front of you?

7           A     (Tardiff) Yes, we do.

8           Q     With respect to Exhibits 135 and 136, do either  
9           of you have corrections to that testimony that  
10          you would like to make?

11          A     (Tardiff) I do not.

12          A     (McClure) I do not.

13          Q     With respect to your Prefiled Testimony, Joint  
14          Muni Exhibits 135 and 136, do both of you adopt  
15          all of that testimony and swear to it today?

16          A     (Tardiff) I do.

17          A     (McClure) I do, too.

18          Q     And Dr. Van de Poll, could you please state your  
19          full name and your business occupation?

20          A     (Van de Poll) Dr. Rick Van de Poll. Principal,  
21          Ecosystem Management Consultants of Sandwich,  
22          New Hampshire.

23          Q     And I've given you two exhibits, and I'd like to  
24          identify those. The first was Joint Muni 141

1           which is your Prefiled Testimony dated January  
2           30th, 2016, and Joint Muni Exhibit 142 which is  
3           your Prefiled Testimony dated April 17, 2017.  
4           Do you have both of those exhibits in front of  
5           you?

6           A     (Van de Poll) Yes, I do.

7           Q     I understand that you may have a correction to  
8           some of your Prefiled Testimony; is that  
9           correct?

10          A     (Van de Poll) That is correct.

11          Q     And could you explain to the Subcommittee what  
12          changes you would like to make? And please  
13          identify the page of the testimony, the exhibit  
14          number, and the line.

15          A     (Van de Poll) The exhibit is 142. That's the  
16          Supplemental Testimony. Exhibit C. I  
17          referenced one of the wetlands along the  
18          right-of-way as Turkey Pond. It is supposed to  
19          be Turtle Pond.

20          Q     Anything else for corrections that you would  
21          like to make?

22          A     (Van de Poll) None.

23          Q     With respect to your Prefiled Testimony, Joint  
24          Muni Exhibits 141 and 142, do you adopt all of

1 that testimony and swear to it today?

2 A (Van de Poll) I do.

3 Q Now, I'd just like to just do a few supplemental  
4 questions, and I'd like to start with Beth  
5 Fenstermacher.

6 Ms. Fenstermacher, since the time that you  
7 filed your Supplemental Prefiled Testimony, the  
8 Applicants have produced Supplemental Testimony,  
9 and they've also presented experts on the stand.

10 Have you had an opportunity to review the  
11 Supplemental Testimony and Report of Terrence  
12 DeWan and Jessica Kimball as it relates to the  
13 City of Concord?

14 A (Fenstermacher) Yes, I have.

15 Q And you're aware that both of those individuals  
16 work for DeWan & Associates and are consultants  
17 hired by the Applicants to assess scenic  
18 resources?

19 A (Fenstermacher) Yes.

20 Q Beginning at page 78 of their Prefiled  
21 Testimony, and we'll just put it up. And I  
22 apologize, Dawn. Could we please get Apple TV?

23 What I have on the screen, and can you see  
24 that in front of you, Ms. Fenstermacher?

1 A (Fenstermacher) Yes, I can.

2 Q What I have on the screen is the Supplemental  
3 Testimony from DeWan, and we're looking at page  
4 78 where he discusses Concord or your specific  
5 testimony that you submitted. And starting at  
6 page 78 through 81, Mr. DeWan spent four pages  
7 criticizing your testimony because it does not  
8 comply with the Site Evaluation Committee rules  
9 for visual impacts. Are you aware of that?

10 A (Fenstermacher) Yes, I am.

11 Q And Ms. Fenstermacher, have you reviewed the SEC  
12 rules for the requirements for Visual  
13 Assessments?

14 A (Fenstermacher) I have.

15 Q And what's your understanding in terms of who's  
16 required to submit a Visual Impact Assessment?

17 A (Fenstermacher) The Applicant.

18 Q Is that part of the Application?

19 A (Fenstermacher) Yes, it is.

20 Q And is it your understanding that a Visual  
21 Impact Assessment is primarily focused on a  
22 review of scenic resources?

23 A (Fenstermacher) Yes.

24 Q So in response to Ms. DeWan and Jessica

1 Kimball's testimony criticizing the testimony  
2 that you submitted because it does not comply  
3 with rules for Visual Impact Assessments, could  
4 you explain to the Subcommittee whether you  
5 intended to prepare a Visual Impact Assessment  
6 under the SEC rules?

7 A (Fenstermacher) No. That was not the intention.

8 Q So if that was not the intention, what were you  
9 intending to analyze?

10 A (Fenstermacher) We were intending to look at the  
11 impacts beyond the scenic resources and see how  
12 it would impact private property owners and  
13 businesses and looking at a broader scope for  
14 the community at large.

15 Q Okay. And you appeared at a Technical Session  
16 on March 16th, 2017?

17 A (Fenstermacher) Yes.

18 Q And that was about one month before DeWan  
19 submitted their Supplemental Testimony?

20 A (Fenstermacher) Yes.

21 Q And both Mr. DeWan and Ms. Kimball were present  
22 at your Technical Session, correct?

23 A (Fenstermacher) Correct.

24 Q And they actually asked you questions?

1 A (Fenstermacher) Yes, they did.

2 Q And during your discussion with them, did you  
3 explain to them that you never intended to  
4 conduct a Visual Impact Assessment?

5 A (Fenstermacher) Yes, I did.

6 Q And did you explain to them what the purpose of  
7 your testimony was?

8 A (Fenstermacher) I did.

9 Q So going back to the DeWan testimony that we  
10 have right in front of us, on line 13 of page 78  
11 where we have it highlighted, it states, "The  
12 visual assessment is flawed to the extent it  
13 purports to be a visual assessment under the SEC  
14 rules."

15 So at the time that this was written,  
16 Mr. DeWan and Ms. Kimball were aware that you  
17 were not purporting to have it be a Visual  
18 Assessment, correct?

19 A (Fenstermacher) That is correct.

20 Q Now, I want to have you respond to a few  
21 statements, specifically in the DeWan  
22 Supplemental Prefiled Testimony. And at the  
23 bottom of page 78, going into page 79, and I  
24 have the bottom highlighted there, it says, in

1 her Prefiled Testimony, she identifies four,  
2 quote, significant heritage landscape  
3 properties. That is Carter Hill Orchard,  
4 Diamond Hill Farm, Blood Farm and buildings and  
5 in downtown Concord. However, Ms. Fenstermacher  
6 provides no description or analysis for these  
7 four properties, nor does she define what is  
8 meant by the term, quote, significant heritage  
9 landscape properties.

10 In terms of the statement and criticism  
11 that you did not provide any description or  
12 analysis for those four properties, looking at  
13 your Prefiled Testimony on December 30th, 2016;  
14 is that correct?

15 A (Fenstermacher) That I did not provide a  
16 definition?

17 Q That you did not provide any description or  
18 analysis of Carter Hill, Diamond Hill Farm,  
19 Blood Farm and buildings in downtown Concord?

20 A (Fenstermacher) Correct.

21 Q You actually did provide a description of those  
22 areas, didn't you? Why don't you look at  
23 Exhibit 137, page 10, lines 1 through 11.

24 A (Fenstermacher) Yes. I provided analysis as the

1 visibility from those structures. I  
2 misunderstood the question.

3 Q So you explained what those areas were and you  
4 also provided a map; is that right?

5 A (Fenstermacher) I did, yes.

6 Q And in fact, you're aware that Blood Farm and  
7 downtown Concord was actually also analyzed by  
8 Mr. DeWan so he should be familiar with those  
9 areas?

10 A (Fenstermacher) Yes.

11 Q And in terms of Carter Hill and Diamond Hill  
12 Farm, are those well-known areas in Concord?

13 A (Fenstermacher) They're very popular areas  
14 within Concord, yes.

15 Q So if DeWan had questions, he could have easily  
16 researched those areas?

17 A (Fenstermacher) Yes.

18 Q Now, in terms of the definition of, quote,  
19 significant heritage landscape properties, that  
20 isn't defined, could you explain to the  
21 Subcommittee what you meant by that term?

22 A (Fenstermacher) Sure. I was using it as a term  
23 of art to describe these properties that have  
24 historic significance, and they're part of the

1 culture of Concord. I did not look specifically  
2 at scenic resources so I didn't want to use the  
3 term scenic resource. Instead, I was looking at  
4 heritage properties that have to do with the  
5 agricultural history of Concord and popular  
6 cultural areas for tourism in Concord.

7 Q And the reason you were referencing those four  
8 particular areas was because you determined that  
9 there would be visibility of the proposed line  
10 at those four locations; is that correct?

11 A (Fenstermacher) That's correct.

12 Q Now, on page 79, going down to line 11, you're  
13 criticized for performing field work to analyze  
14 impacts to surrounding properties which involved  
15 driving and walking the neighborhoods adjacent  
16 to the corridor and using map sheets that were  
17 provided by the Applicants; is that right?

18 A (Fenstermacher) Yes.

19 Q And Mr. DeWan suggested that you were not able  
20 to fully assess impacts without viewshed maps or  
21 3-D models; is that right?

22 A (Fenstermacher) That's right.

23 Q In terms of the field work that you conducted to  
24 identify impacts to properties adjacent to the

1 proposed route, what is your response that the  
2 analysis is flawed because you did not use  
3 viewshed maps or 3-D models?

