

## 1 STATE OF NEW HAMPSHIRE

## 2 SITE EVALUATION COMMITTEE

3  
4 **November 28, 2012 - 8:42 a.m.**  
Concord, New HampshireDAY 7  
MORNING SESSION ONLY5  
6  
7 In re: SITE EVALUATION COMMITTEE:  
8 DOCKET NO. 2012-01: Application  
9 of Antrim Wind, LLC, for a  
10 Certificate of Site and Facility  
11 for a 30 MW Wind Powered Renewable  
Energy Facility to be Located in  
Antrim, Hillsborough County,  
New Hampshire.  
(Hearing on the merits)12 **PRESENT:**

## SITE EVALUATION COMMITTEE:

13 Kate Bailey, Engineer  
(Presiding Officer)

Public Utilities Commission

14 Amy L. Ignatius, Chrmn.

Public Utilities Commission

15 Harry T. Stewart, Dir.

DES - Water Division

16 Johanna Lyons, Designee

Dept. of Resources &amp; Econ. Dev.

17 Craig Green, Designee

Dept. of Transportation

18 Brad Simpkins, Dir.

DRED - Div. of Forests &amp; Lands

19 Ed Robinson, Designee

Fish &amp; Game Department

20 Richard Boisvert, Designee

Division of Historic Resources

21 Brook Dupee, Designee

22 Dept. of Health &amp; Human Services

23 **COUNSEL FOR THE COMMITTEE:** Michael J. Iacopino, Esq.24 **COUNSEL FOR THE PUBLIC:** Peter C. L. Roth, Esq.  
Senior Asst. Atty. General  
N.H. Attorney General's Office**COURT REPORTER:** Steven E. Patnaude, LCR No. 52

1  
2 **APPEARANCES:**    **Reptg. Antrim Wind, LLC:**  
3                    Susan S. Geiger, Esq. (Orr & Reno)  
4                    Douglas L. Patch, Esq. (Orr & Reno)  
5                    Rachel A. Goldwasser, Esq. (Orr & Reno)  
6  
7                    **Reptg. Antrim Board of Selectmen:**  
8                    Galen Stearns, Town Administrator  
9                    Michael Genest, Selectman, Town of Antrim  
10  
11                   **Reptg. the Harris Center for Cons. Edu.:**  
12                   Stephen Froling, Esq.  
13  
14                   **Reptg. Antrim Planning Board:**  
15                   Martha Pinello, Member  
16                   Charles Levesque, Member  
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18                   **Reptg. Edwards/Allen Intervenor Group:**  
19                   Mary Allen  
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21                   **Reptg. the Abutters Intervenor Group:**  
22                   Susan Duley  
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24                   **Reptg. Audubon Society of New Hampshire:**  
                 Amy Manzelli, Esq. (BCM Envir. & Land Law)  
                 Frances Von Mertens  
  
                 **Reptg. North Branch Group of Intervenor:**  
                 Richard Block  
                 Lorraine Carey Block  
                 Elsa Voelcker  
  
                 **Reptg. Industrial Wind Action Group (IWAG):**  
                 Lisa Linowes  
  
                 **Reptg. Appalachian Mountain Club:**  
                 Kenneth Kimball

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

MS. BAILEY: Good morning, everyone.

FROM THE FLOOR: Good morning.

MS. BAILEY: We're going to open the seventh day of hearings on Antrim Wind Energy, LLC's Application for Certificate of Site and Facility. And, we'll start by introductions of the Committee. I'm Kate Bailey, from the Public Utilities Commission. And, the Chairman has asked me to preside over today's hearing.

DIR. STEWART: Harry Stewart, Department of Environmental Services.

MS. LYONS: Johanna Lyons, Department of Resources & Economic Development.

MR. SIMPKINS: Brad Simpkins, Department of Resources & Economic Development.

MR. ROBINSON: Ed Robinson, New Hampshire Fish & Game Department.

CHAIRMAN IGNATIUS: Amy Ignatius, Public Utilities Commission.

MR. DUPEE: Brook Dupee, Department of Health & Human Services.

MR. GREEN: Craig Green, New Hampshire Department of Transportation.

MR. BOISVERT: Richard Boisvert, New

1 Hampshire Division of Historical Resources.

2 MS. BAILEY: And, at the Committee table  
3 is Counsel for the Committee, Mike Iacopino. And, now, we  
4 will take appearances from the parties.

5 MS. GEIGER: Yes. Good morning, members  
6 of the Committee. I'm Susan Geiger, from the law firm of  
7 Orr & Reno, representing Antrim Wind Energy, LLC, the  
8 Applicant. And, with me this morning, also representing  
9 the Applicant, are Douglas Patch and Rachel Goldwasser.  
10 Good morning.

11 MR. FROLING: Stephen Froling,  
12 representing the Harris Center for Conservation Education.

13 MR. STEARNS: Galen Stearns,  
14 representing the Town of Antrim, and with me today is Mike  
15 Genest, Selectman.

16 MS. DULEY: Susan Duley, sitting in for  
17 Janice Duley Longgood, my sister.

18 MS. ALLEN: Mary Allen, for the  
19 Allen/Edwards panel.

20 MS. PINELLO: Martha Pinello, for the  
21 Antrim Planning Board. And, Charles Levesque will be  
22 joining me later in the day.

23 MS. MANZELLI: Good morning. Amy  
24 Manzelli, from BCM Environmental & Land Law, representing

[WITNESS: Kimball]

1 New Hampshire Audubon in this matter. And, here with me  
2 today is Francie Von Mertens for New Hampshire Audubon.

3 MR. ROTH: Peter Roth, Counsel for the  
4 Public. Good morning.

5 MS. BAILEY: Good morning.

6 MR. KIMBALL: And, Kenneth Kimball, from  
7 the Appalachian Mountain Club.

8 MS. BAILEY: Good morning. Okay. Do we  
9 have any preliminary matters this morning?

10 (No verbal response)

11 MS. BAILEY: All right. So, we will  
12 finish up the cross-examination of Mr. Kimball by Antrim  
13 Wind. Ms. Geiger or Ms. Goldwasser?

14 MS. GOLDWASSER: Good morning.

15 MS. BAILEY: Good morning.

16 MS. GOLDWASSER: Dr. Kimball, good  
17 morning.

18 WITNESS KIMBALL: Good morning.

19 **KENNETH KIMBALL, Previously Sworn**

20 **CROSS-EXAMINATION (resumed)**

21 BY MS. GOLDWASSER:

22 Q. AMC isn't taking a position regarding whether this  
23 Project results in an unreasonable adverse impact, is  
24 it?

[WITNESS: Kimball]

1 A. That is correct.

2 Q. And, AMC typically doesn't take a position in cases  
3 such as this one, where the visual impacts are not  
4 resources of state, regional, or national significance,  
5 does it?

6 A. That is correct.

7 Q. And, yesterday Mr. Roth asked you whether you agreed  
8 with Ms. Vissering's conclusion that the Project would  
9 result in an unreasonable adverse impact to the Willard  
10 Pond area. And, you responded that you would not  
11 disagree with Ms. Vissering's conclusion, is that  
12 correct?

13 A. That is correct.

14 Q. I'm going to direct you to Ms. Vissering's report,  
15 which is contained in Exhibit PC 1, Pages 5 and 6.  
16 And, those are the pages that concern directly Willard  
17 Pond. Ms. Vissering indicates in her report that the  
18 Project will have a "significant impact" on Willard  
19 Pond, isn't that the case?

20 A. That is correct.

21 Q. Does the report indicate anywhere that Ms. Vissering  
22 concluded that the Project would result in an  
23 unreasonable adverse impact to Willard Pond  
24 specifically?

[WITNESS: Kimball]

1 A. No, it does not.

2 Q. Have you ever been to Willard Pond?

3 A. I have not.

4 Q. And, again, based on your testimony from AMC's  
5 perspective, is Willard Pond an area of primarily  
6 state, regional or national significance?

7 A. No, it's not.

8 MR. ROTH: I object to that question.

9 MS. BAILEY: Why?

10 MR. ROTH: I don't think it's been  
11 established what that means. And, we had a long  
12 discussion with Mr. Guariglia about whether something is  
13 of "state, regional or national" -- I forget the exact  
14 phraseology. But that seems to me a really ambiguous  
15 term, and I'm not sure what is meant by it. And, so,  
16 that's my objection.

17 MS. GOLDWASSER: On Page 2 of  
18 Dr. Kimball's testimony he indicates that the Appalachian  
19 Mountain Club gets involved in wind projects when they are  
20 of a certain level of significance based on the AMC's own  
21 analysis. I'm merely asking him whether the AMC has  
22 determined, from its perspective, whether Willard Pond is  
23 "a location of state, regional or national significance",  
24 it's directly from his testimony.

[WITNESS: Kimball]

1 MS. BAILEY: Yes. Since it's part of  
2 his testimony, --

3 MR. ROTH: Well, now that it's been  
4 clarified what she means by that, then that's -- I don't  
5 have an objection when it's phrased that way.

6 MS. BAILEY: Okay. Go ahead.  
7 Overruled. His objection is overruled.

8 MS. GOLDWASSER: Yes. I'm sorry. I'm  
9 just not -- I don't believe that Dr. Kimball answered the  
10 question.

11 WITNESS KIMBALL: I think I did.

12 MS. GOLDWASSER: Oh, you did.

13 WITNESS KIMBALL: Yes.

14 MS. GOLDWASSER: Okay.

15 CHAIRMAN IGNATIUS: Well, I'm sorry. I  
16 didn't hear the answer.

17 MS. GOLDWASSER: I'll start over, how  
18 about that?

19 CHAIRMAN IGNATIUS: Very good.

20 MS. GOLDWASSER: Do the question again.

21 BY MS. GOLDWASSER:

22 Q. From the AMC's perspective, is Willard Pond an area of  
23 primarily state, regional or national significance?

24 A. Not on our standards.

[WITNESS: Kimball]

1 Q. Have you ever visited any of the sites discussed in Ms.  
2 Vissering's report?

3 A. I have not.

4 Q. You also testified yesterday that you support the  
5 methodology that Ms. Vissering employed, is that  
6 correct?

7 A. That is correct.

8 Q. Is it possible for two different visual impact  
9 professionals to apply that same methodology and come  
10 to the opposite conclusions regarding the impact of a  
11 particular project?

12 A. Obviously, yes, it is.

13 MR. ROTH: Again, I think -- I don't  
14 understand what the question was when she said "that  
15 methodology". Which methodology is she referring to?  
16 Ms. Vissering's methodology? A visual impacts  
17 methodology? Or Mr. Guariglia's methodology?

18 MS. GOLDWASSER: To clarify, I'm  
19 referring to Ms. Vissering's methodology.

20 MS. BAILEY: Okay. Thank you.

21 BY MS. GOLDWASSER:

22 Q. And, Dr. Kimball, would your answer be the same, given  
23 the clarification?

24 A. Yes.

[WITNESS: Kimball]

1 Q. Have you ever participated in proceedings regarding a  
2 wind energy project where two visual impact  
3 professionals employ Ms. Vissering's methodology or a  
4 similar methodology and come to different conclusions?

5 A. Yes, I have.

6 Q. Is it possible for a visual impact assessment to  
7 determine that there is a significant impact to an  
8 individual site, but also determine that the project's  
9 impacts as a whole are not unreasonably adverse?

10 A. That is possible.

11 MS. GOLDWASSER: Thank you. I've  
12 concluded my questions.

13 MS. BAILEY: Thank you. Questions from  
14 the Committee? Chairman Ignatius.

15 CHAIRMAN IGNATIUS: Good morning.

16 BY CHAIRMAN IGNATIUS:

17 Q. I have a very, I think, very simple question, but just  
18 to clarify. The exhibit, the agreement that's been put  
19 into the record is not signed by AMC. But is that just  
20 a matter of timing? Has AMC signed it?

21 A. We did not submit it, but we did have a signed  
22 signature to that agreement.

23 Q. All right. All right. So, although the copy --

24 A. That was a change submitted by the Applicant. And, we

[WITNESS: Kimball]

1 did provide a signed copy to the Applicant.

2 CHAIRMAN IGNATIUS: All right. Thank  
3 you.

4 MS. BAILEY: Mr. Dupee.

5 MR. DUPEE: Thank you, madam Chairman.

6 BY MR. DUPEE:

7 Q. So, in essence, I was looking at the last page of your  
8 testimony, I haven't pulled it up here yet, I'm sorry  
9 about that, but talked about visual analysis,  
10 indicating that AMC was not going to take a position on  
11 that. But, then, in a parenthetical expression, it  
12 mentioned there would have to be more assessments, I  
13 think, done to cause that, is that true?

14 A. That is correct.

15 Q. Since one of the duties of this Commission is to look  
16 at impacts at the state level, which I understand is  
17 not necessarily a concern of the AMC, could you share  
18 with us what that methodology might be, because it may  
19 be relevant to the work we have to do?

20 A. Well, the Forest Service has a scenic assessment  
21 methodology. It is -- I think both the Applicant, as  
22 well as Ms. Vissering, have used that in some form.  
23 It's not an algebraic type of strategy. But it does lay  
24 out how you proceed ahead to try to take a look at

[WITNESS: Kimball]

1 visual impacts. And, that is, is the methodology I  
2 think that we've seen used in various forms in most  
3 cases we've participated in before.

4 Q. And, you indicate that's not, say, a quantitative  
5 method, meaning that people could put different inputs  
6 to the same algorithm, yet derive a different end  
7 point, a different conclusion?

8 A. That is correct. What it does try to do is to put some  
9 sideboards on the relationship of the visual impact  
10 relative to the background, the expectations of the  
11 visitor and so on and so forth. But, then, the expert,  
12 in the end, is going to put the final yes or noes to  
13 that. But it is, as I mentioned before, it's not  
14 algebraic, where you just plug in certain things, you  
15 get an automatic "yes" or "no" from it.

16 Q. So, it's not a case where anybody could take up this  
17 methodology, apply it, and derive the same answer?

18 A. I think it's very clear from all the cases I've been in  
19 that different consultants do come up with different  
20 answers, which is true of probably most issues in front  
21 of this Committee.

22 Q. Thank you. The other question I had then, or is, I  
23 guess, more of an affirmation, is that AMC, by agreeing  
24 with or an agreement with an Applicant, is not

[WITNESS: Kimball]

1 necessarily stating, in fact, is not stating it  
2 approves necessarily of where the site might be or  
3 whatever site impacts it might have or whether it is  
4 unreasonable, you're not touching any of those topics,  
5 it's simply whether or not you're going to do the radio  
6 control on the viewshed?

7 A. That is correct. I think, as I indicated yesterday in  
8 my testimony, that we have finite resources. And,  
9 usually, if we're going to take a position like that,  
10 we would go out and do a number of site-specific  
11 analysis ourselves to try and make a determination. In  
12 this case, we did not.

13 Q. Okay. And, you mentioned, even if you did that more  
14 intense work, you wouldn't necessarily draw --  
15 necessarily have a quantitative method that we could  
16 apply?

17 A. But, if I'm interpreting your question correctly,  
18 "quantitative" is suggestive that there's an algebraic  
19 formula where you plug in and you get a very clear  
20 answer that is irrefutable on the other end. And, I  
21 don't believe such a methodology exists. At least I'm  
22 not aware of one.

23 MR. DUPEE: Thank you, Dr. Kimball. No  
24 further questions.

[WITNESS: Kimball]

1 MS. BAILEY: Mr. Iacopino.

2 MR. IACOPINO: Thank you.

3 BY MR. IACOPINO:

4 Q. Dr. Kimball, you mentioned the "U.S. Forest Service  
5 Scenic Assessment Methodology". Is that published  
6 somewhere? In other words, somewhere that somebody  
7 could go to look to find it?

8 A. Yes, it is.

9 Q. Do you know where?

10 A. I don't have the website at my fingertips here.

11 Q. But do you know is it --

12 A. But five minutes of Googling would come up with it.

13 Q. Okay. So, do you know if it's codified as a federal  
14 regulation or is it just sort of a policy guideline?

15 A. It is -- I don't know whether it's been codified. And,  
16 some of the experts in the room here may be able to  
17 answer that question, I don't know. It is a  
18 methodology that is commonly used by the Forest  
19 Service, the National Park Service, and so forth.

20 MR. IACOPINO: Thank you.

21 MS. BAILEY: Mr. Roth, redirect?

22 MS. GOLDWASSER: No, it's not his --

23 MR. ROTH: He's not my witness, so --  
24 and I wouldn't have any for him anyway.

[WITNESS: Kimball]

1 MS. BAILEY: I'm sorry. I apologize.  
2 Do you have anything else to add to your testimony?

3 MR. KIMBALL: I do not.

4 MS. BAILEY: Oh. I'm sorry. That's  
5 right. He's his own. I apologize.

6 WITNESS KIMBALL: I will not  
7 cross-examine myself.

8 (Laughter.)

9 MS. BAILEY: Okay. Thank you very much  
10 for your testimony, Dr. Kimball. Okay. Now, it's your  
11 turn, Mr. Roth, to present Ms. Vissering.

12 MR. ROTH: Okay.

13 (Whereupon **Jean Vissering** was duly sworn  
14 by the Court Reporter.)

15 **JEAN VISSERING, SWORN**

16 **DIRECT EXAMINATION**

17 BY MR. ROTH:

18 Q. Good morning, Ms. Vissering.

19 A. Good morning.

20 Q. Would you please state your name and your occupation  
21 and at least the town of residence for the record and  
22 for the Committee.

23 A. Okay. My name is Jean Vissering. I'm a Landscape  
24 Architect. And, my residence and office are in East

[WITNESS: Vissering]

1 Montpelier, Vermont.

2 Q. And, can you give a little bit about -- can you say a  
3 little bit about your background and qualifications as  
4 a visual -- or, as a landscape architect?

5 A. Okay. So, a brief summary is that I have undergraduate  
6 and graduate degrees in Landscape Architecture. I  
7 spent six years working with the Department of Forests,  
8 Parks & Recreation in Vermont, as a Park Planner and  
9 State Lands Planner. And, --

10 MS. BAILEY: Excuse me, Ms. Vissering,  
11 is your microphone on? You have to push a button, and  
12 there should be a red light.

13 WITNESS VISSERING: Okay. The red light  
14 was on.

15 MR. ROTH: Just move it closer.

16 WITNESS VISSERING: Should I start over  
17 again?

18 MR. ROTH: Yes.

19 **BY THE WITNESS:**

20 A. Okay. So, I have undergraduate and graduate degrees in  
21 Landscape Architecture. I spent, straight out of  
22 college, six years, working with the Department of  
23 Forests, Parks & Recreation, as a Park Planner and  
24 State Lands Planner. Then, I worked 15 years with the

[WITNESS: Vissering]

1 University of Vermont, teaching classes in park design,  
2 landscape design, and visual resource planning, and was  
3 doing practicing on the side as well. But, then, in  
4 1997, I left the university to pursue my own -- open my  
5 own business, full-time consulting, which I have been  
6 doing since then. And, I work on a range of different  
7 types of projects, focusing on what I call "community  
8 design, residential design, and visual impact  
9 assessment and visual resource planning".

10 BY MR. ROTH:

11 Q. Have you previously done visual impact assessments for  
12 wind energy facilities?

13 A. Yes.

14 Q. Can you talk about a couple of those?

15 A. So, I've been involved in many projects in various  
16 capacities, for various clients, including states,  
17 towns, private developers. And, so, I did work on the  
18 Granite Reliable Project, in New Hampshire. I was  
19 involved with the Lowell Wind Project, in Vermont,  
20 recently with the Green Mountain -- with, excuse me,  
21 yes, the Green Mountain Club, not Green Mountain Power,  
22 the developer, but I was testifying on behalf of the  
23 Green Mountain Club. I have worked with the  
24 Appalachian Mountain Club. I have worked with other

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[WITNESS: Vissering]

1 developers. Oh, and I've done quite a bit of a work  
2 with the Department of Public Service, which is the  
3 Public Advocate in Vermont, to review various types of  
4 utility projects.

5 Q. And, in your work on Granite Reliable, did you have --  
6 did that bring you to the Site Evaluation Committee  
7 before?

