

## 1 STATE OF NEW HAMPSHIRE

## 2 SITE EVALUATION COMMITTEE

3 October 18, 2016 - 1:24 p.m.  
4 49 Donovan Street  
5 Concord, New Hampshire

DAY 9  
*Afternoon Session*  
*ONLY*

6 NHPUC OCT25'16 AM 9:56

7 IN RE: SEC DOCKET NO. 2015-02  
8 ANTRIM WIND ENERGY, LLC:  
9 Application of Antrim Wind  
10 Energy, LLC for a Certificate  
of Site and Facility.  
(Hearing on the merits)

11 PRESENT FOR  
12 SUBCOMMITTEE:

## SITE EVALUATION COMMITTEE:

13 Cmsr. Robert R. Scott Public Utilities Commission  
(*Presiding as Presiding Officer*)

14 Cmsr. Jeffrey Rose Dept. of Resources &  
Economic Development  
15 Dr. Richard Boisvert Dept. of Cultural Resources/  
(Designee) Div. of Historical Resources  
16 John S. Clifford Public Utilities Commission/  
(Designee) Legal Division  
17 Dir. Eugene Forbes Dept. of Environ. Services/  
(Designee) Water Division  
18 Patricia Weathersby Public Member

19  
20 **Also Present for the SEC:**

21 Michael J. Iacopino, Esq. (Brennan...  
22 Pamela G. Monroe, SEC Administrator  
Marissa Schuetz, SEC Program Specialist

23 COURT REPORTER: Steven E. Patnaude, LCR No. 052

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CERTIFIED  
ORIGINAL TRANSCRIPT

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**APPEARANCES: Reptg. Antrim Wind Energy (Applicant):**  
Barry Needleman, Esq. (McLane...)  
Rebecca S. Walkley, Esq. (McLane...)  
Henry Weitzner (Antrim Wind Energy)  
Jack Kenworthy (Antrim Wind Energy)

**Reptg. Counsel for the Public:**  
Mary E. Maloney, Esq.  
Asst. Atty. General  
N.H. Attorney General's Office

**Reptg. the Town of Antrim:**  
Justin C. Richardson, Esq. (Upton...)  
John Robertson, Chairman  
Robert Edwards, Selectman

**Reptg. Harris Center for Conservation Education:**  
James Newsom, Esq.

**Reptg. Audubon Society:**  
Jason Reimers, Esq. (BCM Environ...)  
Francie Von Mertens  
Carol Foss

**Reptg. Abutting Landowners Group:**  
Barbara Berwick, *pro se*  
Bruce Berwick, *pro se*  
Janice Duley Longgood, *pro se*  
Brenda Schaefer, *pro se*  
Mark Schaefer, *pro se*

**Reptg. Allen/Levesque Group:**  
Charles Levesque, *pro se*  
Mary Allen, *pro se*

**Reptg. Meteorologists Group:**  
Dr. Fred Ward

**Reptg. the Wind Action Group:**  
Lisa Linowes

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**APPEARANCES: (C o n t i n u e d)**

Wes Enman, *pro se*

**Reptg. Non-Abutting Landowners Group:**

Richard Block, *pro se*

Annie Law, *pro se*

Robert Cleland, *pro se*

Kenneth Henninger, *pro se*

**Reptg. Stoddard Conservation Comm.:**

Geoffrey Jones

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7		<b>BARBARA BERWICK</b>
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**P R O C E E D I N G**

***(Hearing resumed at 1:24 p.m.)***

PRESIDING OFCR. SCOTT: Okay. We'll go back on the record. We left off with the Abutting Landowners panel and the Counsel for the Public.

MS. MALONEY: It's me. Thank you. Good afternoon.

BY MS. MALONEY:

Q. Mrs. Berwick, I just want to follow up on something that I wasn't quite sure I understood your answer. It was with respect to the sound study, and why you had asked them to move, I guess, the equipment. What was --

A. (Ms. Berwick) Yes. Okay. When they came in 2016, January of this year, they did a sound study level test on our property for the last docket, in 2011. And, when they came with their equipment, we were having a deck, that big deck that everyone was on, we were having that deck built. And it was one thing that we didn't do ourselves, we actually hired somebody. So, we couldn't tell the person that's halfway through building it to stop

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           because these people were doing their sound  
2           level assessment. But I did question Mr.  
3           O'Neal at the time "how can this be accurate  
4           with power saws and hammering and everything  
5           going on?" And the answer I received was that  
6           "this will be filtered out."

7           Well, I always wondered about it. And  
8           then there was another comment made by one of  
9           his other employees at another time that made  
10          it sound like they weren't filtering it out.  
11          So, like I said, I never had seen the report,  
12          but I was always suspicious. When I did  
13          finally see the report, they did not filter out  
14          the deck noise in 2011. If you go back and  
15          look at it, it says something about that it  
16          was -- the sound level assessment was  
17          influenced by deck construction, during the day  
18          was influenced by deck construction noise  
19          during the first week. But that was included  
20          in our level.

21          So, I'm so thankful for the other people  
22          that fought last time, because, had they won,  
23          they could have used that level, which was  
24          quite high, if you look at the last report, of

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           our -- whatever that noise level is considered,  
2           L90, whatever. They could have gone 5 decibels  
3           above that. And yet they used deck  
4           construction noise as our normal noise. That's  
5           not our normal noise.

6   Q.    Okay. Thanks. I understand that better now.  
7           I wanted to just ask anyone on the panel to  
8           answer this question. I can't see everybody.  
9           But, I think, Mr. Schaefer, you had talked  
10          about that you had frequented Willard Pond in  
11          the past. Could you describe that a little bit  
12          more? Could you tell me, you know, how often  
13          you've gone to Willard Pond, you and your  
14          family, and how you use it?

15   A.    (Ms. Schaefer) Mark has gone quite frequently.  
16          But, for the past 32 years, that's the only  
17          place I would take our children swimming. We  
18          had -- had four children. Every day, in the  
19          summer, they practically lived there. Our boys  
20          would hike over Tuttle Mountain and Willard  
21          Mountain, to go to Gregg Lake and Willard Pond  
22          quite frequently, taking different trails each  
23          time. So, they knew the woods very well.

24                    We swam across, or we still do, the



[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 summer, our daughters come and visit, we swim  
2 across. That's our summer ritual. And we  
3 spend a lot of time on the wind -- on the  
4 water, and on Bald Mountain.

5 Q. And why would you go to Willard Pond?

6 A. (Ms. Schaefer) Because it's the quietest, it is  
7 the cleanest. It's protected. No motor boats.  
8 When we first started going, there were hardly  
9 any people going there. And it hasn't been but  
10 maybe the last 10, 15 years, that people have  
11 really started going to Willard Pond. And that  
12 was mostly after a Field & Stream ad on the  
13 back of the magazine, an article about Willard  
14 Pond being the most pristine in the area.

15 Q. It got discovered, which is what -- good and  
16 bad parts of what happens in New Hampshire.  
17 And I wanted to just ask you what -- if you  
18 agree or disagree with this characterization of  
19 Willard Pond. This was written by Mr. David  
20 Raphael, who's the visual impact expert for the  
21 Applicant. He describes Willard Pond as "a  
22 pleasant human-altered pond (there's a dam at  
23 one end that regulates the water), surrounded  
24 by wooded slopes on two sides that are not

[WITNESS PANEL: Schaefer ~ Longgood ~ Berwicks]

1 exceptional or uniquely memorable. There is no  
2 distinct scenic focal points or wide panoramic  
3 views. The boulders are rocky" -- "The  
4 boulders and rocky shoreline immediately at the  
5 water's edge are attractive, but not part of  
6 any long distance views."

7 Do you agree with that characterization?

8 A. (Ms. Schaefer) I don't. I guess it would  
9 depend on what you viewed as being "spectacular  
10 and beautiful". If you don't, maybe he enjoys  
11 cities better than the woods.

12 Q. Do you think it has a unique scenic quality?

13 A. (Ms. Schaefer) Yes. It does.

14 Q. With respect to -- you said you hiked the  
15 trails in the park, in the Sanctuary?

16 A. (Ms. Schaefer) Bald Mountain, there's two main  
17 trails, and they go to the top of Bald  
18 Mountain.

19 Q. Are you familiar with the scenic overlook on  
20 Bald Mountain?

21 A. (Ms. Schaefer) Yes. It doesn't face exactly  
22 where the towers will be. But a lot of people  
23 do hike on that end and enjoy the ledges over  
24 there.

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 Q. Okay. Great. I wanted to ask if any of you  
2 are familiar or ever have walked the trail at  
3 Meadow Marsh, and if you could describe that  
4 experience?

5 A. (Ms. Schaefer) Yes. My kids grew up in the  
6 ConVal School District and the Harris Center.  
7 They grew up with the Harris Center groups  
8 taking them along the marsh walk, exploring and  
9 teaching them about tracking and everything.

10 Q. Did your kids have any kind of educational  
11 outings at the Sanctuary as well?

12 A. (Ms. Schaefer) With the Willard Pond Sanctuary?

13 Q. Right.

14 A. (Ms. Schaefer) They did, when they were growing  
15 up.

16 Q. Right. I wanted to, you know, you had talked  
17 this morning about -- I mean, obviously, if  
18 this Project gets constructed, you're going to  
19 have some significant impacts with it abutting  
20 your property. And most of what your  
21 discussion was this morning dealt with after it  
22 was constructed.

23 I wanted to ask you a little bit about  
24 during construction. And one of the -- when

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 the Town of Antrim spoke or testified a couple  
2 weeks ago, they talked about hours of  
3 construction would start at 6:00 a.m. How  
4 would that affect you?

5 A. (Mr. Schaefer) I'd be outraged if they start --  
6 we're up way before 6:00 a.m. every day, so --  
7 but I'm outraged if they even set a blade into  
8 that ground up there for this Project.

9 A. (Ms. Longgood) I was horrified to hear that  
10 there would be four months of possible  
11 blasting. That's untenable. I suppose it  
12 would be Monday through Friday, from 6:00 a.m.  
13 You know, I'm up, I go to work, I'm up at that  
14 time. But, just to listen to the blasting, the  
15 impact that that will have on nerves and, you  
16 know, I just don't know what to say other than  
17 I was horrified to learn that.

18 A. (Ms. Berwick) I think the 6:00 a.m. thing would  
19 be felt most strongly in our house by my son,  
20 who does have to get up early Monday through  
21 Friday. But, on Saturday, he is not up at all,  
22 ever, by 6:00 by a long mile. So, I think that  
23 that's, you know, quite an inconvenience.

24 And, besides us, I mean, like just down

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           our road, well, the Committee probably  
2           remembers Josh, my neighbor Josh, they have  
3           three children under three. So, I don't think  
4           that it would be very welcome if they're woken  
5           up before they need to wake up.

6                     My neighbor, Tina Phillips, has horses and  
7           goats and all sorts of things like that. So,  
8           none of it is going to be very pleasant for any  
9           of the people that are living in this vicinity.  
10          It's going to be not pleasant at all. And I  
11          think there are quite a few people that do  
12          sleep late. We're not really that late  
13          sleepers, though.

14   Q.    You had -- I guess I got a sense from your  
15          testimony this morning that you had some  
16          concerns about the Town being responsive to  
17          your complaints. I was wondering if you felt  
18          that, as it concerned both during construction  
19          or post-construction, if you -- do you really  
20          feel that you have confidence that the Town  
21          would listen to your complaints?

22   A.    (Ms. Berwick) I have confidence in that Bob  
23          Edwards would be -- try to help us. But I  
24          also, I mean, even if we had people who were

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 really responsive, which I truly feel like  
2 there would be an effort to discredit people,  
3 because that's pretty much been done across the  
4 wind industry. And, in fact, one of the things  
5 I submitted was "Adverse Health Impacts from  
6 Industrial Wind Turbines". It was written by a  
7 doctor, and it was written to other  
8 practitioners. And what he puts in there is,  
9 he's begging his other practitioners don't  
10 discredit people that come in and say that  
11 they're having these effects from wind  
12 turbines. Because what is happening is they're  
13 having real physical symptoms, and people are  
14 telling them that it can't be from the wind  
15 turbines, and that just makes them go further  
16 down and in depression.

17 So, if that's happening, you know, in the  
18 health field, it's definitely going to be  
19 happening there. But, even if they wanted to  
20 help us, exactly what can they do? How is it  
21 going to be possible to measure the sounds at  
22 Jan's house and my house and the Schaefer's  
23 house and Craig -- Clark Craig's house? How is  
24 that exactly going to be done? And we know,

{SEC 2015-02} [Day 9/Afternoon Session ONLY] {10-18-16}

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 from Mr. Ward's -- Dr. Ward's testimony that  
2 different weather conditions produce different  
3 sounds. You know, that there's times when we  
4 hear sounds extremely clearly, and other times  
5 that you don't hear them as clearly. So,  
6 how -- what time do they do it? Do they do it  
7 for just a two-week period and then, if nothing  
8 happens then -- like, in Lempster, they said  
9 they sent that person out five times, if I  
10 remember right. And, then, they still were not  
11 able to get a measurement of the decibels,  
12 because each time that they went out, for some  
13 reason that turbine wasn't turning. And, so,  
14 they couldn't get the decibel level. You know,  
15 so, how are they going to measure it and how  
16 are they going to measure flicker? You know,  
17 how do you document that you're getting more  
18 than eight hours per year of flicker? Do I  
19 demonstrate that, according to Page 9, in  
20 Section C, that it's not supposed to start till  
21 this time, and it's really starting at this  
22 time? And how do I -- how do any of us  
23 document that in a way that would be accepted?  
24 Because let's -- I mean, if I wanted to be just

{SEC 2015-02} [Day 9/Afternoon Session ONLY] {10-18-16}

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           nasty, I could make up a video that looks like  
2           it. So, there's no way you would take my  
3           video, there's no way that you would take my  
4           word. You would have to have documentation.

5           My husband wants to make a statement.

6   A.   (Mr. Berwick) Well, from our experience, at  
7           7:00 clock this morning, we were getting ready  
8           to come here and I heard this "Woo-woo". So, I  
9           said to my wife, I said "Isn't that Monadnock  
10          Paper Mills?" She says "Oh, yeah." See,  
11          that's 5.8 miles away from us, and they have a  
12          whistle at 7:00, at noon, and 5:00. And there  
13          are many times we can hear it.

14          So, I think, when they're blasting up/down  
15          that mountain, that the people in Antrim are  
16          going to find out what we've been talking  
17          about, because, with inversion most every day,  
18          it's going to go right over into them, and  
19          they're going to experience what we experience.

20          And I imagine that the Selectmen will get  
21          a few more complaints. So, that's my opinion.

22   Q.   Did you have something?

23   A.   (Ms. Longgood) I would certainly hope that the  
24          Selectmen would be responsive. But I think



[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           that things take quite a long time. And I  
2           don't have a lot of confidence that things  
3           would be taken care of in a timely fashion, in  
4           terms of the impact that all of these things  
5           might possibly have on us adversely, because I  
6           know government does not react quickly often.  
7           Thank you.