4 A (Fenstermacher) We were not looking to replicate  
5 the viewshed analysis or the Visual Impact  
6 Assessment. We were instead looking to see what  
7 residents would see on the ground. There are  
8 flaws in computer modeling where trees show up  
9 as a wall as opposed to being able to see  
10 through the trees. So we wanted to know what it  
11 would look like through the existing vegetative  
12 buffer that you could not pick up on the  
13 computer modeling. And we wanted to see what it  
14 would be like going up someone's driveway and  
15 looking beyond the scenic resources and looking  
16 at each individual property.

17 Q And you actually didn't need viewshed mapping  
18 because you were specifically looking at all of  
19 the properties abutting the corridor along the  
20 8.1 mile proposed route in Concord, right?

21 A (Fenstermacher) Correct. We drove the entire  
22 corridor and walked down each individual road so  
23 we could see where the corridor was going to and  
24 what properties actually abutted the corridor.

1 Q And did Mr. DeWan talk about how field work is  
2 important during his testimony in contrast to  
3 using 3-D models?

4 A (Fenstermacher) He did.

5 Q What was his response during his testimony that  
6 you recall reading?

7 A (Fenstermacher) It was that it was important to  
8 also do the field work because the commuter  
9 cannot pick up everything that the eye can see.

10 Q Okay. And that's exactly what you did, right?

11 A (Fenstermacher) Yes.

12 Q In your work as a Planner, in order to assess  
13 impacts to surrounding properties when you're  
14 looking at a proposed Project, is it common for  
15 you to visit a site to make an assessment by  
16 looking at the site and Project maps?

17 A (Fenstermacher) Yes, that's part of every  
18 analysis that we do for permits that come  
19 through the Planning Department.

20 Q In order to do that job, do you need viewshed  
21 maps or 3-D models to accurately determine and  
22 assess impacts?

23 A (Fenstermacher) No.

24 Q Now, on page 79 at line 28, you're also

1 criticized for using a rating system that he  
2 deemed flawed, and the visual impact rating you  
3 gave to properties during your analysis was  
4 high, moderate or low; is that correct?

5 A (Fenstermacher) Correct.

6 Q And I'd like to just turn to your Prefiled  
7 Testimony which is at Exhibit 137. This is the  
8 last page of Exhibit C or Attachment C of your  
9 Prefiled Testimony which was marked as Exhibit  
10 137. And on the last page there's actually a  
11 legend that explained how you rated the various  
12 properties; is that correct?

13 A (Fenstermacher) Correct.

14 Q Okay. And can you explain how you rated it in  
15 response to Mr. DeWan's suggestion that there  
16 was no explanation?

17 A (Fenstermacher) Sure. So for the high visual  
18 impact, we looked at properties that have an  
19 existing view but there's going to be increased  
20 pole heights or based on the Application  
21 materials that there would be a vegetative  
22 buffer that would be removed that would increase  
23 their view of the entire corridor.

24 For the moderate increased view, there

1 would be not a significant amount of vegetative  
2 clearing, and there would be an existing view on  
3 those residential properties already.

4 The lower would have, the lower visual  
5 impact was they only had a partial view that was  
6 existing and because of the relocated or  
7 increased pole height or small amount of  
8 clearing they would have lower impact based on  
9 the visual impacts of the poles.

10 And for commercial and retail properties,  
11 we looked at the increased clearing and pole  
12 heights and we also looked at whether in the  
13 construction documents where construction pads  
14 and driveways were located if that may have  
15 impacts on their business operations during  
16 construction.

17 And for the lower, for the blue category  
18 that was just ones that would have increased  
19 visual impact with clearing and increased pole  
20 height.

21 Q And if a property had no impact because they had  
22 enough vegetative screening where they would not  
23 be able to see the proposed line, even though  
24 the house or the property was adjacent to the

1 corridor, did it make your list as all?

2 A (Fenstermacher) No. We did not include those.

3 Q Okay. On page 80, line 6, and this is going  
4 back to the DeWan Supplemental Testimony.

5 It's not highlighted. My apologies. But  
6 line 6, starting there, it says Ms.  
7 Fenstermacher includes anticipated impacts to  
8 business operations during construction in the  
9 visual impact criteria for commercial  
10 properties. This is not related in any way to  
11 visual impacts and demonstrates a lack of  
12 understanding of Visual Impact Assessment  
13 methodology.

14 As you just explained, what you were  
15 looking at for impacts to commercial properties  
16 included construction impacts; is that correct?

17 A (Fenstermacher) That is correct.

18 Q And, for example, one of the commercial  
19 properties that you identified as being impacted  
20 during the proposed construction was Sabbow  
21 Construction?

22 A (Fenstermacher) Yes.

23 Q And your field work was how the city first  
24 learned about Sabbow?

1 A (Fenstermacher) Yes.

2 Q And Mr. Scott from Sabbow has testified and  
3 submitted testimony in this case that he is  
4 concerned about impacts from the construction to  
5 his property; is that right?

6 A (Fenstermacher) Correct.

7 Q Now, in terms of the work that you did, you on  
8 the chart that we had looked at earlier which  
9 was Exhibit C, you actually identified certain  
10 properties that were missing from the  
11 Applicant's site maps. Is that correct?

12 A (Fenstermacher) Correct.

13 Q And it was the work that you and Paul Gendron,  
14 the City Surveyor, did that identified the fact  
15 that Project maps did not have homes in Concord  
16 shown on the maps, right?

17 A (Fenstermacher) Correct.

18 Q Have you received the new updated maps from the  
19 Applicants dated August 18th, 2017?

20 A (Fenstermacher) Yes, I have.

21 Q And in your review of them, for the properties  
22 that you identified as having homes missing on  
23 the maps, are those now shown on these maps?

24 A (Fenstermacher) No. A few are still missing.

1 Q So, for example, the first map I want to turn to  
2 is Sheet 157 of 189 and these are maps that have  
3 been marked by the Applications for the record  
4 as Exhibit 201, and there's two homes on Sanborn  
5 Street that when you went out to the field found  
6 were missing identification on these maps as  
7 having houses built on those sites. Is that  
8 correct?

9 A (Fenstermacher) Correct.

10 Q The computer is a little slow. I think it's a  
11 big file. While the computer is thinking, just  
12 to confirm for the record, the new maps still  
13 don't show those two homes being on the map; is  
14 that correct?

15 A (Fenstermacher) That's correct.

16 Q And actually it's up now. And if we blow it up  
17 a little bit, the two properties don't have any  
18 sort of identification number on this map, but  
19 you can see one of the properties has the number  
20 3132-81 on it; do you see that?

21 A I believe it's 3132-91.

22 Q Oh, 91. Thank you.

23 A (Fenstermacher) Yes.

24 Q And the one underneath it is F139-171, and both

1 of those parcels have houses on them now, right?

2 A (Fenstermacher) Correct.

3 Q So you understand in terms of these maps they  
4 did do some updates where they're showing some  
5 of the outbuildings in a gray circle; is that  
6 correct?

7 A (Fenstermacher) Yes, correct.

8 Q In terms of homes that are missing that they  
9 were aware of based on our discussion during my  
10 cross-examination of the Construction Panel,  
11 those homes are still not on this map?

12 A (Fenstermacher) Correct.

13 Q Are all of the outbuildings that you're aware of  
14 also identified on those maps?

15 A (Fenstermacher) No. We're aware of some sheds  
16 and outbuildings that are not shown on the map.

17 Q For example there's a shed on 41 Hoit Road, and  
18 I'm not going to try to go back to that map but  
19 that shed is not shown on that map; is that  
20 right?

21 A (Fenstermacher) Correct.

22 Q And another home that you identified as being  
23 missing from these maps was a home on the edge  
24 of Turtle Pond; is that right?

1 A (Fenstermacher) Yes. At 83 Appleton Street.

2 Q If we go to Sheet 160, and we look at the  
3 property number 8077, there's now a gray dot on  
4 that parcel which shows an outbuilding, but the  
5 home on that site is still not being shown on  
6 these Project maps; is that correct?

7 A (Fenstermacher) Correct.

8 Q And the other one that we had discussed with the  
9 Construction Panel was Oak Hill Road. Well, do  
10 you have Sheet 159 in front of you,  
11 Ms. Fenstermacher?

12 A (Fenstermacher) I can in a second.

13 Q If you look at the parcel which is 8048 along  
14 Oak Hill Road, that still doesn't show a home on  
15 that site; is that correct?

16 A (Fenstermacher) That's correct.

17 Q Okay. And that's a house that you specifically  
18 identified as having some concerns about because  
19 of the access road and some of the heights of  
20 the poles at the bottom of Oak Hill Road?

21 A (Fenstermacher) Correct. Their driveway is  
22 identified as the construction access road.

23 Q Okay. Now, I'd like to turn to an area that was  
24 discussed by Mr. DeWan during his testimony, and

1           one of the discussions that we discussed was  
2           White Park in Concord which he failed to  
3           identify as being on the National Register of  
4           Historic Places. And during his testimony, he  
5           explained that he didn't think that the  
6           transmission line would be visible from White  
7           Park because it is 2.9 miles away. Are you  
8           aware of that?

9           A     (Fenstermacher) I am.

10          Q     Have you been able to visit White Park both  
11          during leaf-on and leaf-off conditions?

12          A     (Fenstermacher) Yes.

13          Q     When was the most recent site visit that you  
14          conducted at White Park?

15          A     (Fenstermacher) Earlier this week.

16          Q     Okay. In terms of the conditions with leaves,  
17          are they pretty much all fallen at this point?

18          A     (Fenstermacher) Yes, they are.

19          Q     And when you're at White Park, where were you  
20          primarily focused on, what section of White  
21          Park?