8 A. Yes, it did.

9 Q. So, this seat you're in is familiar to you?

10 A. Indeed.

11 Q. Are you the same Jean Vissering that prepared the  
12 testimony dated July -- I believe, July 31st, and  
13 supplemental testimony that's there before you as  
14 Public Counsel Exhibits 1 and 4?

15 A. Yes.

16 Q. And, did you prepare that testimony to the best of your  
17 ability and do you believe it to be true and correct?

18 A. I believe it to be true and correct. I did, on my  
19 report, in reviewing it, notice an embarrassing number  
20 of typos. Which, if it's okay with the Commission, I'd  
21 just as soon ignore those, since they're not  
22 substantive.

23 Q. Okay. Well, we'll look past those. Thank you.

24 A. Okay. Thank you.

[WITNESS: Vissering]

1 Q. Is there anything of substance that you'd like to add  
2 to or correct in your report or your testimony?

3 A. No.

4 Q. Now, I see that you brought with you a number of boards  
5 with blow-ups of photographs?

6 A. Yes.

7 Q. Okay. I'd like to go through the first three that are  
8 behind you. Can you put them up and tell the Committee  
9 what they are?

10 MS. GEIGER: Well, Ms. Vissering is  
11 doing that, I would just respectfully ask Mr. Roth if  
12 these have been premarked for identification?

13 MR. ROTH: No, they have not yet.

14 MS. GEIGER: Can I ask why please?

15 MR. ROTH: I did not have them in my  
16 possession until today.

17 MS. GEIGER: Okay.

18 MR. ROTH: So, they are -- they are  
19 blow-ups of illustrations that are provided in the report.  
20 So, they're simply copies of larger dimensioned from  
21 what's already been presented as PC Exhibit 1.

22 MS. GEIGER: Okay.

23 MR. IACOPINO: Would you like them  
24 marked for identification?

[WITNESS: Vissering]

1 MS. GEIGER: I would not. They're not  
2 mine. And, I just wanted to point out for the Committee  
3 that we were -- all the parties were directed by Chairman  
4 Ignatius's order to appear at a prehearing conference at  
5 which all exhibits were supposed to have been marked.  
6 And, we did the same thing, apparently, as Mr. Roth, is we  
7 brought ours to that meeting in October and had them  
8 premarked. And, this is the first time I've become aware  
9 that large blow-ups of pictures that are in her testimony,  
10 Ms. Vissering's testimony, are going to be used here in  
11 the hearing room. And, I'll just -- I just wanted to  
12 mention that for the Committee's edification.

13 MR. ROTH: Okay.

14 BY MR. ROTH:

15 Q. Would you proceed and --

16 MR. ROTH: Well, I suppose we should  
17 mark these. And, how do you want to do this, Mike, "1A"?

18 MR. IACOPINO: If that's the way that  
19 you would prefer?

20 MR. ROTH: Yes.

21 MR. IACOPINO: The only thing that I  
22 would suggest that you do is, in order to save time, is  
23 let's mark them all right now.

24 MR. ROTH: Okay.

[WITNESS: Vissering]

1 MS. GEIGER: I would object to having  
2 them marked at all. I think they're in her -- they're in  
3 her report, and that's one thing. And, typically, when we  
4 go through this exercise of putting a witness through her  
5 direct testimony, she simply, you know, did as  
6 Ms. Vissering just did and adopted her testimony under  
7 oath. And, now, we're going to have things from her  
8 testimony come in as separate exhibits. I just -- I just  
9 think it's unfair to the Applicant. We did our homework  
10 ahead of time, and I just don't think it's fair that this  
11 is happening now at the hearing.

12 MR. IACOPINO: I was more concerned  
13 about your concern, if they're not marked as part of the  
14 record, then, if you intend to raise them, if you need to  
15 raise the issue down the road, they may not be  
16 sufficiently identified for a review in court. That was  
17 my concern. If the Applicant doesn't have a concern with  
18 that, I mean, I understand that they're already in the  
19 record in the report, but --

20 MS. GEIGER: And, all I'm saying is that  
21 I think, at this late date, it would be okay for Mr. Roth  
22 to refer folks to the same evidence that we all have or  
23 the same exhibit that we all have. But, to bring in these  
24 new blow-ups here, you know, here a month after we were

[WITNESS: Vissering]

1 all supposed to come in and brought ours, I just don't  
2 think that's fair.

3 MS. MANZELLI: Madam Chair, if I can  
4 interject?

5 MR. ROTH: If I can first respond?

6 MS. BAILEY: Mr. Roth.

7 MR. ROTH: I apologize for the failure  
8 to mark them as exhibits at the prehearing conference,  
9 both to Attorney Geiger and to the Committee. However, at  
10 this point, I don't see any prejudice to anybody in having  
11 these marked as exhibits. They're simply to enable the  
12 Committee to get a larger view, and everybody in the  
13 hearing room to get a larger view of what the  
14 illustrations in the photos are. So, I don't see any  
15 prejudice to anybody in having them admitted and marked as  
16 exhibits.

17 MS. BAILEY: Ms. Manzelli.

18 MS. MANZELLI: Thank you. I concur with  
19 Attorney Roth's comments. These are demonstrative  
20 exhibits that will be of great assistance to the counsel  
21 and to other witnesses. So, we would like to have them  
22 marked as exhibits. They're substantively duplicative of  
23 exhibits that are already on the record. So, there should  
24 be no prejudice. Thank you.

[WITNESS: Vissering]

1                   MR. ROTH: I guess the last, and I  
2                   should have said this before, but I think, as part of her  
3                   going through and describing what these are, I intended to  
4                   do a fairly simple "Please tell us what this is." And, it  
5                   seems to me, with every witness that we've had thus far,  
6                   each of those witnesses have had an opportunity to  
7                   describe the purpose of their testimony. And, I view this  
8                   as in keeping with that.

9                   MS. GEIGER: And, I would object to  
10                  that. I guess, just to offer a compromise, in the spirit  
11                  of moving things along. We won't object to having them  
12                  marked as an exhibit for the reason that Ms. Manzelli  
13                  indicated. But we would very much object to having Ms.  
14                  Vissering stand up here and start testifying about what's  
15                  in those photos. Our witnesses didn't do that. We had  
16                  the blow-ups available, but I did not walk through our  
17                  witnesses with an oral description. They're available  
18                  there for folks to ask questions, and I'm fine with that.  
19                  But I just don't think now for Ms. Vissering to start  
20                  talking about these in any kind of detail is appropriate.

21                  MR. ROTH: I understand the objection.  
22                  Let me just make this point, and I think this hopefully  
23                  will satisfy her. If you can -- if you look at these  
24                  pictures, they all look kind of the same. And, what I

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1 would like her to do is, as we tag each one, simply to  
2 identify where in the report these illustrations are from.

3 MS. BAILEY: That's what I was going to  
4 do. I don't think we need to mark them as exhibits. I  
5 think the first one is Page 24 in her report. I can see  
6 that plainly. I can see it better here on my computer  
7 screen than I can see it from over there. I can't see any  
8 details on that. So, why don't we just say what page they  
9 are in the report. The first chart is Page 24, right?

10 MR. ROTH: Madam Chairman, with all due  
11 respect, I think, to be consistent with the way the record  
12 has been kept, I would ask that they be simply marked as  
13 an exhibit, to be "PC 1A", "1B", and "1C".

14 MS. BAILEY: Okay. Go ahead.

15 MR. IACOPINO: Look, if we're going to  
16 mark them, then let's get them marked before you have her  
17 talk about them.

18 (The 3 groups of enlarged photographs  
19 were herewith marked as **PC 1A**, **PC 1B**,  
20 and **PC 1C**, respectively, for  
21 identification.)

22 MR. ROTH: Okay. Thank you.

23 BY MR. ROTH:

24 Q. Ms. Vissering, --

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1 CHAIRMAN IGNATIUS: Mr. Roth, I'm sorry.  
2 Before we begin, is there anything else that you've got  
3 that has not been premarked, so we can get this out of the  
4 way? Because we're not going to -- any of us are going to  
5 be happy by spending time today squabbling over things  
6 like this.

7 MR. ROTH: We have one other blow-up  
8 that will be introduced as part of her rebuttal to the  
9 supplemental prefiled of Mr. Guariglia. So, let's call  
10 that one -- what are we up to in terms of my numbers?

11 (Court reporter suggested "PC 4A".)

12 MR. ROTH: "4A", okay.

13 MR. PATNAUDE: Because the rebuttal is  
14 "4", right?

15 MR. ROTH: Yes.

16 MS. GEIGER: Could I please ask what  
17 that extra exhibit is, because I don't have it?

18 MR. ROTH: There will be a description  
19 of it. And, I'll -- if you can just bear with me a  
20 minute.

21 MS. GEIGER: And, I guess, while we're  
22 still getting set up here, I just want to note for the  
23 record that, at least on the report that I have for Ms.  
24 Vissering, the pages that the Chair just referred to,

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1 starting with 1A, there's a note there that says that "The  
2 photos are intended to be viewed at 11 by 17, at  
3 approximately 17 inches from the viewer." So, I don't  
4 know the dimensions of those photos. I just wanted to  
5 point that out. That's correct, right?

6 WITNESS VISSERING: Yes. These are 11  
7 by 17. So, they're definitely. That's why it's difficult  
8 to see further --

9 MS. GEIGER: Okay. So, they're intended  
10 to be 17 inches from you?

11 WITNESS VISSERING: Yes, in front of  
12 you.

13 MS. GEIGER: Okay.

14 WITNESS VISSERING: So, what you see in  
15 your -- they're the same dimensions as the ones I believe  
16 that are in the report. So, --

17 MS. GEIGER: Okay. I just wanted to  
18 make sure that people were aware of that.

19 MS. BAILEY: So noted. Thank you.

20 MR. IACOPINO: Did you show her the  
21 rebuttal exhibit? The other parties may need to see it as  
22 well.

23 MR. ROTH: Yes. We don't have  
24 sufficient copies to give around to everybody, and we have

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1 the board.

2 CHAIRMAN IGNATIUS: Mr. Roth, you've  
3 probably appeared in these proceedings more than anyone in  
4 the room, with the exception of Mr. Iacopino. The fact  
5 that you don't know to bring copies of exhibits is just  
6 very frustrating to me.

7 MR. ROTH: I apologize. Ms. Vissering  
8 had this exhibit, and I was not aware of it until last  
9 night.

10 CHAIRMAN IGNATIUS: Well, that's not the  
11 problem of the Committee, and it's not the problem of the  
12 other parties. That's your problem. And, it's extremely  
13 aggravating to me that you can't figure that out before we  
14 get into the hearing room.

15 MR. ROTH: Well, in light of that then,  
16 I will withdraw that exhibit. We won't submit it.

17 CHAIRMAN IGNATIUS: Thank you.

18 BY MR. ROTH:

19 Q. All right. Ms. Vissering, can you -- the three that  
20 have been marked as "1A", "1B", and "1C", can you  
21 please identify where in your report those -- what  
22 those exhibits represent? And, I'm not asking you to  
23 describe the content of the photo, but please just  
24 state for the record where those pictures are presented

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1 in your report.

2 A. These are all the simulations that I presented as  
3 "Appendix A Photosimulations", and they are mounted on  
4 these boards. So, grouped as we -- just for  
5 efficiency, to make use of the size of the board. So,  
6 I think this is Gregg Lake. And, I'm not sure exactly  
7 what -- let's see.

8 MS. BAILEY: And, that's marked as  
9 "Exhibit 1A", all three photos?

10 WITNESS VISSERING: Yes. And, hold on  
11 just a minute. The Gregg Lake photosimulations are  
12 numbered "3A", "B", "C", "D", "E" in my report.

13 MS. BAILEY: But is the picture -- which  
14 exhibit are you working on now? 1A or -- the orange  
15 sticker on the --

16 WITNESS VISSERING: That is 1A, yes.

17 MS. BAILEY: So, those three photos that  
18 are on the board labeled "1A" --

19 WITNESS VISSERING: Has 3A, 3B, 3C.  
20 And, actually, the 3D and E are on Board 1C. These are  
21 the panorama views of the same images.

22 MS. BAILEY: Okay. So, just to make the  
23 record clear, in the report, on the electronic copy, the  
24 picture of 3A starts on Page 29. And, that says "Gregg

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1 Lake west". And, that's "Exhibit 1A" now. And, 1A  
2 includes Picture 3A, 3B, and 3C. Correct?

3 WITNESS VISSERING: Yes.

4 MS. BAILEY: And, the panoramic views  
5 are the following pictures in the report, and that's  
6 labeled Exhibit what?

7 WITNESS VISSERING: Exhibit 1C.

8 MS. BAILEY: So, Exhibit 1C has photos  
9 3D and 3E?

10 WITNESS VISSERING: Correct.

11 MS. BAILEY: Okay. Go ahead.

12 BY MR. ROTH:

13 Q. Okay. So, we've done 1A and 1C, correct?

14 A. Yes. So, then, Board 1B, Exhibit 1B, includes the  
15 photographs -- the photosimulations of Willard Pond.  
16 And, those are numbered in my report "1A", "1B" and  
17 "1C".

18 Q. Okay.

19 A. And, I apologize, --

20 Q. And, that's all of them.

21 A. -- I don't know the numbers. And, then, --

22 Q. That one we're not going to -- are those photographs,  
23 let me ask you --

24 A. Those are photosimulations of --

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1 Q. Are those in your report?

2 A. Yes. These are also. These are from Goodhue Hill, 2A  
3 and B.

4 Q. So, they -- let's just stop for a second, so we're  
5 clear. The first two paragraphs are in the report?

6 A. Yes.

7 Q. The bottom one is not, is that correct?

8 A. That's correct.

9 Q. Okay. So, can you -- which are the first two  
10 photographs on what we've numbered "4A", correct?

11 A. Yes.

12 Q. Are where in your report?

13 CHAIRMAN IGNATIUS: Mr. Roth, I thought  
14 you withdrew that exhibit? I'm confused.

15 MR. ROTH: So am I. But I'm trying to  
16 make it -- I'm trying to clarify. The one that was -- if  
17 you put the 4A up on the stand please. The exhibit  
18 includes a photograph that was part of the rebuttal. And,  
19 I misunderstood that all three of those photographs were  
20 part of the rebuttal. But, in fact, only the bottom one  
21 is part of the rebuttal. And, that's the one we're not  
22 going to use. The first two, the top two pictures, are of  
23 -- they're blow-ups from stuff in the report. And, we are  
24 going to use those.

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1 MS. GEIGER: And, just for the record,  
2 where are those in the report, the top two photos? How  
3 were they numbered, Ms. Vissering?

4 MR. ROTH: Those are Goodhue, right?

5 WITNESS VISSERING: Those are Goodhue  
6 Hill. And, I have my own copy of the report. And, it  
7 doesn't necessarily --

8 MR. ROTH: That would be 2A and 2B.

9 MS. GEIGER: Thank you.

10 MR. IACOPINO: And, we are to disregard  
11 the bottom photograph?

12 MR. ROTH: That's correct.

13 MS. GEIGER: Could I ask why this is  
14 "4A", instead of "1D"?

15 MR. ROTH: Well, we can renumber it  
16 "1D", because that -- that would be fine.

17 MS. GEIGER: This numbering doesn't make  
18 sense to me. And, I think this is an illustration as to  
19 why we were all invited to spend the day here in October  
20 to mark exhibits.

21 MR. ROTH: Thank you. I'll take your  
22 edification on your point.

23 (The group of 2 enlarged photographs, as  
24 described, was herewith marked as **PC 1D**

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1 for identification.)

2 MR. ROTH: So, it is now marked as "1D"  
3 now.

4 BY MR. ROTH:

5 Q. Now, Ms. Vissering, now that we've got the exhibits  
6 ready, we have an opportunity now for you to introduce  
7 some fairly brief, but direct testimony to rebut the  
8 supplemental prefiled testimony that was made by Mr.  
9 Guariglia in October. And, I'm going to ask you a  
10 series of questions about that testimony. In his  
11 report, Mr. Guariglia argues that the majority of the  
12 area is forested with no visibility, and that this is  
13 an important consideration determining that the Project  
14 would not have unreasonable visual impacts. Can you  
15 comment on that testimony.

16 A. Well, I think one of the facts Mr. Guariglia states is  
17 that there would be approximately 90 to 95 percent of  
18 the Project area would not be visible, and that that's  
19 one of the reasons for his conclusion that there would  
20 be no or very limited impacts. And, I would disagree.  
21 Because the nature of New England is that it is heavily  
22 forested, and this is a fairly rugged area. And, I  
23 think that, if you looked at any situation pretty much  
24 in New England, you're going to have the same -- that

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1 same situation, with very little overall visibility.

2 But I want to talk about the 5 to 10 percent of  
3 visibility, because that is where I believe we need to  
4 focus our review, because those tend to be open areas.  
5 And, open areas in New England tend to be somewhat  
6 rare, because we are so forested.

7 They're often places such as lakes,  
8 ponds, streams, and mountaintops, which are considered  
9 to be very visually sensitive, because they're places  
10 that we go to recreate. They're places where we go and  
11 spend time. They're often places where there has been  
12 some investment of time or money to protect them. They  
13 are places that are often a destination for people.  
14 And, I think, just to -- essentially, they are very  
15 often the focal points of our landscape. They are  
16 often what defines the character of the landscape.

17 So, to me, because there is such visual  
18 sensitivity and uniqueness in a place where that --  
19 that is open where you can get a distant view, we all  
20 know how rare that is in New England, those places are  
21 the ones where we should be focusing our analysis.  
22 That that 5 to 10 percent can be, will not always be,  
23 of great concern. And, I would add that visibility  
24 does not mean that there are visual impacts, but there

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1 definitely -- there are some places that have a  
2 particular visual sensitivity that are the ones we  
3 really need to be focusing on.

4 Q. Thank you. In his testimony, Mr. Guariglia also  
5 suggest that you base your conclusions on only a few  
6 vantage points, and yet you select numerous vantage --  
7 you suggest that numerous would be affected. Can you  
8 explain this apparent inconsistency?

9 A. Okay. So, obviously, in my report, I was not trying to  
10 duplicate what Mr. Guariglia had done. He had done --  
11 identified a number of vantage points, did quite a few  
12 simulations of places from which there would be  
13 visibility. I was focusing in on a few areas that I  
14 considered to be "visually sensitive", as I described  
15 just a moment ago. And, since I have had the  
16 opportunity to look at the 10-mile viewshed, I would  
17 change that opinion to some extent. Because, in that  
18 report, I identified, of those 11 places that I  
19 identified in the report, some of them I didn't have  
20 particular concerns about, for example, roadways.

21 I didn't really discuss historic sites,  
22 for example. But, having the advantage of looking at  
23 the 10-mile viewshed, I would continue to feel that  
24 Gregg Lake, Willard Pond, Bald Mountain, and Goodhue

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1 Hill are three resources -- excuse me, four resources  
2 that are of great concern. They are very close to the  
3 Project, within a mile and a half to two miles away.  
4 That's very close. All of the Project is visible from  
5 those resources, or nearly all. And, a large area of  
6 the resource, there's visibility over a large area of  
7 the resource. So, just looking at those four, I, in my  
8 experience, have not seen a wind project with four very  
9 sensitive resources in such close proximity, with such  
10 high visibility.

11 But I think I could identify or I would  
12 identify approximately 14 resources that I would  
13 consider to be in that category. In other words, high  
14 sensitivity, because of their -- either their  
15 proximity, the amount of -- or the amount of  
16 visibility. And, those, in addition to Willard Pond,  
17 Greg Lake, Bald Mountain, Goodhue Hill, would include  
18 Franklin Pierce Lake --

19 MS. GEIGER: Excuse me. I'm going to  
20 object to this testimony here. I believe the 10-mile  
21 viewshed was made available back in June, is that correct?  
22 I think in July. And, I think it was submitted prior to  
23 the supplemental testimony. So, I guess I'm not sure why  
24 we're having this additional testimony at this point, when

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1       this could have been put in Ms. Vissering's supplemental  
2       testimony. It's new testimony. And, I think it's not  
3       just rebutting what Mr. Guariglia said in his. It's  
4       adding more to the record that could have been put in her  
5       supplemental testimony, because she had the 10-mile  
6       viewshed at the time she filed her supplemental in  
7       October.