8                        MS. MALONEY: All right. Thank you.  
9           I don't have anything further.

10                       PRESIDING OFCR. SCOTT: Okay.  
11           Anybody from the Giffin/Pratt intervenors?

12                       MR. PRATT: No. None.

13                       PRESIDING OFCR. SCOTT: Okay.

14           Mr. Enman?

15                       MR. ENMAN: I do. Is that on?

16                       UNIDENTIFIED SPEAKER: No.

17                       MR. ENMAN: Okay. Sorry. This work?

18                       WITNESS BRUCE BERWICK: Yes.

19           Perfect.

20                       MR. ENMAN: I apologize. First off,  
21           I want to thank you for your testimony today.  
22           And I really do want to assure you that I mean  
23           no disrespect with my testimony towards you  
24           guys at all. I have a couple of questions that

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           were kind of brought up today.

2 BY MR. ENMAN:

3 Q.     And I'll kind of address these to you,  
4           Barbara, --

5 A.     (Ms. Berwick) Okay.

6 Q.     -- because you kind of seem to be -- but  
7           anybody feel free to -- for anybody to answer.  
8           You had mentioned property line setbacks in  
9           Antrim, and you believe they were 25 feet from  
10          property lines that you could build sheds or  
11          whatever.

12 A.     (Ms. Berwick) I believe it's 20 feet, but I  
13          believe that's what I said.

14 Q.     Okay. Okay. I think it might be 25, but  
15          either way. It was stated, Ms. Linowes was  
16          trying to get across that the road would be  
17          approximately, and I will use that, 150 feet  
18          from your property line?

19 A.     (Ms. Berwick) I think Ms. Linowes was also  
20          trying to get across that my property may be at  
21          this level *[indicating]*, and the road may be at  
22          this level *[indicating]*.

23 Q.     Okay.

24 A.     (Ms. Berwick) That the alteration, that you

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 cannot suddenly come up with this level  
2 *[indicating]*, and not affect the lands that's  
3 in between. So, that's, I think, the point  
4 that Ms. Linowes was trying to make. And what  
5 I said was that, looking at the map, I could  
6 not determine where -- the boundary of where  
7 their road is and where our property is,  
8 it's -- I could not figure it out. I tried to.

9 Q. But, with a 25-foot setback, they would be  
10 beyond that point, I'm assuming?

11 A. (Ms. Berwick) I'm assuming.

12 Q. Okay.

13 A. (Ms. Berwick) But I don't know.

14 Q. Your house, because I'm not familiar with the  
15 back lot on your property, your house is how  
16 far from your property line, the back property  
17 line, where they're talking about?

18 A. (Ms. Berwick) It's quite a ways.

19 Q. Okay.

20 A. (Ms. Berwick) I don't know. I'm not --

21 Q. Yes.

22 A. (Ms. Berwick) I'm not good with that type of  
23 thing.

24 Q. And you have how many acres?

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 A. (Ms. Berwick) We have 38 acres.

2 Q. Thirty-eight, okay. And your house is how many  
3 feet from Reed Carr?

4 A. (Mr. Berwick) From where?

5 A. (Ms. Berwick) Reed Carr Road.

6 Q. How close are you to the road?

7 A. (Ms. Berwick) You're asking a person that  
8 doesn't do --

9 A. (Mr. Berwick) About 90 feet.

10 A. (Ms. Berwick) Ninety feet.

11 A. (Mr. Berwick) About 90 feet.

12 Q. Ninety feet, okay. Perfect. Catastrophic  
13 events were mentioned. Because it's a big  
14 deal, and I understand.

15 A. (Ms. Berwick) Well, the thing is, we may only  
16 be 90 feet, and we may own a lot of land out  
17 back. That doesn't mean we don't use that  
18 land.

19 Q. Oh, I understand.

20 A. (Ms. Berwick) It doesn't mean we don't go  
21 walking out there. That I don't take the  
22 grandkids out there.

23 Q. Totally understand.

24 A. (Ms. Berwick) That we don't go looking for

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 animal tracks, and looking at birds, and  
2 listening to birds, and looking for signs of  
3 bear. We do use our land. So, I mean, --

4 Q. I don't doubt.

5 A. (Ms. Berwick) Okay.

6 PRESIDING OFCR. SCOTT: Try to keep  
7 one at a time please.

8 BY MR. ENMAN:

9 Q. I do a lot of walking on other people's  
10 property also. Catastrophic events, you listed  
11 a whole bunch of incidents in the last even  
12 year, and mentioned even one death. Was that a  
13 facilities -- and I may be treading on scary  
14 ground. But, as I say, I really want to know  
15 how this affects everybody. So, is that a  
16 utility worker? Somebody that was working at  
17 the facility? Or was this a John Q. Citizen?

18 A. (Ms. Berwick) It was a technician.

19 Q. Okay. Thank you. Because I am unaware. This  
20 kind of goes to the whole panel, because I'm  
21 trying to figure out your experience with wind  
22 facilities. So, have you all spent any amount  
23 of time at, near, observing? Because, as I  
24 say, it's for my own information, but I'd love

1 to know.

2 A. (Mr. Schaefer) Yes. That's affirmative. I  
3 have spent time up at Lempster. I have seen  
4 wind turbines from Illinois, to the West Coast,  
5 Pennsylvania. I've been around wind farms, in  
6 the middle of no-where, and I've spent time,  
7 yes. The one up in Lempster, the ones, when I  
8 went up there, the several times, I could hear  
9 them from at least half a mile away. I don't  
10 know what days you've been up there. But, for  
11 you to say you stood right under them and  
12 didn't see any measurable difference, either  
13 you're --

14 Q. Oh, I didn't say "I didn't hear any measurable  
15 difference."

16 A. (Mr. Schaefer) Okay. So, no, I'm just  
17 saying, --

18 Q. Yes.

19 A. (Mr. Schaefer) -- it just kind of perplexed me,  
20 that's a subjective comment you made.

21 Q. Yes.

22 A. (Mr. Schaefer) But I have spent,  
23 coast-to-coast, California to Lempster.

24 Q. And the rest of the panel?

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 A. (Ms. Longgood) I've spent some time up at  
2 Lempster, particularly when this Project was  
3 being contemplated, to -- and I did experience  
4 the noise. I noticed that many of the homes,  
5 the times that I've been there, were for sale,  
6 seemingly abandoned. I did not find them  
7 aesthetically pleasing.

8 And, to know that the ones that are  
9 proposed on the ridge near our homes are quite  
10 a bit larger, the largest in New Hampshire, is  
11 really -- has a major impact on this, on top of  
12 a ridge.

13 A. (Ms. Berwick) I'm seen them at Lempster, but we  
14 have not gone underneath them at all. We've  
15 seen them. And I don't think, my opinion about  
16 it, about going there to go and see what it  
17 sounds like during the day was "why bother?"  
18 Because we all know that the noise level is  
19 going be worse at night with temperature  
20 inversion. And I really don't think that that  
21 property owner is going to say "Sure, come  
22 sleep on my property", nor do I think I really  
23 want to.

24 A. (Ms. Schaefer) I've flown over quite a few and

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 driven pass them in Illinois, hundreds and  
2 thousands of them. That's okay. It's flat  
3 land. It's very windy there. I have not -- I  
4 do not disagree with wind power. I disagree  
5 about where they are placed. And Tuttle  
6 Mountain is not the place.

7 Q. Thank you. Ms. Berwick, it's really "yes" or  
8 "no". Do you assume, you stated that you're at  
9 your house, that, on the windy days, it was  
10 really loud, and you could -- it was very loud,  
11 you could hear the wind. And I don't -- I'm  
12 not going to ask anything technical, I can  
13 assure you.

14 A. (Ms. Berwick) Yes. I will tell you what my  
15 calendar says. This is what I wrote. And I  
16 also submitted this as a attachment to  
17 something. I think it's Supplement 1 or  
18 something.

19 Q. It's all good, trust me.

20 A. (Ms. Berwick) "Rain all day, spent most of day  
21 shoveling off ice deck". Next day, on the  
22 11th: "Very, very windy." Next day was the  
23 midday sound guy, then "snowblower, plus  
24 extremely windy". That was on Wednesday.

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[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           Then, on Friday -- boy, I can't even read my --

2   Q.    That's okay.  You're good.

3   A.    (Ms. Berwick) "Snow", on the 16th.  The 18th,  
4        "Major wind all night", "Major wind all day" on  
5        the 19th.  "Wind guy midday" --

6   Q.    No, I'm not -- trust me, I'm not --

7   A.    (Ms. Berwick) I'm just saying --

8   Q.    I'm not --

9   A.    (Ms. Berwick) Yes.

10  Q.    Because we have wind at our house.

11    *[Court reporter interruption.]*

12  BY MR. ENMAN:

13  Q.    May I ask the question?  I'm not disputing that  
14        it was windy, and you said "it was very loud"?

15  A.    (Ms. Berwick) Very loud.  I was inside my  
16        house.

17  Q.    Okay.  So, my question, are you assuming or do  
18        you have evidence that the turbines would be  
19        louder than the ambient wind noise at a given  
20        time?

21  A.    (Ms. Berwick) If I had to live with that type  
22        of noise every day, I would be finding another  
23        place to live.

24  Q.    So, the question was, do you -- are you

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           assuming that the wind turbines are going to be  
2           louder than the ambient wind? You said "it was  
3           very windy and very loud". Are you assuming  
4           that the turbines are going to be --  
5    A.    (Ms. Berwick) I am assuming that the wind  
6           turbines will be not the same level all the  
7           time, it will be modulating sound. I'm  
8           assuming that they will be increasing the sound  
9           levels at the area that we live for most of the  
10          time to untenable amounts for us. I am  
11          assuming that, yes, that they will be loud.  
12          Probably not as loud as the wind is on a windy  
13          day, it will probably override that noise.  
14          But, if I had to live in an area that was  
15          constantly noisy like that, which I'm going --  
16          I actually am very -- the wind is one of those  
17          things that really bothers me. I lost a cat, I  
18          know it's a stupid story, but I lost a cat on a  
19          windy night. Went outside, never came back.  
20          Spent days and days searching for that cat  
21          years ago. And, still, when it is windy in  
22          October, I hate it. I hate it. I'm just  
23          thinking about, "am I going to lose my little  
24          Everett?" Or, you know, I just am very -- I

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[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 don't like a lot of wind. Maybe a lot of  
2 people do. People talk about loving the fall  
3 and the winds. And I don't like the dark and  
4 don't like the wind.

5 Q. Property values continues to come up, and I  
6 understand your positions on this. But is it  
7 safe to assume that, and I probably shouldn't  
8 even say that, for myself, there's another  
9 perspective on property values, and it was  
10 asked many times, that if, especially by you,  
11 "if you had a choice between Property A and  
12 Property B, which would you choose?" I will  
13 state for the record that I would choose  
14 Property B. So that property values are, once  
15 again, subjective. If you have --

16 A. (Ms. Berwick) Are you asking a question?

17 Q. Would you agree that there might be another  
18 attitude towards property values?

19 A. (Ms. Berwick) I think that if it was just the  
20 visual, yes. I think, when you add in flicker,  
21 happening from January through March, September  
22 through December, and that when you add in  
23 noise levels, then I don't think there's any  
24 subjective. And I do think it would be a very

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 small amount of people that would want to live  
2 in the areas where we live and put up with the  
3 conditions that we put up that would want to  
4 have wind turbines even visible, too. Because  
5 most people that are living in the far, remote  
6 conditions don't want industrialization out  
7 their back door. Most people are not going to  
8 want to look out on their deck at the mountain,  
9 to watch the clouds coming over the mountain,  
10 and just to be seeing turbines instead. And,  
11 especially you sit outside at night and see  
12 blinking lights, I don't -- I really have a  
13 hard time believing that there's very many  
14 people that would be in what you describe your  
15 category, especially when you add flicker and  
16 noise.

17 Q. But that is your assumption?

18 A. (Ms. Berwick) I think it's like telling a  
19 person "two plus two is five"; everyone knows  
20 it's four.

21 Q. Okay.

22 A. (Ms. Longgood) I would like to respond to that,  
23 which I think I've heard about the different  
24 perspectives. I have heard from the Applicant

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           that it's not anticipated to impact property  
2           value, which is again why, if this Project is  
3           permitted, I would plead that the SEC put some  
4           sort of -- have Antrim Wind have some sort of a  
5           property value guarantee. Because, if it won't  
6           impact property values, it's no skin off their  
7           back, and I would think that that would be  
8           fair. Because I think there are different  
9           perspectives, and, from my perspective, my home  
10          and my 51 acres will not be livable and  
11          enjoyable for me.

12                       MR. ENMAN: Thank you. I have no  
13          further questions.

14                       PRESIDING OFCR. SCOTT: Before we go  
15          with Attorney Richardson, I want to ask again,  
16          it's very important for the transcript that we  
17          get both the question and the answer. And when  
18          you --

19                       WITNESS BARBARA BERWICK: I know.

20                       PRESIDING OFCR. SCOTT: I know you're  
21          eager, Ms. Berwick. But, when you don't allow  
22          them to finish the answer, then we get neither  
23          in the transcript. So, we want to have that  
24          transcript full. So, just, you will get your

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 chance, but just let them finish the question  
2 please.

3 Mr. Richardson.

4 MR. RICHARDSON: I have no questions.

5 PRESIDING OFCR. SCOTT: There was a  
6 lot of the buildup for that, you know.

7 Attorney Needleman.

8 MR. NEEDLEMAN: Thank you. I have no  
9 questions. But I just have a procedural  
10 request.

11 Since Mr. Craig was not here to adopt  
12 his testimony or to be cross-examined, I would  
13 request that his testimony be treated as  
14 comment.

15 WITNESS MARK SCHAEFER: No. Sorry.  
16 Mr. Craig couldn't be here. His testimony is  
17 submitted. Sorry. I object to that.

18 PRESIDING OFCR. SCOTT: Well, I think  
19 the Committee can give it the weight it  
20 deserves, I think. So, thanks.

21 We'll move on to the SEC.

22 WITNESS BARBARA BERWICK: Could I  
23 just say one thing? Mr. Craig is an employee  
24 of the Town. So, for him to be here, it's

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 really hard. So, I think, put that with when  
2 you're making the decision, too. I think that  
3 he actually had things he had to be doing, and  
4 he was planning on trying to be here, but he  
5 couldn't.

6 PRESIDING OFCR. SCOTT: Understood.  
7 And we certainly appreciate everybody in the  
8 audience, understand everybody has other lives  
9 they probably would like to be leading.

10 Mr. Boisvert?

11 DR. BOISVERT: Thank you.

12 BY DR. BOISVERT:

13 Q. A number of times in questioning you made  
14 reference to not having confidence in going to  
15 the Town with complaints. Why are you assuming  
16 that you would go to the Town government, the  
17 Board of Selectmen, as opposed going directly  
18 to Antrim Wind?

19 A. (Ms. Berwick) I would assume that would be the  
20 first, according to what was the plan that has  
21 put before us, we're supposed to call Antrim  
22 Wind first. But it has sort of, I thought,  
23 been presented that the Town would be a step to  
24 go to if we felt like we were not getting help

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 from the Antrim Wind representative. And it  
2 was also presented that we could go to the Town  
3 to get the number and find the person or  
4 whoever it was that we're supposed to be  
5 contacting, almost like "Well, come tell us  
6 about it, and then we'll submit your  
7 complaint."