22          A     (Fenstermacher) The northwest section of the  
23          park.

24          Q     Is that up by Liberty Street?

1 A (Fenstermacher) Yes, along Liberty Street.

2 Q And just to orient the Subcommittee, that's the  
3 same location where the Site Committee did a  
4 site visit to.

5 In terms of the difference with leaves on  
6 versus leaves off, what did you notice?

7 A (Fenstermacher) I noticed that there was more  
8 significant views of the ridgeline where the  
9 corridor will be through the trees which have  
10 lost their leaves.

11 Q In terms of Mr. DeWan's opinion that  
12 transmission lines will not be visible from 2.9  
13 miles away, what is your response to that based  
14 on your observations in the area?

15 A (Fenstermacher) The amount of trees that will be  
16 relocated and the poles that will extend beyond  
17 the tree line, I believe that they will be  
18 visible from that location.

19 Q In terms of other things and structures you can  
20 see from White Park currently, what were you  
21 able to observe?

22 A (Fenstermacher) You can see the cell towers in  
23 Chichester that are located on top of the ridge.

24 Q Are there other buildings you can see?

1 A (Fenstermacher) You can see the State House and  
2 you can see other buildings and the downtown or  
3 the urban cluster of Concord.

4 Q Okay. Now, I want to focus on the  
5 identification of parcels in current use that  
6 receive the recreational use adjustment in  
7 Concord, and during the cross-examination of  
8 T.J. Boyle, there was a discussion with the  
9 Applicants that 27,000 landowners in the state  
10 of New Hampshire participate in current use  
11 program and that there are about 1.5 million  
12 acres in current use and receive the  
13 recreational use adjustment, and the implication  
14 was that it would not be feasible to review all  
15 parcels within the area of visual impact of the  
16 proposed transmission line.

17 Are you aware that the City of Concord and  
18 other municipalities maintain a list of  
19 properties that are in current use and receive a  
20 recreational use adjustment?

21 A (Fenstermacher) Yes.

22 Q And you're aware that Concord is required to  
23 maintain this list as well as other  
24 municipalities?

1 A (Fenstermacher) Yes.

2 Q And I'd like to turn to Joint Muni Exhibit 159,  
3 and this is an extensive document but the page  
4 I'm showing you is the list provided by Concord.  
5 Do you see that?

6 A (Fenstermacher) I do.

7 Q And what we're looking at is page 10 of Exhibit  
8 159 which is Bates stamped 6840 for the record.

9 Are you aware, and this is on the last page  
10 of the Concord list, that approximately 4700  
11 acres of land in Concord are in current use?

12 MR. NEEDLEMAN: Objection, Mr. Chair. This  
13 wasn't included in their testimony. This was  
14 information that was available to them based on  
15 their review of T.J. Boyle's testimony, and this  
16 could have and should have been included if they  
17 wanted to speak to it.

18 PRESIDING OFFICER HONIGBERG: Ms. Pacik?

19 MS. PACIK: The point I'm going to make is  
20 something that was based on new information  
21 which is the suggestion that it would take a  
22 significant amount of time, an unrealistic  
23 amount of time, to go through these lists, and I  
24 just want to find out if Ms. Fenstermacher has

1 reviewed it and how long it took her.

2 PRESIDING OFFICER HONIGBERG: So you're  
3 just responding to the statement made by the  
4 Applicant's witness about how difficult it would  
5 be?

6 MS. PACIK: Yes. I'm just talking about  
7 the time frame.

8 PRESIDING OFFICER HONIGBERG: Overruled.  
9 You can continue.

10 BY MS. PACIK:

11 Q So just going back to my question. This list  
12 has approximately 4700 acres in Concord that are  
13 in current use and receive the recreational  
14 adjustment; is that correct?

15 A (Fenstermacher) Correct.

16 Q And there are about 125 parcels on this list?

17 A (Fenstermacher) Correct.

18 Q So looking at this list, even though there are  
19 about 125 parcels and 4700 acres in Concord,  
20 many of those parcels are owned by the same  
21 property owner and are in close proximity to  
22 each other; is that correct?

23 A (Fenstermacher) Correct.

24 Q The first example I have highlighted is on the

1 first page which is the Morrill Farm on Penacook  
2 Street, correct?

3 A (Fenstermacher) Correct.

4 Q And if we go to the bottom of this page, there's  
5 a number of parcels that at the time were owned  
6 by the Buntons and are on Stickney Hill Road; is  
7 that correct?

8 A (Fenstermacher) Correct.

9 Q So in response to the suggestion that it would  
10 take a significant amount of time to go through  
11 this list, have you had an opportunity to review  
12 it?

13 A (Fenstermacher) I have.

14 Q And how long did it take you to go through the  
15 list to figure out how many parcels were within  
16 the area of visual impact of the Project?

17 A (Fenstermacher) It took me about 15 minutes.

18 Q Okay. Let's go through the list. I just want  
19 to scroll through it so the Subcommittee can see  
20 the various pages. I think it's about 7 pages  
21 long.

22 MR. NEEDLEMAN: Same objection.

23 PRESIDING OFFICER HONIGBERG: What do you  
24 mean, let's go through the list?

1 MS. PACIK: Just so you understand what  
2 took her 15 minutes to review. I'm not going to  
3 review the different parcels on the list.

4 PRESIDING OFFICER HONIGBERG: Okay.  
5 Because that word you used was a little bit  
6 concerning. Go ahead.

7 MS. PACIK: Okay.

8 BY MS. PACIK:

9 Q Just so we can see the various parcels on the  
10 list, I just want to scroll through it.

11 And the way this list is organized is some  
12 of the land receives, for example, its current  
13 use for pine or wetlands and it's getting the  
14 recreational use adjustment; is that correct?

15 A (Fenstermacher) Correct.

16 Q Okay. So that's the list that took you 15  
17 minutes to review?

18 A (Fenstermacher) Yes.

19 Q And while you were doing that review, and  
20 determining which of those properties were  
21 within the area of visual impact, were you also  
22 able to assess whether those parcels receive or  
23 which parcels receive regular public use and  
24 would have potential visibility of the Project?

1 MR. NEEDLEMAN: Objection.

2 PRESIDING OFFICER HONIGBERG: Ms. Pacik?

3 MS. PACIK: I'm not going to ask her to go  
4 into which ones she looked at. I just want to  
5 know whether her review which took 15 minutes  
6 also included that additional analysis.

7 MR. NEEDLEMAN: It's well beyond the scope  
8 of their testimony.

9 PRESIDING OFFICER HONIGBERG: It is.  
10 That's not what she testified about. Now we're  
11 doing something else.

12 MS. PACIK: I don't think so. I think this  
13 is just a response to the suggestion that trying  
14 to review these parcels to determine which ones  
15 are in the area of visual impact and which ones  
16 receive regular public use would take, I think,  
17 you know, a suggestion, years.

18 PRESIDING OFFICER HONIGBERG: So the  
19 question you're now asking is you're able to  
20 tell by looking at this list which receive  
21 regular public use?

22 MS. PACIK: Yes, and which ones would  
23 have --

24 PRESIDING OFFICER HONIGBERG: Go ahead.

1 BY MS. PACIK:

2 Q By looking at this list during the 15-minute  
3 review, were you also able to determine which of  
4 those parcels have regular public use and would  
5 have potential visibility of the Project?

6 A (Fenstermacher) Yes.

7 Q Okay. Now, I'd like to discuss your testimony,  
8 turning away from the current use, which raises  
9 concerns about the crossing of Interstate 393  
10 and the design plans that were submitted to the  
11 Department of Transportation which showed the  
12 potential use of 160-foot high structures. And  
13 you're familiar with that testimony that you  
14 provided?

15 A (Fenstermacher) Yes.

16 Q Now, turning to the testimony of the  
17 Construction Panel, they were recalled on  
18 October 2, 2017, and it was Day 43 in the  
19 afternoon. There was a discussion about the 393  
20 crossing during their recall, and we're just  
21 going to blow this up a little bit so you and  
22 everybody else can read it.

23 And in response to one of the Subcommittee  
24 members' questions, Mr. Bowes started talking

1 about 393. And he said, "I'm thinking of an  
2 area, for example, in Concord that crosses a  
3 bridge abutment. The design is as presented to  
4 the DOT. We will not be putting up 160-foot  
5 structures in Concord. It's exactly what's in  
6 the SEC Application. But because of that, we  
7 own, Northern Pass owns, and PSNH owns the  
8 future cost of relocating that if the bridge  
9 were to be either a major repair or  
10 replacement."

11 So it's fair to say that the inference from  
12 this statement is that there's been a  
13 determination that 160-foot tall structures are  
14 not needed for the 393 crossing. Is that  
15 correct?

16 A (Fenstermacher) Correct.

17 Q And since October 2nd, 2017, when this testimony  
18 came in, have you had a chance to talk to  
19 somebody at DOT to find out the status of the  
20 plans for the Interstate 393 crossing?

21 A (Fenstermacher) I have. I spoke with Lennart  
22 Suther who's the utilities engineer that's  
23 reviewing this Project.

24 Q When did you speak to Mr. Suther?

1 A (Fenstermacher) On Monday of this week.

2 Q And you understand that he's one of the primary  
3 individuals involved at DOT that's been working  
4 on the Northern Pass proposal?

5 A (Fenstermacher) Yes.

6 Q And during your discussion with Mr. Suther, when  
7 did he indicate the last discussion about the  
8 interstate crossing with 393 had occurred?

9 A (Fenstermacher) Over a year ago.

10 Q So within that year, Mr. Suther and DOT, he  
11 indicated, has not had conversations about the  
12 necessary heights for 393?