8       BY MR. ROTH:

9       Q.     Let's move to the next question, Ms. Vissering. In his  
10       supplemental, Mr. Guariglia says that "the  
11       characterization of views as being minimal, moderate,  
12       or significant are inappropriate." Can you comment on  
13       that, respond to that?

14       A.     Okay. This is an approach that I have generally used.  
15       It is one that I certainly have in my experience of  
16       looking at many other people's testimony is very  
17       common. And, I think that the important thing to  
18       recognize is that, in the law, there is a threshold of  
19       unreasonable adverse impacts. In order to determine  
20       whether or not a project overall or a particular site  
21       would supersede that threshold, it is essential to know  
22       the degree to which the resource is being impacted, in  
23       what way, at what level, without some sense and  
24       analysis of the extent to which that resource -- a

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1 description of how it is being impacted. It would be  
2 very difficult to determine whether that threshold is  
3 reached.

4 And, to me, it's very helpful to  
5 understand that something is minimally impacted and why  
6 it is minimally impacted, moderately impacted, and why,  
7 or significantly impacted, and what are the factors?  
8 Is it how it is seen? Is it the number of turbines?  
9 Is it the nature of the resource itself? So, I  
10 consider that to be essential.

11 Q. When you -- when you testified in the Granite Reliable  
12 case, what sort of methodology did you use and employ  
13 that was accepted by the Committee in that case?

14 MS. GEIGER: I'm going to object to  
15 that. This is beyond the scope of rebutting to something  
16 in Mr. Guariglia's testimony. This is additional  
17 testimony that the witness is offering here on direct that  
18 my witnesses didn't have the chance to talk about. So, I  
19 just think that this is exceeding the scope of what's been  
20 allowed thus far in rebuttal.

21 MR. ROTH: I think it's a fair question.  
22 Mr. Guariglia says it was "inappropriate" to use this  
23 methodology. And, I think it's important to point out  
24 that, when Ms. Vissering was propounded as a witness by

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1 Attorney Geiger in a previous case before this Committee,  
2 she used the same methodology, and that methodology was  
3 used by this Committee to determine that there was no  
4 unreasonable adverse impact on the visual resources in the  
5 Granite Reliable case.

6 (Ms. Bailey and Atty. Iacopino  
7 conferring.)

8 MS. BAILEY: The Granite Reliable impact  
9 analysis is not relevant here. I sustain the objection.

10 MS. GEIGER: And, I would move to strike  
11 Mr. Roth's characterization, the last statement that he  
12 just made concerning that Granite Reliable issue.

13 MR. ROTH: It was a proffer.

14 MS. BAILEY: All right. We're going to  
15 leave the record as it is.

16 BY MR. ROTH:

17 Q. In his supplemental testimony, Mr. Guariglia is also  
18 critical of your approach, which defines certain  
19 resources as "highly sensitive", and especially the  
20 idea of an expectation of a natural setting. Can you  
21 address that criticism please?

22 A. Okay. This is a concept that comes from the idea of  
23 experience level, which is, I believe Mr. Kimball  
24 actually referred to that, it does come from the U.S.

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1 Forest Service's approach that has been adopted and  
2 adapted in various ways by many institutions and other  
3 people, other organizations. It doesn't have to do  
4 with how any individual might feel or react to  
5 development. It has to do with the resource itself.  
6 And, by that, I mean that most, when we're doing  
7 recreation planning, whether it's at the local, state,  
8 national level, there is what's called a "recreational  
9 opportunity spectrum". And, that means that you are  
10 trying to provide a range of opportunities for  
11 recreating that range from the very primitive, and this  
12 would be a place like Willard Pond, the Wildlife  
13 Sanctuary, where you have minimal development, and  
14 where the contact with nature is really the reason  
15 you're there, all the way to a spectrum of -- of ponds,  
16 perhaps with motorboats, to ski areas, to gambling  
17 casinos.

18 And, you know, as the state or any --  
19 and, I think in the state recreation plans, at least  
20 the ones that I'm familiar with, there's often a  
21 recognition that that's an essential -- essential to  
22 provide. It is not always provided by the state, it is  
23 sometimes provided by quasi-public organizations or by  
24 private organizations. But they all contribute to that

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1 range of opportunity that can be available to people in  
2 general.

3 So, I guess the idea, just to get back  
4 to the -- the idea of being in a place to experience a  
5 natural setting is very much -- is something that could  
6 easily be identified, and is identified in all -- in  
7 guide books, planning documents, websites. So, there's  
8 a very clear sense that certain -- certain types of  
9 recreations are very much intending to provide a  
10 certain type of experience.

11 Q. Thank you. Mr. Guariglia also says that your  
12 Simulation Number 2B in your -- in the report doesn't  
13 accurately depict the appearance of the roadway and the  
14 clearing from Goodhue Hill. Can you respond to that  
15 criticism please?

16 A. So, we went back and took a look at that in detail,  
17 which is what this exhibit that we're not submitting  
18 was trying to illustrate. But what we did is we looked  
19 at the model and focused in on that place. And, unless  
20 the design of the roadway has changed since the  
21 original Application, which is what we used in that  
22 location, I don't see how the road could not be visible  
23 from that, that location, as we had depicted it.

24 Q. Okay.

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1 A. It is very clear, when you began to -- which is why I  
2 was trying to provide an illustration of the model  
3 itself.

4 Q. So, notwithstanding the criticism, and having looked at  
5 it again, you're comfortable that it was an accurate  
6 depiction?

7 A. Yes.

8 Q. Okay. Thank you. Now, Mr. Guariglia also states that  
9 the resources you identified don't have state or  
10 national significance, and would see much less use than  
11 the state park. Can you respond to that please?

12 A. Okay. This is a complicated question. Clearly, Mr.  
13 Guariglia is correct, in that some states, like New  
14 York and Maine, do identify and define what a state or  
15 national resource would be; other states, New Hampshire  
16 and Vermont, do not. There are pros and cons. And,  
17 the question is not always easy to determine. But I,  
18 in this particular case, one of the reasons why I,  
19 despite what I consider to be very significant impacts,  
20 I did not come to the conclusion that this Project was  
21 inappropriate in this location. One of the reasons was  
22 that, at least from what I knew at that time, and now,  
23 I -- for the most part, and this is a little nuanced,  
24 but these are resources of certainly regional

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1 significance. There is certainly some indication of  
2 perhaps some state significance, but, by and large,  
3 that was my conclusion, that these were regional --  
4 regional resources.

5 On the other hand, because of the very  
6 significant impact to a large number of these regional  
7 resources, I felt that this was a project that needed  
8 substantial mitigation. And, that was why I  
9 recommended the mitigation measures that I did.

10 Q. Thank you. And, the last question I have for you is,  
11 Mr. Guariglia suggests that the impacts from Pitcher  
12 Mountain would be "minimal", in his supplemental  
13 prefiled testimony, and the Project would be "small".  
14 And, there's an existing wind farm that is already  
15 clearly visible in the other direction. And, because  
16 these are seen in two different directions, that there  
17 wouldn't be a cumulative impact of the two projects  
18 being visible from Pitcher Mountain. Would you please  
19 respond to that.

20 A. So, when you look at the -- at the 10-mile viewshed for  
21 Antrim, and you compare it with the 10-mile viewshed  
22 for the Lempster Project, there's quite an overlap.  
23 And, so, I -- what we're seeing is or could potentially  
24 see is two different wind projects in two different

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1        directions. That's two directions of the compass  
2        points. So, I think it is a cumulative impact,  
3        clearly. And, I don't -- but the degree of cumulative  
4        impact I have not -- this is a question that a lot of  
5        states are struggling with, in terms of how do -- how  
6        you define "cumulative impacts", and when do they  
7        become, as we're looking at here, when do they become  
8        unreasonable? And, I have not personally drawn  
9        conclusions as to that. But it is, again, one of the  
10       reasons why I felt mitigation of this Project, with the  
11       measures that I recommended, were essential.

12                MR. ROTH: Thank you. The witness is  
13       now ready for cross-examination.

14                MS. BAILEY: Thank you. Mr. Froling.

15                MR. FROLING: No questions.

16                MS. BAILEY: Mr. Beblowski?

17                (No verbal response)

18                MS. BAILEY: Mr. Jones?

19                (No verbal response)

20                MS. BAILEY: Ms. Sullivan?

21                (No verbal response)

22                MS. BAILEY: Ms. Longgood or Ms. Duley?

23                (Ms. Duley shaking head in the  
24       negative.)

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1 MS. BAILEY: Mr. Stearns?

2 MR. STEARNS: No questions.

3 MS. BAILEY: Ms. Pinello?

4 MS. PINELLO: No questions.

5 MS. BAILEY: Ms. Manzelli?

6 MS. MANZELLI: Yes. Thank you. Good  
7 morning, Ms. Vissering. My name is Amy Manzelli. I am  
8 here representing New Hampshire Audubon.

9 WITNESS VISSERING: Good morning.

10 MS. MANZELLI: Good morning.

11 **CROSS-EXAMINATION**

12 BY MS. MANZELLI:

13 Q. You stated earlier, but I just want to confirm, you  
14 understand the legal standard here is the visual impact  
15 -- to visual impacts is whether the Project would  
16 result in an unreasonable adverse impact on aesthetics  
17 pursuant to RSA 162, *etcetera*, right?

18 A. Yes.

19 Q. Okay. So, I just want to explore a couple points in  
20 your testimony that don't seem 100 percent consistent  
21 to me. On your original testimony, you said that  
22 "significant mitigation was needed to satisfy that  
23 legal standard, including smaller turbines, eliminating  
24 two turbines", *etcetera*, you provided a list. But, in

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1 your supplemental testimony, you said that taking those  
2 steps would still result in an unreasonable adverse  
3 impact. So, can you explain that a little bit? Is  
4 there any amount of mitigation that would allow this  
5 Project to comply with the legal standard to not result  
6 in an unreasonable adverse impact to aesthetics?

7 A. Can you tell me where in my supplemental testimony I  
8 said that?

9 Q. Sure. I'm sorry. I didn't make a page reference in my  
10 notes, so bear with me. I believe it's on Page 1. The  
11 question is: "Would the proposed easements change your  
12 findings and conclusions described in your visual  
13 assessment report?" And, part of your answer is:  
14 "Even with the removal of the two southernmost turbines  
15 and the introduction of most nighttime hazard  
16 lighting", then there's a parenthetical, "the project  
17 would result in an unreasonable adverse effect on  
18 aesthetics." Do you see where I'm reading from?

19 A. Yes, I do.

20 Q. Okay. So, the overall question is, is there any amount  
21 of mitigation that would allow the Project to comply  
22 with the legal standard to not result in an  
23 unreasonable adverse impact to aesthetics?

24 A. I think in that question I was referring to the

[WITNESS: Vissering]

1 inadequacy of the proposed conservation easements.

2 And, I think that -- I think that there could be  
3 conservation easements that would be sufficient. I'm  
4 not seeing them right now. But -- so, my answer would  
5 be, yes, I think there is mitigation that could be  
6 sufficient.

7 Q. And, so, what would that mitigation be?

8 A. Are you referring to just the conserve -- with regard  
9 to the conservation easements or everything?

10 Q. Everything.

11 A. Okay. I want to -- I probably need to refer to my  
12 report again.

13 Q. I'm sorry, Ms. Vissering. I assume you have the  
14 references in front of you, right? Your original  
15 testimony, your Visual Impact --

16 A. Yes, I do.

17 Q. Okay. I just wanted to make sure. Thank you.

18 A. Okay. So, my first recommendation was to eliminate  
19 Turbines Number 9 and 10. And, the reason for that was  
20 because those are the closest to the Willard Pond  
21 Wildlife Refuge. And, therefore, would be, in addition  
22 to the most proximate, appear to be the largest. Using  
23 the -- some kind of radar-activated lighting system,  
24 which I consider to be essential. I think that

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1 lighting is often considered to be one of the most  
2 obtrusive parts of a wind energy project. And, so, I  
3 do not believe that any kind of permit would be  
4 appropriate without an insurance that that could  
5 happen. The use of smaller turbines, and the reason  
6 for that is two-fold. One is that this is a fairly low  
7 ridge in comparison to some ridges that I have -- I  
8 have seen wind energy projects located on. So, it is  
9 one that will potentially feel overwhelmed by very tall  
10 turbines. So, when I'm saying "smaller turbines", the  
11 ones that were used at Lempster seem to be an  
12 appropriate -- have a reasonable relationship with that  
13 ridgeline, which is very similar to this one.

14 Then, the land conservation question.  
15 This is a -- takes some explanation, because the land  
16 conservation issues I think are important here, because  
17 -- and this sort of spans both ecological and scenic  
18 values. When I look at the Antrim conservation plan,  
19 there is very clearly a big yellow splotch, "Priority  
20 Conservation Area", very clear, right in that plan for  
21 this area. And, those values are noted in that plan as  
22 a range of ecological values, the fact that it is  
23 unfragmented habitat, and scenic values. So, there are  
24 some clearly stated goals in the local plan on this --

[WITNESS: Vissering]

1 about this particular area.

2 There, in addition to that, there's a  
3 higher level -- a higher level that is the Quabbin to  
4 Cardigan Initiative, which identifies a broader, but  
5 definitely encompasses, this particular area. And,  
6 that is a state and national initiative, with a clear  
7 -- with a clear goal of protecting unfragmented habitat  
8 as being highly important.

9 So, when I come to that, when I look at  
10 the fact that what is being proposed, I certainly have  
11 some of the concerns that were expressed about the  
12 locate -- potential location of houses, and where they  
13 -- well, how many and where they might be, but I think  
14 my concerns are bigger than that. They are, first of  
15 all, not these -- these conservation easements don't  
16 even cover the entire ridgeline of the Project. And,  
17 when I compare it with a recent -- with a recent  
18 project that was just approved in Vermont, with very  
19 similar values, in terms of the unfragmented habitat,  
20 the conservation easements were quite complicated.

21 There was one, a temporary one along the  
22 project ridge for the project, which could extend, as  
23 this one can, maybe another 25 years past the life of  
24 the project, with restrictions as to certain types of

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1 logging, when it could happen, roads, that sort of  
2 thing. Then, along the entire ridge were permanent  
3 conservation easements, which did not allow any  
4 building whatsoever. And, in addition to that, there  
5 was an agreement to protect a 1,600 acre unfragmented  
6 piece to the south of the ridge that was considered to  
7 be valuable and would retain forever a piece of  
8 unfragmented land. And, there were other things that  
9 were done to protect some land in adjacent -- near the  
10 Long Trail, which was six miles away with that project.

11 So, I guess what I'm saying is that what  
12 I'm seeing here to me, given the values of this  
13 particular ridgeline to the town, to the state, to the  
14 region, then I see that what is being proposed as what  
15 I would call "paltry". So, that's the conservation  
16 easements. So, --

17 Q. Ms. Vissering, just to speed things along here, you  
18 probably would mention next the following three bullets  
19 in your visual impact assessment on Page 18 and 19,  
20 regarding "Identify and address all areas from which  
21 portions of roads, ridgeline clearing, cut and fill  
22 slopes and turbine pads may be visible." "General  
23 vegetation" --

24 (Court reporter interruption.)

[WITNESS: Vissering]

1 MS. MANZELLI: Sorry.

2 BY MS. MANZELLI:

3 Q. "Identify and address all areas from which portions of  
4 roads, ridgeline clearing, cut and fill slopes and/or  
5 turbine pads may be visible." Next bullet: "General  
6 revegetation". Next bullet: "Any significant  
7 visibility of substation and O&M facility." Would that  
8 complete your list of mitigation that would be required  
9 for this Project?

10 A. Yes.

11 Q. Okay. Now, let me just clarify. You described a  
12 project in Vermont that had recently been approved and  
13 the conservation plan that was part of that approval.  
14 Is that the type of conservation plan that you would  
15 recommend for this Project?

16 A. Yes. That was a larger project, but, even in terms of  
17 looking at the sort of proportional amount of  
18 conservation, it certainly -- it certainly should be.

19 Q. And, the primary attributes there was a conservation  
20 easement on the project site itself?

21 A. Yes.

22 Q. And, a conservation easement around the project. And,  
23 in addition, a separate conservation easement of a  
24 large unfragmented swath of land?

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1 A. Yes, I don't know that it necessarily needs to be the  
2 exact same thing.

3 Q. Uh-huh.

4 A. Because there may be things that are more appropriate  
5 here. But I think it needs to be equivalent in  
6 recognizing the values that are here in this particular  
7 ridgeline, because that -- it's very clearly stated,  
8 and the Project will have many significant impacts,  
9 both from a fragmentation point of view, which is not  
10 my area of expertise, --

11 Q. Uh-huh.

12 A. -- but also a visual point of view.

13 Q. Okay. Now, you mentioned that turbines similarly sized  
14 to those like the ones in Lempster would be more  
15 appropriate for this Project. I don't know off the top  
16 of my head, do you know off the top of your head what  
17 size the turbines in Lempster are?

18 A. I think they're 2.5 megawatts.

19 Q. I'm sorry, do know their height?

20 A. I do not.

21 Q. Okay. Do you know that they're shorter than the  
22 turbines proposed here?

23 A. I believe they're shorter, yes.

24 Q. Can you say at all whether they're shorter by 10 feet?

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1       50 feet? 100 feet? If you can't, that's fine.

2   A.   I would be guessing, but, and let me mention, if I  
3       could, another reason for the shorter turbines. It's  
4       partly a sort of visual proportional concern. But  
5       there has been a lot of discussion in recent months, in  
6       Vermont, between the -- the difference between the  
7       Lowell and the Sheffield projects, which I'm sure  
8       you're not familiar with. But one of -- there are many  
9       differences. But one of them seem to have resulted in  
10      very large roads, a huge amount of cut and fill on the  
11      mountain summit, and the other in far, far less. And,  
12      there were a number of reasons for that, the number of  
13      techniques that were used, but one of the differences  
14      was that the turbines on the Sheffield Project were  
15      smaller.

16                   And, so, what happens is that the larger  
17      the turbine, the more difficult it becomes to get those  
18      pieces up roads, and it requires much larger -- much  
19      larger -- results in much larger cut and fill in order  
20      to kind of get those pieces around curves going up a  
21      mountain. And, also, to just put -- build them  
22      on-site, so -- and store those pieces. It requires  
23      much larger turbine pads. These are all things that  
24      can make quite a difference in the overall impact of a

1 project.

2 Q. Ms. Vissering, you mentioned as part of your  
3 recommended mitigation that Turbines 9 and 10 be  
4 eliminated, and that, for the remaining turbines, that  
5 they be smaller, something on a scale of what's at  
6 Lempster. Now, if that were implemented, would a  
7 turbine still be visible from Willard Pond?

8 A. Yes.

9 Q. And, would they still be visible from the sanctuary?

10 A. Yes.

11 Q. Now, just let's talk about photos. Photographic  
12 simulations are two-dimensional representations of  
13 three-dimensional landscapes, right?

14 A. Yes.

15 Q. And, photographic simulations don't capture movement,  
16 right?

17 A. Not the ones that we have done. There are  
18 computer-generated ones that can do that, but not --  
19 they have not -- that type of simulation has not been  
20 presented here.

21 Q. Are people known to perceive turbine blades as larger  
22 than they appear in photos?

23 A. Well, I can't answer that specifically.

24 Q. Uh-huh.

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1 A. Turbines will generally appear slightly larger than  
2 they do in the photos, simply because they're sharper,  
3 because the eye is so much sharper than a camera lens.

4 Q. And, is that true even when a person is looking at the  
5 photographic images that you've produced in the way  
6 that you've recommended, that is in the 11-by-17 inch  
7 format, and looking at them 18 inches from the eye?