8 But I also assume like there's some sort  
9 of a chain of command related to our  
10 complaints. And that would be we would go to  
11 the Antrim Wind, and then, if we don't feel  
12 like the complaint's being handled, then we're  
13 supposed to go to the Town. Maybe I'm wrong  
14 about that, but that's what I felt.

15 And, then, I also thought we heard that,  
16 if we were really dissatisfied, we could come  
17 back to the SEC, which, as I presented before,  
18 was like "Really? Would that mean another  
19 thing like this? Because this is not something  
20 that most normal people could do."

21 MR. IACOPINO: Actually, under the  
22 new statute, the Administrator of the SEC has  
23 the ability to enforce the provisions of  
24 certificates. So, you could come to the SEC



[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 for the purpose of making a complaint.  
2 Obviously, we'd prefer that you go to the  
3 Applicant first. And, then, if that's not  
4 satisfactory, then it should come to your other  
5 sources.

6 WITNESS BARBARA BERWICK: And can I  
7 ask, does the -- does anyone, if they're not in  
8 compliance, is there a financial penalty or  
9 what would be the penalty?

10 MR. IACOPINO: It all depends.  
11 There's a whole process for enforcement in the  
12 statute.

13 WITNESS BARBARA BERWICK: Okay.

14 BY DR. BOISVERT:

15 Q. A couple times you and your members of your  
16 panel have expressed an interest in a property  
17 value guarantee. How do you anticipate that  
18 would work, if there were a property value  
19 guarantee? How would it work?

20 A. (Ms. Berwick) What we submitted to the  
21 Selectmen was that a plan that -- that there  
22 would be two appraisers, and they would be  
23 agreed upon by the Selectmen and the property  
24 owners, I think, that would do an appraisal,

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 and they would give a pre-windmill appraisal.  
2 So, they would have to not consider the fact of  
3 the wind turbines being there. And that then  
4 they would give us the full appraisal price,  
5 plus some moving expenses, because none of us  
6 want to move. I mean, this is like the very  
7 worst scenario possible would be to force us to  
8 move. But at least it would be something.  
9 Because, as far as I understand right now, the  
10 only financial help we could get, if we -- if  
11 we're having, say -- say these wind turbines do  
12 affect me, and my health is just -- I'm  
13 nauseous a lot, I have vertigo, and I just  
14 can't stand living here anymore. The most the  
15 Town can help us with is giving us an  
16 abatement, which means some money back on our  
17 taxes or not taxing us so much. That's not  
18 really much help if your health is in jeopardy.  
19 So, if you have to move, because of your  
20 health, you pretty much have to move. You  
21 can't like say "well, it may take six months or  
22 a year", whatever; you have to move. And none  
23 of us have enough money to afford to have two  
24 residences or, you know, to maintain two

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[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           residency. So, it leaves us really at the  
2           mercy of -- which a lot people have done, a lot  
3           of people have just left their houses, and then  
4           tried to sell them afterwards.

5                     But we were asking the Selectmen to ask  
6           Antrim Wind that they would, anyone within two  
7           years of completion of the windmill project,  
8           and I would actually say it should be longer,  
9           because those of us that put 39, 24, 42, 23  
10          years into our houses, it's -- we want to stay.  
11          And, if we're forced to move because of the  
12          health considerations, it may take a while,  
13          especially the flicker happens January through  
14          March and then September through December, you  
15          need to have a little time to figure out,  
16          really, is there any way we can make this work?  
17          Is there any way we can stay here?

18   Q.       So, you view it as almost an all-or-nothing  
19             proposition? Either you're bought out or  
20             there's no other alternative?

21   A.       (Ms. Berwick) I guess there would always be the  
22             alternative of having some abatements. But my  
23             point is that, if you don't have a chance to  
24             have a buyout-type of commitment, then, if your

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 health is in jeopardy, you really are really  
2 stuck, you know? Like, with Jan, where she is,  
3 with four turbines around her, that property is  
4 not going to be the easiest to sell, because of  
5 the location. Now, you add wind turbines onto  
6 it, and you have to get the right person. You  
7 can get your price, if you're willing to wait  
8 and advertise enough. But it takes time.

9 But, when your health is in jeopardy, you  
10 can't really take that time to do all those  
11 things that you need to do to sell your  
12 property.

13 Q. It strikes me that a property value guarantee,  
14 in a narrow sense, would simply be guaranteeing  
15 the value of the property. If you're abated  
16 \$10,000 of the value of the property, what if  
17 Antrim Wind were to pay that \$10,000, and then  
18 that would be the equivalent of "you have a bad  
19 roof, we're going to knock the price down  
20 \$10,000, because that's what it costs to  
21 replace the roof." That you have suffered the  
22 loss of the value of the property, I'm not  
23 talking about health issues, but value of the  
24 property. You suffered a dollar amount loss on

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 the value of the property. What if Antrim Wind  
2 were to make up that dollar amount? And, then,  
3 going forward, if you had to accept \$10,000  
4 less on the sale, you would have received it  
5 prior to that from Antrim Wind.

6 A. (Ms. Berwick) I don't know how anyone else  
7 feels about it. I mean, --

8 A. (Mr. Schaefer) No.

9 A. (Ms. Berwick) Go ahead.

10 A. (Mr. Schaefer) I have no comment, I'm sorry.

11 A. (Ms. Berwick) No, go ahead.

12 A. (Mr. Schaefer) It's taking the knife out of  
13 your back and shoving it into your abdomen.  
14 That's how I look at it. Sorry.

15 A. (Ms. Berwick) None of us, I mean, it's going  
16 to -- none of us really are going to be like  
17 "Oh, well, now we can get out of our house, we  
18 have a guaranteed person that has to buy it",  
19 because look at the number of years all of us  
20 have been in our houses. It's not something,  
21 in the amount of work that we've done on our  
22 houses, none of us want to leave the houses.

23 I don't think -- I think that it is --  
24 probably would be that, if it -- it will either

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           be that we decide we can tolerate it, because  
2           everyone has a certain tolerance to a certain  
3           amount of that stuff before, you know, we may  
4           love our house so much, but you get to a point  
5           where you can't take it anymore, even no matter  
6           how much you love it, you have to leave it.  
7           But, others, the health issue becomes, even if  
8           you love it, you leave it quicker.

9                        I don't know that, just giving you the  
10           value that you lost from the windmills being  
11           there? I don't know. I mean, I'm not really  
12           an economic-type person anyway. So, --

13   A.    (Ms. Longgood) Excuse me. For me, I would like  
14           to be able to get out of there. And,  
15           certainly, \$10,000 or whatever it was deemed  
16           would be the loss of the property would not  
17           guarantee that there would be somebody to  
18           purchase it, to enable me to go and find a  
19           place that would be more amenable to my living  
20           the lifestyle, a little cottage somewhere in a  
21           place that's not industrialized.

22                        So, you know, I haven't thought through  
23           all those particulars. But I would certainly  
24           be willing to do that, and would hope that

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1           there would be something in there as protection  
2           for the impacted citizens.

3   A.   (Ms. Berwick) I think abatement and what you're  
4           talking about is probably a good idea for some.  
5           And she said it and it's gone, but the fact  
6           that the type of people that buy our properties  
7           are the type of people that don't like  
8           windmills. So, we're like facing like a double  
9           whammy. It's going to make it, you know, if we  
10          put our property on the market, we may have a  
11          whole lot of people that would purchase it  
12          right now. With the windmill, it loses its  
13          value, but it also loses the type of people  
14          that are willing to live on a dirt road that  
15          has, you know, muddy conditions, and hard to  
16          get up in the winter, and doesn't have the, you  
17          know, the sewer and the water and all that kind  
18          of stuff. So, it's kind of a double hit.

19   A.   (Mr. Berwick) Yesterday morning I was going  
20          down our road to Route 9 to go to the VA, and I  
21          met this man walking on the road who just  
22          bought the house at the end of the road next to  
23          Route 9 this past year. And he was from  
24          Scituate, Massachusetts. And he said he came

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[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 up here to Antrim because it was so quite and  
2 he wanted to be secluded. And, then, we  
3 started talking about the wind turbines. And  
4 he said "I didn't know about that when I bought  
5 the land", and he said "maybe that's why I got  
6 it so cheap". And he said that "if they go in,  
7 he might has to" -- "might have to move."

8 So, I just thought that I would bring that  
9 in. That here's a guy that didn't know  
10 anything about it, and got cheap land.

11 Q. So, fundamentally, what you're looking for  
12 would be a purchase of your property by Antrim  
13 Wind, if it came to that you felt that you  
14 could no longer stay in that residence?

15 A. (Ms. Berwick) Right. A purchase of the  
16 property at the value that it would be without  
17 the wind turbines. I think abatements are  
18 great for those who decide to stay and put up  
19 with, you know, put up with the inconvenience.  
20 But I do think there needs to be some plan to  
21 help those that feel like they can no longer  
22 stay. And, according to Antrim Wind, they  
23 won't lose any value.

24 DR. BOISVERT: That's all I have for



[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 now. Thank you.

2 PRESIDING OFCR. SCOTT: Commissioner  
3 Rose.

4 CMSR. ROSE: Thank you. And thank  
5 you for your time and your testimony here  
6 today.

7 BY CMSR. ROSE:

8 Q. I just had one question for you. And I caveat  
9 this by just saying it's under the -- with the  
10 thought that we may not have an opportunity to  
11 have a conversation with you further down the  
12 road. And there was ideas that were brought  
13 forward during the course of your testimony  
14 that were not necessarily included in your  
15 prefiled testimony. So, the question that I  
16 have is, if the Committee were to move forward  
17 with issuing a certificate, and that's a big  
18 "if" at this time, are there other conditions  
19 by which you believe that we should consider,  
20 such as you just referenced, you know, the idea  
21 of sort of a, you know, sort of the price  
22 guarantees or the value property guarantees,  
23 also discussed has been things such as  
24 construction times and blasting notices or

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1 other things such as that.

2 Are there other items and conditions that  
3 you think that the Committee should potentially  
4 consider, if we were to move forward with the  
5 certificate?

6 A. (Mr. Schaefer) Yes. The democratic process of  
7 the Antrim that has overwhelmingly said no way  
8 to this. Every zoning reg, you'd be violating  
9 every zoning reg. There's enough knife cuts  
10 that a thousand cuts have already been  
11 happening on this Project. You have the  
12 testimony. You know, you got -- Antrim zoning  
13 comes first. Antrim residents come first.  
14 Democracy usually out-rules what we have going  
15 on here. But everything you've heard in  
16 testimony against it, everything that's against  
17 Antrim zoning. What more do you need to  
18 consider?

19 Your own mandate states "consider the  
20 local residents first." Local zoning is  
21 against it. Every violation of a building  
22 code, 35 feet above the tree canopy. You're  
23 infringing on FAA airspace after that point.  
24 And a public viewshed is exactly what it is, a

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 public viewshed. You do not -- none of us here  
2 control it. None of the property owners  
3 they're leasing from, you know, you get into  
4 public viewshed, that's public. So, you got to  
5 consider the thousands and thousands of people  
6 in Hillsborough County, in Cheshire County, and  
7 Sullivan County, who are going to see this,  
8 have no input in this meeting. Public viewshed  
9 is exactly what it is, a public viewshed. You  
10 know, not to be taken away by somebody's, you  
11 know, proposed industrialization, you know,  
12 which is -- there's so many things that I -- I  
13 mean, you have the testimony, but -- so...

14 A. (Ms. Berwick) I think that, to answer your  
15 question --

16 A. (Mr. Schaefer) Sorry.

17 A. (Ms. Berwick) No, it's okay. I would want that  
18 any new structures that are built in the --  
19 that would be affected by shadow and sound,  
20 that they have to be considered under the same  
21 mandates that the SEC has created for those of  
22 us who already have built our structures.  
23 Because, you know, there could be somebody  
24 right now that's already cleared their land and

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 is planning on putting a structure up, and  
2 doesn't know about what's going on. So, I  
3 think that's one thing.

4 And I think -- as I think I've mentioned  
5 it a few times, but how do we document, if we  
6 feel like the flicker is more than what we are  
7 supposed to have to put up with? And how do we  
8 document the noise level? If there is some way  
9 that you could -- I know that they're required  
10 to do a sound stud that's like in every month  
11 of the year, I think, for the first year after  
12 or something like that. But, just like I said,  
13 that these two weeks in January were very, very  
14 noisy. It's not normally that noisy of a time.  
15 But it was, to me, it was a noisy time. So,  
16 how do you choose which two weeks that you use?  
17 And how, once the turbines are running, how do  
18 they document? Do they go back to the old  
19 sound studies that they have done? Because  
20 they haven't done them at every residence to  
21 know their backyard noises. And I would also  
22 say that, if they would use the lowest numbers  
23 that they got on the sound studies, because  
24 that's really what is the most accurate, in my

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[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 opinion.

2 A. (Ms. Longgood) In terms of your question, if,  
3 which I certainly hope and pray this does not  
4 get approval, but, if it does, I would  
5 certainly hope there would be limits on the  
6 times of blasting and construction. It's hard  
7 for me to imagine those big blades going down  
8 Route 9, from Vermont, or wherever they will  
9 come from. So, giving consideration to people  
10 who have to commute to work on Route 9 back and  
11 forth. I think there are many things that  
12 should be considered. Route 9 -- 202 and 9 are  
13 sometimes called "Death Alley" now, I can only  
14 imagine with those big things going down there.  
15 I would certainly hope that there would be  
16 limits on many of the aspects of construction,  
17 taking into consideration the folks who live in  
18 proximity.

19 CMSR. ROSE: Thank you.

20 PRESIDING OFCR. SCOTT: Ms.

21 Weathersby.

22 BY MS. WEATHERSBY:

23 Q. Ms. Longgood?

24 A. (Ms. Longgood) Yes.

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[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 Q. There we go. Am I correct that the Applicant  
2 says that you don't -- will not have a view of  
3 the turbines from your home?

4 A. (Ms. Longgood) That's my understanding.

5 Q. And I understand that you have a difference of  
6 opinion for that? And can you explain --

7 A. (Ms. Longgood) I cannot -- I can't imagine that  
8 I would not see them. I don't have devices  
9 that would enable me to put the coordinates in.  
10 I might be able to find somebody who does. But  
11 I'm at the top of Salmon Brook Road. I'm  
12 800 feet in, closer to the ridge, from the  
13 road. And, if these are built on the  
14 ridgeline, I cannot imagine that I would not  
15 have a view of them.

16 Q. Can you see the ridgeline now?

17 A. (Ms. Longgood) I can't, because of the trees,  
18 and also because of the leaves. But the  
19 ridgeline would be 480 feet below where those  
20 turbines would be. So, --

21 Q. Okay. Thank you. And for each of the property  
22 owners, given the size of your property now and  
23 its frontage on the street, and other zoning  
24 requirements of the Town of Antrim, is your

[WITNESS PANEL: Schaefer ~ Longgood ~ Berwicks]

1 property presently subdividable?