13 A (Fenstermacher) Correct.

14 Q During your conversation with Mr. Suther, did he  
15 state whether DOT had approved any plans for the  
16 393 crossing?

17 A (Fenstermacher) No. They had not.

18 Q What did he explain to you?

19 A (Fenstermacher) That it was still in the review  
20 process, and they'll go through details such as  
21 mentioned in this testimony during the permit  
22 process.

23 Q So to the extent that Northern Pass is stating  
24 that they do not need to use 160-foot-tall

1 structures in Concord, you were notified that  
2 that issue hasn't been resolved?

3 A (Fenstermacher) That is correct.

4 Q And did he explain to you whether the design  
5 concept drawings that were submitted to DOT are  
6 still under consideration?

7 A (Fenstermacher) Yes.

8 Q What was his statement to you?

9 A (Fenstermacher) That those are the only plans  
10 that they've received, and that's what they're,  
11 under consideration.

12 Q Okay. Now, I'd also like to discuss recent  
13 communications you've had with property owners  
14 along the route since you filed your testimony  
15 on April 17th, 2017. And I understand you've  
16 had a number of communications. I just want to  
17 focus on one of them though. And it's with the  
18 property owners at 41 Hoit Road, and have you  
19 had a recent communication with those owners?

20 MR. NEEDLEMAN: Objection. This is now new  
21 testimony. Is it in response to anything?

22 PRESIDING OFFICER HONIGBERG: Ms. Pacik?

23 MS. PACIK: I don't think this is new  
24 testimony. I think that this is an ongoing

1 process. We've heard from Northern Pass  
2 witnesses about ongoing communications they've  
3 had with property owners, and to the extent that  
4 Ms. Fenstermacher has had communications with  
5 individuals in Concord who have concerns and  
6 she's had a chance to review it, she should be  
7 able to talk about it.

8 PRESIDING OFFICER HONIGBERG: I don't  
9 exactly know where you're going, but overruled  
10 for now. We'll see where this ends up.

11 BY MS. PACIK:

12 Q During your discussion with the property owners  
13 at 41 Hoit Road, were you able to go out to  
14 their property?

15 A (Fenstermacher) Yes.

16 Q Okay. And were you able to take measurements of  
17 the proximity of the new proposed relocated  
18 transmission line to their home?

19 A (Fenstermacher) Yes. I worked with the City  
20 Surveyor and we measured out the location.

21 Q And in terms of the line and how close it would  
22 be to the edge of the garage, what was the  
23 measurement that you found?

24 A (Fenstermacher) It was approximately 7 feet.

1 Q Okay. And that would be the 115 line?

2 A (Fenstermacher) Yes.

3 Q And that's the edge of the garage. Did you also  
4 measure the proposed relocated line to the  
5 portion of their home that they use for living  
6 space?

7 A (Fenstermacher) Yes. It was approximately 17  
8 feet.

9 Q And did the homeowners indicate whether they  
10 have small children living at the house?

11 A (Fenstermacher) Yes. They have a small baby  
12 that lives there.

13 Q And during your discussion with the homeowners,  
14 had they been aware of the nature and extent of  
15 the proposed construction in their property?

16 A (Fenstermacher) They were aware of it, but they  
17 weren't aware of the lines being relocated  
18 closer to their house.

19 Q So they thought that there was just one new line  
20 coming in?

21 MR. NEEDLEMAN: Same objection. All new  
22 testimony.

23 PRESIDING OFFICER HONIGBERG: This is well  
24 beyond what's necessary for you to make whatever

1 point you need to make with Ms. Fenstermacher  
2 about her work. Her conversations with a  
3 homeowner about what that homeowner knows is  
4 pretty tenuous right now. I'm going to sustain  
5 the objection.

6 MS. PACIK: That's fine. I'll move on.  
7 Thank you.

8 BY MS. PACIK:

9 Q I would like to now turn to questions I think  
10 are probably focused on Ms. Shank and  
11 Ms. Fenstermacher, and they relate to Ms.  
12 Varney's Supplemental Testimony. We're just  
13 going to pull it up for a moment.

14 Turning to Mr. Varney's Supplemental  
15 Testimony at page 6, line 3, Mr. Varney talks  
16 about a review of the Phase II line, and he  
17 comes up with the opinion in his Supplemental  
18 Testimony that based on his review, there is no  
19 evidence to suggest that the presence of a new  
20 high voltage transmission line in an existing  
21 corridor such as HQ Phase II line that was  
22 constructed over 25 years ago has had a negative  
23 impact on a community's economic development or  
24 growth potential.

1           And I just want to talk about the analysis  
2           that he did in his Supplemental Testimony to  
3           arrive at that opinion.

4           If you turn to page 3 of his testimony,  
5           going to the bottom a little bit, Mr. Varney  
6           talks about where that Phase II line crosses in  
7           the City of Concord, and he talks about the fact  
8           that it crosses a number of protected open space  
9           properties including the Keating Conservation  
10          Easement, Laura Jobin Family Trust Easement,  
11          Broad Cove Forest and Mast Yard State Forest,  
12          and he also mentioned that its connected to  
13          Lehtinen Park.

14          Ms. Fenstermacher, are you familiar with  
15          all of those parcels?

16          A     (Fenstermacher) Yes. I am.

17          Q     And can you describe those parcels and how they  
18          became conserved?

19          A     It was either donated to the City by the family  
20          or it was part of Planning Board Application for  
21          the Open Space Residential District for  
22          development.

23          Q     Okay. Which ones were part of a subdivision  
24          approval?

1 A (Fenstermacher) I believe the Jobin Family Trust  
2 and the Keating Conservation Easement.

3 Q Okay. And when giving property for a  
4 subdivision approval, is the property owner  
5 allowed to choose whichever portion of the  
6 property they want to donate?

7 A (Fenstermacher) Yes, working in collaboration  
8 with the city.

9 Q And "donate" was probably the wrong word, but  
10 they actually, they're going to protect and put  
11 into conservation; is that correct?

12 A (Fenstermacher) Yes. Correct.

13 Q Okay. Is it fair to say that most property  
14 owners aren't going to give you the most  
15 valuable portion of their land as part of the  
16 subdivision approval?

17 A (Fenstermacher) Correct. They'll choose where  
18 they don't want their house to go usually.

19 Q Okay. And so the portions along the Phase II  
20 corridor are the areas that the home owners  
21 decided to put into conservation land?

22 A (Fenstermacher) Correct.

23 Q And the other parcels you had mentioned were  
24 gifted to the city?

1 A (Fenstermacher) Yes. And I forgot to mention  
2 also the State Forest is owned and operated by  
3 the State of New Hampshire.

4 Q Okay. And what does the state use that forest  
5 for?

6 A (Fenstermacher) It's managed timber land.

7 Q Okay. And I'd like to go to Exhibit 293 which  
8 is just a photograph that has an overview of the  
9 area that we're talking about. Sorry. I think  
10 it might be 283. Phase II line goes 2.1 miles  
11 through Concord; is that correct?

12 A (Fenstermacher) Correct.

13 Q And the next photograph which is page 2 of  
14 Exhibit 283 shows one home on Warner Road; is  
15 that correct?

16 A (Fenstermacher) Correct.

17 Q And that's the only house along that 2.1 mile  
18 area that exists; is that correct?

19 A (Fenstermacher) Within the City of Concord, yes.

20 Q Okay. I'd like to turn to Exhibit 314, and this  
21 is a Google Earth satellite of that house that  
22 we were just looking at on Warner Road, and you  
23 can see the transmission line, and you can see  
24 the house, and the house actually has a buffer

1 between the house and the transmission line. Is  
2 that correct?

3 A (Fenstermacher) Correct.

4 Q So in terms of Mr. Varney's opinion that the  
5 presence of Phase II line has not had a negative  
6 impact on the economic development or growth at  
7 least in the Concord area, do you agree with  
8 that based on your review?

9 A (Fenstermacher) I do not agree with that.

10 Q Why not?

11 A (Fenstermacher) Because so far only developed  
12 one house within the right-of-way or adjacent to  
13 the right-of-way.

14 Q Okay. And he also provides a review of the  
15 development that has occurred not only in  
16 Concord but from Concord to Londonderry; is that  
17 correct?

18 A (Fenstermacher) Correct.

19 Q And have you had a chance to review those  
20 portions of the line?

21 MR. NEEDLEMAN: Objection. It's beyond the  
22 scope of their testimony.

23 PRESIDING OFFICER HONIGBERG: Ms. Pacik?

24 MS. PACIK: Ms. Shank and Ms. Fenstermacher

1 both talk about orderly development and the  
2 concern that the increased heights in the PSNH  
3 line will impact Concord and the way it's  
4 developed in the future, and Mr. Varney provided  
5 Supplemental Testimony basically rebutting their  
6 testimony and saying the Phase II line is  
7 indicative that there are no impediments and so  
8 I --

9 PRESIDING OFFICER HONIGBERG: Are you going  
10 to do something different from what's in their  
11 Prefiled Testimony and have them specifically  
12 responds to what Mr. Varney said? Because if  
13 all you're going to do is have them repeat their  
14 testimony, we don't need to hear that.

15 MS. PACIK: No. I was going to have them  
16 talk about Mr. Varney's analysis of areas along  
17 the Phase II line and as planners what they saw  
18 and whether they think it supports his opinion  
19 that there's no impact on orderly development.

20 PRESIDING OFFICER HONIGBERG: Mr.  
21 Needleman?

22 MR. NEEDLEMAN: And that's an expansion of  
23 their testimony because these witnesses focused  
24 on the Concord area, and now they're being asked

1 to go beyond that.