8 A. Yes. Well, what I -- in terms of simulations, what I  
9 think they are most useful for is to get a sense of the  
10 proportionality of the turbines. So that you can see  
11 roughly how large that turbine is going to be, where  
12 its location is along the ridgeline and within the  
13 view. You can get a pretty good idea -- you can get a  
14 pretty good idea of its relative size in relationship  
15 to the ridge. It does not depict how it will appear in  
16 reality, to the extent that it's going to be a much  
17 clearer image, assuming a clear weather condition, of  
18 course. Of course.

19 Q. Now, looking to your and Mr. Guariglia's visual impact  
20 assessment -- or, excuse me, visual impacts analyses.  
21 Now, you wrote a document called the "Visual Impact  
22 Assessment Process for Wind Energy Projects" for the  
23 Clean Energy States' analysis. And, Mr. Guariglia  
24 contributed to that, right?

[WITNESS: Vissering]

1 A. My recollection on that was that he was -- I had a  
2 number of people who reviewed it for me --

3 Q. Uh-huh.

4 A. -- to comment, and I think -- I think that was his  
5 role. Though, I could be mistaken that it was  
6 something else.

7 Q. And, you and Mr. Guariglia are professional peers,  
8 right?

9 A. Yes.

10 Q. And, you respect his opinion?

11 A. I do.

12 Q. Is a "visibility study" the same as a "visual impact  
13 analysis"?

14 A. Could you repeat that.

15 Q. Sure. Is a "visibility study" the same as a "visual  
16 impact analysis"?

17 A. I would say that they are not. I would, at least from  
18 what I understood Mr. Guariglia to say in the last  
19 hearing in which he testified, was that what he was  
20 attempting to do was to show the extent to which a  
21 project -- the project would be visible, and, in other  
22 words, through using the simulations, to provide images  
23 to provide a viewshed analysis, which shows where in  
24 the region they could be visible, and to identify those

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1 resources from which there would be visibility. I feel  
2 that, in order to do a visual impact analysis, there  
3 has to be -- there has to be some fairly, more detailed  
4 look at what are the resources, how will they be  
5 affected specifically. So, it's -- you can look at an  
6 image, for example, from Willard Pond, but it doesn't  
7 -- that's one viewpoint that you might be seeing from  
8 the simulation. It doesn't really talk about the  
9 values of that resource, how the project might be seen  
10 from different vantage points, and what that is going  
11 to mean.

12 I mean, I think the fact that all of the  
13 turbines are visible from the entire pond, or pretty  
14 much, is significant. It also needs the understanding  
15 of the pond itself and its characteristics is a  
16 significant part. What is the resource? The resource  
17 is one in which there's currently no development  
18 visible.

19 Q. So, --

20 A. So, I guess -- yes. So, I guess, to me, that's an  
21 impact assessment, that it goes into far greater detail  
22 and provides the rationale for making a decision.

23 Q. So, a visibility study essentially determines whether  
24 the turbine will be visual or not from a particular

[WITNESS: Vissering]

1 vantage point?

2 A. Yes.

3 Q. And, a visual impacts analysis analyzes further  
4 whether, if something is visible, that visibility  
5 amounts to a visual impact?

6 A. Yes.

7 Q. And, did Mr. Guariglia perform a visual impact analysis  
8 for all of the vantage points?

9 A. No. I think he said that himself.

10 Q. And, is that part of the reason why you, in your visual  
11 impact analysis, said that the difference between your  
12 and his opinions results from the lack of any detailed  
13 analysis of the specific vantage points within the  
14 region? Is that what you were getting at when you made  
15 that statement?

16 A. Yes. I -- and, of course, I did not look at every  
17 vantage point either.

18 Q. Uh-huh.

19 A. I looked at ones and focused on those that I thought  
20 were visually sensitive, which strikes me as those  
21 areas that would have some unique values for the region  
22 that are distinct from those kinds of resources where  
23 you're driving along in a car at 50 or 60 miles an  
24 hour, which we all experience every day.

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1 Q. Uh-huh.

2 A. And, I focused on recreation areas, because we go to  
3 recreate in recreation areas, depending on what it is.

4 Q. I understand that the VIA protocol assumption that Mr.  
5 Guariglia used is that there is 40 feet of vegetative  
6 screening between the viewer and the turbines, is that  
7 correct?

8 A. Yes.

9 Q. Now, why is that assumption valid, when most of the  
10 forest around this Project is deciduous, and for about  
11 six months of the year the leaves are gone?

12 A. Okay. That is pretty much a standard in our  
13 profession. The 40 feet is considered to be  
14 conservative, and it's for showing those areas on the  
15 viewshed analysis where you would likely be able to see  
16 the project unobstructed. And one of Mr. Guariglia's  
17 viewshed maps identifies those areas. And, while it is  
18 true, this is something I did a lot of study of, the  
19 deciduous vegetation. I don't consider deciduous  
20 vegetation to allow, in most instances, great views,  
21 because you're talking about vertical elements, which  
22 you're seeing through vertical trees. Yes, you would  
23 be able to see them, but they're not going to be  
24 dominant. And, when I look at an impact, I'm looking

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1 at a situation where the project is really dominant in  
2 your view. So, and depending on the terrain, where you  
3 have a steep slope, looking out, you know how it is in  
4 the wintertime, you can kind of begin to see the ridges  
5 beyond, yes, there will be some visibility. Where  
6 people tend to stop often is near the tops or something  
7 like that.

8 So, I don't -- I don't -- I agree with  
9 Mr. Guariglia on this, that the forest, there are  
10 situations where you might have a very thin area, but I  
11 don't think that that is an area of huge concern for  
12 visibility.

13 Q. Now, just making a clarification about the sanctuary.  
14 In your visual impact analysis, you state that what's  
15 known in the region as the "super-sanctuary" of  
16 conserved lands, includes about 10,000 acres of  
17 protected lands. Now, do you agree that the current  
18 total of those protected lands is closer to  
19 30,000 acres?

20 A. Yes. And, I was -- yes. I was a little uncertain  
21 about those exact numbers. So, thank you.

22 Q. You say in your visual impact analysis that  
23 introduction of invasives, or your word I think is  
24 "exotic" species, should be avoided. So, what protocol

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1 specifically would you recommend to prevent that?

2 A. That was again in something that was -- there was a  
3 great -- it isn't -- that's not my area of expertise,  
4 but I do know that that was a subject of great  
5 discussion in the recent Lowell decision, in Vermont,  
6 where there were specific protocols for any vehicles  
7 that were coming up and using that road. So, that is  
8 an -- something of great concern.

9 Q. In your supplemental testimony, you said -- you  
10 reference the need to "insure that no future  
11 development is located within the visually and  
12 ecologically sensitive higher elevation." Can you  
13 explain what development you mean?

14 A. I was referring there to any houses or structures that  
15 would be up in the higher elevations.

16 Q. Are you aware that the radar-activated lights that have  
17 been discussed in this docket have now been required on  
18 a project in Arizona?

19 A. I was not aware of that.

20 Q. Does knowing that Manchester Airport is open 24/7  
21 change your opinion regarding whether the  
22 radar-activated lights would adequately address the  
23 visual impacts in this case?

24 A. No, it does not.

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[WITNESS: Vissering]

1 Q. In your original testimony, I believe, you said that  
2 "combined or cumulative impacts may occur within a  
3 region if turbines are visible from numerous recreation  
4 or scenic areas." My question to you was going to be  
5 "is that the case here?" But I think you testified  
6 earlier today that that is the case here. Did I  
7 understand that correctly?

8 A. That what is the case?

9 Q. That we have cumulative or combined impacts?

10 A. Yes, there are -- there are cumulative impacts that  
11 would result, assuming the Project were built.

12 Q. And, you testified earlier today that states are  
13 struggling to define those cumulative impacts. Does  
14 that mean that states are, at this point, not fully  
15 prepared to address these type of projects?

16 A. I think -- I think it's something that is, as a number  
17 of projects become proposed into -- in an area, that it  
18 is certainly a concern. And, I have -- I have not seen  
19 any states that have really addressed this problem.

20 Q. Now, earlier testimony was that you did not find an  
21 unreasonable adverse impact to Willard Pond. Is that  
22 true?

23 A. "That I did not find an unreasonable" -- I'm sorry.

24 Q. That's all right. An earlier witness testified that,

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1 in your writings submitted, your prefiled direct  
2 testimony and your supplemental testimony and your  
3 visual impact analysis, that you did not find an  
4 unreasonable adverse impact to Willard Pond. And, my  
5 question is, "is that true?" And, I would direct you  
6 to Page 18 of your Visual Impact Assessment.

7 A. Well, certainly, I would consider the Project as  
8 currently designed to be an unreasonable adverse impact  
9 to Willard Pond, I do.

10 Q. Thank you.

11 A. Yes.

12 Q. And, would you consider it to be an unreasonable  
13 adverse impact to the sanctuary?

14 A. Yes.

15 Q. Now, you testified earlier that some states, for  
16 example, I think you said New York, defined, I assume  
17 you mean by a statute or a regulation, what resources  
18 are of statewide significance. Was that your earlier  
19 testimony?

20 A. Yes.

21 Q. Okay. Now, did you imply there that New Hampshire does  
22 not make such distinctions?

23 A. I'm not aware of a list that is -- that the state has  
24 provided as to what is a state versus a regional

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1 resource.

2 Q. So, how then do professionals like you and Mr.

3 Guariglia figure out what is and what is not of

4 statewide significance?

5 A. Well, I think my approach might be a little bit

6 different from Mr. Guariglia's, because he considered,

7 if it were a state park, yes; if it's an Audubon

8 sanctuary, no. I'm not sure that the fact that it's a

9 public entity versus a quasi-public entity is a

10 defining feature. Nor do I think that that -- that the

11 amount of use should be a determining factor, because,

12 for example, there are many trails which, relatively

13 speaking, compared with a heavily-used beach facility,

14 are going to have a lot less use. That does not make

15 them any less important on a statewide level. And, I

16 think my -- I was unable to find any planning

17 documents, state planning documents, which may be

18 available, that list particular -- particular

19 recreational resources.

20 Q. Uh-huh.

21 A. And, which might have given me some -- a better

22 indication. I made the assumption that, for example,

23 Gregg Lake is a heavily-used facility, with a local

24 beach there, with swimming lessons and summer camp,

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1       it's very heavily used, but that it's primarily used by  
2       people within the region. I also, despite the fact  
3       that the Audubon sanctuary is the largest Audubon  
4       sanctuary in the state, I did make an assumption that  
5       it was nevertheless a very important, but one that was  
6       primarily used regionally, rather than as a state  
7       resource.

8   Q.   Uh-huh. Would the Quabbin-to-Cardigan Corridor  
9       Initiative result in a resource of statewide  
10      significance?

11   A.   That is -- that should be considered a statewide -- a  
12      statewide project.

13   Q.   And, that project is in the works, right?

14   A.   Yes. And, I think part of it would go over Pitcher  
15      Mountain, if I'm not mistaken.

16   Q.   And, you're aware that Willard Pond is actually owned  
17      by the state?

18   A.   Yes. And, I believe it's a great pond as well.

19   Q.   Mr. Guariglia said that your analysis relied on  
20      "personal judgment" and your perception on the "quality  
21      of views". Can you please explain the role of personal  
22      judgment and subjectivity in how professionals like you  
23      and Mr. Guariglia analyze views?

24   A.   Okay. There has been a lot of -- Mr. Kimball mentioned

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1 the U.S. Forest Service's methodology. I actually  
2 brought a copy of that with me, but I don't have it  
3 right here, it's out in my satchel. But it -- this was  
4 way back in the 1970s, when there was a lot of concern  
5 about, at that time it was partly just over-cutting and  
6 forestry techniques, to how do we protect some of these  
7 very scenic resources, state, the federal -- on federal  
8 lands. And, there was a lot of research that took  
9 place at that point, in terms of public preferences and  
10 how people perceive impacts on landscapes and what  
11 defines "scenic beauty".

12 And, so, there is a very defined sort of  
13 methodology for determining scenic quality. It's  
14 actually very easy to do. And, this is probably --  
15 this is something I spent semesters teaching at the  
16 University of Vermont, so I'm not going to go into  
17 everything right now. But there are some basic  
18 criteria that would determine high scenic quality.  
19 And, there are also criteria for determining to what  
20 extent elements in the landscape might detract from  
21 scenic quality. So, that's pretty much a part of at  
22 least my training and how I will look at these, at any  
23 particular location, landscape site, in terms of  
24 evaluating it.

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1 Q. So, do these criteria take away personal opinion on  
2 what is of scenic value?

3 A. I believe they do. Because they're based on research  
4 of human perceptions. So, in other words, we use the  
5 research. And, it is very consistent, in terms of how  
6 people perceive landscapes, what they find to be  
7 attractive, what they find to be unattractive. And,  
8 so, they're the same -- they're the same principles  
9 that we use in -- that I would use in design. They're  
10 the same principles that, for eons, people who built  
11 cities or designed -- designed human landscapes used.

12 MS. MANZELLI: If I could just have a  
13 moment please?

14 (Short pause.)

15 MS. MANZELLI: I have no further  
16 questions. Thank you very much, Ms. Vissering.

17 MS. BAILEY: Thank you. Ms. Allen?

18 MS. ALLEN: No questions.

19 MS. BAILEY: Mr. Block.

20 MR. BLOCK: Yes. Thank you. Just one  
21 second, let me get my notes together here. All right.

22 BY MR. BLOCK:

23 Q. Let me go back for a minute to some things you said  
24 just a little while ago. You were talking about

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1 Lempster and comparing that. I believe you said you  
2 believed that the turbines that are installed at  
3 Lempster seem more appropriate in that situation than  
4 the ones that are proposed for interim, is that true?

5 A. Yes.

6 Q. What do you base that on?

7 A. My observation of the Lempster Project.

8 Q. Is that observation based on proportionality to the  
9 setting?

10 A. Yes. That is a fairly low ridgeline, in relation to  
11 its vantage points. And, I mean, every setting is  
12 somewhat different, in terms of how they are seen. But  
13 it seemed to me that those had a reasonable  
14 relationship with that ridge.

15 Q. Okay. The Lempster turbines are 396 feet, and the rise  
16 on that is about a thousand feet. So, therefore, those  
17 turbines seem to about 40 percent of the rise from the  
18 road up to the hills, does that sound about right to  
19 you?

20 A. That could be.

21 Q. Okay. The turbines recommended for Antrim are almost  
22 500 feet, and Tuttle Hill is about a 650-foot rise, and  
23 that comes out to be about a 77 percent rise. Is that  
24 part of what you're objecting to here, the greater

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1 amount of proportion on the turbines to the height  
2 proposed for Antrim as opposed to in Lempster?

3 A. Yes. Well, there's two things that happen with the --  
4 with some of the so-called "larger" turbines, and  
5 sometimes there's very little difference. But they can  
6 be both -- the towers can be larger, so that they  
7 appear more massive, as well as the overall height of  
8 the turbine.

9 Q. Do you have any sense of the difference in proportion  
10 for the blade sizes between the two installations?

11 A. Well, the blade size is usually a factor of the height  
12 of the turbine, because it can only -- of course, there  
13 will be the maximum blade for the height of the tower.  
14 And, I'm less concerned about the blades, quite  
15 honestly, because they're a much lighter, less  
16 perceptible part of the -- of the overall facility.  
17 I'm more concerned with the tower and nacelle, because  
18 that's the massive part. And, of course, partly  
19 because it does move, there's less -- it's very -- it's  
20 more difficult to look -- to understand the height, in  
21 relationship to the tip of the blade itself.

22 Q. So, I guess, if the 40 percent proportionality in  
23 Lempster seems more appropriate, wouldn't that --  
24 wouldn't one need to recommend that turbines in Antrim

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1 be lower to about 260 feet in height, in order to  
2 follow that same proportion?

3 A. It's possible. I guess I would hesitate to make that a  
4 specific recommendation.

5 Q. All right. You were talking also about, when we were  
6 talking about the forested cover and difference between  
7 summer and -- foliage on and foliage off, and you were  
8 talking about the turbines are essentially vertical  
9 elements, and in cover you've got vertical elements in  
10 the trees. And, I guess this relates to that vegetated  
11 viewshed map. You were talking about that as  
12 determining the unobstructed views, is that correct?  
13 And, the viewshed map being a tool to assess  
14 unobstructed views?

15 A. Yes. Exactly. So, that's the one that, if I'm doing a  
16 visual assessment, I will usually focus on the  
17 vegetated viewshed map, just because it gives me a  
18 better idea of where the openings would occur where the  
19 visibility would be notable.

20 Q. So, the way I interpret the viewshed map is there are  
21 color-coded areas on it that determine from a certain  
22 area you can see either no turbines or maybe one  
23 turbine or maybe three or four. So, it's number of  
24 turbines that are visible, is that correct?

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1 A. I'm trying to remember if Mr. Guariglia's viewshed map  
2 had that graded system. Many of them do. But, yes,  
3 that's right. It gives you an idea whether it's nine  
4 to ten or one to two, that kind of thing.

5 Q. Okay. Is it -- is the situation where, rather than  
6 number of turbines, but partial views of turbines, is  
7 that ever of concern? In other words, seeing turbines  
8 through trees or behind things, is that of concern or  
9 is that eliminated from your concern?

10 A. Well, that is one of the things I would look at, "how  
11 are they seen?" And, there certainly would be a  
12 difference -- there certainly would be a difference if  
13 they're -- if you were seeing just a blade over the  
14 ridgeline, for example, there would definitely be a  
15 difference between seeing ten of them across a lake or  
16 pond, versus one or two at the edge. So, all of those  
17 things are the kinds of things that I would look at,  
18 when I was looking at the relative impacts.

19 Q. But, in terms of vertic [sic] elements, how does  
20 movement of turbine blades affect the dominance within  
21 a view? If all elements are vertical, but one of the  
22 elements is moving, such as spinning blades, how would  
23 that affect dominance?

24 A. Well, it's a little bit of a sort of double edge,

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1 because it does, to some extent, the movement draws  
2 attention to the turbines. But, on the other hand,  
3 there have been studies that show people find them more  
4 attractive when they're moving, and not at all  
5 attractive when they're still. And, the reason, I  
6 mean, I think the reason for that is that -- is that,  
7 if you're going -- if you're looking at a wind project,  
8 it's fairly evident that it's a wind project, it needs  
9 to be serving its purpose. It's supposed to be  
10 generating -- generating electricity. And, obviously,  
11 if it's just sitting there, it's kind of useless, but  
12 -- and superfluous. But, yes. So, I think that it  
13 does -- you notice. But, given that there's a wind  
14 project there, I do not think that the turning  
15 necessarily is something that is -- a turning blade  
16 isn't necessarily a negative part of the feature. It  
17 is what it is supposed to be doing.

18 Q. Mightn't turning blades be more distracting, though, in  
19 a lot of situations?

20 A. They can -- they're certainly more noticeable. But I  
21 -- they're certainly more noticeable because of the  
22 turning blades. But, on the other hand, big white  
23 towers on top of a hill are probably even more so.

24 Q. Well, I agree with that. I know, for instance, if you

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1 drive on Route 10, past Lempster, it's hard to keep  
2 your eyes on the road sometimes when those turbines are  
3 spinning.

4 MS. GEIGER: I'm going to object. I'm  
5 going to object to that statement. It's a statement, not  
6 a question.

7 MR. BLOCK: I'll withdraw that  
8 statement.

9 BY MR. BLOCK:

10 Q. You described or you talked about a viewing area. And,  
11 one of your considerations is the amount of use in a  
12 particular viewing area determines, to some extent, its  
13 -- maybe its weight or its importance, is that correct?

14 A. To some extent. I was trying to argue that that isn't  
15 always the case, because sometimes a very -- a trail,  
16 like the Appalachian Trail, which might receive  
17 relatively very little use, could be at least as  
18 valuable as a heavily-used recreation area.

19 Q. Okay. I was going to ask --

20 A. In terms of a resource, in terms of those, yes.

21 Q. Okay. Can you describe what you mean by "amount of  
22 use"? Is it number of people? Is it the number of  
23 hours that it's occupied? Or what would, you know,  
24 what factors would you consider for "amount of use"?