2 A. (Mr. Schaefer) Yes. Ours is.

3 A. (Ms. Longgood) My mine is not. I don't have  
4 enough road frontage. Most of my land, I've  
5 got 51 acres, it goes back. It might be, but  
6 not on the public part of the road. The road  
7 is only maintained to the end of my driveway,  
8 and the land goes up further from there.

9 A. (Ms. Berwick) I think Jan's wrong, because I  
10 think she's in the same situation with us.  
11 Frontagewise, on Reed Carr Road, we don't. But  
12 the way that developers and stuff get around  
13 that is they actually make a road, and then  
14 that's the road that has to have the frontage  
15 on. So, I believe we could, yes.

16 MS. WEATHERSBY: Thank you. Nothing  
17 else.

18 PRESIDING OFCR. SCOTT: Mr. Clifford.

19 BY MR. CLIFFORD:

20 Q. I think I just want to get a sense from each of  
21 you, is generally supportive of or opposed to  
22 renewable energy, wind energy, in general?  
23 Just -- it doesn't have to be -- I'm not  
24 talking about Antrim, just in general, just

[WITNESS PANEL: Schaefer ~ Longgood ~ Berwicks]

1 want to get your own feelings about it.

2 A. (Mr. Schaefer) I am supportive of it. I've  
3 studied it in college back in the day, and I'm  
4 supportive of wind energy in the proper  
5 location.

6 A. (Ms. Schaefer) We're supportive of all forms of  
7 alternate energy. We would prefer that to coal  
8 and oil-fired plants, or nuclear even.

9 A. (Ms. Longgood) I, as well, am in favor of  
10 renewable energy. I wish I could afford a  
11 personal wind turbine or solar panels at this  
12 point in time on my house.

13 But, I think, again, the siting is the  
14 appropriate place. But, certainly, for the  
15 appropriate place, I'm very much in favor of  
16 renewable energy, which has been -- this has  
17 been a difficult journey these last many, many  
18 years sitting here, because I am in favor of  
19 renewable energy, but not this Project.

20 A. (Ms. Berwick) I'm in favor of renewable energy,  
21 but I'm not in favor of wind turbines anymore.  
22 I used to be, until my son, Evan [Stephen?],  
23 you know, showed me all these factors, and I've  
24 done more research. And it doesn't seem that,



[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 I mean, they have had subsidies for twenty  
2 years now, and they're still not able to be  
3 self-sufficient, because the energy production  
4 that they put out really isn't enough to help  
5 solve the problem, whereas solar produces so  
6 much more output for the amount of money and  
7 the amount of investment that you put in.

8 And I think that, you know, they have to  
9 really consider the whole thing. Mining those  
10 rare earth minerals I think is 800 pounds of  
11 rare -- of one -- neodymium, if I remember  
12 right, in one turbine, 800 pounds of neodymium.  
13 Then, there's another element that's a rare  
14 earth mineral that is also in there. The  
15 mining of those minerals, and that's a very  
16 toxic process, and it produces nuclear waste  
17 and it produces a lot of environmental damage.  
18 So, I think you have to look at the whole  
19 picture.

20 Hydroelectric is a very clean, very good  
21 source, and solar seems to be a very good  
22 source. But, personally, I'm now not in favor  
23 of wind turbines, and especially after seeing  
24 pictures with, I think, Mr. Iacopino said, you

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 know, the roads, the roads scarring up the  
2 mountains really do look pretty bad.

3 A. (Mr. Berwick) Well, alternative energy, each  
4 one of the different processes has its  
5 positives and negatives. And, with the wind  
6 turbines, there's too many negatives with them.  
7 There's only a few places that they can be  
8 sited that they don't bother somebody. So,  
9 solar panels can be put almost anywhere.  
10 They're highly invisible, and they produce,  
11 like my wife said, a very good source of  
12 energy.

13 And, otherwise, nuclear energy has come to  
14 the point where we don't know what to do with  
15 the nuclear waste. So, when you look at  
16 everything, the things are coming to a head.

17 Q. So, I guess my follow-ups is, I mean, all  
18 things being equal, if neither one of you had a  
19 physical structure on your property, but merely  
20 owned property, would you consider leasing it  
21 to a wind farm or is that something that you  
22 would not consider at all?

23 A. (Mr. Schaefer) In our particular --

24 Q. If you had no structure on it. You owned

[WITNESS PANEL: Schaefer ~ Longgood ~ Berwicks]

1 property --

2 A. (Mr. Schaefer) Yes.

3 Q. -- that you desired to make productive, would  
4 anyone of you consider putting wind power on  
5 your own property?

6 A. (Ms. Berwick) I think, if there's a potential,  
7 that if we owned some property somewhere, and  
8 it wasn't going to affect anyone in a negative  
9 way, maybe, but I really don't think so.

10 A. (Mr. Schaefer) And it's scalable. I mean, you  
11 know, I studied how to build small turbines in  
12 college, way back. But it's scalable. I mean,  
13 Antrim's regs say "no higher than 35 feet above  
14 the tree canopy", I would be accepting that, if  
15 they wanted to scale down there.

16 But, like I said, scalable. When you get  
17 up to 497 feet or whatever, that's beyond  
18 scale. And, well, that's just, I mean, I'm for  
19 wind in the proper location, scalable to, you  
20 know, environmental. Solar would be a better  
21 alternative.

22 But my biggest pet peeve with all this is  
23 that we're in a country of energy gluttons. We  
24 waste, as a nation, as a body, we waste. And

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 the Department of Energy states it, the biggest  
2 thing that's going to help is conservation.  
3 Turn a light off, put an LED in, stop driving  
4 your Hummer.

5 You know, it boils down to, you just keep  
6 giving the junkie its heroin, or, you know, we  
7 got to stop somewhere. And, oh, we're going to  
8 help the world with a wind farm in Antrim? You  
9 know, come on. Let's get real. That's  
10 nonsense. It's nonsense. And boils down to is  
11 waste not and want for not, and our country, a  
12 nation of gluttons.

13 And that's one of my major pet peeves  
14 about this Project. The energy will be going  
15 down to Massachusetts, into the grid. It's  
16 just, if it was Antrim's little pet project to  
17 develop, you know, for Antrim, maybe. But  
18 not -- not in this sense, not in a nation of  
19 gluttons, I'm sorry. It's just outrageous to  
20 me that we're even talking about this.

21 A. (Ms. Longgood) I would not lease my land.

22 A. (Mr. Schaefer) No. No, I wouldn't lease it.

23 MR. CLIFFORD: All right. No further  
24 questions.

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1                   PRESIDING OFCR. SCOTT: Director

2           Forbes.

3                   DIR. FORBES: Thank you all for being  
4           here today.

5 BY DIR. FORBES:

6 Q.    You know, I just want to follow up and make  
7           sure I understood something, Ms. Berwick, that  
8           you had said just a little while ago. You  
9           commented that you understood some people just  
10          picked up and left their homes when impacted.  
11          Do you have any firsthand knowledge of that  
12          happening?

13 A.    (Ms. Berwick) I just read an article, it was  
14          in -- it was in Vermont. I don't know these  
15          people. I read the article. It was a cabin in  
16          Vermont, and the people were living there, and  
17          they left. And there's talk about maybe one of  
18          the universities purchasing that property to  
19          use for studies about the health effects of  
20          wind turbines. And, then, I -- I have read in  
21          newspapers, and just by my research, I've been  
22          doing nothing but research for months here, I'm  
23          not anywhere near Lisa, but I've been trying.  
24          And there's been people that have absolutely

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1 left their house. I've also heard people that  
2 were totally for the wind turbines, and they  
3 had no idea about the flicker, and now their  
4 lives has just been turned upside-down. And  
5 what answer they have received from their  
6 municipality is "well, why didn't you say  
7 something before." So, you know.

8 DIR. FORBES: Thank you. No other  
9 questions.

10 PRESIDING OFCR. SCOTT: Mr. Iacopino.

11 MR. IACOPINO: I just have one  
12 question for Ms. Berwick.

13 WITNESS BARBARA BERWICK: Yes.

14 BY MR. IACOPINO:

15 Q. I'm looking at the document that we've now  
16 marked as "MI-18".

17 A. (Ms. Berwick) The wind one?

18 Q. It's the data request with the weather data on  
19 it.

20 A. (Ms. Berwick) Yes.

21 Q. And was this entire document prepared by you?

22 A. (Ms. Berwick) Yes.

23 Q. Okay.

24 A. (Ms. Berwick) And it's got two days of the 20th

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 in there. I did not do that on purpose, I  
2 guarantee you, --

3 Q. Okay. All right.

4 A. (Ms. Berwick) -- when I was putting it  
5 together.

6 Q. And this is how it was provided to the other  
7 parties --

8 A. (Ms. Berwick) Yes.

9 Q. -- during the course of --

10 A. (Ms. Berwick) Actually, I --

11 *[Court reporter interruption.]*

12 BY MR. IACOPINO:

13 Q. The question is, and this is the format in  
14 which it was provided to the other parties  
15 during the course of discovery?

16 A. (Ms. Berwick) It was provided exactly like  
17 this, only electronically.

18 MR. IACOPINO: Okay. All right. I  
19 don't have any other questions, Mr. Chairman.  
20 But I would point out that, if we're going to  
21 mark Mr. and Mrs. Schaefer's testimony, it  
22 would be marked as Exhibit Abutters 39.

23 (The document, as described, was  
24 herewith marked as **Exhibit**

[WITNESS PANEL: Schaefers ~ Longgood ~ Berwicks]

1 **Abutters 39** for identification.)

2 MR. IACOPINO: I don't have any other  
3 questions.

4 PRESIDING OFCR. SCOTT: All right.  
5 Thank you. The panel is dismissed.

6 While we're -- so, the next panel  
7 will be the Non-Abutting Landowners, I assume  
8 led by Mr. Block. While we're doing the  
9 transition, I promised you all we would  
10 re-engage on the issue of briefs or closing  
11 statements.

12 I'm inclined to do briefs. And what  
13 I'm inclined to do, though, I'm going to ask  
14 the Committee here for affirmation here that  
15 they do want briefs, my inclination is that we  
16 would, kind of as Attorney Needleman offered at  
17 the end, I know it's not your preference, would  
18 be to have briefs, and then, within seven days,  
19 let the Applicant file their briefs. It will  
20 have, I think we're there anyways, it will have  
21 the consequence of delaying when we actually  
22 get to deliberations and trying to match our  
23 schedules.

24 But, before I rule on that, I wanted



1 to hear from the Committee, if they had a  
2 different preference. So, anybody?

3 DR. BOISVERT: I would appreciate  
4 receiving briefs. I think it will allow me to  
5 make a more considered decision.

6 PRESIDING OFCR. SCOTT: Anybody else?

7 DIR. FORBES: I'd also like to see  
8 briefs.

9 MR. CLIFFORD: I'd prefer briefs,  
10 but -- excuse me, I just took a sip of water --  
11 but that they remain brief, targeted to the  
12 point, and focus on what was stated in the  
13 record, with no extraneous material. Because  
14 nothing bothers me more than reading things for  
15 the first time that didn't ever come out in the  
16 hearing.

17 PRESIDING OFCR. SCOTT: Anybody else?  
18 Head nods? All right.

19 Okay. All right. So, I think a  
20 consensus for the Committee is they would  
21 prefer to have briefs. Are there any questions  
22 on that?

23 MS. MALONEY: Just the timing, can we  
24 have two weeks --

1                   *[Court reporter interruption.]*

2                   PRESIDING OFCR. SCOTT: My  
3 preference, given the timeframe as it is, by  
4 having briefs, we're going to have to delay  
5 when we can, assuming we get our schedules  
6 together, deliberations. So, I'm going to ask  
7 you to try and get the initial briefs within  
8 seven days.

9                   And I understand the transcripts are  
10 going to be pretty speedy --

11                   MS. MALONEY: Seven business days or  
12 seven --

13                   (Laughter.)

14                   MS. MALONEY: Well, we're starting at  
15 the end of Thursday, so --

16                   PRESIDING OFCR. SCOTT: Seven  
17 calendar days is what I'm thinking.

18                   MS. MALONEY: Okay.

19                   DR. WARD: Are you going to put a  
20 limit on the length of the brief?

21                   *[Court reporter interruption -*  
22 *Multiple parties talking at the*  
23 *same time.]*

24                   PRESIDING OFCR. SCOTT: Remember,

1 we're on the record here.

2 So, Mr. Enman.

3 MR. ENMAN: Pardon me. Can I  
4 actually, just for my own clarification, can I  
5 have a date that those would be due by?

6 PRESIDING OFCR. SCOTT: Well, we need  
7 to finish --

8 MR. ENMAN: Okay. So, that hasn't  
9 been decided yet.

10 PRESIDING OFCR. SCOTT: Right.

11 MR. ENMAN: Okay.

12 PRESIDING OFCR. SCOTT: So, we need  
13 to finish this process first. Prior to us, we  
14 deliberate in public with the SEC, prior to  
15 that would be the timeframe for the filings of  
16 these briefs. And, now, again, this is not a  
17 requirement for anybody to submit a brief.  
18 This would be, if you elected, for instance,  
19 yourself, if you elected to, you would do that.

20 MR. ENMAN: Yes. I just -- I  
21 understand that. So, the date -- it's floating  
22 at this point. For me, I just need to know a  
23 deadline, for my own personal, and that will be  
24 determined. So, that's all I need to know.

1 Thank you.

2 PRESIDING OFCR. SCOTT: Okay.

3 Ms. Berwick?

4 MS. BERWICK: Just a question. Can  
5 they be submitted in electronic form only or do  
6 you also need the hard copies?

7 MR. IACOPINO: Well, the rule would  
8 require a hard copy. But, if the Presiding  
9 Officer wanted to change that for the purposes  
10 of these briefs, he's capable of doing that.

11 But, generally, the rule requires  
12 electronic and a hard copy. But, if Mr. Scott  
13 wishes to say "you can simply file them  
14 electronically", that's fine.

15 MS. BERWICK: And Mr. Scott chooses  
16 to say?

17 PRESIDING OFCR. SCOTT: So, that's a  
18 formal request then?

19 MS. BERWICK: Yes.

20 PRESIDING OFCR. SCOTT: What is  
21 the -- you don't have to -- I'm fine with  
22 electronic. But we're going to need to make  
23 sure they're properly filed. You know, we've  
24 had some issues with some electronic filings

1 not going in the right place in other dockets.

2 So, any other questions, before we  
3 move to the next panel?

4 MR. RICHARDSON: I had one question  
5 on this. I'm assuming that briefs are not  
6 evidence, and that the record would close, so  
7 we know what we're looking at, and then we  
8 write our briefs based on the record as of the  
9 date the record closes? So, we don't have to,  
10 you know, respond to, you know, if letters come  
11 in four days before the briefs are due, we  
12 don't have to respond to those.

13 MR. IACOPINO: Well, we can't do  
14 anything about letters from the public. Our  
15 statute requires us to consider public comment  
16 all the way up until a decision is made. So,  
17 we can't do much about public comment letters.