2 MS. PACIK: I don't agree with that.

3 PRESIDING OFFICER HONIGBERG: I understand  
4 you don't agree with that. Is there a reason  
5 beyond what you've already said why they should  
6 be giving more extensive testimony regarding the  
7 Phase II line?

8 MS. PACIK: I do. He talks a lot about the  
9 Phase II line, and then uses it to suggest that  
10 particularly in Concord there's not going to be  
11 any impacts to commercial or residential  
12 development in the area if the Northern Pass  
13 line goes up.

14 PRESIDING OFFICER HONIGBERG: You can go a  
15 little way with this, but, again, we're not  
16 going to spend gobs of time on something that  
17 was not part of their Prefiled Testimony. If  
18 they have something to respond to that Mr.  
19 Varney said, let's have them do it crisply and  
20 succinctly.

21 MS. PACIK: Okay. I will. Thank you.

22 BY MS. PACIK:

23 Q Ms. Fenstermacher, have you had a chance to  
24 review the development of the Phase II line? We

1 just talked about Concord, but have you had a  
2 chance to look at it between Hopkinton and  
3 Londonderry?

4 A (Fenstermacher) Yes. Using Google Earth.

5 Q And just briefly, what did you do?

6 A (Fenstermacher) I just scanned through the  
7 historic aerial photographs and just followed  
8 the entire corridor down to Litchfield.

9 Q Okay. And based on your review, what type of  
10 development, residential development, did you  
11 see has occurred along the Phase II line along  
12 that entire area?

13 A (Fenstermacher) There's been three residential  
14 developments, single family homes, that are  
15 joint to the corridor but all maintained  
16 buffers.

17 Q Okay. And that's since the 1990s. Is that as  
18 far back as your review went?

19 A (Fenstermacher) That's as far back as the Google  
20 Earth photos went.

21 Q Okay. So in terms of the fact that there's been  
22 three residential developments between Hopkinton  
23 and where you went down to which was Litchfield  
24 since the 1990s, do you agree with Mr. Varney's

1 opinion that the presence of the Phase II line  
2 has not had a negative impact on development in  
3 that area?

4 MR. NEEDLEMAN: Same objection.

5 PRESIDING OFFICER HONIGBERG: Sustained.  
6 Now we're well beyond Concord.

7 MS. PACIK: Okay.

8 BY MS. PACIK:

9 Q Mr. Varney in his testimony talks about  
10 Constitution Drive which is a development in  
11 Bedford. Are you familiar with that area?

12 A (Fenstermacher) Yes.

13 PRESIDING OFFICER HONIGBERG: What do you  
14 want to know about Bedford?

15 MS. PACIK: This all goes to his analysis.  
16 He does a lengthy of analysis of Phase II line  
17 which is not related to the PSNH line to show  
18 that there's no impact that will occur if the  
19 Northern Pass line is constructed, and so to the  
20 extent he's now talking about Constitution Drive  
21 in Bedford and saying look, this is a commercial  
22 development which shows that there's been growth  
23 in the area, Ms. Fenstermacher has looked at it  
24 and as a City Planner she can explain her

1 opinion whether this shows that this is good  
2 economic development along the Phase II line.

3 PRESIDING OFFICER HONIGBERG: Was this only  
4 in Mr. Varney's Supplemental Testimony?

5 MS. PACIK: Yes.

6 PRESIDING OFFICER HONIGBERG: You can  
7 proceed. Well, Mr. Needleman has something else  
8 he wants to say before we do that.

9 MR. NEEDLEMAN: Are we saying that all the  
10 analysis that was done here with respect to the  
11 Phase II line was only in his Supplemental  
12 Testimony?

13 PRESIDING OFFICER HONIGBERG: That wasn't  
14 my memory, I don't know.

15 MR. NEEDLEMAN: I'm not sure that's  
16 correct.

17 MS. PACIK: The detailed analysis where he  
18 goes through the Phase II line and talks about,  
19 I mean, his whole report is almost about the  
20 Phase II line, and he goes through it area by  
21 area and talks about specific developments that  
22 occurred, and certainly the area in Bedford was  
23 first brought out in the Supplemental Testimony.  
24 He may have referenced in passing Phase II in

1 his Original Testimony, but I do not recall it  
2 being a major part of it.

3 PRESIDING OFFICER HONIGBERG: All right.  
4 We'll talk about Bedford, and then we'll be done  
5 with the Phase II line.

6 MS. PACIK: Okay.

7 BY MS. PACIK:

8 Q Ms. Fenstermacher, in Bedford, you've looked at  
9 the development along Constitution Drive. Is  
10 that correct?

11 A (Fenstermacher) Correct.

12 Q And what is the development that's occurred  
13 there?

14 A (Fenstermacher) It's an office park and the  
15 parking lot for the offices is located in the  
16 transmission corridor.

17 Q Okay. So they chose to locate the parking along  
18 the corridor?

19 A (Fenstermacher) Correct.

20 Q In the world of planning, are parking areas  
21 considered the highest and best use of land?

22 A (Fenstermacher) No.

23 Q Okay. I will now turn away from the Phase II  
24 line, and I'd like to talk about the Karner blue

1 mitigation parcel with Ms. Shank.

2 Ms. Shank, are you aware that Eversource  
3 has purchased 60 Regional Drive as a mitigation  
4 parcel for the Karner blue?

5 A (Shank) Yes.

6 Q And that's a site that's in the commercial zone  
7 in Concord?

8 A (Shank) Correct.

9 Q And if we go to the transcript from Day 18, and  
10 it's on page 102. I was asking Ms. Carbonneau  
11 during her cross-examination about whether  
12 Northern Pass ever consulted with the City of  
13 Concord about its use of 60 Regional Drive as a  
14 mitigation parcel, and it's a little bit hard to  
15 read. I'm going to blow it up.

16 If we go to the following page which is  
17 page 103 of the transcript, I asked her at line  
18 3, "So you're not aware of any discussions with  
19 the City of Concord about this particular  
20 parcel?" And her response was, "I believe it  
21 has been discussed but not by me personally."

22 And I followed up by asking, "So when you  
23 say you believe it has been discussed, what's  
24 the basis for that?" And her response was,

1 "There's an outreach team that Eversource has,  
2 and they endeavor to keep the municipalities up  
3 to date on what the plans are in those areas,  
4 and to my knowledge, there have been discussions  
5 that occurred after my meetings with the city  
6 planning department about mitigation."

7 And I asked her, "Okay. But you have no  
8 specific information about those discussions?"  
9 And she said, "I don't."

10 In terms of the Planning Division, was the  
11 City Planning Division ever consulted or  
12 notified by Eversource or its consultants about  
13 the use of 60 Regional Drive as a Karner blue  
14 mitigation parcel?

15 A (Shank) No. We were not.

16 Q And you're aware that Carlos Baia, the Deputy  
17 City Manager of Community Development, was the  
18 individual initially in discussions with  
19 Eversource about various locations of the Karner  
20 blue mitigation site; is that right?

21 A (Shank) Correct.

22 Q And have you had an opportunity to check with  
23 Mr. Baia to find out whether he was ever  
24 consulted or notified by Eversource about their

1 intent to use 60 Regional Drive as a mitigation  
2 site?

3 A (Shank) I have.

4 Q What was his response?

5 A (Shank) He was not aware. There had been no  
6 discussions. He was not aware of any  
7 discussions, and he was not in support of that  
8 proposal.

9 Q Okay. Now, I'd like to just talk about some  
10 recent work that's occurred at Alton Woods, and  
11 I believe several people on the Panel may have  
12 familiarity with this. But the Site Evaluation  
13 Committee recently took a visit to Alton Woods,  
14 and there's been a fair amount of construction  
15 in that area since April of 2017. Is that  
16 correct?

17 A (Shank) Correct.

18 Q And originally, before this construction  
19 occurred, the area of Alton Woods, the power  
20 lines were minimal; is that fair to say?

21 MR. NEEDLEMAN: Objection. Does this  
22 relate to anything new since April 17th or  
23 something that could have and should have been  
24 included?

1 PRESIDING OFFICER HONIGBERG: Ms. Pacik?

2 MS. PACIK: I'd like them to comment on the  
3 new construction of poles that have occurred  
4 there.

5 MR. NEEDLEMAN: Same objection.

6 MS. PACIK: This has all occurred since  
7 April 2017.

8 PRESIDING OFFICER HONIGBERG: You can  
9 proceed. Overruled.

10 BY MS. PACIK:

11 Q So let's first turn to Joint Municipal Exhibit  
12 140 which is photos 46 through 50 just to sort  
13 of give a lay of the land show what Alton Woods  
14 area looked like before the recent construction.

15 So this shows an overview of what the area  
16 at Alton Woods looked like prior to April of  
17 2017; is that right?

18 A (Swank) Correct.

19 Q And I'd like to now turn to what's been marked  
20 as Joint Muni 313, and this photograph was taken  
21 in late April. And there's a second photograph  
22 also in this packet, and it shows new poles that  
23 have been constructed in that area since April.  
24 Do you see that?

1 A (Shank) Yes.

2 Q Okay. I just wanted to ask a question. Ms.  
3 Shank, did you recently visit the Alton Woods  
4 site?

5 A (Shank) I did.

6 Q And your recent visit, was that the first time  
7 you were aware of all of this construction  
8 activity that took place at the site?

9 A (Shank) That's correct.

10 Q And Ms. Fenstermacher, is that the same with  
11 you?

12 A (Fenstermacher) Correct.

13 Q So is it fair to say that or would you agree  
14 that the construction activity that took place  
15 at Alton Woods was not approved by the City of  
16 Concord?