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1 A. That is not really something that I look at to a great  
2 extent. I tend to look at what the resource is that  
3 this is -- that the facility is providing. So, I don't  
4 get too caught up in numbers, of how many people might  
5 or might not be going. I was, for example, the one  
6 thing that did impress me at the Willard Pond Wildlife  
7 Sanctuary is being there on a weekday, and the amount  
8 of cars coming in, with a lot of kayaks, was very  
9 impressive for the middle of the week. Now, had I been  
10 there and there was nobody there, and the trails were  
11 looking like they had not been used, I would not have  
12 been that impressed. I would have -- I've been on  
13 trails like that, and they have -- and it has affected  
14 my concern about how important they are, when I hike up  
15 a trail that looks like nobody's been up it in the last  
16 year or something.

17 So, I guess that's the -- generally,  
18 because I don't have use data numbers for any of these  
19 places. But I can -- but I look at the visual evidence  
20 that I see for a place, in terms of how it's being  
21 used. Or, to some extent, you can hear from a park  
22 ranger or something.

23 Q. So, the purpose of a place seems to affect the impact  
24 in your mind, is that correct?

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1 A. Yes. Because, as I have stated, I think that there are  
2 some resources that are more sensitive to others than  
3 to visual resources -- to visual impacts. And, the  
4 reason is that, if your purpose is to provide a natural  
5 setting, it's very different from being in a place  
6 where you're surrounded by motorboats and a lot of  
7 development, that is a different experience. You're  
8 already in a landscape which has been modified, and  
9 that's part of its character; as opposed to a landscape  
10 that very intentionally has not been modified.

11 Q. So, am I hearing you say that a lot of this might be  
12 subjective, as opposed to an objective assessment? You  
13 said you don't like to stick with strict numbers, but  
14 you're looking at other values, other than just  
15 numerical, is that correct?

16 A. I would not use the word "subjective". And, the reason  
17 is that the word "subjective" means that it is totally  
18 the perception of the subject, as opposed to the  
19 object. I believe that I'm looking at the resource.  
20 The resource is the object. And, so, I can look at a  
21 resource, and I can see things that are characteristic  
22 and define elements that are characteristic of that  
23 resource. That I think we would all probably, if we  
24 were out on a scene, you know, we would all agree there

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1 are views, there's a lake, and that's -- so, I would  
2 call that "objective".

3 Where it becomes subjective is, for  
4 anybody or any kind of decision like this, is where --  
5 where we begin to say "okay, I feel that this is an  
6 unreasonable adverse impact." Mr. Guariglia did not  
7 agree with me. That becomes subjective. And, what I  
8 do is, I rely on the arguments. I've made my  
9 arguments. I've tried to rationally explain what the  
10 resource is, how the Project will be seen, then it's  
11 the Commission that has to really come up with that  
12 decision, hopefully, based on some objective  
13 information.

14 Q. But it sounds like, to me, like you are avoiding on  
15 some levels quantifying?

16 A. I do not like to quantify visual imagery. I've seen  
17 attempts to quantify, to quantify, to have little  
18 lists. They're just as manipulate -- they can be  
19 easily manipulated. I put in a "3", somebody else says  
20 it's a "2". It doesn't get you anywhere. And, you  
21 could say, I mean, I suppose you could do something  
22 like "this many people arrive, and therefore it's --  
23 the annual use is this." You cannot do -- you cannot  
24 do this with a complexity of a landscape.

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[WITNESS: Vissering]

1 Q. In that viewing area, does ownership, say, public  
2 versus private, alter its sensitivity to viewing? Does  
3 that have any bearing?

4 A. I did not think that the fact that this -- that what I  
5 looked at was they were both open to the public. So, I  
6 would consider both the Willard Pond Wildlife Sanctuary  
7 and the Pillsbury State Park to be public facilities,  
8 in the sense that one is really probably quasi-public,  
9 but I don't see a difference, I don't see a difference  
10 in value there.

11 Q. In your testimony, you described the Tuttle-Willard  
12 ridge as being "central to the character of the rural  
13 section of Antrim". Could you describe that a little  
14 more. How does that affect the rural character of  
15 Antrim?

16 A. Certainly, ridgelines are always visually valued, for a  
17 number of reasons. They're very prominent. They are  
18 the place where earth meets sky. So, you have that  
19 line, which tends to be highly noticeable. We would  
20 all sort of, I think most of us, if we saw a big house  
21 built right on the top of a ridgeline would probably  
22 look in horror at that. There are ridgeline zonings  
23 have tried to prevent that for very good reasons. So,  
24 -- but, in Antrim, there are a number of different

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1 hills. And, the Tuttle-Willard ridgeline is one that  
2 is probably one of the more distinct ridgelines.  
3 Though, it's also one of a number of different hills  
4 that one can see looking around Antrim.

5 But it is, certainly from the vantage  
6 point of a couple of the local resources, Gregg Lake,  
7 for example, it is certainly right there, a very  
8 noticeable and fairly dominant part of that landscape.

9 Q. I guess I just have a technical question for you.  
10 Nobody's mentioned the pictures you've brought here,  
11 but could you describe you how achieved the panoramic  
12 views? What your procedure is for developing those? I  
13 don't see --

14 A. You mean the ones that are the wider angle?

15 Q. The widescreen versions there, yeah.

16 A. Okay. So, --

17 Q. There were at least a couple of them I noticed.

18 A. Yes.

19 (Witness putting posterboard on the  
20 easel.)

21 BY MR. BLOCK:

22 Q. Yes.

23 A. Okay. So, I don't know, can you see them from there?  
24 Those images, because the ridgeline is very close to

[WITNESS: Vissering]

1 the viewpoint at Gregg Lake, there were -- the  
2 panoramas were mostly at Gregg Lake. There's one for  
3 Willard. But, when you're taking the photographs, you  
4 have to take them at a certain focal length, which is  
5 the equivalent to the way the human eye sees the  
6 landscape. And, it's roughly the equivalent of 50  
7 millimeters in film or a 35 millimeter camera. My  
8 digital camera is about 34 millimeters. So, I have to  
9 take a series of photographs, like bump, bump, bump, in  
10 order to get the entire ridgeline. So, I did each  
11 individual one, to try to represent as close as I could  
12 on an 11-by-17, that hopefully you look at right at  
13 arm's length, to get an idea of how the turbines will  
14 actually appear.

15 But, because, in those individual  
16 frames, you don't get a sense of the entire resource, I  
17 did a couple that were merged photographs, that just is  
18 a largely photoshop technique of merging photographs,  
19 so that you could see the whole thing. Now, I should  
20 say, when you look at a merged photograph, you need to  
21 understand that everything in that photograph appears  
22 much smaller than it will in reality. So, it's  
23 important to note that. It's not going to -- and, it's  
24 why I always consider it important to do the individual

1 frames.

2 Q. Would that be corrected by simply bringing that  
3 panorama closer?

4 A. No. Because, to get it the size you would need, you  
5 can't really -- the way you would be looking at it  
6 would be, you know, by swinging your head.

7 Q. So, you --

8 A. So, you could potentially do it, if I enlarged it and  
9 you were kind of looking around. You might be able --  
10 there are some computer programs now that allow you to  
11 sweep through a landscape.

12 Q. And, I assume this is because the human field of vision  
13 is wider than most cameras, is that correct?

14 A. Well, the human field of vision is what is -- is in  
15 that 50 millimeter attempting to reproduce. So, your  
16 field of vision, the center of your eyes is where you  
17 see the greatest detail. And, then, it's much less as  
18 you move out. So, the 50 millimeter, that's -- I'm  
19 talking film, is really -- has been shown to be the  
20 focal length that is most equivalent to your looking  
21 straight ahead, without moving your eyes, at a scene,  
22 and what you would see.

23 Q. But don't most -- aren't most humans aware of objects,  
24 and see -- I can see movement in things almost 180

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1 degrees, a fairly wide angle, maybe 120, 140 degrees.

2 Wouldn't you need -- wouldn't you need a panoramic view  
3 in order to show that?

4 A. Well, this is the limits of photography, as opposed to  
5 human experience. Clearly, when we're in a scene,  
6 we're not just walking with our heads straight ahead  
7 like that [indicating], looking directly ahead. We're  
8 seeing many different things in the landscape. So,  
9 it's, I think as somebody else pointed out, a  
10 two-dimensional attempt to represent as best we can the  
11 way the turbines would appear.

12 Q. In real life, how do sky conditions affect how we see  
13 turbines?

14 A. Obviously, quite a bit. The Sun angles make a huge  
15 difference. Whether the Sun is facing or behind,  
16 sometimes they can appear silhouetted and almost appear  
17 dark or black, or at least a very dark color; other  
18 times they're very noticeably white. Of course, cloudy  
19 conditions, with very low clouds, they might disappear  
20 altogether, probably not the day that most people would  
21 be out on the beach. But they are -- yes, there's  
22 quite a bit of variability.

23 Q. So, there are some days when they might be quite  
24 visible and quite obvious?

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1 A. Oh, yes.

2 MS. BAILEY: Mr. Block?

3 MR. BLOCK: Yes.

4 MS. BAILEY: Can I ask you how much  
5 longer you have?

6 MR. BLOCK: One or two more questions,  
7 and that's all.

8 MS. BAILEY: Okay. Thank you.

9 BY MR. BLOCK:

10 Q. Oh. And, the panoramas, I guess I had a question, how  
11 many -- do you know how many photographs you stitched  
12 together to create the final image there?

13 A. The Gregg Pond was -- or, Gregg Lake was three  
14 photographs stitched together. And, then, we had -- I  
15 also did one for Willard Pond, which was two  
16 photographs.

17 Q. Two. And, you said those appear smaller. I assume  
18 that's because, in order to fit a wider image on an  
19 11-17 page, you essentially are zooming in on it and  
20 making it -- and reducing it to fit, is that correct?

21 A. Yes.

22 MR. BLOCK: All right. I think that's  
23 all. Thank you. No more questions.

24 MS. BAILEY: Thank you. All right.

[WITNESS: Vissering]

1 Let's take a fifteen minute break. So, we'll come back at  
2 ten of.

3 (Recess taken at 10:36 a.m. and the  
4 hearing resumed at 10:59 a.m.)

5 MS. BAILEY: Okay. We're back on the  
6 record. Ms. Linowes, do you have any questions for this  
7 witness?

8 MS. LINOWES: Yes, madam Chair. I just  
9 have a couple of questions.

10 BY MS. LINOWES:

11 Q. Ms. Vissering, can you comment on why there was no  
12 visual impact study conducted or performed for  
13 properties from the north, looking -- viewing the  
14 Project? Can you speculate why that might not have  
15 been done?

16 A. Are you thinking of, for example, Franklin Lake? Or  
17 residences? Or the roadways?

18 Q. Yes. Residences. And, one property that comes to mind  
19 was one of the intervenors lives at 156 Salmon Brook  
20 Road.

21 A. Well, it's usually -- I should say, it is unusual to do  
22 a simulation from one individual's house, for a variety  
23 of reasons. One is that it's just -- it would -- it,  
24 obviously, requires permission. It also is difficult

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1 to single out any particular one individual as having a  
2 simulation from their property.

3 Q. And, I appreciate that. But, just in general, a  
4 simulation from the north, if we don't depict any one  
5 property, is there any reason why you can think of that  
6 we don't have a full -- at least some understanding of  
7 what the view of the Project will look like from the  
8 north?

9 A. Yes. Well, I have to say that I was sort of thinking  
10 it would have been useful to have a simulation from  
11 Franklin Pierce Lake. But I didn't do it, Mr.  
12 Guariglia didn't do it, and I focused on other  
13 properties. And, I think there were some views coming  
14 into town along one of the main roadways that could  
15 have been a good vantage point, one in particular,  
16 where there was -- where there was, I think, would be a  
17 quite prominent tower located at the northern end of  
18 the ridge.

19 Q. Is there any recommendation you can make now, I know  
20 we're in the proceedings, but is it too late to do a  
21 simulation in your mind?

22 A. I guess that would be probably up to the Commission,  
23 maybe, if they would feel that that would be a useful  
24 piece of information. I --

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1 Q. I guess I'm asking you --

2 A. Okay.

3 Q. -- is your recommendation, or is it just not a  
4 prominent enough view that it's not relevant?

5 A. Well, it's certainly a good question, because, usually,  
6 it is a good idea to get them from different angles of  
7 view. So, and I don't exactly know the best location  
8 from which to do a simulation from the north. So, I'm  
9 not being very helpful, but, kind of waffling a little  
10 bit here, but I can appreciate the point that that was  
11 not a viewpoint that was represented.

12 Q. Okay. And, now, on -- I wanted to ask you one last --  
13 one other question and then I'll be done. There was a  
14 comment from the Committee, this is going back Friday,  
15 November 2nd, and I have the transcript here. The  
16 Committee was talking with Mr. O'Neal, who's a sound  
17 expert. Were you here Friday morning, when the  
18 Committee was --

19 A. No, I was not.

20 Q. Okay. The question struck me -- the comment struck me,  
21 because I think it applies to the visualization, and I  
22 wanted to hear what you say. The point that was being  
23 made was, I'm going to read from the transcript, "it  
24 seems like such a disconnect from what some residents

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1 report in other facilities, and we get news clippings  
2 and other things", the reference being to noise, and  
3 then it goes on to say "versus what the sound engineers  
4 tell us is going to be the reality of how people  
5 perceive these turbines." Okay, that's the noise.

6 Now, I want to ask you about the  
7 visualization. There is the simulations that are  
8 created, and then there's the human experience of an  
9 operating wind project. Have you ever experienced a  
10 situation on a project that you have done simulations  
11 on, where you went back and said "Whoa, I didn't expect  
12 it to look like this, no matter how much I simulated  
13 it"?

14 A. I know that -- the only example I can give you is that  
15 we did, on the Deerfield Project, do a simulation from  
16 a viewpoint that had been done -- that had been done,  
17 this was on the old original Searsburg Project, which  
18 was much smaller turbines, and, using the software,  
19 actually did a simulation from that site, and went  
20 back, and it was exactly the way it looked.

21 But, I think, maybe what you're getting  
22 at is, is that the other thing that was done, after the  
23 Searsburg Project, there was a study that was done to  
24 get -- to see what people's attitudes were towards the

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1 project. And, that kind of thing is, you know, we  
2 really -- we haven't really learned, to some extent, a  
3 great deal from some of these projects, which we  
4 probably need to do, to sort of post mortem or at least  
5 a kind of study of what some of the impacts are.

6 Q. Okay. Well, let me ask you then, and the question  
7 then, and I recognize that you have a trained eye, so  
8 you're in the business of creating the simulations.  
9 So, when you bring your image back to an operating  
10 project, you'll see they'll match up. But, to an  
11 inexperienced or a layperson's eye, let's say that that  
12 experience, have you recognize -- have you seen then  
13 that there has been a disconnect between what the  
14 simulations made the project look like it would look  
15 like and the reality of the project? Perhaps you  
16 already answered the question, but if you could  
17 elaborate on that.

18 A. Well, I think I said earlier that the turbines will  
19 always look more distinct in reality than they will in  
20 the photographs, which is probably what you're  
21 suggesting, and I think that's probably true. I can't  
22 say whether that's a negative or not. But I think  
23 they're definitely going to look different than they  
24 did in the photographs.

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1 Q. Then, how do we deal with that? What would you  
2 recommend to this Committee to -- should the Committee  
3 or any of the participants look at the images and draw  
4 a conclusion or should everyone be taking a trip to  
5 Groton, Lempster, Sheffield, wherever, and see for  
6 themselves what it looks like? What would your  
7 recommendation be?

8 A. I think it's important that everybody see what these --  
9 what turbines look like in various -- if possible, in  
10 different situations, to get an idea of how they  
11 actually -- they look in reality. One of the things I  
12 try to do is to go and look at a particular distance,  
13 to get an idea that I know is a particular distance  
14 away, where I know there's a vantage point, to sort of  
15 get an idea of ten miles, five miles, two miles, and to  
16 get a sense of how they actually look.

17 MS. LINOWES: Okay. Thank you very  
18 much.

19 MS. BAILEY: Ms. Geiger.

20 MS. GEIGER: Yes. Thank you. And, I  
21 think, to make things go a little quicker, I'm going to  
22 direct the witness to a few of the exhibits that I'm going  
23 to be asking her about.

24 (Atty. Geiger handing documents to the

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1 witness.)

2 MS. GEIGER: Thank you. Good morning,  
3 Ms. Vissering.

4 WITNESS VISSERING: Good morning.

5 BY MS. GEIGER:

6 Q. Okay. On the first page of your prefiled testimony, in  
7 your report dated July 30th, 2012, you state that you  
8 were retained by Counsel for the Public "to provide an  
9 independent assessment of the aesthetic impacts of the  
10 proposed Antrim Wind Project". Is that correct? I'm  
11 sorry. I'm not asking you about that about exhibit.

12 A. Oh. Okay.

13 Q. I'm asking you about your testimony.

14 A. Okay.

15 Q. The first page of your prefiled testimony.

16 A. Okay.

17 Q. Dated July 30th, 2012.

18 A. Sorry. I have all these things here. Okay.

19 Q. Okay.

20 A. And, could you repeat the question.

21 Q. Certainly. And, I apologize for confusing you with the  
22 other exhibit that I'm going to ask you about shortly.  
23 On the first page of your prefiled testimony dated July  
24 30th, 2012, you state that you were retained by Public

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1 Counsel "to provide an independent assessment of the  
2 aesthetic impacts of the proposed Antrim Wind Project."  
3 Did I read that correctly?

4 A. Yes.

5 Q. Okay. Could you please explain what you mean by the  
6 word "independent"?

7 A. I was not asked to take any position. I was asked to  
8 take a look at the Project and to come up with my own  
9 opinion as to what the impacts would be.

10 Q. Okay. So, are you saying that before Public Counsel  
11 retained you, you had no opinion about what the Project  
12 would look like or its impacts?

13 A. I had an idea of where it was located and some idea of  
14 what it would have looked like, but I did not have an  
15 opinion.

16 Q. Okay. But isn't it true that, before Counsel for the  
17 Public retained you to be a witness for him in this  
18 case, you had previously been hired and done work for  
19 the Antrim Ad Hoc Committee?

20 A. Yes. But I was not asked to come up with an opinion  
21 about the Project.

22 Q. But you prepared a report as a result of that work,  
23 didn't you?

24 A. Yes. And, that did not say anything about whether this

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1 was a good or bad project. I was very deliberate in --  
2 they asked me to recommend how they should change their  
3 zoning regulations to review the Project, and that is  
4 what I did. And, I did provide a report, which  
5 outlined some of the things that I thought would be of  
6 note with regard to this Project. But that was  
7 definitely not a conclusion.

8 Q. Okay. What is the "Antrim Ad Hoc Committee"?

9 A. My understanding is that it was a group of people who  
10 were members of the planning commission, and there may  
11 have been some members who were not actual planning  
12 commission members, who agreed to form the committee in  
13 order to look at the question of revising the zoning  
14 regulations, so that it would not be the entire  
15 planning board that had to deal -- they had many things  
16 to deal with. So, it was just a group of people who  
17 focused on that issue.

18 Q. And, isn't it true that some of those Ad Hoc Committee  
19 members are intervenors in this docket, like Mary Allen  
20 and Martha Pinello?

21 A. Yes.

22 Q. Okay. And, you met with those folks before you --

23 A. Yes.

24 Q. -- were retained by Public Counsel, right?

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1 A. Yes.

2 Q. Okay. And, as part of the work for the Antrim Ad Hoc  
3 Committee, you indicated you met with its members.

4 And, did you discuss issues related to siting a  
5 potential 10-turbine wind project on Willard Mountain  
6 and Tuttle Hill?

7 A. Yes.

8 MR. ROTH: I'm going to objection to  
9 this line of questioning. I think now we're going --  
10 we're here to evaluate the visual impacts of this  
11 particular project, not to evaluate Ms. Vissering's work  
12 in a previous engagement that is not related. I think  
13 she's already testified that she was not asked to give an  
14 opinion and did not give an opinion or render -- or form  
15 an opinion about the visual impacts of the project, which,  
16 at that point, was not defined. She was asked to do  
17 something very specific; she did it.