18 However, the balance of what you said  
19 is correct. The briefs should be based upon  
20 the record. We would close the record at the  
21 end of the evidence. There would be, I  
22 believe, a time period of seven days for the  
23 initial briefs, a subsequent time period of  
24 seven days for the reply brief by the

1 Applicant, who has the burden of proof, and  
2 deliberations thereafter.

3 MR. RICHARDSON: And that's my  
4 understanding as well. I just wanted to make  
5 sure, because there is a definition of what  
6 constitutes evidence. And, so, we would close  
7 the record.

8 And, lastly, I'm assuming, based on  
9 the discussions, and in light of the fact that  
10 the Applicant's in a unique position as  
11 carrying the burden of proof, but I'm wondering  
12 what the dates would be for parties that have  
13 supported the Application and support it? Do  
14 we file at the second date or at the first?

15 PRESIDING OFCR. SCOTT: No, other  
16 than the Applicant, would be within the seven  
17 days within us finishing this.

18 MR. RICHARDSON: That's fine. I just  
19 wanted to make sure that was clear on the  
20 record, so we didn't discover by accident that  
21 it was the other way. So, thank you.

22 PRESIDING OFCR. SCOTT: Okay. So,  
23 why don't we go off the record. And, again, if  
24 the Non-Abutting Landowner panel could step up.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 And, if you have any -- anybody has any  
2 exhibits that they want, this would be a good  
3 time to bring them to us also.

4 So, we'll go off the record.

5 *(Off the record.)*

6 *(Whereupon **Annie Law,***  
7 ***Robert Cleland, Richard Block,***  
8 *and **Kenneth Henninger** were duly*  
9 *sworn by the Court Reporter.)*

10 PRESIDING OFCR. SCOTT: Okay. We're  
11 back on the record. Mr. Iacopino.

12 MR. IACOPINO: Thank you.

13 **ANNIE LAW, SWORN**

14 **ROBERT CLELAND, SWORN**

15 **RICHARD BLOCK, SWORN**

16 **KENNETH HENNINGER, SWORN**

17 **DIRECT EXAMINATION**

18 BY MR. IACOPINO:

19 Q. I'm going to start with you, Mr. Cleland.  
20 Starting with you, would you please identify  
21 yourself, and then go down the table with each  
22 of the witnesses identifying themselves please.

23 A. (Mr. Cleland) Robert Cleland, 43 Farmstead  
24 Road, Antrim, New Hampshire.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Ms. Law) Annie Law, same address.

2 A. (Mr. Block) Richard Block, 63 Loveren Mill  
3 Road, Antrim.

4 A. (Mr. Henninger) Ken Henninger, 655 Route 123,  
5 in Stoddard.

6 Q. Mr. Cleland, did you and Ms. Law file joint  
7 testimony in this case?

8 A. (Mr. Cleland) Yes, we did.

9 Q. And do you adopt that prefiled testimony as  
10 your testimony in this matter today?

11 A. (Mr. Cleland) Yes, I do.

12 Q. Are there any changes or addition that either  
13 you or Ms. Law wish to make to it?

14 A. (Mr. Cleland) No.

15 Q. Mr. Block, did you submit prefiled -- oh, I'm  
16 sorry. Mr. Cleland and Ms. Law, did you submit  
17 any supplemental prefiled testimony in this  
18 case?

19 A. (Mr. Cleland) Yes, we did.

20 Q. Okay. And are you adopting that testimony here  
21 today?

22 A. (Ms. Law) Yes.

23 Q. I understand that a portion of that was not  
24 allowed into evidence, --

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[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Ms. Law) Right.

2 Q. -- that being the appraisal from -- I forget  
3 where it was?

4 A. (Ms. Law) McCann.

5 Q. McMann [McCann?] Appraisal.

6 A. (Ms. Law) McMann?

7 Q. With the exception of that, do you have any  
8 changes or additions to make to your  
9 supplemental testimony?

10 A. (Ms. Law) No.

11 A. (Mr. Cleland) No.

12 Q. Mr. Block, I understand that you have filed  
13 prefiled testimony and supplemental prefiled  
14 testimony in this proceeding, is that correct?

15 A. (Mr. Block) That is correct.

16 Q. And do you adopt that as your testimony for  
17 this proceeding today?

18 A. (Mr. Block) I do.

19 Q. Okay. And I understand that your wife, Lorraine  
20 Carey Block also filed, I believe, prefiled  
21 testimony, is that correct?

22 A. (Mr. Block) That is correct.

23 Q. And are you adopting her testimony as well?

24 A. (Mr. Block) Yes, I am.

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[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. Did I miss any supplemental testimony with you?  
2 I don't think so. There was no other  
3 supplemental testimony?

4 A. (Mr. Block) No, not from her.

5 Q. And Mr. -- I don't have this one down?

6 A. (Mr. Henninger) Henninger.

7 Q. -- Henninger, did you file prefiled testimony  
8 in this proceeding?

9 A. (Mr. Henninger) I did.

10 Q. Okay. And did you file supplemental prefiled  
11 testimony?

12 A. (Mr. Henninger) No.

13 Q. Okay. Do you adopt that prefiled testimony as  
14 your testimony for this proceeding today?

15 A. (Mr. Henninger) I do.

16 Q. Do you have any changes or additions to make to  
17 it?

18 A. (Mr. Henninger) I have additions.

19 Q. Okay. Why don't you tell us what your  
20 additions are?

21 A. (Mr. Henninger) Well, okay. Additions are --

22 Q. If you go by page numbers, that would be best.

23 A. (Mr. Henninger) Yes. Okay. Secondly, I live  
24 in Stoddard, and I'm very close to Antrim. But

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 I am a landowner on Salmon Brook Road, in  
2 Stodd -- in Antrim, in close proximity to this  
3 Project. And I am therefore very concerned  
4 regarding the marketability of my rental  
5 property. Okay?

6 And, in addition, third, I am an engineer,  
7 with a Bachelor's degree in Engineering. And  
8 I've spent some 30 years in industry. As an  
9 engineer, financial payback period is  
10 considered when proposing a project. But  
11 another thing to consider for an energy project  
12 is energy payback. Now, Barbara Berwick  
13 touched on this quite a bit, but maybe I have  
14 an addition.

15 There is an enormous amount of energy  
16 required to mine, process materials,  
17 manufacture and construct these turbines.  
18 Using the 37 percent efficiency estimate, which  
19 is highly questionable, it is still unrealistic  
20 to assume it will produce as much energy over  
21 the lifetime of this Project as it consumes.

22 But, then, regarding finance, this Project  
23 would not go forward if not for the federal  
24 grants and tax incentives, which are additions,

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 I might add, to the ballooning federal deficit.

2 And, fourthly, as a lover of nature and  
3 the beautiful environment involved, my concern  
4 extends beyond bats and birds, to many species  
5 of wildlife, as well as the major disruption to  
6 the ecosystem that such a project will impact.  
7 Now, Geoff Jones, of Stoddard Conservation  
8 Commission, has much more information on this.

9 That's the end of my testimony.

10 Q. Thank you.

11 A. (Mr. Henninger) You're welcome.

12 Q. And, Mr. Block, I neglected to ask you if you  
13 had any changes to your testimony?

14 MR. BLOCK: No. None.

15 MR. IACOPINO: With that, the panel  
16 is ready for cross-examination.

17 PRESIDING OFCR. SCOTT: Before I ask  
18 the Audubon Society if they have any questions  
19 for you, I want to give you the same cautions  
20 as I did the last panel. And, again, I know  
21 you don't do this for a living. This is being  
22 transcribed. So, it's very important to let  
23 the person asking the question get the question  
24 on the record, and then, of course, we want to

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1 get your answer on the record, too. But, if  
2 you end up in a position where you talk over  
3 each other, we get none of that on the record.  
4 So, it doesn't serve anybody's purpose.

5 So, with that caveat, I'll ask the  
6 Audubon Society if they have any questions for  
7 the panel?

8 MS. VON MERTENS: I have a question  
9 for Rich Block.

10 **CROSS-EXAMINATION**

11 BY MS. VON MERTENS:

12 Q. And, when the Audubon panel was up there,  
13 Attorney Iacopino asked, I believe, me, if I  
14 had walked the route of the Project. And,  
15 Rich, you were along on that. And the question  
16 that I was asked had to do with the glacial  
17 boulders that we encountered. And Attorney  
18 Iacopino asked me if I thought some could be,  
19 my memory, either pushed aside or could the  
20 road be rerouted. And, as I often do, I was  
21 trying to be agreeable, and I failed to give a  
22 definitive answer. Although, I had Lisa  
23 Linowes' handout there the Groton Project road,  
24 with its ledge cuts and fill. So, I would like

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1 to ask you that question, as you walked that  
2 route.

3 Do you think there is a way to change the  
4 route of the access road or push aside the  
5 boulders as in the process of building this  
6 Project?

7 A. (Mr. Block) My impression of those boulders,  
8 when I went through there, initially was "these  
9 are really big." Some of the boulders, I  
10 decided, were not necessarily boulders, they  
11 might have been bedrock outcroppings. I don't  
12 think, I'm not an engineer, but I don't think  
13 that you can move a bedrock outcropping to the  
14 side at all.

15 My impression, my memory, and what I've  
16 seen on the topographic maps, is that the  
17 flagged route that travels through those  
18 boulders is basically on a sidehill. And, as  
19 we were traveling up towards the north -- no,  
20 I'm sorry, we were traveling south down to that  
21 point, to our right, it dropped off  
22 considerably down, to the left, it went up  
23 fairly steeply. So, either way, a road that  
24 would have to move would involve probably

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 considerable engineering and blasting, if it  
2 was even possible, and would probably re-route  
3 it away from the whole Project if it was to be  
4 able to happen at all.

5 MS. VON MERTENS: I think a  
6 definitive answer to that question is  
7 difficult. Thank you.

8 PRESIDING OFCR. SCOTT: Ms. Linowes?

9 MS. LINOWES: Yes, Mr. Chairman.  
10 Thank you.

11 BY MS. LINOWES:

12 Q. Just I have a couple of questions I wanted to  
13 get your impressions of, having visited other  
14 operating wind facilities. So, have all of you  
15 been to a facility before? And I'll start with  
16 Mr. Cleland.

17 A. (Mr. Cleland) Yes, I have. Pillsbury State  
18 Park.

19 Q. Okay. Thanks. And you, as well?

20 A. (Ms. Law) Yes. The same.

21 Q. Mr. Block?

22 A. (Mr. Block) Exactly what was the question?

23 Q. Have you visited an operating wind energy  
24 facility?

{SEC 2015-02} [Day 9/Afternoon Session ONLY] {10-18-16}

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Mr. Block) I have visited Lempster several  
2 times on the premises. I've also visited and  
3 observed wind turbine projects in New York  
4 State and Maine and Vermont.

5 Q. So, -- and also Mr. Henninger?

6 A. (Mr. Henninger) Yes. In my prefiled testimony,  
7 I stated where I traveled to Europe and saw  
8 many wind turbines in northern Europe. And  
9 there were fewer and fewer as you go further  
10 south, and the terrain more approximates New  
11 England.

12 Q. And are those -- oh, I'm sorry.

13 A. (Mr. Henninger) And it's a lot more solar  
14 installations, even though, when you get in  
15 central Europe, you're around the same latitude  
16 as the northern tip of Maine.

17 Q. Are those turbines in Europe the same size or  
18 are they --

19 A. (Mr. Henninger) Oh, no. They were  
20 approximately 42 to 50 meters high, we saw  
21 hundreds of wind turbines on the rail corridor  
22 that we took. And, so, which that they number  
23 well in the thousands, if we just saw a narrow  
24 slice of them.



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. Okay. I'm sorry. So, 40 to 50 meters. So,  
2 they're much smaller?

3 A. (Mr. Henninger) Much smaller, yes.

4 Q. Okay. And in more populated areas or --

5 A. (Mr. Henninger) These were primarily in  
6 agricultural areas and pasturelands, on the --  
7 bordering the Baltic Sea areas.

8 Q. So, you didn't see the equivalent of ridgelines  
9 as we would have here in New England?

10 A. (Mr. Henninger) No. And, in no case, did we  
11 observe wind turbines in forested areas either.

12 Q. And, Mr. Block, when you visited Lempster and  
13 other facilities, I mean, we've heard different  
14 perspectives on what the experience has been  
15 like. Can you describe your experience?

16 A. (Mr. Block) From -- I'll start with the ones  
17 that we've visited from a distance. I was --  
18 my wife and I traveled up to Mars Hill, Maine,  
19 and looked at the wind turbine facility up  
20 there, which was, at the time, I thought was  
21 surprisingly a lot like what I envisioned  
22 Antrim would be. It was along a ridge top.  
23 And it was quite visibly striking from quite a  
24 large area in the area. We drove for quite a

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1 while around it, and could see those turbines  
2 kind of dominating. We saw them quite a while  
3 before we even reached the area.

4 We have seen wind turbines in Vermont,  
5 that we were heading down from Quebec, and on  
6 the interstate, rounded a bend, and there were  
7 wind turbines close to the road there. Very  
8 large ones, very similar, they look like, to  
9 what they're proposing here. My wife was  
10 driving, and almost went off the road. They  
11 were so distracting. They looked so large,  
12 they looked so out-of-scale. And it was hard  
13 for us to understand how someone could focus on  
14 the road when you've got these spinning things  
15 happening just upper left of your windshield.  
16 That was quite shocking.

17 I think the -- oh. The other thing that  
18 really affected us at one point was when we  
19 traveled through Lowville, New York, which has  
20 a very, very large wind facility. We were  
21 traveling through there at night at one point,  
22 and the flashing lights that all happen in  
23 unison was very surreal. We were far enough  
24 way that I couldn't hear anything, but you

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1           could sense this, almost a boom sound, every  
2           time the lights flashed right across the  
3           horizon, from left to right. I thought it was  
4           very strange that they were happening in unison  
5           and simultaneously. They were very distracting  
6           also.

7           The experience I had in Lempster was what  
8           really shook me up the most. The first time we  
9           traveled to Lempster, my wife and I drove up  
10          the access road and drove as far as the gate.  
11          And, then, wanting to see it closer, I got out  
12          of the car, ducked under the gate, and walked  
13          up and walked around a couple of the turbines  
14          up there. After about 40 minutes, --

15        Q.   Excuse me. I'm sorry to interrupt you. What  
16          year was that that you went to --

17        A.   (Mr. Block) Pardon me?

18        Q.   What year was that when you went to Lempster?

19        A.   (Mr. Block) This would be about five years ago,  
20          I'm guessing. Maybe four. I think about five.

21          After about 40 minutes, I started feeling  
22          kind of queasy inside, and then I realized  
23          that, in the back of my head, I was developing  
24          a headache. I'm not somebody who has had

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1 headaches much at all over the years. And, at  
2 first, I ignored it. But, after about fifteen  
3 minutes of that, I literally ended up running  
4 from the site. And it took about an hour for  
5 that headache, which was very strong at that  
6 point, to go away. And I started realizing  
7 that there was something going on here that's  
8 affecting me physically.