17 A (Fenstermacher) That's correct.

18 Q And when you became aware of this construction  
19 activity, did you reach out to the owner of  
20 Alton Woods to discuss?

21 A (Shank) I did.

22 Q What did you discuss with him?

23 A (Shank) I let him know that this should have  
24 been submitted through the City through the

1 conditional use permit process for an approval  
2 on the addition of the lines, the addition of  
3 the use. He let me know that he wasn't aware  
4 that all of these additional poles were going to  
5 be installed. He was not happy with the  
6 situation. And so we're in the process of  
7 discussing how to get him through the Planning  
8 Board process and if there are any mitigation  
9 that can occur.

10 Q Okay. So you understand he's trying to work to  
11 get buffers, and he may be working with the  
12 City?

13 A (Shank) Correct.

14 Q Okay. So it's fair to say that when the Site  
15 Evaluation Committee went out to Alton Woods and  
16 somebody goes out there today, the construction  
17 that occurred behind Alton Woods was not  
18 endorsed or approved by the City of Concord?

19 A (Shank) That's correct.

20 Q You had mentioned a conditional use permit that  
21 they should have come in for. What type of  
22 restrictions or conditions can you put on a  
23 conditional use permit?

24 A (Shank) The board is free to put conditions as

1           they see fit relative to the situation but one  
2           of those conditions can be buffers.

3       Q     Okay. And have they looked at burial, too, in  
4           the past?

5       A     (Shank) Yes.

6       Q     I just want to be clear. In terms of the  
7           current state of affairs at Alton Woods, has  
8           this changed your opinion about the Northern  
9           Pass proposal and whether it would be  
10          appropriate in this particular location?

11      A     (Shank) No. It's strengthened my opinion that  
12          it would not be appropriate.

13      Q     Okay. Last I just want to turn to Dr. Van der  
14          Poll, and I do have a few questions for you. If  
15          we could turn back to the transcript from Day 18  
16          which involved my questioning of the  
17          Environmental Panel. I had a few questions that  
18          I wanted to talk to you about.

19                When cross-examining Ms. Carbonneau, there  
20          was a discussion about the fact that they  
21          questioned your wetland analysis because you had  
22          gone out to the sites in the wintertime. Is  
23          that correct?

24      A     (Van de Poll) Yes.

1 Q Since the winter when you did your report and  
2 the findings that you originally put into your  
3 Supplemental Prefiled Testimony in April of  
4 2017, have you had an opportunity to go back  
5 into the wetlands to determine whether or not  
6 the areas that you found Normandeau had missed  
7 were indeed wetland areas?

8 A (Van de Poll) Yes, I have.

9 Q And what were the findings of that review?

10 A (Van de Poll) I went to all five of the sites I  
11 visited on March 10th on June 14th, and I found  
12 that the wetland areas that I estimated at that  
13 time in March to be wetlands were in fact  
14 wetlands, and I confirmed that using standard  
15 onsite wetland determination methods according  
16 to the Army Corps of Engineers. I filled out  
17 data forms, the routine onsite data forms that  
18 the Army Corps provides, and I submitted that  
19 along with the report that I gave you this week.

20 Q Okay. And there was also a question as to  
21 whether you had found a vernal pool that had not  
22 been identified by Normandeau when they went out  
23 to the site; is that correct?

24 A (Van de Poll) That is correct.

1 Q Did you have an opportunity to determine whether  
2 or not in fact the area near Shaker Road did  
3 have a vernal pool?

4 A (Van de Poll) Yes. It did satisfy the State's  
5 definition of a vernal pool. It contained both  
6 wood frog tadpoles and spotted salamander egg  
7 masses as well as a number of other secondary  
8 indicators of a vernal pool. It was roughly a  
9 foot, perhaps 14 inches maximum depth at the  
10 time in June, middle of June. So it did satisfy  
11 the conditions of being a vernal pool.

12 Q Okay. Now, on page 121 of the testimony, Ms.  
13 Carbonneau explained that the difference between  
14 the amount of wetlands that Normandeau found  
15 versus what you located was not that surprising,  
16 and she said, and I have it highlighted,  
17 starting at line 9, that she said, I believe,  
18 there are possible locations where two  
19 scientists may disagree to some extent on the  
20 exact placement of a wetland boundary. Sure.  
21 That happens. And she explains, but it is not,  
22 in my opinion, cause for a concern.

23 So in terms of her suggestion that perhaps  
24 the difference in the wetlands that you found

1           versus Normandeau were just a matter of where  
2           the scientist put the flags, what's your  
3           response to that?

4           A     (Van de Poll) Well, in three of the locations I  
5           found wetlands that were not even marked on  
6           their maps as provided in the Wetland  
7           Application, and in two of those three  
8           situations those wetlands were going to be  
9           impacted by proposed activities.

10          Q     Okay. And in terms of the total amount of  
11          wetlands that you found were missed by  
12          Normandeau, what was the total amount?

13          A     (Van de Poll) The total amount was little bit  
14          less than an acre. The total amount of impacts  
15          in my report, I believe, is 2830 square feet of  
16          temporary impacts that were not reported in  
17          these five areas.

18          Q     Okay. And what about the rest of your review?

19          A     (Van de Poll) There was additional concerns that  
20          I expressed when I went back to Turtle Pond  
21          relative to the depth of the organic mat and the  
22          claim that the replacement of poles in the marsh  
23          along Turtle Pond would be temporary, and it was  
24          very evident to me after digging through

1 approximately 36 inches of soft organic material  
2 that whatever mats are placed for temporary  
3 impacts in that area would likely be more  
4 permanent.

5 Q What about the suggestion that they could just  
6 do the work in wintertime on frozen conditions?

7 A (Van de Poll) These marshes, especially at the  
8 edge, do not freeze. March 10th was a suitable  
9 time to determine after going up over my  
10 calf-high boots that they do not freeze  
11 necessarily in the winter owing to groundwater  
12 discharge, and so, in fact, frozen ground  
13 conditions will not be possible in that  
14 particular location.

15 Q Okay. During the discussion with Ms.  
16 Carbonneau, during her cross-examination, there  
17 was also a discussion where she indicated that  
18 even though you had believed that you found a  
19 vernal pool, which since then you've confirmed,  
20 she didn't think that there would be any impacts  
21 because the pole that's being relocated is not  
22 in the vernal pool but it is adjacent to it.

23 Are you familiar with that testimony?

24 A (Van de Poll) I am.

1 Q What is your response to her statement that  
2 there wouldn't be any impacts because the pole  
3 that's going to be relocated is near and not in  
4 the vernal pool?

5 A (Van de Poll) As I submitted in my report, I was  
6 standing in about 6 inches of water next to the  
7 pole that was going to be replaced or taken out,  
8 and that water was continuous into the vernal  
9 pool. So at that time, June 14th of this year,  
10 there was sufficient inundation to have a direct  
11 connection hydrologically to that vernal pool at  
12 that site.

13 Q Okay. And the report that you're referencing  
14 has been marked as Joint Muni 309 and this is a  
15 report describing what you found when you went  
16 out on June 14th, 2017. Is that correct?

17 A (Van de Poll) Yes.

18 Q And the vernal pool and where you are standing  
19 when you were viewing the location of the pole  
20 that needs to be relocated, is there a  
21 photograph in your report?

22 A (Van de Poll) There is.

23 Q What page of the report is it on?

24 A (Van de Poll) Page 8.

1 Q Which photograph shows the pole in comparison to  
2 where the vernal pool is?

3 A (Van de Poll) The upper left photograph. You  
4 can see the pole that's the easternmost portion  
5 of that pole, and where I'm standing looking  
6 down south along the corridor, I'm standing,  
7 like I said, in about 6 inches of water, which  
8 is continuous into the distance of that  
9 photograph.

10 The photograph on the right shows the open  
11 water part of that pool which is roughly about  
12 50 feet from the pole, and in the sort of center  
13 upper right of that photograph you can see  
14 spotted salamander egg masses, and if you scroll  
15 down to the next two photographs, on the left  
16 is --

17 Q We just lost it on the screen.

18 A (Van de Poll) Do you have it?

19 Q Yes.

20 A (Van de Poll) So the left photograph shows a  
21 closeup of those spotted salamander egg masses,  
22 and the photograph on the right, albeit a little  
23 bit fuzzy, shows some wood frog tadpoles, again,  
24 the second obligate vernal pool indicator

1 species I found.

2 Q So what's your response to Ms. Carbonneau's  
3 testimony that the vernal pool, even if it was a  
4 vernal pool, was being avoided?

5 A (Van de Poll) I would disagree.

6 MS. PACIK: I have no further questions at  
7 this time for the Panel.

8 PRESIDING OFFICER HONIGBERG: Mr. Aslin?  
9 Off the record.

10 (Discussion off the record)

11 **CROSS-EXAMINATION**

12 **BY MR. ASLIN:**

13 Q Good morning.

14 A (Panel) Good morning.

15 Q My name is Chris Aslin. I am designated as  
16 Counsel for the Public in this proceeding, and  
17 I'm going to ask a bunch of questions that are  
18 going to kind of be directed to individuals, but  
19 if anyone else has an opinion or relevant  
20 information about a question that I ask, you're  
21 welcome to chime in.