18 So, I think that this line of  
19 questioning is a waste of the Committee's time and  
20 resources and should not be allowed.

21 MS. GEIGER: I'm pursuing this line of  
22 questioning to develop the issue of bias of this witness.  
23 She's held herself out in her testimony as having provided  
24 an "independent assessment". And, just as Mr. Roth asked

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1 Mr. Magnusson about the issue of bias concerning, you  
2 know, payments for his services and Mr. Gittell's  
3 services. I believe this is a totally appropriate inquiry  
4 on cross-examination.

5 MS. BAILEY: Since she used the word  
6 "independent", I will allow her.

7 MS. GEIGER: Thank you.

8 MS. BAILEY: So, objection overruled.

9 BY MS. GEIGER:

10 Q. So, Ms. Vissering, as part of your -- you said, as part  
11 of your work, you prepared a report, is that correct,  
12 for the Ad Hoc Committee?

13 A. I was -- that was not something I was asked  
14 specifically to do. Most of my work was working on the  
15 -- just commenting on the zoning regulations. And, you  
16 had asked me before about whether we were looking  
17 specifically at that, at a project on that mountain.

18 Q. Yes.

19 A. And, in fact, what they very specifically asked me, I  
20 mean, obviously, that was in the works, and it was  
21 something that people were very aware of, --

22 Q. You mean this Project?

23 A. This Project. And, but, they were also very clear to  
24 say "We don't know what could happen. That project

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1 might fall through and there might could be other  
2 ridges where something in town could be proposed. So,  
3 we do not want you looking just at that ridgeline."

4 Q. Okay. So, in July of 2011, a year before you provided  
5 testimony in this docket, you drafted a report for the  
6 Ad Hoc Committee, correct?

7 A. Yes.

8 Q. Okay. And, that's what's been marked for  
9 identification as "AWE 33". It's something I put in  
10 front of you, is that correct?

11 A. Yes.

12 Q. Okay. And, was the purpose of this report to make  
13 comments and recommendations regarding the Ad Hoc  
14 Committee's draft Wind Energy Facility Ordinance?

15 A. No. This was really to provide the Town with a sense  
16 of what some of the observations that I had. And, I  
17 went around town, took a lot of pictures, because I  
18 needed to get a sense of the character of the town, to  
19 identify some of the things that they should be aware  
20 of that could -- that were -- that identified some  
21 character issues that might be relevant as they're  
22 looking at wind energy projects in town and some  
23 considerations.

24 Q. Well, in fact, doesn't the first -- first page or the

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1 "Purpose" section of your report say that you reviewed  
2 -- or you "viewed the Willard Mountain - Tuttle Hill  
3 ridgeline...from a number of vantage points", and you  
4 provided "some thoughts about how a facility in this  
5 location could affect the character of the Town"?

6 A. Yes.

7 Q. Okay. So, isn't it true then that, by the time Public  
8 Counsel had hired you to be his witness in this case,  
9 on visual impacts, you had already formed opinions  
10 about how a 10-turbine wind facility in the precise  
11 location of the Antrim Wind Project would affect the  
12 character of the Town of Antrim?

13 A. I had certainly observed that there were some resources  
14 there that were important. I honestly did not have any  
15 idea where I was going to come out on this when I was  
16 asked to look specifically at an evaluation of this  
17 Project. Because I work with wind projects all the  
18 time and landscapes where there are significant  
19 resources that have to be considered. And, depending  
20 on -- depending on the situation, they may or may not  
21 rise to the level of being -- of having unreasonable  
22 impacts. So, that was not a -- that level of review  
23 was not something I did. This is something -- what is  
24 in here are the things that are readily observable from

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1 walking around the town, --

2 Q. Okay.

3 A. -- to look at the character of the town.

4 Q. Okay. On Page 2 of your prefiled testimony, you state  
5 that "the Applicant's viewshed maps", and in that case  
6 it was the original five-mile radius maps, "appear to  
7 be accurate", is that correct?

8 A. Yes.

9 Q. Okay. And, you agree with Mr. Guariglia's estimation  
10 that there would be no visibility of the Project within  
11 the vast majority, approximately 95 percent of the  
12 five-mile study area, is that correct?

13 A. I would say somewhere in the 90 to 95, which as I think  
14 he had used that term also. But, yes. Generally, the  
15 vast majority, I think that's generally true.

16 Q. Well, didn't you say, I think on Page 10, Line 10, of  
17 your original prefiled testimony, that you agreed with  
18 him that there would be no visibility in approximately  
19 95 percent of the Project area?

20 A. Yes.

21 Q. Okay. So, it's not "90 to 95 percent", it was  
22 "95 percent", right?

23 MR. ROTH: Can you help us? You said  
24 "Page 10"?

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1 MS. GEIGER: Page 10, Line 10, of Ms.  
2 Vissering's report.

3 WITNESS VISSERING: Oh, of the report.

4 MR. ROTH: Of the report.

5 MS. GEIGER: Sorry. I don't think her  
6 testimony was that long, I think I agree.

7 MR. ROTH: And, I don't -- I agree.  
8 And, I don't think Page 10 has any lines on it. So, and  
9 I'm looking on Page 10, and I'm not seeing that.

10 MS. GEIGER: Oh, I'm sorry. Mr.  
11 Guariglia's estimation was Page 10, Line 10, of his  
12 testimony. I think yours is on Page 17, Ms. Vissering.  
13 I'm sorry.

14 WITNESS VISSERING: Okay. I think I  
15 found it.

16 BY MS. GEIGER:

17 Q. The top of the page?

18 A. Okay. Could I -- may I read the entire sentence?

19 Q. Certainly. Of course.

20 A. "While it may be true that as the Saratoga Report  
21 noted, there would be no visibility from 95 percent of  
22 the study area, the places where visibility will occur  
23 are those areas in which one lingers, recreates and  
24 where the experience of the natural landscape is often

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1 highly valued."

2 Q. Okay. So, you agree with Mr. Guariglia about the  
3 Project not being visible within 95 percent of that  
4 five-mile radius, correct?

5 A. Yes.

6 Q. Okay. But I thought I heard you say earlier this  
7 morning that you came up with a figure of "90 to  
8 95 percent", I'm just trying to figure out the  
9 discrepancy there?

10 A. I think, when I talked about the "90 to 95", I was  
11 saying that, generally, in New England, that's going to  
12 be characteristic of almost any landscape that is --  
13 especially in New Hampshire, because we're very wooded,  
14 hilly, that's going to be the norm.

15 Q. And, have you actually analyzed all of the -- the  
16 visibility of all of the wind farms in New England to  
17 support the statement that you just made, that it's  
18 generally characteristic within New England that  
19 95 percent of the area would not have visibility of  
20 them?

21 A. So, --

22 MR. ROTH: I object to that question.  
23 That's not what she said. I mean, you're rearranging the  
24 question here. You're making a question that's based on

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1 something that the witness never testified to.

2 MS. GEIGER: Okay. I'll withdraw the  
3 question.

4 BY MS. GEIGER:

5 Q. Could you please state whether you have done an  
6 analysis of all of the wind farms in New England to  
7 support the statement that you just made about the  
8 characteristics of New England?

9 MR. ROTH: That's the same question and  
10 the same objection. What she testified was that, "in New  
11 England, in general, when you're standing in any one  
12 place, 90 to 95 percent of what you're at is forested and  
13 not visible of any particular point." I think that's what  
14 she said, and she can certainly straighten it out if  
15 there's any confusion. But she didn't say that, you know,  
16 she visited all the wind farms or any given wind farm has  
17 that sort of visibility problem.

18 MS. BAILEY: Ms. Geiger.

19 MS. GEIGER: I'll rephrase the question.

20 BY MS. GEIGER:

21 Q. Ms. Vissering, have you visited or analyzed the  
22 visibility of all of the wind farms in New England?

23 A. No.

24 Q. Okay. So, you can't say with certainty that all of the

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1 wind farms in New England are visible only from  
2 five percent of the study area, can you?

3 MR. ROTH: I object to that, because  
4 she's never said that.

5 MS. GEIGER: Well, I think the witness  
6 made a statement about New England generally. And, I'm  
7 asking about a subset of New England. I'm asking about  
8 wind farms in New England. And, I just want to know the  
9 basis for her opinion that what I thought I heard her say,  
10 and please forgive me if I'm paraphrasing, because I don't  
11 have a photographic memory or an audio memory, is I  
12 thought I had heard the witness say something about her  
13 opinion that -- that the fact that this particular project  
14 is anticipated to be visible only in five percent of the  
15 study area was characteristic of New England, is that  
16 correct? Do I -- I'm probably misunderstanding.

17 MR. ROTH: Well, I think the problem  
18 that I'm having is she's adding a gloss that somehow that  
19 applies to wind farms everywhere in New England, and the  
20 witness has never rendered an opinion about whether all  
21 wind farms in New England are not visible from 95 percent  
22 of the surrounding area.

23 MS. BAILEY: This is cross-examination.  
24 And, I think that the Applicant is within her rights to

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1 ask this kind of question. And, I think that the witness  
2 is capable of answering it. So, please, I overrule the  
3 objection. Let's move on.

4 BY MS. GEIGER:

5 Q. Do you understand, Ms. Vissering?

6 A. Yes.

7 Q. And, I believe you answered that you haven't analyzed  
8 the visibility of all of the wind farms in New England,  
9 is that right?

10 A. Well, I think I answered that question before. And, I  
11 think my point this morning is that the five percent is  
12 what is often, doesn't -- certainly not in all cases,  
13 but is often the part that is the most important to  
14 analyze.

15 Q. Are you aware of any wind farms in New England that are  
16 visible in greater than five percent of the study area?

17 A. I want to be clear that I've looked at a lot of wind  
18 farms, wind projects. And, sometimes those with  
19 greater visibility have far less visual impacts;  
20 sometimes those with less visibility have a very  
21 significant amount. It has to do with the resource and  
22 the proximity and the amount of the number of turbines  
23 in the view. That, I mean, that's -- that I think my  
24 concern, and what I was trying to express with the

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1 95 percent, that doesn't tell you anything about  
2 impacts.

3 Q. Okay. So, are you saying that the lack of -- I just  
4 want to make sure I understand. Are you saying that  
5 the lack of a project's visibility within the vast  
6 majority of the study area is not an important factor  
7 in determining whether a project has an unreasonable  
8 adverse effect on aesthetics?

9 A. Yes.

10 Q. Okay. You're saying that is not a --

11 A. I don't think it's -- I don't think it's a relevant  
12 criteria.

13 Q. Now, didn't you conclude that the Granite Reliable  
14 Project, a 33-turbine project, would not have an  
15 unreasonable adverse visual impact?

16 MR. ROTH: Well, I just, this morning I  
17 was told that Granite Reliable was not relevant, and  
18 pursuant to an objection made by Ms. Geiger, and now it  
19 is. So, if it was not relevant then, it shouldn't be  
20 relevant now. Or, I should have been allowed to pursue  
21 that line of questioning with Ms. Vissering.

22 MS. BAILEY: Ms. Geiger.

23 MS. GEIGER: I think he was eliciting  
24 information on direct examination. This is

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1 cross-examination. I think it's different.

2 MR. ROTH: Well, relevance is relevance.  
3 I don't think that context matters.

4 (Ms. Bailey conferring with Atty.  
5 Iacopino.)

6 MR. IACOPINO: I think the relevancy  
7 ruling that you received this morning was because the  
8 determination by the Chair was that the questioning you  
9 were undergoing was not relevant in respect to the  
10 subsequent testimony. So, it was not relevant for the  
11 purposes of rebuttal. I think that this particular  
12 question is, in fact, relevant on cross-examination.

13 MR. ROTH: I would just note for the  
14 record that what the statement from the Chair was is  
15 "Granite Reliable is not relevant." And, so, I think  
16 we're seeing some revisionism here. But, you know, that's  
17 the objection.

18 MR. IACOPINO: And, it was in the  
19 context of the questions that were asked at the time, Mr.  
20 Roth.

21 BY MS. GEIGER:

22 Q. Well, the question that I have for you, Ms. Vissering,  
23 along those lines --

24 MR. IACOPINO: So, the objection will be

[WITNESS: Vissering]

1       overruled.

2                       MS. GEIGER:   Okay.   Thank you.

3   BY MS. GEIGER:

4   Q.   Now, did you base your conclusion in the Granite  
5       Reliable case, among other things, on a finding that  
6       the project's visibility throughout the region would be  
7       relatively low?

8   A.   Yes.   It was certainly far more visible than this  
9       Project throughout the -- in a lot of ways, throughout  
10      the region.   But, yes, I mean, that was something I  
11      mentioned, but it was definitely not the reason I made  
12      in my decision.

13   Q.   Okay.   So, low visibility you'd say is a factor in  
14      determining effects, is that right?

15   A.   I would -- I would have to reiterate, and this was, if  
16      you read my Granite Reliable report, you will see that  
17      what -- the reasons I came to the conclusions I did was  
18      not because the project was visible from certain areas,  
19      but how they were seen and the nature of the resource  
20      involved.   And, I would certainly stand by that, the  
21      conclusions I made in Granite Reliable today.

22   Q.   Okay.

23                       MS. GEIGER:   Okay.   So, speaking of your  
24      conclusions in Granite Reliable, I think I'd like to mark

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1 or ask the Committee to take official notice of Ms.  
2 Vissering's conclusions in the report that she made in  
3 that docket. And, I have copies, if I could hand them out  
4 at this point.

5 MR. ROTH: I object to this being  
6 admitted as an exhibit. Ms. Vissering has been a witness  
7 announced in this case since June. To the extent that I  
8 was chastised this morning for not providing copies of  
9 things beforehand, then to now allow the Applicant to do  
10 exactly the same thing, this could have been presented  
11 back in October, and I think it's improper to do so now.

12 MS. GEIGER: That's okay. I'll withdraw  
13 my request to have it marked. I would just ask that the  
14 Committee take official notice of Ms. Vissering's visual  
15 impact assessment filed in the Granite Reliable docket,  
16 specifically, the conclusion. I thought, for the record,  
17 it would be clearer if I passed out copies of that  
18 conclusion. I believe it's appropriate to take  
19 administrative or official notice under 541-A:33 of other,  
20 not appropriate, but I believe it's required upon request  
21 of a party that the Committee can, in fact, take official  
22 notice. So, --

23 MR. ROTH: I object to taking of  
24 judicial notice of that. Granite Reliable was a different

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1 project. And, the witness was testifying on behalf of  
2 Ms. Geiger's client at that time. You know, to the extent  
3 that, if we want to relitigate the Granite Reliable visual  
4 impacts, I suppose we could, you know, set up some more  
5 hearings and do that. But, for the Committee to take  
6 judicial notice of that report, without the ability to  
7 conduct further discovery and cross-examination about it,  
8 for purposes of this proceeding and it's relevance and  
9 it's applicability to this particular set of  
10 circumstances, I think is way beyond what we should be  
11 doing here, and unnecessary to determine the visual  
12 impacts of this Project.

13 MS. GEIGER: I'm not asking that it be  
14 officially noticed for the purpose of determining visual  
15 impacts of this Project. Again, I'm pursuing  
16 cross-examination of the witness to determine areas of  
17 inconsistency with prior positions, and that's the purpose  
18 that I'm asking for official notice.

19 MR. ROTH: Well, then, she should do  
20 that. But, to tell the Committee to go ahead and read it  
21 and draw your own conclusions, because it's relevant to  
22 determine that Ms. Vissering's opinion in this case is  
23 somehow different, I think is inappropriate.

24 MS. GEIGER: Well, that's exactly what

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1 I'm trying to do.

2 MR. IACOPINO: Can I just ask, Mr. Roth,  
3 are you saying that you don't object if she -- I mean,  
4 obviously, she has the report for her reading her  
5 conclusions in the Granite Reliable Project to her as part  
6 of her cross-examination --

7 MR. ROTH: Oh, I do. I already objected  
8 to that, and I was told that -- and I was overruled. I  
9 think it's irrelevant.

10 MR. IACOPINO: I just didn't understand  
11 from your last statement, that's all.

12 (Ms. Bailey, Atty. Iacopino and Chairman  
13 Ignatius conferring.)

14 MR. ROTH: Madam Chairman, the witness  
15 has asked --

16 CHAIRMAN IGNATIUS: Mr. Roth, one moment  
17 please.

18 MR. ROTH: I'm sorry.

19 MS. BAILEY: What were you going to say,  
20 Mr. Roth?

21 MR. ROTH: The witness has asked if she  
22 might confer with me.

23 CHAIRMAN IGNATIUS: Well, why don't we  
24 finish this issue first. Okay.

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1 MS. BAILEY: I don't think that the  
2 intent of Ms. Geiger's question was to relitigate the  
3 Granite Reliable Project, but rather to -- it's relevant  
4 because it goes to impeachment of the witness. So, I  
5 think that we will allow questions on the document -- of  
6 the document, and we'll take it from there. So, the  
7 objection is overruled.

8 MS. GEIGER: Thank you.

9 MR. ROTH: And just, I want to  
10 understand what objection is overruled. I objected to the  
11 Committee taking judicial notice of the Granite Reliable  
12 report filed in the Granite Reliable case.

13 MS. BAILEY: Okay. I don't think we  
14 need to take administrative notice or judicial notice of  
15 it.

16 MR. ROTH: Okay.

17 MS. BAILEY: I think that you can ask  
18 the questions of it and we'll --

19 MS. GEIGER: All right.

20 MR. ROTH: Thank you.

21 MS. GEIGER: Okay. I'll ask questions  
22 about her conclusion in the report and I'll ask her to  
23 read an excerpt from it, and I think that will suffice.  
24 If the Committee members actually want copies of them,

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1 then we can mark them. If not, we'll just have Ms.  
2 Vissering read it into the record.

3 MS. BAILEY: Okay. Thank you.

4 BY MS. GEIGER:

5 Q. So, Ms. Vissering, I was just asking you about your  
6 conclusion in the Granite Reliable report. Could  
7 you --

8 MR. ROTH: Excuse me. Can I have a copy  
9 of it while you do that?

10 MS. GEIGER: Of course. I have copies  
11 for others, if they would like as well. Would the  
12 Committee members like a copy as well? Would anyone else  
13 --

14 MR. IACOPINO: Make sure you have enough  
15 copies for the parties please.

16 (Atty. Goldwasser distributing  
17 documents.)

18 BY MS. GEIGER:

19 Q. Okay. Ms. Vissering, could please read into the record  
20 the conclusions that you made about the Granite  
21 Reliable Project from the report that you issued.

22 A. Could I have a copy?

23 (Laughter.)

24 (Atty. Geiger handing document to the

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1 witness.)

2 MR. ROTH: Before she does, I'm sorry, I  
3 just have to voice this objection. And, that is, I just  
4 want to point out that what we were provided and what  
5 she's reading from is one of 48 pages, and the cover  
6 sheet. So, this is not a complete copy of the report.  
7 That's all.

8 MS. GEIGER: And, I believe --

9 MS. BAILEY: And, we don't have it in  
10 the record, so --

11 MS. GEIGER: And, I believe I indicated  
12 it's the "Conclusions" section of the report.

13 BY MS. GEIGER:

14 Q. Ms. Vissering, would you agree that that is the  
15 entirety of the "Conclusions" section of your report?

16 A. I guess, I'm -- I have a great concern, because I spend  
17 a lot of time talking, and when I do a visual analysis,  
18 about the reasons that I came up with a conclusion.  
19 And, those reasons are essential to how I think about  
20 it. So, I'm somewhat -- I'm somewhat nervous that  
21 there's some little sentence in here that is going to  
22 say something about -- that is not part -- not  
23 understood as part of a larger analysis of the  
24 resources. But I shall look at this.

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1 (Short pause.)