9 Q. Were you into the project or were you on the  
10 edge of the project, like drove off the --

11 A. (Mr. Block) I was pretty much under the  
12 turbines when I first noticed it, when I was  
13 walking the access road there.

14 Q. Okay. Thank you. And, now, Mr. Cleland and  
15 Ms. Law, you said that you've been to Pillsbury  
16 State Park. And I --

17 A. (Mr. Cleland) That's correct.

18 Q. And I believe I did actually look back at your  
19 testimony, from back at the prior docket, and  
20 you did, you know, you make that point. Now,  
21 how many times have you -- you camped there,  
22 according to your testimony, is that correct?

23 A. (Mr. Cleland) Maybe a dozen times over the  
24 years.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. Both before and after the project was built?

2 A. (Mr. Cleland) Most of it was before, and then a  
3 couple times after the project.

4 Q. When was the last time you camped there?

5 A. (Mr. Cleland) Probably five years ago.

6 Q. And what was your experience?

7 A. (Mr. Cleland) First of all, I didn't like the  
8 views of the windmills. And, at night, you  
9 could hear them. It did --

10 Q. I'm sorry for interrupting you. I should ask  
11 you, just to get a context of where you are  
12 relative to the turbines, because I have not  
13 been to Pillsbury State Park.

14 A. (Mr. Cleland) Okay.

15 Q. Did you take 31 up and --

16 A. (Mr. Cleland) Through Washington, to Pillsbury  
17 State Park. Uh-huh.

18 Q. And, so, the 31 separates Pillsbury State Park  
19 from the wind project, is that correct?

20 A. (Mr. Cleland) That's correct.

21 Q. And how far into the park are you camping, do  
22 you -- is it?

23 A. (Mr. Cleland) I'd say a quarter to a half a  
24 mile, depending on the site.

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1 Q. So, when I did a Google map, to just see the  
2 distance between the turbines and let's say the  
3 entrance to Pillsbury State Park, it looks like  
4 it's about a half a mile, but I don't know.

5 A. (Mr. Cleland) Right.

6 Q. Would you know? Is that about right?

7 A. (Mr. Cleland) Yes, that's about right. There's  
8 some sites further away.

9 Q. So, you, when you were camping, you would be  
10 perhaps as much as a mile away from the  
11 turbines, is that correct?

12 A. (Mr. Cleland) No. Probably about a half a  
13 mile. We stayed closer to the ranger station.  
14 The sites were more on the water.

15 Q. Okay. Okay. And, then, go ahead. I  
16 interrupted you while you were experiencing  
17 your experience.

18 A. (Mr. Cleland) I just wanted to state to the  
19 fact that I was -- I can't quite agree with  
20 Mr. Enman's description of Pillsbury State  
21 Park. Yes, they do have some primitive  
22 campsites, maybe a handful. But there are five  
23 ponds there, and they're scattered about. The  
24 majority is just a regular campsite. Where

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1 they do have toilets, like in the White  
2 Mountains. They do have running water. You  
3 can bring a small trailer there.

4 And I just don't think -- and there is a  
5 playground for children on the third pond that  
6 you can drive up to. From my experience, I  
7 don't really consider it a primitive  
8 campground, except for the five, maybe five  
9 sites.

10 Q. So, if you were to compare it, let's say, to  
11 Willard Pond, which has been described as a  
12 "remote area" versus Lempster -- rather,  
13 Pillsbury State Park. I mean, how -- I think I  
14 heard Mr. Cleland suggesting they're both very  
15 rural. So, if you could -- is that your  
16 experience?

17 A. (Mr. Cleland) They are rural, they both are.  
18 But there's no comparison. Willard is a  
19 pristine area, where you can't drive vehicles  
20 around the pond. You really can't camp around  
21 the pond. There's really no bathrooms  
22 available. There's no running water, like  
23 Pillsbury. And, then, Pillsbury is often  
24 crowded. Sometimes it's a two-year wait to be

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1       able to camp there. So, you do notice a lot  
2       more people. Whereas, in Willard Pond, you  
3       notice them near the dam and near the beach.  
4       But you can hike around the Tudor Trail over  
5       the other side --

6                                    *[Court reporter interruption.]*

7       **CONTINUED BY THE WITNESS:**

8       A.     (Mr. Cleland) -- the Tudor Trail, and you  
9       basically don't see anyone.

10       BY MS. LINOWES:

11       Q.     And, Ms. Law, you said, at the prior docket,  
12       that you actually had a lot of difficulty  
13       sleeping when you were camping. Can you  
14       explain what that was all about?

15       A.     (Ms. Law) Yes. I usually I don't have problems  
16       sleeping. When I hit the pillow, I'm out.  
17       But, for some reason, when I was camping at  
18       Pillsbury, I could not sleep, and I couldn't  
19       understand why. But, then, I kept hearing the  
20       "whoosh-whoosh", a whooshing, and then I  
21       realized it was the wind turbines that was  
22       keeping me awake. And it wasn't just the  
23       noise, it was just the distraction of hearing  
24       that whooshing sound.



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. Are you aware of anyone else that has had  
2 similar experience or -- well, let me step  
3 back. Is the reason you're not camping there  
4 anymore because of the wind project or is that  
5 just a change of lifestyle?

6 A. (Ms. Law) Yes. We used to take our grandsons  
7 there to camp, because they really liked it,  
8 and they really liked going out on the pond,  
9 and there weren't any motorboats. But we don't  
10 take them there anymore, just because I can't  
11 sleep.

12 Q. And do others -- have you heard other people  
13 say the same kind of thing, because we have  
14 heard also that --

15 A. (Mr. Cleland) Yes.

16 Q. -- people don't have a problem with it? Go  
17 ahead.

18 A. (Mr. Cleland) Yes. At that same time, my  
19 daughter and her husband were also there, and  
20 they commented on having problems sleeping.

21 Q. And have you ever spoken to a park ranger about  
22 it?

23 A. (Mr. Cleland) No.

24 Q. Okay. Fine. And -- thank you. And, Mr.

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1 Block, I have just a couple more questions for  
2 you. I have -- we've heard a lot about the  
3 surveys that were taken to assess the response  
4 of Antrim residents regarding the Project.  
5 And, to be honest with you, I haven't really  
6 paid close attention to that, but -- only  
7 because it's just not my thing, and it's not  
8 what I focus on.

9 But I am curious, just let me bring up  
10 my -- I was looking at Mr. Kenworthy's  
11 testimony, and this would be App. 24. This is  
12 his supplemental prefiled testimony. And I'm  
13 on Page -- PDF Page 6. And, in here he says,  
14 on Line 3, "The independent survey conducted in  
15 February 2011 by the American Research Group on  
16 behalf of Antrim Wind in which 618 residents,  
17 or 70 percent of the households were contacted,  
18 77 percent were in favor of the Antrim Wind  
19 Project, and only 10 percent in opposition."  
20 And those are big numbers in favor. But here  
21 that's -- I mean, can you explain that?  
22 Because there's also been a lot of discussion  
23 about not being in favor of the Project. So,  
24 there's a lot of confusion there.

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1 A. (Mr. Block) I haven't personally really  
2 analyzed the numbers much on that. We actually  
3 did receive one of the surveys in the mail, at  
4 the time they sent it out. I know a number of  
5 neighbors, and particularly people who were  
6 opposing it, and said they never received one;  
7 we did. But I was curious at the time. So,  
8 the first thing I did was Googled "American  
9 Research Group" to find out who was this  
10 company. And the first thing I noticed were a  
11 number of articles and reviews talking about  
12 them doing political surveys in Washington and  
13 various places for various candidates and  
14 various campaigns, and quite a number of  
15 reviews called to question the validity and  
16 integrity of American Research Group. They  
17 were actually described in some of these  
18 articles as "the go-to group if you wanted a  
19 survey company to give you specific answers  
20 that you were looking for." So, I was  
21 suspicious at that at first.

22 And then decided I would try to take the  
23 survey anyway, only we only received one  
24 survey, and there were three voters in our

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1 house. Reading the survey, I realized "oh, you  
2 can submit it on paper, in an envelope", which  
3 we did, "but you could also submit online."  
4 So, I don't remember who, either my wife or I,  
5 did the paper survey. And I think it was my  
6 wife did that. I filled out -- went online and  
7 went to their website, as it is, and went  
8 through and filled out the survey. Then, I  
9 realized my son was still around, he's a voter.  
10 Suppose he wanted to submit a survey? Every  
11 survey that I've experienced in the past that  
12 was an online survey was set up so that you  
13 could only submit online once. And I thought  
14 "well, I don't know, I'll give it a try." And  
15 I tried to submit again. So, I did, and I was  
16 able to submit a response for my son online in  
17 addition. They don't ask for names. Out of  
18 curiosity, I was wondering "well, what happened  
19 if I did it again a third time?" And I did.  
20 And a fourth time, and a fifth time. And I  
21 think I gave up when I reached about 30  
22 submissions on here, and started to realize at  
23 that point that I'm not sure about the  
24 integrity of this company or the integrity of

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1 the entire survey. I think I'm going to, in my  
2 mind, write this whole thing off as complete  
3 hokum. It's not really real and scientific.

4 Q. Okay. Thank you. Okay. Then, let me ask you  
5 this. The next one he talks about, on the same  
6 page, is "The 2011 Straw Poll conducted by the  
7 Antrim Board of Selectmen on March 8th, 2011 on  
8 election day, which showed respondents (533  
9 total votes cast) in favor" -- I'm sorry --  
10 "showed respondents in favor" -- I'm sorry --  
11 "533 total votes were cast" and the breakdown  
12 was "337 to 102", with "94 respondents" saying  
13 "undecided". So, there again, very high  
14 numbers.

15 A. (Mr. Block) Well, that was set up so that there  
16 was a table at the Town Hall during the -- that  
17 was the Town Hall voting, I guess it's usually  
18 on Tuesdays we have ballot votes. And, as you  
19 exited, still within the Town Hall, there was a  
20 table set up that a couple of the selectmen  
21 were sitting at, and they had these ballots  
22 there. And I watched as we walked out,  
23 wondering what they would do. And they smiled  
24 at me, and my wife and my son and I were there,

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1 they did not hand us ballots. I thought  
2 "okay".

3 So, I observed and I watched them hand  
4 ballots to friends of theirs, and not hand  
5 ballots to others. And, then, a couple of  
6 other people I knew said they overheard Gordon  
7 Webber, who at that point was the Chair of the  
8 Selectboard, handing ballots to certain people  
9 and saying "here, you've got to vote for the  
10 wind", "here, you've got to vote for the wind".

11 Again, I decided this was another survey  
12 that wasn't even worth paying attention to as a  
13 result of that.

14 Q. Okay. So, in general, you don't trust the  
15 surveys that have been done?

16 A. (Mr. Block) Neither of these surveys were  
17 conducted with the slightest bit of scientific  
18 accuracy or data. I've taught for the last 30  
19 years at Franklin Pierce University. Franklin  
20 Pierce has a whole department they build up now  
21 that's doing national polling and things, they  
22 have been very active during the electoral  
23 season. And I've just observed what they have  
24 done and observed how they set up polls, and

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1           they do online polling. They do things, they  
2           have been working with the Boston Herald. And  
3           it's night-and-day different from either of  
4           these two polls. And, so, I decided these  
5           polls had no bearing whatsoever on any kind of  
6           realistic accuracy.

7   Q.    Okay. And, then, one last question. Again,  
8           this is for anyone on the panel. But we've  
9           heard reference, you guys made reference to  
10          "scale", turbines being "out-of-scale with the  
11          landscape". And do any of you recall what the  
12          rise is from, let's say, Willard Pond, up to  
13          the ridge?

14   A.    (Mr. Block) I believe I have some notes here on  
15          that. My wife included this in her testimony.  
16          This is an issue that she's been very concerned  
17          with. She was concerned that a lot of emphasis  
18          was being placed on elevation, in other words,  
19          distance above sea level. Which really has  
20          very little to bear in this situation, in terms  
21          of context, because you need to know where your  
22          starting point/where your ending point are.  
23          She did some calculations that the Route 9,  
24          which is the one that travels along the north,

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 on the edge of Tuttle Hill, is 1,150 feet above  
2 sea level. The summit of Tuttle Hill is about  
3 1,760 feet, which gives you a difference of 610  
4 feet between the two. So, that's the elevation  
5 rise. That's how high the hill appears when  
6 you're standing on Route 9 at the bottom. A  
7 489 foot turbine, on top of a 610-foot hill,  
8 that turbine is 80.2 percent the height of that  
9 hill. That's an extremely large percentage of  
10 the hill.

11 The rise at Gregg Lake, I did find my  
12 figures here, is 642 feet, a little bit larger.  
13 That's the distance -- the difference from the  
14 top of the ridge to the level of the lake.  
15 That's a -- the turbines on that would be 76  
16 percent as high as the hill, or appear that  
17 way.

18 Q. I'm sorry. So, Gregg Lake is slightly lower --

19 A. (Mr. Block) Gregg Lake is --

20 Q. Okay.

21 A. (Mr. Block) -- slightly lower in elevation than  
22 Route 9 is.

23 Q. Okay. Thank you.

24 A. (Mr. Block) Yes. Willard Pond is just slightly



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1 higher than Route 9. It's 1,158 feet. So, the  
2 turbines, when you're standing or sitting in a  
3 kayak or so, if you're at Willard Pond, the  
4 turbines, and I'm talking about 1 through 8  
5 here, would be 91 percent the height of the  
6 rise of the hill there.

7 Q. Okay. And do you know what elevation your home  
8 is at?

9 A. (Mr. Block) Our home is at about 1,250 feet.

10 Q. And, Ms. Law, do you --

11 A. (Mr. Block) Pardon me?

12 A. (Ms. Law) Yes.

13 Q. Ms. Law, do you know yours?

14 A. (Ms. Law) Ours is about 1,200 feet.

15 Q. And, Mr. Henninger, you say you're on Salmon  
16 Brook Road. So, you're at the base of the  
17 mountain?

18 A. (Mr. Henninger) Yes. We're approximately  
19 1,250 feet. And all of the numbers that Mr.  
20 Block presented are refined numbers of what I  
21 roughly came out with.

22 Q. Okay.

23 A. (Mr. Henninger) Yes.

24 A. (Mr. Block) Can I add something to this?

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[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. I just want to ask you a question.

2 A. (Mr. Block) Sure.

3 Q. So, from your home, you said you're at about  
4 1,200 feet. So, you're going to be looking  
5 straight at and slightly up, the turbines will  
6 be?

7 A. (Mr. Block) That is correct.

8 Q. And, so, but, from the distance you'll be at,  
9 it will be almost as if they're at eye level,  
10 is that a fair --

11 A. (Mr. Block) They're just, the top of Tuttle  
12 Hill is about 500 feet higher than our house.  
13 And we're about 400 -- 300 or 400 feet -- no, I  
14 guess we're 100 feet above the elevation of  
15 Route 9. So, we're looking up somewhat, but  
16 we're up higher than Route 9.