22 I'm going to start with Ms. Fenstermacher  
23 to get a bit of clarity on some of the exhibits  
24 that you included. And I'd like to pull up the

1 Exhibit A that you included in your Supplemental  
2 Testimony as a replacement to the original  
3 Exhibit A. That's in Joint Muni 137, and it's  
4 at Bates -- I'm sorry. 138. Yes. Thank you.  
5 Joint Muni 138 and it's at Bates Joint Muni  
6 006214, and I believe this is the first page of  
7 that Exhibit A.

8 If I'm understanding correctly what you've  
9 done with this exhibit is walked the property,  
10 walked the right-of-way or the properties  
11 adjacent to the right-of-way and identified on  
12 the Project maps the heights of each of the  
13 structures that are existing and proposed?

14 A (Fenstermacher) Correct. These heights are from  
15 the Application materials.

16 Q Okay. And you've related them to the locations  
17 on the Project maps?

18 A (Fenstermacher) Correct. Yes.

19 Q And I was having a little difficulty  
20 understanding which numbers relate to which  
21 poles, but I think I may have figured it out  
22 that if I understand correctly the black numbers  
23 are the heights of existing poles?

24 A (Fenstermacher) Opposite.

1 Q Opposite. Okay. Thank you. So the red numbers  
2 are the existing poles?

3 A (Fenstermacher) Correct.

4 Q And so the top row of red numbers would be  
5 related to the purple boxes that indicate the  
6 existing 115 line?

7 A (Fenstermacher) Correct.

8 Q And then the lower set of red numbers relate to  
9 the to-be-removed line?

10 A (Fenstermacher) Correct.

11 Q And the white boxes? All right. Thank you. So  
12 then the black numbers represent the proposed  
13 structures, and in this case that would be the  
14 top row would be the yellow new proposed 345 kV  
15 line?

16 A (Fenstermacher) Yes.

17 Q And the bottom is the green relocated 115?

18 A (Fenstermacher) Yes.

19 Q Okay. Thank you. That's consistent throughout  
20 the entire Exhibit, I believe?

21 A (Fenstermacher) Correct.

22 Q Okay. Thank you. Then turning back to your  
23 Original Testimony, Exhibit 137, you have an  
24 Exhibit C which is your listing of those

1 properties adjacent to or nearby the proposed  
2 Project that will have some visual impact; is  
3 that correct?

4 A (Fenstermacher) That's correct.

5 Q If I understand correctly, in your testimony you  
6 reference that there are 150 total properties  
7 that you identified; is that correct?

8 A (Fenstermacher) Correct.

9 Q And you used the term "adjacent or nearby" in  
10 your testimony. Did you look beyond properties  
11 that actually abut the right-of-way?

12 A (Fenstermacher) In some locations there were  
13 properties if they were across the street and a  
14 higher elevation we looked at those. For  
15 example, in Brookwood Drive. They did not abut  
16 the right-of-way, but they were across.

17 Q When you had properties that didn't directly  
18 abut the right-of-way, how did you determine  
19 when one of those properties was adjacent or  
20 nearby?

21 A (Fenstermacher) When we were standing on the  
22 ground.

23 Q Okay.

24 A (Fenstermacher) And looking from the street.

1 Q Was there any sort of maximum distance you would  
2 look beyond the direct abutting properties of  
3 the right-of-way?

4 A (Fenstermacher) No. There was not.

5 Q Just assessed in the field?

6 A (Fenstermacher) We just assessed in the field,  
7 yes.

8 Q Okay. So you had 150 total properties  
9 identified, and I understand that this chart on  
10 Exhibit C shows the 92 that you felt had a  
11 visual impact?

12 A (Fenstermacher) Correct.

13 Q And then you've broken it down into a rating of  
14 impact, high, medium or low, correct?

15 A (Fenstermacher) Correct.

16 Q Were those ratings achieved by just visual  
17 observation or did you rely in part on the  
18 viewshed assessment that was conducted by  
19 Chesapeake?

20 A We did not rely on the Chesapeake visual  
21 assessment.

22 Q So this is your assessment based on sitting and  
23 standing in the field and looking at the  
24 proposed heights and the existing tree cover?

1 A (Fenstermacher) Yes, and the proposed buffer  
2 removals.

3 Q Okay. And you have both -- I may have  
4 misspoken. You had 150 total residential  
5 properties and then 44 commercial properties; is  
6 that correct?

7 A (Fenstermacher) Correct.

8 Q And I think this chart shows the 92 residential  
9 properties with a visual impact and then also  
10 the 44 commercial properties?

11 A (Fenstermacher) Yes.

12 Q And am I correct that all 44 commercial  
13 properties that you assessed had a visual  
14 impact?

15 A (Fenstermacher) Either a visual or some sort of  
16 impact during construction.

17 Q Okay. So the impact with regard to commercial  
18 went beyond just visual?

19 A (Fenstermacher) Correct.

20 Q But with regard to the residential, it was  
21 limited to visual impacts?

22 A (Fenstermacher) No. There was also construction  
23 as well.

24 Q Okay. Thank you. In your rating system which

1           you show at the bottom of the last page of this  
2           exhibit, 6158, you went over this with Attorney  
3           Pacik a little bit earlier, but I wanted to get  
4           a bit more clarity.

5                     You seem to have distinguished between  
6           properties with a full view of the existing  
7           poles and those with a partial view.

8           A       (Fenstermacher) Yes.

9           Q       When deciding what might be a high impact.

10          A       (Fenstermacher) Yes.

11          Q       And the difference between a high and a medium  
12          rating in the way that you assessed these, is  
13          there a clear cutoff between them? I'm just  
14          trying to understand what the difference between  
15          high and medium was.

16          A       (Fenstermacher) It would be in some location,  
17          for example, a high may have went to, once the  
18          buffer is removed they'll have a full view of  
19          the structures and they're moving closer to the  
20          house whereas moderate, maybe they'll just, 2 or  
21          3 trees are being removed, and they'll only see  
22          it from one portion of their property. They'll  
23          have a full view from that portion, but it won't  
24          be the entire property line that they'll have a

1 view from it.

2 Q And then "low" was those properties that would  
3 have still a partial view?

4 A (Fenstermacher) Right.

5 Q Okay. Thank you. Now, you testified earlier  
6 that you did not perform this analysis as a  
7 Visual Impact Assessment but to assess the  
8 impacts to residential properties and commercial  
9 properties in the city. From the City's  
10 perspective, why is it important to understand  
11 those impacts? Does it go to property tax value  
12 or is there some other purpose?

13 A (Fenstermacher) It's just to look at for the  
14 community impacts overall. When we look at any  
15 Projects in the city we want to know how it's  
16 going to impact even beyond taxes, how each  
17 individual property owner is going to be  
18 impacted by a project that's occurring.

19 Q When you were assessing other proposed  
20 developments in the city, would you do a similar  
21 kind of review of the impacts?

22 A (Fenstermacher) Yes. Usually with abutting  
23 properties, yes.

24 Q And in this case you also hired the Chesapeake

1 Conservancy to do a viewshed analysis; is that  
2 correct?

3 A (Fenstermacher) That's correct.

4 Q And that analysis is, is it Exhibit D of your  
5 initial testimony, Joint Muni 137, and as I  
6 understand it this is an assessment of  
7 visibility of the proposed Project using LIDAR  
8 data; is that correct?

9 A (Fenstermacher) That is correct. Yes.

10 Q Am I correct in understanding that what's  
11 represented in that report is any visibility of  
12 the Project so if it's the top foot of a tower  
13 it would be recognized as potentially visible?

14 A (Fenstermacher) Yes. That's correct.

15 Q And I also believe that there's no assessment of  
16 the magnitude of the visible impact in that  
17 assessment? It's just whether it's visible or  
18 not?

19 A (Fenstermacher) Right. It doesn't rate it,  
20 correct.

21 Q Okay. In your testimony and also in the report  
22 to some extent there's a discussion about why  
23 you felt this was necessary to have a more  
24 accurate representation, and as I understand it

1 that's because the LIDAR data that was used has  
2 a finer, I have the wrong word, but it looks at  
3 a smaller scale of accuracy so rather than a  
4 five-meter accuracy it's more like a one-meter  
5 accuracy?

6 A (Fenstermacher) Right, and it's how the data is  
7 collected. It's more accurate.

8 Q Is one of the distinctions that this data uses  
9 actual vegetation and building heights as  
10 opposed to estimated heights?

11 A (Fenstermacher) Correct.

12 Q There are some maps at the end of that report by  
13 Chesapeake that show visibility of the existing  
14 structures and then the proposed structures, and  
15 you testified a little bit earlier about two  
16 areas, the Carter Hill Orchard and the Diamond  
17 Hill Farm. Are you able to locate those  
18 properties on this map?

19 A (Fenstermacher) Yes.

20 Q And are they shown here as having potential  
21 visibility?

22 A (Fenstermacher) Yes. They are.

23 Q Am I correct that both of those are outside of  
24 the three-mile Project boundary?

1 A (Fenstermacher) They're both outside the three  
2 mile, yes.

3 Q Based on their analysis there's some visibility,  
4 but we don't have an assessment of the magnitude  
5 of that?

6 A (Fenstermacher) Correct.

7 Q Thank you. You also testified earlier regarding  
8 the I-93 crossing, and if I understood your  
9 testimony, continued concern that there's a lack  
10 of certainty about the tower heights that are  
11 proposed?

12 A (Fenstermacher) Correct, for the 393 crossing.

13 Q Yes. Have you reviewed the, I think you said  
14 earlier that you had reviewed the updated  
15 Project maps for this area?