2 **BY THE WITNESS:**

3 A. Okay. Can I read the entire sentence, instead of the  
4 part that is underlined?

5 BY MS. GEIGER:

6 Q. No, that's okay. I was just going to ask you, isn't it  
7 true, and you can add to this if you feel I  
8 mischaracterize or reading things incorrectly, please  
9 let me know, but I just want to make sure I understand.  
10 Now, in the Granite Reliable case, didn't you say and  
11 conclude that "The proposed project would not result in  
12 unreasonably adverse impacts, however. Its visibility  
13 throughout the region would be relatively low,  
14 especially from some of the major regional recreational  
15 focal points such as the Androscoggin River and from  
16 Dixville Notch and its surrounding woodland recreation  
17 areas. None of the viewing areas is publicly  
18 documented as having high scenic or recreational values  
19 for which a natural appearing setting is critical to  
20 the enjoyment of the resource." Did I read that  
21 correctly?

22 A. Yes.

23 Q. Okay. And, you also go on to say some other things,  
24 correct?

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1 A. Yes.

2 Q. What are those other things? Do you also go on to say  
3 that "the project would be viewed at a considerable  
4 distance"?

5 A. Yes.

6 Q. In other words, I don't want to read this out of  
7 context.

8 A. Right.

9 Q. I want you to feel comfortable with what I just said  
10 read, --

11 A. Yes.

12 Q. -- and indicate what other factors entered into your  
13 decision.

14 A. "The project would be viewed at a considerable distance  
15 (over 9.4 miles) from two of the more sensitive viewing  
16 areas in terms of public value, Percy Peak and Umbagog  
17 Lake. The project would not interrupt or detract from  
18 existing scenic resources within the area. In nearly  
19 all views only a portion of the project would be  
20 visible. This is a diverse area with numerous hills,  
21 mountains and rivers. The project would not appear as  
22 a prominent element within the region, nor would it  
23 interfere with the enjoyment of the many scenic views  
24 and recreational resources in the area."

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1 Q. Okay. So, does that fairly characterize your  
2 conclusion?

3 A. I would say, generally, yes.

4 Q. Okay.

5 MS. BAILEY: Ms. Vissering, could you  
6 get a little closer to the microphone please. Thank you.

7 BY MS. GEIGER:

8 Q. Ms. Vissering, unlike Saratoga Associates, you didn't  
9 present of develop a viewshed map for this Project, did  
10 you?

11 A. I'm trying to remember. I think we were working  
12 with --

13 Q. No, I'm talking -- actually, I apologize. For the  
14 Antrim Wind Project.

15 A. Oh, for the Antrim Wind Project. No, I --

16 Q. You did not develop or create a viewshed map, like  
17 Saratoga, correct?

18 A. That's correct. I relied on Saratoga's viewshed map  
19 for my work.

20 Q. Okay. Did you find it reliable?

21 A. Yes.

22 Q. Okay. Is it fair to say that your conclusions were  
23 reached simply from your assessments of the 11  
24 resources that you identified on Page 4 of your report?

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[WITNESS: Vissering]

1 A. No. I think -- I think I was beginning to articulate,  
2 I got cut off with the -- in my report, I focused on  
3 those four resources. But, as I said, when I looked at  
4 the larger viewshed map, which, at the time of my  
5 supplemental testimony, I had seen the day before, I  
6 did not -- I did -- I would slightly alter those  
7 conclusions.

8 Q. Now, you didn't create visual simulations of all of the  
9 locations that you discussed in your report, correct?

10 A. Correct.

11 Q. Okay. And, these locations, the ones in your report  
12 that you discuss, are not areas of state or national  
13 significance, are they?

14 A. I think there's some debate about the Willard Pond  
15 Wildlife Sanctuary. I think Gregg Lake is certainly a  
16 regional resource. And, Goodhue Hill is part of the  
17 Wildlife Sanctuary. And, that has -- is a little  
18 ambiguous. But I considered it, for my analysis, I  
19 considered it to be a regional resource.

20 Q. But these locations have not been identified in the  
21 Town of Antrim's Master Plan or in its Open Space  
22 Conservation Plan as resources of local aesthetic or  
23 scenic significance, have they?

24 A. They are certainly mentioned in the plan. I'm not sure

[WITNESS: Vissering]

1 to what -- I can't remember to what extent and what  
2 detail is discussed in the plan, but they're certainly  
3 mentioned.

4 Q. Okay. But didn't you indicate, in your July 25th  
5 report -- July 25th, 2011 report to the Ad Hoc  
6 Committee that we've marked as "AWE 33", didn't you say  
7 that, on Page 1, that Antrim's Master Plan "provides no  
8 guidance as to the specific views that might be  
9 important"? And, you can take a minute to look at  
10 that. AWE 33, Page 1.

11 A. Thirty-three, okay.

12 (Short pause.)

13 **BY THE WITNESS:**

14 A. Okay. So, this is the report that I did for the Town  
15 of Antrim. And, when I was looking at that, that  
16 there's -- there is no guidance, in the sense that we  
17 -- we consider, in Vermont anyway, a clear written  
18 community standard, which is something in our language,  
19 which I put that in there with a suggestion that -- as  
20 a suggestion to them to provide more information.

21 BY MS. GEIGER:

22 Q. But isn't it true, on Page 1 of that report, you said  
23 "The Master Plan notes for example that protecting  
24 scenic resources is important to citizens of the town,

[WITNESS: Vissering]

1 but it provides no guidance as to particular views or  
2 resources that might be important"? Did I read that  
3 correctly?

4 A. Yes.

5 Q. Okay. Would you agree that there is no government  
6 required protection of any specific views within the  
7 Project area?

8 A. "Government required"?

9 Q. Meaning state or local.

10 A. I don't think there are any specifically identified  
11 scenic views that are identified by either at the  
12 state, the state or -- yes, level.

13 Q. Okay. Any at the local level?

14 A. At the local level, not specifically. I did mention  
15 the identification of the -- in the conservation plan,  
16 which was not noted in here, but it's --

17 Q. Okay.

18 A. -- but I was looking at the Town plan, not the  
19 Conservation Plan.

20 Q. Okay. Now, you have categorized visual impacts at two  
21 locations, Willard Pond and Bald Mountain, as  
22 "significant", is that correct?

23 A. Yes.

24 Q. Okay. And, I believe you've said that the visual

[WITNESS: Vissering]

1 impacts at Goodhue Hill and Gregg Lake are  
2 "moderate-significant", is that correct?

3 A. Yes.

4 Q. Okay. And, you've determined that the impacts at the  
5 rest of the locations listed in your report as either  
6 "moderate" or "minimal-moderate", is that correct?

7 A. I believe that's true.

8 Q. Okay. What definition of "significant visual impact"  
9 did you use in your report?

10 A. It's articulated in the descriptions of each of those  
11 areas. It has to do with the character of the area,  
12 the number of -- the scenic quality of the area, the  
13 number of turbines that would be visible, its  
14 proximity, and the amount of area of the resource from  
15 which there would be visibility of the Project.

16 Q. But is there a standard or is there a definition of  
17 "significant" that you use on every project that you  
18 evaluate?

19 A. Those are the criteria I use when I do evaluations.

20 Q. And, you've said that a "moderate impact" would not be  
21 the same thing as an "unreasonable adverse impact", is  
22 that correct?

23 A. Yes.

24 Q. Okay. What methodology did you use in making your

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[WITNESS: Vissering]

1 determinations of "significant", "moderate" and  
2 "minimal" visual impacts? Is there a particular  
3 written guidance or documented methodology that you use  
4 when you applied those three terms?

5 A. It's, as I said, it's described in each description --  
6 in each paragraph in which I reviewed those, each  
7 resource. And, --

8 Q. Is this your methodology -- I'm sorry to interrupt. Is  
9 this your method -- I'm just trying to determine  
10 whether this is a methodology that's been developed by  
11 others that you applied or this is your own --

12 A. This is a pretty standard methodology that is used by  
13 the U.S. Forest Service, it's used by -- it's  
14 generally, any visual impact assessments that I've seen  
15 would discuss these kinds of elements. What is the  
16 character of the area? What is the resource? What are  
17 its scenic attributes? What are things that detract  
18 from the scenic views? And, then, how is the project  
19 seen in the view? And, that has to do with its  
20 proximity to the project, the number of turbines that  
21 are visible, the orientation of the view potentially,  
22 the area of the resource which would be affected. So,  
23 those are very standard ways of looking at the resource  
24 and its impacts.

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[WITNESS: Vissering]

1 Q. But you say this is a "fairly standard methodology", is  
2 that correct?

3 A. Uh-huh. Yes.

4 Q. Okay. But isn't it true that you have indicated that  
5 "many methodologies fail to provide clear guidance for  
6 determining when severe or unacceptable impact would  
7 occur"?

8 A. That's true. And, I think that's what I was seeing in  
9 Mr. Guariglia's methodology, is that we do not see any  
10 kind of clear way of coming to that conclusion. And, I  
11 do see other methods -- people using that kind of  
12 methodology. But there's no logical explanation about  
13 why the conclusion was reached.

14 Q. Well, is your methodology based on a clearly defined  
15 process that can be repeated by others?

16 A. Yes.

17 Q. And, is it fair to say that others could repeat your  
18 methodology and come out with a different conclusion?

19 A. A lot -- I would say that a lot of my methodology is  
20 fairly objective or fairly straightforward, in terms of  
21 we would all agree what the resource is, we would all  
22 agree that the way in which it was seen. But I'm  
23 guessing that there would be people who would come out  
24 with different conclusions.

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[WITNESS: Vissering]

1 Q. Okay. And, again, you've said that you've used this  
2 rating system of "significant", "moderate", "minimal",  
3 correct?

4 A. I did, as a tool, as a tool, in order to be able to  
5 help the Commission understand the degree of impact.  
6 Because, as I said, it's essential to understand what  
7 is it that is contributing to the impacts and to what  
8 extent would a resource be affected? To be able to  
9 understand that, you can begin to draw some conclusions  
10 as to -- as to what the impacts might be. I look at  
11 that for each resource, and then I look at the number  
12 of resources that are affected, and how, overall,  
13 throughout the region, how the region itself would be  
14 affected.

15 Q. So, it's true, though, that you, yourself, have said  
16 that assigning generic scores, such as "moderate"  
17 impact or "high" impact does not provide meaningful  
18 information to a decision-maker, without considering  
19 how the project is seen, in what context, and what the  
20 value of the resource is, correct?

21 A. Yes.

22 Q. Okay. Now, the State of New Hampshire doesn't have any  
23 guidelines or regulations regarding how visual impacts  
24 of a wind project are to be assessed, does it?

[WITNESS: Vissering]

1 A. That's correct.

2 Q. Now, at the bottom of Page 5 to the top of Page 6 of  
3 your visual impact report, you state that the impacts  
4 to Willard Pond would be "significant because of the  
5 existing conditions which is entirely natural with no  
6 development currently visible from the pond." Is that  
7 correct?

8 A. Yes.

9 Q. Did you find that? It's at the bottom of Page 5.

10 A. Yes.

11 Q. Okay. Now, isn't it true that, in your report to the  
12 Antrim Ad Hoc Committee, you said that "if a lake or  
13 pond is noted only for its natural values, the scenic  
14 characteristics won't be given as much consideration"?  
15 And, I believe that's on what's been marked as "AWE  
16 33", Page 2.

17 A. And, there I was referring to, for example, a wildlife  
18 management area. That's different from an area that is  
19 used recreationally. So, in other words, because  
20 Willard -- the Willard Pond Wildlife Sanctuary is used  
21 for a number of recreational activities, and as opposed  
22 to a wildlife management area, where you might be --  
23 you might be going to, I'm trying to think of an  
24 example, where there's no -- there's no defined public

[WITNESS: Vissering]

1 access, there's -- and the access, the public is --  
2 view is not really considered that important, it's  
3 really for managing wildlife.

4 Q. I see. Okay. Now, again, you said that Willard Pond  
5 is an entirely natural area, is that correct?

6 A. Yes.

7 Q. Okay. Isn't it true that Willard Pond is a dammed  
8 pond?

9 A. Yes.

10 Q. Now, won't the property within the Willard Pond  
11 Sanctuary remain natural and undeveloped, even after  
12 the Project is built?

13 A. Within the reserve itself?

14 Q. Yes.

15 A. Technically, yes. Though, the experience does include  
16 views to outside of the wildlife refuge.

17 Q. Okay. Understood. But won't visitors to Willard Pond,  
18 after the Project is constructed, still be able to use  
19 the pond and the land within the Sanctuary to the same  
20 extent that they currently use it?

21 A. It will certainly be available for kayaking and  
22 fly-fishing and other kinds of fishing, yes. And,  
23 people can still hike up to Willard Mountain.

24 Q. Okay. Are you aware of any government sponsored

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1 documentation indicating that Willard Pond is noted for  
2 its scenic values or views?

3 A. There are certainly guidebooks which talk about that.  
4 But I can't think of any state publication. I mean,  
5 not that I -- I haven't looked to see if there are any,  
6 but I'm not aware of any.

7 Q. Okay. And, on Page 6 of your Visual Impact Assessment,  
8 you state that Willard Pond is "one of the area's more  
9 popular destinations", is that correct?

10 A. Yes.

11 Q. Okay. How do you know this?

12 A. That was based on the -- largely my own personal  
13 experience, being there and seeing the number of people  
14 coming in and out, and also some of the testimony that  
15 I had -- I had heard from some of the -- from Francie  
16 Mc -- sorry, I can't remember your last name, Francie  
17 McMersus [sic]?

18 Q. How many times have you been to Willard Pond?

19 A. Twice.

20 Q. Okay. And, do you know how often Willard Pond is  
21 visited throughout the year?

22 A. I do not.

23 Q. And, do you know whether it's more popular than Mount  
24 Monadnock?

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1 A. Oh, I would not -- I'm guessing it's probably not as  
2 popular as Mount Monadnock.

3 Q. And, how about --

4 A. But I don't know that for a fact.

5 Q. Okay. Is it more popular than Pillsbury State Park?

6 A. I don't know.

7 Q. Is the frequency of a resource's use important to you  
8 when you decide whether -- when you make your visual  
9 impact assessments?

10 A. I think I described earlier that the -- certainly, well  
11 used is important, but that one of the things that I  
12 consider is that there is -- I talked a bit earlier  
13 about the recreational opportunity spectrum, the idea  
14 of providing different kinds of opportunities, some of  
15 which are very deliberately intended to be lightly  
16 used, such as hiking trails, versus a campground or a  
17 beach, like Gregg Lake, which will be very heavily  
18 used. So, that -- that is a consideration that it  
19 certainly be used, but not that the degree of use is  
20 less important, because sometimes the resource is  
21 intended for less use.

22 Q. Okay. Now, on Page 8 of your Visual Impact Assessment,  
23 you state that the Project's potential impacts on the  
24 view from Goodhue Hill is "moderate-significant", even

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1       though logging and clearing on the property make the  
2       "foreground views somewhat raw". Those are your words,  
3       correct?

4   A.   Yes. It had just been -- it had just been -- the  
5       logging operation had just occurred when we went up  
6       there. But it was very deliberately a -- intended to  
7       clear views, that was part of the purpose of the  
8       logging. But most logging operations look a little raw  
9       within the first year.

10   Q.   Okay. And, your report also characterizes the  
11       Project's potential impacts on the views from Gregg  
12       Lake as "moderate-significant", correct?

13   A.   Yes.

14   Q.   So, you've got the same rating going on for Gregg Lake,  
15       as well as the Goodhue Hill property where there had  
16       been some logging, correct?

17   A.   Yes.

18   Q.   Could you explain why you gave those resources the same  
19       rating?

20   A.   It had to do with, again, the proximity to the Project,  
21       which was very close, the number of turbines visible,  
22       and the extent of the resource from which those  
23       turbines would be visible. So, although they're very  
24       different types of use areas, Goodhue Hill is a hiking

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1 trail, Gregg Lake is a very well-used lake, with camps  
2 and also a local public beach, they're still -- the  
3 impacts, part of the experience of those two resources  
4 is very much -- that ridgeline is very much an integral  
5 part of the experience of both those resources.

6 They're both scenic resources, in the sense of, one, to  
7 provide distant views and being a natural setting, the  
8 other one provides water. But the impact to both, both  
9 those, would be moderate to significant, because of the  
10 -- of the variables I just mentioned.

11 Q. Is it possible another evaluator could employ your same  
12 methodology and reach a different conclusion?

13 A. It's certainly possible, yes.

14 Q. Okay. Now, on Page 17 of your prefiled testimony, you  
15 say that the Applicant's consultants, Saratoga  
16 Associates, is a well-respected firm with considerable  
17 experience in conducting visual assessments, that the  
18 vantage points selected for visual simulations were  
19 well selected and are reasonably accurate portrayals of  
20 how the project will look. Is that correct?

21 A. Where are you?

22 Q. Page 17 of your prefiled testimony.

23 A. Oh. So, by that, you mean my report, yes.

24 Q. I'm sorry. Yes.

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[WITNESS: Vissering]

1 A. And, I'm sorry, could you begin again.

2 Q. Sure. On Page 17 of your Visual Impact Assessment, you  
3 say that the Applicant's consultants, Saratoga  
4 Associates, is a well-respected firm with considerable  
5 experience in conducting visual assessments, that the  
6 vantage points selected for visual simulations --

7 MR. ROTH: Excuse me. If you're going  
8 to read the report, you should at least read it  
9 accurately?

10 MS. GEIGER: I wasn't quoting for it. I  
11 was indicating that this was testimony that she had given.  
12 But I'd be happy to read it.

13 BY MS. GEIGER:

14 Q. Page 17, under a paragraph that begins "K. Evaluation  
15 of Applicant's Aesthetic Review", you state "Saratoga  
16 Associates is a well-respected firm with considerable  
17 experience in conducting visual impact assessments."  
18 Did I read that correctly?

19 A. Yes.

20 Q. The next sentence: "The vantage points selected for  
21 illustrating the project (simulations) were well  
22 selected and present reasonably accurate portrayals of  
23 how the project will appear in the landscape." Did I  
24 read that correctly?

[WITNESS: Vissering]

1 A. Yes.

2 Q. Okay. And, then, the next sentence is: "The  
3 difference in our conclusions regarding the project  
4 results from the lack of any detailed analysis of the  
5 specific vantage points within the region on the part  
6 of Saratoga Associates." Did I read that correctly?

7 A. Yes.

8 Q. Okay. However, isn't it true that Saratoga Associates'  
9 visual impact analysis, and these are Appendices 9A,  
10 Table 2, and Appendix 9A-1, identify 331 locations  
11 within a ten-mile radius of the Project, and that those  
12 tables describe factors affecting visibility, such as  
13 the type of viewer group, recreational users, local  
14 residents, tourists, the landscape unit that's  
15 affected, like water, forest, agricultural, the  
16 distance from the Project, which you've indicated is  
17 important, and the view duration, such as whether it's  
18 a stationary view or a moving view? Have you seen  
19 those tables?

20 A. Yes.

21 Q. And, you would agree that 331 locations were identified  
22 and were given those characteristics that I just  
23 mentioned?

24 A. I think this provides a data point, it doesn't provide

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1 an analysis.

2 Q. Okay.

3 A. And, there's a difference.

4 Q. Okay. Now, your conclusion, at the bottom of Page 17  
5 of your report, is that the proximity, and I think this  
6 is the last sentence on that report, it says "the  
7 proximity and number of turbines visible from so many  
8 of these areas within the Town of Antrim will be  
9 significant." And, I'll wait for you to get there.

10 A. You're on the last page?

11 MR. ROTH: Page 17.

12 WITNESS VISSERING: Oh, still 17. Okay.

13 BY MS. GEIGER:

14 Q. Page 17, the last sentence.

15 A. Okay.

16 Q. Okay. However, isn't it true that you said in your  
17 report to the Antrim Ad Hoc Committee that, "Because  
18 Antrim is well forested and quite hilly, visibility of  
19 a project on the Willard-Tuttle ridge appears to be  
20 relatively limited"?

21 A. I didn't have the advantage of a viewshed map at that  
22 point. And, I was looking -- and, when I did my  
23 analysis this time, I was looking at the region, not  
24 just at Antrim. But, more importantly, I only viewed a

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1 few select places when I was doing this, just to get an  
2 idea of the character of Antrim. I did not do the kind  
3 of on-the-ground field analysis that I did for this  
4 report that gave me a much better idea of the character  
5 of Antrim, how things were viewed. I also had the  
6 advantage of seeing some of the simulations that had  
7 been done by Mr. Guariglia. So, all of that  
8 information is the kind of information that is  
9 necessary to do, just as well as the field work, to  
10 understand how -- what the impacts will be. I did not  
11 have the advantage of that when I was working with the  
12 Town of Antrim. That was very cursory.