17 Q. Okay. And the same for Ms. Law and Mr.  
18 Cleland, it's about that, is that what you  
19 said?

20 A. (Ms. Law) Yes.

21 Q. Okay. Go ahead, Mr. --

22 A. (Mr. Block) And I would like to add, because  
23 it's on the card here, that I did note that,  
24 because the turbines at Lempster are smaller,

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 and because the distance from the elevation of  
2 Route 10, I guess it is, up to the height of  
3 Lempster Mountain where they are, is much  
4 smaller than Tuttle Hill, the apparent  
5 percentage height of the Lempster turbines is  
6 only 38 percent the height of the hill, which  
7 is why those turbines look so much more  
8 different than the turbines -- than the 80 to  
9 90 percent height that the turbines in Antrim  
10 would be.

11 Q. Thank you. I have one last question for you,  
12 and it's for you, Mr. Block. Now, you're a --  
13 I'm not sure if this is the right term, are you  
14 a graphic designer, or is that correct?

15 A. (Mr. Block) Yes.

16 Q. Okay. And, so, you have experience with  
17 working with the tools, manipulating images and  
18 those kind of -- that kind of technology?

19 A. (Mr. Block) Yes.

20 Q. Okay. You were critical of some of the work  
21 that -- some of the simulations that were done  
22 for this Project, is that correct?

23 A. (Mr. Block) Yes.

24 Q. Okay. Now, is it your understanding that, when

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1           you take a photograph and you're inputting into  
2           that photograph something that doesn't exist  
3           yet, like a turbine or like a road or anything  
4           like that, the person doing the work has  
5           100 percent control over what that object looks  
6           like in the final product?

7   A.    (Mr. Block) Yes.  Absolutely.

8   Q.    So, whether it's a hazy, sharp, contrast, all  
9           of those conditions, the shape of the  
10          turbine -- rather, the height of the turbine,  
11          the arrangement of the blades, 100 percent  
12          control?

13   A.    (Mr. Block) There are many, many variables.  
14          All of them can be changed and altered  
15          according to the user, yes.

16                    MS. LINOWES:  Okay.  Great.  Thank  
17                    you very much, Mr. Chairman.

18                    PRESIDING OFCR. SCOTT:  Before we go  
19                    to Mr. Ward, I had a request for a three  
20                    o'clock break.  You still need that?

21                    DR. WARD:  That's all the time I  
22                    need.  I got my little chart --

23                    PRESIDING OFCR. SCOTT:  Off the  
24                    record.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1                                    *[Brief off-the-record discussion*  
2                                    *ensued.]*

3                                    PRESIDING OFCR. SCOTT: Back on the  
4 record. We'll proceed with Mr. Ward.

5                                    DR. WARD: Okay. I'm not going to  
6 ask a question like "how many of these voters  
7 in District 8 are going to vote for my wife?"

8 BY DR. WARD:

9 Q. But I will go on and ask Mr. Henninger, did you  
10 work with your neighbors, with the Harris  
11 Center and other conservation organizations,  
12 in, well, five or ten years ago, in taking two  
13 or three thousand acres and to put two or three  
14 thousand acres into conservation, very close to  
15 the western side of the place where this  
16 Project is going? Did you?

17 A. (Mr. Henninger) I did.

18                                    DR. WARD: Thank you. Three o'clock.

19                                    PRESIDING OFCR. SCOTT: Thank you for  
20 that. Mr. Levesque or Ms. Allen? Ms. Allen?

21                                    MS. ALLEN: We need a microphone.

22                                    PRESIDING OFCR. SCOTT: Understood.

23                                    MS. ALLEN: We're getting there.

24                                    MR. LEVESQUE: Thank you, Mr.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Chairman. Just a few questions, fairly brief  
2 here.

3 BY MR. LEVESQUE:

4 Q. For Mr. Block, I was just looking for it, I  
5 don't have it. When I pulled this out, I had  
6 it. So, I'm looking at the prefiled testimony  
7 from your wife's. And I think you've adopted  
8 that, have you not?

9 A. (Mr. Block) Yes, I have.

10 Q. Okay. And I think we're talking about Exhibit  
11 NA-11. And what I -- my notes say "on Page 2  
12 and 3". So, anyways, in that section, she  
13 described her concern about the scale of the  
14 proposed turbine, once sited on the ridge. And  
15 it's kind of the next step beyond the  
16 discussion you were just having with Ms.  
17 Linowes. And I was wondering if you could  
18 explain that a little bit?

19 A. (Mr. Block) Well, the -- I think the point she  
20 was trying to make is that, regardless of how  
21 tall an actual -- a turbine is in actual feet  
22 in height, regardless of how tall a hill is,  
23 everything has -- is relative to its  
24 surroundings. If we were to put a Mack truck

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 in this room, it would seem unbelievably out of  
2 scale. But, if I look across the way to  
3 Interstate 89 and see a Mack driving up the  
4 road there, it's not a problem. It looks  
5 small. So, everything has to do with its  
6 surroundings and where it fits.

7 What my wife was concerned with here and  
8 was talking about is that the hill we're  
9 talking about, although it's large and tall for  
10 Antrim, it is not the tallest part of Antrim.  
11 There are taller peaks. But it is fairly  
12 significant. And, particularly in the North  
13 Branch area, as you drive down Route 9, and in  
14 the entire Rural Conservation Zone, it's fairly  
15 dominant. To take turbines and put them on top  
16 of that, that are almost as large as that hill  
17 itself, seems very out-of-scale, very  
18 inappropriate. And there's no way that we can  
19 imagine that something that large in that  
20 situation can be considered to be "almost  
21 invisible", which is what Antrim's Visual  
22 Impact Assessment says, is that these turbines  
23 will not be able to be seen from something like  
24 98 percent of the area. I find that very, very

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1 hard to believe. Something that big is like  
2 the Mack truck in this room.

3 Q. Thank you. Let's go to your particular  
4 property. I'm asking this, because earlier on  
5 in the proceedings there have been a number of  
6 times, I know the selectmen talked about it,  
7 and probably the Applicant as well, talked  
8 about the notion that, if this wind farm  
9 doesn't get built, that there's potential to  
10 have widespread development along that ridge.  
11 And, so, I understand that you had a unique  
12 arrangement in the purchase of your property,  
13 and I don't know what year that was. But I  
14 wonder if you could explain that a little bit,  
15 because it does relate to kind of the potential  
16 for wide-scale residential development in the  
17 region, or in that part of Antrim specifically.  
18 So, could you tell us a little bit about when  
19 you purchased that property and how that all  
20 happened?

21 A. (Mr. Block) When we first purchased our house,  
22 it was on a five-acre parcel. And we bought  
23 that in 1988 and moved in there. Almost  
24 immediately, the land adjacent to it, and this



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 would be on the east side of our property, was  
2 starting to be logged. So, literally, the day  
3 we were moving in, the loggers were coming in.  
4 So, I found out who owned the property. It was  
5 owned by a developer who lived in Peterborough,  
6 and there was quite a number of 5-acre and  
7 larger parcels all in there, and he was  
8 starting to log it. Basically, what happened  
9 is, we started talking to him about buying some  
10 additional parcels over the years.

11 Bottom line is a few years later a sign  
12 went up on our hill that there was going to be  
13 a land auction. And what was happening was  
14 that the bank was foreclosing on this  
15 developer. He had been attempting for maybe  
16 two decades to try and develop this land.  
17 There was a proposed road. It was already  
18 subdivided. There were actually, besides our  
19 parcel, which had been part of the original  
20 development possibility, there were 12 more  
21 parcels in there. He was never able to market  
22 them. Never able to develop them. The bank  
23 ultimately foreclosed. And we bought the land  
24 from the bank, first of all, being the only

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1       bidders, and, second of all, we couldn't resist  
2       1972 prices. So, we bought the rest of the  
3       land. We now own 13 parcels, totaling  
4       242 acres.

5               But what had occurred to me is that, if  
6       this land had been there, subdivided for  
7       something like 20 years, and it was actually --  
8       there are -- I have plat maps of it that say  
9       "North Branch Development" and everything, he  
10      was never able to market that.

11              So, I'm seriously questioning at this  
12      point, what is the danger of overdevelopment of  
13      the North Branch area? If this guy tried, and  
14      this -- he's a man who had some major  
15      developments in Peterborough. He knew what he  
16      was doing. His land is still there. And he  
17      couldn't sell it. So, I question -- I'm not  
18      worried, basically, that the land around us is  
19      going to be overdeveloped at all, if this  
20      Project doesn't go in.

21    Q.    Thank you. One last question. And this would  
22      be for each of you, in turn. So, Bob, if you  
23      would start. So, if this wind farm is built,  
24      could you tell us, you know, how this would

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 affect you personally?

2 And, again, following that, Annie, if you  
3 could also answer that, and down the line.

4 A. (Mr. Cleland) Yes. It would affect my life  
5 totally. We moved there in -- 28 years ago.  
6 And I built the house myself, with Annie, and  
7 with our children. And it would be devastating  
8 to have to leave because of the noise, maybe we  
9 would get flicker, I'm not quite sure. But  
10 it's in our viewshed. So, we'd have to see the  
11 Project in our house all the time. My house is  
12 an open house, and there's not a lot of walls.  
13 So, you can look out all the windows and see  
14 the ridgeline. It would just be devastating.

15 We plan on retiring there. It's a  
16 beautiful spot. And we really don't want to  
17 see it ruined.

18 A. (Ms. Law) I agree totally with Bob. And, I  
19 mean, this is our dream home. I designed the  
20 house with Bob, we built it together. We've  
21 spent many, many hours working on our house.  
22 We poured the foundation on June 1st, 1988, and  
23 we framed the house thereafter. We lived in  
24 the house starting in August, so that our kids

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1           could go to school that September. And we've  
2           been working on the house ever since. It's a  
3           work-in-progress.

4           The last thing in the world we want to do  
5           is leave the home that we've built and love.  
6           We initially bought 12 acres on the mountain,  
7           and we've continually bought other acreage  
8           around us to be able to preserve our privacy,  
9           because it is a very private spot.

10          It's peaceful up there. We see wildlife  
11          all the time. It makes our day to be able to  
12          see the wild animals and the birds that we see  
13          every day. We don't want that destroyed. We  
14          don't want to have to move away from it. And I  
15          believe that, if the wind farm goes in, we'll  
16          have to. We'll be forced to, because I  
17          couldn't live with, you know, a wind farm  
18          directly across from us. Plus, the property  
19          values will go down, and we won't be able to  
20          get what we put into that home.

21        Q.     Thank you.

22        A.     (Mr. Henninger) Yes. I agree with a lot of  
23           what Bob and Annie just said. Even though I  
24           live in Stoddard, Antrim is basically in my

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 backyard. And I spend a lot of time there,  
2 hiking, mountain biking, snowshoeing,  
3 cross-country skiing. And having these wind  
4 turbines there would be devastating.

5 Q. Mr. Block, do you have further comments on  
6 that?

7 A. (Mr. Block) Yes. This is a real emotional  
8 point for us. My wife and I have talked about  
9 this a lot. The only person I think in this  
10 room who has been involved in this thing longer  
11 than us is Mr. Kenworthy. We started the week  
12 after we saw a notice that they had made a  
13 presentation to the Planning Board about this.

14 Our initial reaction was that "this  
15 doesn't make any sense". Neither of us knew  
16 much about wind power, and, in fact, had been  
17 pretty much in favor of various forms of  
18 renewable energy.

19 But, since we moved to Antrim, we were  
20 very involved in the zoning issues. And, in  
21 fact, when we moved to Antrim, the Rural  
22 Conservation Zone had just been established.  
23 And it only was established in the western part  
24 of Antrim, up to, but not north of Route 9. My

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 wife and I immediately started on gathering a  
2 petition and making presentations to the  
3 Planning Board. And, a year later, was able --  
4 we were able to present, by petition, a  
5 proposal to extend the Rural Conservation Zone  
6 to include the north side of Route 9 up to the  
7 town line. And that was -- that was  
8 successfully passed. So, we kind of took a  
9 personal pride and effort in the Rural  
10 Conservation Zone and what it all stood for.

11 So, our initial reaction, when we saw this  
12 proposal, is "This is not a permitted use.  
13 This is not appropriate." So, we started  
14 fighting it on that basis. And it wasn't until  
15 years later that I really came to the  
16 conclusions that industrial wind can be really  
17 harmful when sited improperly.

18 But we've talked about this for many  
19 years, and tried to figure out what -- what  
20 would happen if this Project were to go  
21 through. We have 242 acres of land, between  
22 Loveren Mill Road and Liberty Farm Road. Most  
23 of the land there, if you travel eastbound on  
24 Route 9, when you've got Tuttle Hill on your

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 right, if you look up, that whole hillside  
2 right up to the ridge is all of our land there.  
3 Every acre on that property is south-facing, in  
4 other words, every acre faces Tuttle Hill.

5 We have property right down to the North  
6 Branch. We've got riverfront property that's  
7 only 3,500 feet from the turbines. We had  
8 talked about building ourselves someplace else  
9 on our property, maybe a smaller place, and  
10 then give our place to my son, or maybe my son  
11 could build a cabin someplace. We thought,  
12 "boy, the piece of property right down by the  
13 river is a really nice piece of property  
14 there."

15 The other day, Mr. Kenworthy, when I  
16 questioned him, said that, basically, if we  
17 were to build down there, which I think is  
18 much -- well, it's a half a mile closer to the  
19 turbines than our house is right now, and I  
20 think it would be right in the zone where there  
21 would be potential severe shadow flicker. But,  
22 basically, he said in his testimony that they  
23 wouldn't take any responsibility for any future  
24 construction down there. So, therefore, I'm

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1 thinking I can't use that property to do what I  
2 want with it as a result. That's a taking.  
3 That really troubles me.

4 If we wanted to sell part of our property,  
5 last week we heard questions -- or, we heard  
6 public comments from various people. I went  
7 back and reread the transcripts. A man named  
8 William Jolly, of Groton, talked about how he  
9 had an 86-acre lot near Groton, and he  
10 attempted to sell it for 500 -- under \$500 an  
11 acre. And his realtor said he had 100 plus  
12 calls about that, and not one offer. Several  
13 people specifically said, because that property  
14 had a view of the turbines there, they would  
15 not buy it. So, he could not sell his land.  
16 So, I'm really worried, what can I do, if I  
17 wanted to sell one of by thirteen parcels? I  
18 can't.

19 Primarily, the biggest problem is that  
20 neither my health, nor my wife's health, will  
21 permit us to live in proximity to these  
22 turbines. The research we've done is scary.  
23 Scary enough that we don't want to take a  
24 chance on this. I have an inner ear condition

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1 called Meniere's disease, which can result in  
2 dizziness, tinnitus, true vertigo. I haven't  
3 had a problem with it for years, because I  
4 found that one of the things that I have to  
5 make sure is that I get plenty of sleep. That,  
6 when I'm short on sleep, I wake up in the  
7 morning and I can actually fall over, I'm so  
8 dizzy. I have to make sure I sleep enough.

9 The suggestions, and hear it from people  
10 who camp nearby, the suggestions that wind  
11 turbines can keep me awake at night really  
12 scares me. I don't want to take a chance on  
13 that.