16 A (Fenstermacher) Yes. I have.

17 Q In your testimony there was reference to a  
18 potential height of 155- to 160-foot towers; is  
19 that correct?

20 A (Fenstermacher) Correct.

21 Q And these are the towers that are identified  
22 here, if I understand correctly, your concern is  
23 for both the proposed 345 line and the relocated  
24 115 kV line?

1 A Correct.

2 Q If you see the sort of four towers that span  
3 I-393, they're labeled 3132-135 and 136, and  
4 then P145-101 and 100 towers. Is that correct?  
5 If you can see it on the screen. It's small.

6 A (Fenstermacher) Correct.

7 Q So if we go to the prior page. And looking at  
8 this portion which is part of Applicant's  
9 Exhibit 201, do you see that there are structure  
10 heights listed here for those towers?

11 A (Fenstermacher) Yes, there are.

12 Q And they range, for the new 345 line they're 105  
13 and 115-foot heights that are listed here?

14 A (Fenstermacher) Yes.

15 Q And then for the relocated line, it's 119.5-foot  
16 towers?

17 A Right.

18 Q So based on your discussion with the gentleman  
19 at New Hampshire DOT whose name I've misplaced,  
20 is it your understanding that this proposed  
21 height is in question at this time?

22 A (Fenstermacher) I don't believe they've received  
23 updated information. The information they were  
24 looking at was from last year, and the

1 information that we received from him is that  
2 they were not clear on what the proposed height  
3 was or received additional information.

4 Q Do you have any reason to believe that these  
5 proposed heights are not what is planned by the  
6 Applicant?

7 A (Fenstermacher) I do not have a reason to  
8 believe that. No.

9 Q Okay. But you have a concern that DOT may have  
10 a different understanding?

11 A (Fenstermacher) Correct.

12 Q Okay. In your testimony you also included some  
13 testimony about bike routes through eastern  
14 Concord, and you reference some data from the  
15 Strava website, and it gave numbers of trips, I  
16 guess, or bike trips or people biking on certain  
17 roads within Concord. Do you have an  
18 understanding of whether those numbers are  
19 cumulative? I would assume that people don't  
20 bike only at one road at a time but they would  
21 do some sort of loop. And so, for example, in  
22 your Supplemental Testimony you reference data  
23 that from 2015 that there are 880 bicycle roads  
24 on Mountain Road and 55 on Snow Pond Road. Is

1 your understanding that that data is, those are  
2 separate trips or could those be overlapping?

3 A (Fenstermacher) Those could be overlapping.

4 Q Okay. So we can gather from this data, at least  
5 in 2015, the Strava data would say there were at  
6 least 880 bicycle roads in that eastern Concord  
7 area, possibly some more but not the sum total  
8 of what's represented here?

9 A (Fenstermacher) Correct.

10 Q And I believe you had in your testimony that  
11 this data may have a five to ten percent  
12 capture. So is it correct to say that you would  
13 estimate the actual number of bicycle roads to  
14 rides to be tough roughly ten times that number?

15 A (Fenstermacher) It's possible. Yes.

16 Q You also included in your Supplemental Testimony  
17 a letter from Mr. Hodges at Alton Woods, and the  
18 letter which is at Exhibit F indicates that  
19 Mr. Hodges had not had any communications with  
20 the Applicant since a meeting in 2014. This  
21 letter was from April of 2017. Have you had any  
22 further discussions with Mr. Hodges to  
23 understand whether he's had additional  
24 communications with the Applicant?

1 A (Fenstermacher) We have received correspondence  
2 that he has not heard additional information  
3 since that time.

4 Q So he has not had any further communications.

5 A (Fenstermacher) Correct.

6 Q There was also some testimony earlier, I think  
7 by Ms. Shank, that there's been some new  
8 construction along Alton Woods property, and we  
9 saw some photos put up on the screen of  
10 additional power lines being installed in that  
11 area. Who was the project component for that?  
12 Who installed those lines, if you know?

13 A (Shank) I believe there were both utility, PSNH  
14 and Unitil, if I remember correctly. I might  
15 have to check on that. I really have very  
16 little information about that project because we  
17 only recently became aware of it.

18 Q Do you know, you may not, I guess, based on what  
19 you just said, whether those are distribution  
20 lines that were installed as opposed to  
21 transmission?

22 A (Shank) They were extensions of the lines that  
23 did go through the approval process for the, I  
24 believe, distribution lines from the substation

1 at Portsmouth Street that they put in.

2 Q Okay.

3 A (Shank) I'm not sure. Do you remember if they  
4 were transmission or distribution? I'm not  
5 positive.

6 Q Okay. That's fine. I believe you testified  
7 earlier that Mr. Hodges or someone else at Alton  
8 Woods was similarly not well informed about the  
9 Project?

10 A (Shank) That's correct.

11 Q Has that construction been completed at this  
12 point?

13 A (Swank) I'm not aware. I do not know.

14 Q This question could potentially be for a number  
15 of people, but there's testimony about in  
16 various of your testimony about the Gateway  
17 Performance District which stretches at least in  
18 part across the Loudon Road area and a concern  
19 about the tallest structures that are proposed  
20 in that area.

21 It was a little unclear to me from the  
22 testimony what the purpose of the Gateway  
23 Performance District is. I gather that it's to  
24 focus development in that area and keep it

1 attractive and organized, but can someone  
2 provide a little more detail about what the  
3 Master Plan or the zoning ordinance envisions  
4 for that area?

5 A (Shank) The Gateway Performance District is  
6 intended to promote uses that would be  
7 regionally significant. It has a higher  
8 standard for aesthetic, you know, standards,  
9 design standards. So the uses are specific to  
10 what, due to its location, is intentionally  
11 located close to the interstate exchanges  
12 because it's anticipated that people will be  
13 coming from larger than just the local  
14 community.

15 It's called Gateway because it's sort of  
16 the entrance to, considered sort of the entrance  
17 to the larger community and also the regional  
18 aspect of the commercial uses that are intended  
19 to be located there. I would say one of the  
20 main most important things about the Gateway  
21 Performance is that there's a higher standard.  
22 You have to go through design review for more  
23 changes that you propose to structures or sites  
24 in the Gateway Performance District.

1 Q And you mentioned the part of that review is  
2 aesthetic issues?

3 A (Shank) Correct.

4 Q What kinds of things would a proposed  
5 development in the Gateway Performance District  
6 have to demonstrate in the permitting process in  
7 terms of aesthetics?

8 A (Shank) The type of architecture, the colors or  
9 materials that are used, the landscaping that's  
10 proposed, the uses themselves. The orientation  
11 or layout of the site, circulation, pedestrian  
12 access, bicycle access; those are just a few of  
13 the elements that we would be considering.

14 Q Okay. I believe it's the testimony of perhaps  
15 more than one of you that the proposed Project  
16 would be inconsistent with those aesthetic  
17 standards for the Gateway Performance District?

18 A (Shank) Correct.

19 Q Ms. Shank, in your testimony you discuss the  
20 Master Plan's goals of orderly transition among  
21 land uses and a requirement for buffering  
22 between different types of land uses. Does the  
23 zoning ordinance have a requirement for specific  
24 buffers between differing types of land uses?

1 A (Shank) It does.

2 Q And would that buffer requirement apply to  
3 utility uses?

4 A (Shank) We've used it to, in doing plan reviews  
5 to apply to utility uses.

6 Q How much of a buffer is required?

7 A (Shank) The situation varies. So, for instance,  
8 with Cobblestone Pointe, when that project came  
9 through we required a 40-foot buffer against  
10 utility lines. Utility lines require a  
11 conditional use permit so essentially each  
12 situation would be evaluated differently from  
13 where the lines goes and what kind of buffer  
14 could be provided.

15 When the 317 line come through and that was  
16 permitted, we required them to limit their  
17 clearing of their easement to 80 feet from 100  
18 feet of easement that they had. So in that  
19 situation, it was ten feet on either side.

20 Q And that was in a project that required town  
21 approval as opposed to SEC approval?

22 A City approval, correct.

23 Q In that case, applying your ordinance, you did  
24 require a buffer to be included within the

1 right-of-way itself?

2 A (Swank) Correct.

3 Q You also referenced in your testimony the  
4 housing section of the Master Plan and the goal  
5 preventing intrusion from adjacent  
6 nonresidential uses. Is that a similar or is  
7 that implemented in a similar way with required  
8 buffers?

9 A (Shank) Correct.

10 Q And are those buffers a requirement for new  
11 residential development or for new  
12 nonresidential development in the vicinity or  
13 adjacent to residential areas?

14 A (Shank) We have required it in both situations.  
15 So if a line is existing and a new development  
16 is going in, we would require the buffer for the  
17 houses going in. If a line is not existing and  
18 new line is going in, then we would look at the  
19 need for and potential for buffers or, again,  
20 even putting the lines underground.

21 Q Okay. So when there's a project, utility  
22 project that is subject to the City's  
23 jurisdiction, those are the types of  
24 restrictions that you would impose through the

1 planning process?

2 A (Swank) Correct.

3 MR. ASLIN: Mr. Chairman, this might be a  
4 good place to break.

5 PRESIDING OFFICER HONIGBERG: Fair enough.  
6 We will take our lunch break and return at 1  
7 o'clock.

8 (Lunch recess taken at 11:57  
9 a.m. and concludes the **Day 60**  
10 **Morning Session**. The hearing  
11 continues under separate cover  
12 in the transcript noted as **Day**  
13 **60 Afternoon Session ONLY**.)

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**C E R T I F I C A T E**

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, 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.

Dated at West Lebanon, New Hampshire, this 19th day of November, 2017.

\_\_\_\_\_  
Cynthia Foster, LCR