13 Q. Okay. So, is it now your testimony or not your  
14 testimony that the statement that you made to the  
15 Antrim Ad Hoc Committee is -- I'll withdraw that  
16 question. It's inartfully worded. I guess the  
17 question I'm trying to get at is and that I have is, do  
18 you still agree with your earlier statement to the  
19 Antrim Ad Hoc Committee that "Antrim is well forested  
20 and quite hilly, and the visibility of a project on the  
21 Willard-Tuttle ridge appears to be relatively limited"?

22 A. Within the Town of -- again, I think that, if you were  
23 to take the -- look purely at a percentage basis, you  
24 could probably say that it's -- that it is limited. I

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1 did in that report, of course, note some of the  
2 potential concerns, at that point they were only  
3 potential, with some of the resources that existed in  
4 Antrim.

5 Q. Okay. Now, you have concluded, at the top of Page 18  
6 of your report, and this is under the "Conclusions"  
7 section, I believe, that "the project as currently  
8 designed would result in unreasonable adverse effects  
9 to the scenic quality of the area." Is that correct?

10 A. This is on the "Conclusions"?

11 Q. Top of Page 18.

12 A. Okay. Yes.

13 Q. Could you please define the geographic area that you're  
14 referring to in that statement?

15 A. And you're referring to the first sentence?

16 Q. Yes.

17 A. So, that would have been -- these conclusions were  
18 largely based on the -- on what we had at that time,  
19 which was the five mile viewshed, although I did  
20 mention "Pitcher Mountain". I did go and visit that at  
21 that time. So, it was largely the area within the  
22 five miles.

23 Q. Okay. And, you've also stated there, at the top of  
24 Page 18, that an appropriately scaled and designed wind

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1 project would work well within this setting, but that  
2 you believe that substantial modifications will be  
3 required to meet the applicable statutory standard,  
4 correct?

5 A. Yes.

6 Q. Okay. With whom did you consult in making the  
7 determination that modifications to the Project would  
8 be needed to meet the applicable statutory standard?

9 A. That was my opinion.

10 Q. Okay. Did you -- so, you did not consult with Public  
11 Counsel about that?

12 A. No.

13 Q. Okay.

14 A. That was my decision.

15 Q. And, you did not consult with other members of the  
16 public about your recommendations for mitigation, is  
17 that right?

18 A. No.

19 Q. So, you consulted with no one, and just yourself?

20 A. It was based on my experience with wind projects, and  
21 also what I had observed with this setting, and what I  
22 felt was required.

23 Q. Okay. Now, you've made some -- you've made several  
24 recommendations and conclusions -- excuse me,

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1 recommendations for conditions, I believe, in your --  
2 at the end of your report. And, again, did you consult  
3 with any members of the public in developing your  
4 recommendations?

5 A. No, I did not. Let me just review them and make sure  
6 that I didn't on any of these. No. These were --  
7 these were my recommendations.

8 Q. Okay.

9 A. I didn't consult with anybody on these.

10 Q. Okay. So, you didn't consult with Public Counsel or  
11 anybody else in making these recommendations?

12 A. No. I mean, obviously, Public Counsel reviewed my  
13 recommendations. But they are essentially the same  
14 recommendations that I had when I -- with the draft  
15 report.

16 Q. Okay. Is it your position that all of the seven  
17 measures that you've listed at the end of your report  
18 must be taken to ensure that the Project will not have  
19 an unreasonable adverse effect on aesthetics?

20 A. Yes.

21 Q. Okay. Are these recommendations listed in the order of  
22 importance to you?

23 A. I would say that they're all -- all of the  
24 recommendations are important, in the sense that they

[WITNESS: Vissering]

1 -- the Project has significant impacts. And, it is my  
2 opinion that these are -- these are not just sort of  
3 throwing in ideas. These are all what I would consider  
4 to be important and serious, in terms of what is  
5 necessary for this Project to be acceptable.

6 Q. So, are they of equal importance to you?

7 A. Yes.

8 Q. Okay. Do you know what impact your proposed mitigation  
9 measures would have on the competitiveness of this  
10 Project?

11 MR. ROTH: I object to this question.  
12 The witness is not versed in or expected to testify on the  
13 economic viability of any particular project and what  
14 competitiveness might be with respect to this project,  
15 with or without this mitigation package that she  
16 recommends.

17 MS. GEIGER: I'm just asking her --  
18 well, I'll rephrase the question.

19 BY MS. GEIGER:

20 Q. Do you know what it would cost the Applicant to  
21 implement any of these or all of these recommendations?

22 MR. ROTH: Same objection.

23 MS. GEIGER: Just asking if she shows.

24 MR. ROTH: She's not an expert on cost

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1 of --

2 MS. BAILEY: Then, she can probably  
3 answer her question that way, if she doesn't know.

4 **BY THE WITNESS:**

5 A. I do not know.

6 BY MS. GEIGER:

7 Q. So, you made these recommendations without regard to  
8 what it would -- what costs the Applicant would incur  
9 if these measures were implemented?

10 A. To some extent, I do, I mean, obviously, there are  
11 small projects that have been built, a range of project  
12 sizes which have been built in the past. So, -- and  
13 all of the recommendations are typical recommendations  
14 that I've seen used in the mitigation required for  
15 other projects.

16 Q. Would you expect that, if the Project had been  
17 configured without these recommendations and the  
18 Project has developed cost estimates going forward  
19 that, if these measures were implemented, it would be  
20 more expensive for this Applicant to construct this  
21 Project?

22 A. Yes.

23 Q. Okay.

24 A. I assume that would be the case.

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1 Q. On order of magnitude, would it surprise you to learn  
2 that it would be 25 percent to 35 percent more in cost  
3 to this Applicant with these mitigation measures?

4 A. I wouldn't be able to answer that.

5 Q. Okay. Now, turning now to your recommendations. The  
6 first one that you've indicated is that you would  
7 eliminate Turbines 9 and 10. Is that correct?

8 A. That's correct.

9 Q. Okay. Are you aware that Antrim Wind had considered a  
10 larger sized project, but ultimately chose to eliminate  
11 a turbine because of its close proximity to Willard  
12 Pond?

13 A. I wasn't aware of that.

14 Q. Okay. Do you understand that the Applicant's efforts  
15 to conserve 685 acres of land and the agreement to use  
16 a radar-activated lighting system was based on the  
17 economics of a 10-turbine 30 megawatt project?

18 MR. ROTH: I object to that question.  
19 It's ambiguous. I don't understand what that means.

20 BY MS. GEIGER:

21 Q. It's going -- what I was trying to get at is, whether  
22 you understood that the Applicant had developed a  
23 conservation plan and made commitments to use a  
24 radar-activated lighting system, which I'll ask you

[WITNESS: Vissering]

1 about later, based on the fact that it would have a  
2 10-turbine project in place?

3 A. I guess I'm a little unclear as to what the -- what the  
4 question is suggesting. That these were, these, the  
5 particular recommendations were considered specifically  
6 for the size of the project that it was? Is that  
7 what --

8 Q. No. I was asking that the Applicant -- whether you  
9 were aware that the Applicant has made some commitments  
10 in the form of a conservation plan, as well as an  
11 agreement with Appalachian Mountain Club to use a  
12 radar-activated lighting system, which I believe you  
13 recommended, too, based on the fact that it would have  
14 ten turbines in operation?

15 A. Okay. Well, I'm certainly aware that there -- that  
16 there is a commitment by AWE to use a radar based  
17 system, as my understanding is that there is no firm  
18 decision at this point as to whether it will work or  
19 not. And, I have reviewed the conservation -- the  
20 proposed conservation measures.

21 Q. We'll talk about the radar-activated lighting plan.  
22 Would you agree that turbine lighting is something  
23 that's required by the Federal Aviation Administration  
24 and is not something that an applicant just gets to

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1 decide on its own?

2 A. Yes.

3 Q. Okay. And, are you -- you understand that the  
4 Applicant has agreed with AMC to use a radar -- to use  
5 a motion-activated system, if it's approved by the FAA,  
6 correct?

7 A. Yes, I understand that.

8 Q. Okay. Now, even though you've recommended using a  
9 motion-activated collision avoidance system, your  
10 supplemental testimony says, on the last page, that  
11 "even the temporary use of night lighting would result  
12 in unreasonable visual impacts". Is that your  
13 testimony?

14 A. It is.

15 Q. So, how do you square that testimony with your  
16 statement to the Antrim Ad Hoc Committee, in AWE 33, on  
17 Page 3, that says "generally the lights on wind  
18 turbines don't add significantly to light pollution in  
19 the traditional sense since they are designed to be  
20 seen, not to light up an area"?

21 A. That was in relationship to the -- to their general  
22 regulations. It is, I mean, I would -- that is true  
23 that they do not necessarily add to light pollution.  
24 But my concern here, and remember that this -- that the

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1 recommendations I made to Antrim were before I really  
2 understood the -- had an understanding of the character  
3 of this area and had done any detailed field work.

4 So, the concern I have here is not night  
5 pollution. The concern I have here is that, you have,  
6 in the situation, especially Gregg Lake, there are a  
7 high number of people within that area who would be  
8 viewing the lights. The lights, in my experience,  
9 talking to many people about wind projects, are one of  
10 the most obnoxious parts of a wind project, the part  
11 that disturbs them the most.

12 In addition, there is Willard Pond, that  
13 is used by early morning fishermen, I'm guessing late  
14 night fishermen. People are out there in the winter  
15 snowshoeing often, and sometimes on a moonlit night.  
16 This is -- the lighting would, far more than the  
17 turbines themselves, disturb, have an impact on the  
18 character of the recreational use in the area.

19 So, my concern is that, if this is  
20 permitted with a condition that, if the lighting comes  
21 along and can be used, you can use it, that I would, in  
22 my opinion, the Project would have undue adverse  
23 impacts, unless the lighting is absolutely certain.  
24 This is a high visibility area. The visibility is in

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1 very close proximity to the Project. So, those are my  
2 concerns, and why I'm very hesitant to say the idea of  
3 "go ahead, and, if you can do it, that's great." That  
4 is -- my feeling is, this is a site where the lack --  
5 having the light -- whatever system, OCA system, or  
6 whatever you use in place, is absolutely essential.

7 Q. Okay. I just want to make sure I understand. Because  
8 I thought you said, in your prefiled -- in your  
9 supplemental prefiled testimony, that "even the  
10 temporary use of night lighting would result in  
11 unreasonable visual impacts". And, I guess I'm just --  
12 I want to make sure I understand. Are you advocating  
13 for the installation of the radar-activated lighting  
14 system or not?

15 A. I am.

16 Q. Okay. Now, isn't it true that you testified, again,  
17 we've established, in the Granite Reliable docket,  
18 correct?

19 A. (Witness nodding in the affirmative).

20 Q. And, isn't it also true that, in that case, that  
21 project did not advocate using a radar-activated  
22 lighting system?

23 A. I was not aware of that kind of system at the time I  
24 worked on that project.

[WITNESS: Vissering]

1 Q. Okay. Now, number three, the recommendation you make  
2 is -- the third recommendation you make is to "use  
3 smaller turbines", correct?

4 A. Yes.

5 Q. What size do you recommend?

6 A. I'm not -- I have been trying to find out what the size  
7 of the turbines were that were used at the Lempster  
8 Project, I believe they're 2.5-megawatt turbines. And,  
9 often, those are in the vicinity of maybe somewhere  
10 260-280 feet to the nacelle.

11 Q. In terms of meters, would that be about 78 meters? Is  
12 that roughly the size?

13 A. That's probably true.

14 Q. And, so, if the Antrim towers are 92 meters, that's  
15 only 14 meters higher than Lempster, right?

16 A. I guess I would want to know what the -- what size we  
17 were actually talking about.

18 Q. Subject to check, --

19 A. Yes.

20 Q. -- would you accept that the turbine height here in  
21 Antrim would be 92 meters, and that's 14 meters higher  
22 than the Lempster tower?

23 A. Yes. And, normally, the size of the towers is not  
24 something I really care about. I generally think that

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[WITNESS: Vissering]

1       they're often -- oftentimes, it's better to use a  
2       bigger one for the greater power. In this particular  
3       case, my concern is partly the size of the ridge in  
4       relationship to the size of the turbines, because we're  
5       -- the turbines are getting bigger and bigger, and that  
6       doesn't necessarily mean that they are appropriate for  
7       every location.

8   Q.   Okay. Are you aware that the Town of Antrim Board of  
9       Selectmen have signed an agreement with Antrim Wind in  
10      which they have expressly allowed the use of turbines  
11      that do not exceed 500 feet?

12   A.   I was not aware of that.

13   Q.   Okay. Now, --

14                   MS. BAILEY: Could you move yourself a  
15      little bit closer to -- a lot closer to the microphone  
16      please.

17                   WITNESS VISSERING: Yes. Sorry.

18   **BY THE WITNESS:**

19   A.   Five hundred (500) feet is a very large turbine.

20   BY MS. GEIGER:

21   Q.   And, in terms of feet, how, from tip of the blade here,  
22      what are we talking about in height for these turbines?

23   A.   Four ninety-two (492).

24   Q.   Okay. Isn't it true that you've said "it's difficult

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1       for most people to distinguish between a 200-foot  
2       turbine and a 400-foot turbine unless they are  
3       side-by-side"?

4   A.   Yes.  And, that is -- certainly, I have advocating that  
5       for a number of projects I've been involved with.  And,  
6       the reason is that these were -- these are situations  
7       where you're on much higher mountains, that would have  
8       been probably true at a large part of the Granite  
9       Reliable, it was certainly true of the Deerfield  
10      Project, it was certainly true of the Lowell Project,  
11      where you have -- you have very large mountains.  And,  
12      so, the turbines tend to appear small in relationship  
13      to the size of the mountain.  But that's not the case  
14      here.

15  Q.   Okay.

16  A.   And, because you're seeing this Project in a much more  
17      intimate way, you're in much closer proximity to this  
18      Project than in most -- the visibility in most projects  
19      I've been used to.

20  Q.   So, would you agree that using fewer higher output  
21      turbines would appear less visually intrusive than  
22      using many more smaller turbines?

23  A.   I'm not advocating for many more smaller ones.  I'm  
24      advocating for eight, what I would call "reasonably

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1 commercially available turbines", that are not -- that  
2 are a smaller size. Something that is -- the kinds of  
3 turbines that have been used in the last few years, --

4 Q. But that would --

5 A. -- in projects like Lempster or Sheffield.

6 Q. But isn't it true that using smaller turbines of a size  
7 in the range that you're advocating would create less  
8 than 30 megawatts of output for this plant, this  
9 Project?

10 A. Yes.

11 Q. Okay. I'm confused, because I thought I saw in your  
12 CESA report, on Page 19, that you said that "higher  
13 rated turbines" --

14 MR. ROTH: Excuse me. What's the "CESA  
15 report"?

16 MS. GEIGER: I think that's been marked  
17 as "AWE 34".

18 WITNESS VISSERING: It's the Clean  
19 States -- the "Clean Energy States Alliance".

20 MS. GEIGER: Right. And, that's --

21 WITNESS VISSERING: It was a methodology  
22 that I developed for that organization.

23 BY MS. GEIGER:

24 Q. And, I believe, if you turn to Page 19 of that report,

[WITNESS: Vissering]

1       --

2     A.    Is that in this binder?

3     Q.    That's the next one over.  It's "AWE 34".

4     A.    And, what page?

5     Q.    Page 19 please.

6     A.    Okay.

7     Q.    And, isn't it true there that you've said that "often  
8           fewer, higher-output turbines, for example, 2.0 plus  
9           MW", 2 megawatts, "appear less visually intrusive than  
10          an equivalent output using 1.5 megawatt turbines"?

11    A.    Yes, and notice it's 2.0 megawatts versus 1.5.

12    Q.    Yes.  Right.

13    A.    But, yes, and I agree.  That's generally what my  
14          approach, that I would rather see a higher output  
15          turbine.  But this case visually is very different from  
16          -- in its situation, just because, as I said, of the  
17          proximity in which we see it, and the size of the hill  
18          itself.

19    Q.    Okay.  Now, the fourth, the fourth recommendation  
20          you've made is for "specific plans for land  
21          conservation as part of an off-site mitigation  
22          program", Applicant should work with Audubon on  
23          conservation plans, is that correct?

24    A.    I'm not sure that Audubon is that interested in working

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[WITNESS: Vissering]

1 on this. But --

2 Q. Why do you say that?

3 A. Well, I don't know. I did not have -- there did not  
4 seem to be any interest on the part of -- on the part  
5 of Audubon in doing this, but I shouldn't speak for  
6 them. I don't think it necessarily needs to be working  
7 with Audubon. It seemed to me at the time, because of  
8 the impacts to Audubon, that that would be the logical  
9 party. But I think there's a lot of ways that it could  
10 be done. And, I think the more important thing is --  
11 the more important thing is the quality of the -- of  
12 the final decision and how it is -- the degree to which  
13 it protects the entire ridgeline.

14 Q. Okay. Now, are you aware that Antrim Wind has reached  
15 agreements with the Harris Center for Conservation  
16 Education regarding conservation of 685 acres of land  
17 in and around the Project?

18 A. Yes.

19 Q. And, are you aware that 100 percent of this land is  
20 within the Town of Antrim's priority conservation area?

21 A. Yes.

22 Q. Okay. Now, your supplemental testimony indicates that  
23 you do not find the Project's 685 acre conservation  
24 plan adequate, and that you believe additional

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1 conservation measures will be required, is that  
2 correct?

3 A. Yes.

4 Q. I think you said -- also said that these measures are  
5 required "to address the ridgeline as a whole and to  
6 ensure that any future development is not located  
7 within the more visually and ecologically sensitive  
8 higher elevation areas." Correct?

9 A. Yes.

10 Q. Okay. Where are these "ecologically sensitive higher  
11 elevation areas" located?

12 A. I think that the -- looking at the Antrim conservation  
13 plan, the entire area is really identified as an  
14 "ecologically sensitive area" because of fragmentation.

15 Q. And, by whom? Who has --

16 (Court reporter interruption.)

17 **BY THE WITNESS:**

18 A. By the Antrim Conservation Commission.

19 BY MS. GEIGER:

20 Q. Are you saying that the Antrim Conservation Commission  
21 has designated the entire ridgeline as "ecologically  
22 sensitive"?

23 A. It's the land, the ridge, and along the flanks of that  
24 ridgeline.

[WITNESS: Vissering]

1 Q. Is there any provision in the Antrim zoning ordinance  
2 that restricts development within the areas that you've  
3 characterized as "visually" and "ecologically  
4 sensitive"?

5 A. This is an area that there are no specific  
6 restrictions. But it's certainly noted in the Town  
7 plan, I'm saying this with some hesitation, I know I  
8 came across this either in the conservation -- the Open  
9 Space Plan or in the Town plan, that this was an area  
10 which would -- in which any development would certainly  
11 be receiving very careful review. And, that there were  
12 techniques available, and specifically mentioned  
13 techniques, for trying to avoid impacts to the  
14 ecological values in this area.

15 MS. GEIGER: Madam Presiding Officer, I  
16 have several questions about this area, about the  
17 conservation area in the Town of Antrim, and I also have  
18 fairly, a few more -- lots more questions for this  
19 witness. And, I was just wondering if now would be an  
20 appropriate time for a lunch break or whether you want to  
21 continue?

22 (Brief off-the-record discussion with  
23 the court reporter.)

24 MS. BAILEY: All right. So, let's take

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1 a break, and we will be back at 1:30.

2 MS. GEIGER: Thank you.

3 (Whereupon the lunch recess was taken  
4 and this **Morning Session ONLY** ended at  
5 12:28 p.m. The hearing to resume in a  
6 transcript to be filed **under separate**  
7 **cover** so designated as "**Afternoon**  
8 **Session ONLY**".)

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