14 My wife has several health conditions at  
15 this point. Probably the one that we've been  
16 aware of the most time is a congenital heart  
17 issue she has that can set her heart off in a  
18 serious way, if something happens that  
19 triggers. One of the triggers is stress,  
20 another trigger is lack of sleep. There are  
21 certain food triggers. She's dealt with it  
22 over the years by changing her diet. That's  
23 dealt with it for 40 years, it's not been a  
24 problem. The last five or six years it's been

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1 an issue. And she's ended up several times a  
2 year in the emergency room where a team of four  
3 doctors has to basically reset her heart when  
4 it gets into that situation.

5 Primarily, we know at this point, now we  
6 know this in the last couple of months, that  
7 stress is the biggest trigger. Because when we  
8 start get going and talking about this thing,  
9 she can suddenly stop and say "my heart's going  
10 off". And I know at that point the stress is  
11 really getting to her. And lack of sleep can  
12 do it, too.

13 Again, we don't want to take a chance  
14 that, because everything I've read about wind  
15 turbine syndrome, one of the things it can  
16 create, besides dizziness and inner ear  
17 problems, it can set your heart off, it can set  
18 people's heart off, and create arrhythmias and  
19 tachycardia, and it can interrupt sleep, all of  
20 which is a potential problem.

21 One of the reasons we live where we do was  
22 to avoid all that. So, we can have the quiet  
23 and not have to worry about stress and all  
24 that.

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1 My wife has, since, for the 28 years we've  
2 lived in Antrim, she's worked at home. She has  
3 a home-based business. I just retired, now I'm  
4 working at home. So, the fact that we're  
5 working at home now, we're there, we don't go  
6 anyplace else. This is really worrisome to us.

7 And the other big thing that really has  
8 concerned us is we, at this point, for the last  
9 16 years, have been raising sled dogs. This  
10 isn't a hobby anymore, this has gotten to a  
11 point where it's been pretty serious. We have  
12 some superb blood lines of purebred Siberian  
13 Huskies. We've had dogs that we own, dogs that  
14 we bred, dogs that our dogs bred, that have run  
15 the Iditarod. We have a dog at home now that I  
16 took to Alaska a few years ago ran the  
17 Iditarod, she came back home. The team she was  
18 on set the world record for the fastest time  
19 ever in a 1,000 mile race for a purebred  
20 Siberian Husky team. And that record still  
21 stands. So, we're really proud of our dogs.  
22 They're amazing animals.

23 I'm really worried about what could  
24 possibly happen, what the potential is for

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1 that. In my wife's testimony, she included an  
2 article about potential animal deaths that are  
3 being recorded various places, and miscarriages  
4 and all kinds of health issues for animals. I  
5 don't know that it's going to happen, but I  
6 don't want to take a chance on it.

7 One thing I do know is that I've been  
8 told, in the last couple of months, that, when  
9 this -- when and if this Project gets approved,  
10 there will be construction, and this  
11 construction will involve blasting. And the  
12 blasting could go on for four months. When I  
13 look up what blasting effects are, it says "oh,  
14 it's not a big deal. It's like a  
15 thunderstorm." Well, I know that thunderstorms  
16 can really affect animals, can actually make  
17 them neurotic. I do not want to submit my dogs  
18 to four months of thunderstorms.

19 So, if this Project were to begin, I would  
20 need to be out of my house and take my dogs  
21 with me, as soon as or before construction  
22 commences. I did some quick research on that.  
23 And, if I were to board my dogs someplace,  
24 first of all, I would need to find several

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1 kennels, because I have a couple of dozen dogs.  
2 To board my dogs, and to find a motel or hotel  
3 that my wife can stay at, would cost us upwards  
4 of \$20,000 a month. If I'm going to have to  
5 spend 60 to \$80,000, we might as well by  
6 another house someplace, which is not what I  
7 want to do.

8 We have decided, bottom line, that, if  
9 this Project is approved, essentially, that's  
10 an eviction notice for us; we will move. Where  
11 we go, I don't know. How we do it? I don't  
12 know. Can we sell our house, in order to do  
13 it, to afford that? I doubt it. Everything  
14 I've read, even though I keep being told that  
15 "oh, there's no property value problem, that it  
16 will remain the same", why do I see things like  
17 William Jolly's comment that he cannot sell a  
18 lot because he can see turbines from it? Where  
19 going to face the same problem. But the bottom  
20 line is, even if we have to abandon the  
21 property, our health, our wellbeing, our  
22 sanity, just can't afford us to stay there. We  
23 will move, if I have to set up a tent  
24 someplace; I do own a tent.

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1 I don't know how we're going to do it.  
2 But it's just not possible for us to live  
3 there. Thank you.

4 MR. LEVESQUE: Thank you very much.  
5 No further questions, Mr. Chairman.

6 PRESIDING OFCR. SCOTT: Thank you.  
7 Mr. Jones, any questions?

8 MR. JONES: Thank you, Mr. Chairman.

9 BY MR. JONES:

10 Q. Mr. Henninger, you're an electrical engineer?

11 A. (Mr. Henninger) Yes, I am.

12 Q. And you work for the MBTA?

13 A. (Mr. Henninger) I did.

14 Q. In what capacity?

15 A. (Mr. Henninger) Communication engineer.

16 Q. So, did you deal with electricity or power  
17 surcharges or anything like that?

18 A. (Mr. Henninger) I was involved in that, yes.  
19 There was a lot of power and surges floating  
20 around on the MBTA.

21 Q. So, you're familiar with that concept and  
22 familiar with the challenges of the grid, when  
23 it has those surcharges?

24 A. (Mr. Henninger) I am, yes.

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1 Q. So, you're concerned about carbon dioxide  
2 footprint and greenhouse gases?

3 A. (Mr. Henninger) I am, yes.

4 Q. And you'd like to see greenhouse gas emissions  
5 reduced?

6 A. (Mr. Henninger) Of course.

7 Q. Do you support renewable sources of energy?

8 A. (Mr. Henninger) I do.

9 Q. The problem with wind and solar, from what I  
10 understand, is that you do not control the  
11 source. That, on calm days, there's no wind,  
12 and, on windy winds, you have surges?

13 A. (Mr. Henninger) Correct.

14 Q. Cloudy days you don't generate solar, sunny  
15 days you have an overcapacity. So, these  
16 create surges?

17 A. (Mr. Henninger) Well, excess energy, that  
18 cannot be stored, but there are different kinds  
19 of surges. There's overcapacity that cannot be  
20 used. And a "surge" I usually think of as a  
21 spike, as a lightning strike. Or, when, in my  
22 previous life, when a train leaves the third  
23 rail, and you got a big arc.

24 But, yes. There are over -- overabundance

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 of energy produced with -- on sunny days, and  
2 when there's a lot of wind for wind turbines.

3 Q. So, there are ebbs and flows?

4 A. (Mr. Henninger) Correct.

5 Q. That depend upon the intensity of either the  
6 Sun or the wind?

7 A. (Mr. Henninger) Yes.

8 Q. So, to kind of take up the slack, you need to  
9 have power sources that you can control on  
10 standby, is that --

11 A. (Mr. Henninger) Yes.

12 MR. NEEDLEMAN: If I could -- I'm  
13 sorry, if I could just object. I don't think  
14 any of this was in the testimony. I'm not sure  
15 how it's relevant.

16 PRESIDING OFCR. SCOTT: That's  
17 correct, Mr. Jones. This is not in the  
18 testimony. And I don't believe it was in the  
19 statement that Mr. Jones added at the beginning  
20 of this. If you could kind of get back to the  
21 testimony --

22 MR. JONES: Okay.

23 PRESIDING OFCR. SCOTT: -- or relate  
24 it to his testimony.



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 MS. MALONEY: Just a point of  
2 clarification. I thought we weren't supposed  
3 to be asking them what was in their testimony?  
4 I mean, I thought that the prefiled testimony  
5 that he filed, we're not supposed to get them  
6 to just regurgitate what's in the testimony?

7 PRESIDING OFCR. SCOTT: I wasn't  
8 suggesting that he do that. If I said I want  
9 him to get him to regurgitate, I did not mean  
10 that.

11 MR. JONES: Well, I'll cut to the  
12 chase. I mean, Mr. Henninger has some  
13 experience and expertise as an electrical  
14 engineer. He's into renewables. He likes land  
15 protection and protecting the outdoors.

16 BY MR. JONES:

17 Q. So, I guess my question would be, knowing all  
18 of this, does he think that a remote area, like  
19 Tuttle Hill, is worth being sacrificed for an  
20 energy source that has so many variables, and  
21 that's really a marginal source of energy?

22 MR. NEEDLEMAN: Same objection.

23 PRESIDING OFCR. SCOTT: Go ahead and  
24 answer, Mr. Henninger.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 **BY THE WITNESS:**

2 A. (Mr. Henninger) Okay. That is highly  
3 questionable. And I doubt if it's a viable  
4 source of energy production.

5 BY MR. JONES:

6 Q. Okay. Thank you. And just quickly changing  
7 gears. 1988, Robb Reservoir was slated for  
8 88-house development.

9 A. (Mr. Henninger) Yes.

10 Q. And what's the status of that land today?

11 A. (Mr. Henninger) That is all under protection  
12 with a conservation easement with the Harris  
13 Center.

14 Q. In the 1990s, 125 acres surrounding Pickerel  
15 Cove was slated for 125 condominium units.  
16 What's the status of that land today?

17 A. (Mr. Henninger) That's all --

18 MR. NEEDLEMAN: Objection, Mr. Chair.

19 MR. RICHARDSON: Mr. Chairman, these  
20 are all great things to put in prefiled  
21 testimony, so that we can all review them and  
22 prepare for them. I mean, largely, what we're  
23 seeing today is new information coming in  
24 that's not related to what's been presented in

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1 their testimony. And I think that puts us at a  
2 pretty significant disadvantage, in terms of  
3 evaluating what's coming in today.

4 MS. BERWICK: Can I say something,  
5 Mr. Chairman? There is a big disadvantage for  
6 us. I didn't know how this whole process  
7 worked. And, if I had known, I would have put  
8 so much more into my prefiled testimony. And  
9 there's a big disadvantage, because you see how  
10 many lawyers are over there. Antrim Wind has  
11 multiple, plus it also seems to have you, which  
12 seems to be acting as a lawyer for Antrim Wind.  
13 We're just normal people.

14 So, if your -- your selectmen said  
15 that what Antrim wanted was for all the  
16 information to come forth so that this  
17 Committee, which has knowledge, can use that  
18 knowledge to make their best decision.

19 MR. RICHARDSON: If I may respond? I  
20 think Attorney Iacopino as the -- the technical  
21 sessions he oversaw, was really clear about,  
22 you know, what the obligations were, to put  
23 that into written testimony. And I think  
24 that's -- I don't think it's fair to say that,

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1       you know, this is really an opportunity to  
2       present new information.

3               PRESIDING OFCR. SCOTT:   Okay.

4               MR. JONES:   Mr. Chairman, this is  
5       very relevant, and I'll explain why.

6               PRESIDING OFCR. SCOTT:   Please.

7               MR. JONES:   There have been several  
8       comments made that, if this wind farm does not  
9       go through, and the 906 acres that are part of  
10      the conservation easement are not protected,  
11      that they're going to be developed.  And what  
12      I'm trying to point out is, that there have  
13      been projects right next door, in the Town of  
14      Stoddard, that were viable, doable projects  
15      that failed.  And the developers, you know,  
16      would tell us the same story, that "well, if  
17      you don't let us do it, somebody else is going  
18      to."

19              And my point is that, just because  
20      this Project doesn't go through, doesn't mean  
21      that the conservation community is going to  
22      ignore the opportunities that will be created  
23      in the vacuum.  So, I don't buy the arguments  
24      that "if this Project doesn't go in, it's going

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 to get developed over ways".

2 PRESIDING OFCR. SCOTT: Well, I  
3 understand your sentiment. But how is this  
4 panel the right panel to ask that question,  
5 given their testimony?

6 MR. JONES: Well, Mr. Henninger is a  
7 resident of Stoddard, and he knows what's  
8 happened to those two other parcels. And I  
9 just think it's an opportunity to shed light on  
10 these comments.

11 PRESIDING OFCR. SCOTT: All right.  
12 So, I'm going to give you a tiny bit of  
13 purview. So, quickly get to your point, which  
14 I think you just stated probably.

15 MR. JONES: I did, that's -- yes.

16 PRESIDING OFCR. SCOTT: And, then, in  
17 that case, why don't you just move on please.

18 MR. JONES: Okay. That's all I have.  
19 Thank you. Oh, one other question.

20 BY MR. JONES:

21 Q. Mr. Block, a management plan was done on your  
22 property?

23 A. (Mr. Block) Pardon me?

24 Q. A management -- a forest management plan was

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 done on your property?

2 A. (Mr. Block) Yes, it was.

3 Q. Were there any invasives that were found during  
4 this management?

5 A. (Mr. Block) Any?

6 Q. Any invasive plants found during the inventory?

7 A. (Mr. Block) What I was surprised to find on my  
8 property, to find out that supposedly I have  
9 incredible bear habitat there. I never  
10 realized that. I'm not sure exactly what  
11 you're asking now for there. But I know there  
12 were some, I believe, invasive -- I didn't read  
13 it thoroughly, there was some invasive species  
14 there. I think mostly not, if I remember  
15 correctly. There were some very widespread  
16 tree areas that I didn't know we had that I  
17 thought was quite interesting. And I found out  
18 that, and this I did know, that there were old  
19 roads and historical cellar sites there, that  
20 some of the first houses in and around Antrim  
21 were on our property, some of the original  
22 settlers were there. It's something I've  
23 always wanted to do was possibly, in  
24 conjunction with the forest management plan, to

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1 improve that property and unearth some of those  
2 old roads and perhaps set up an historic trail  
3 on there to -- and even label some of the old  
4 cellar holes and show, because this is where  
5 Antrim was founded, this is where it originally  
6 came from. And I thought it would be quite  
7 interesting.

8 Unfortunately, I've lost a lot of interest  
9 in that lately, because I don't know if I'm  
10 going to be able to live there anymore. So,  
11 it's not something that has -- that excites me  
12 as much as it used to, which I think is a  
13 shame.

14 MR. JONES: Okay. Thank you. That's  
15 all I have, Mr. Chairman.

16 PRESIDING OFCR. SCOTT: Okay.

17 Ms. Berwick.

18 BY MS. BERWICK:

19 Q. Mr. Henninger, I'm going to start with you.  
20 Antrim Wind Energy is planning to control our  
21 shadow flicker with a program that Siemens will  
22 be creating. This program, obviously, has not  
23 been tested. As an engineer, are you aware of  
24 any other time when a public agency would not

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1           require proof that a product that could affect  
2           a public's health works before exposing their  
3           citizens to that product?

4   A.   (Mr. Henninger) I am not aware of any such  
5           project, no.  It's usually something that has  
6           been thoroughly tested by federal and state  
7           agencies.

8   Q.   Okay.  Did you see my son's calculations for  
9           wind ice throw?

10  A.   (Mr. Henninger) I'm sorry, could you repeat  
11           that?

12  Q.   Did you see the handout with my son's  
13           calculations for ice throw?

14  A.   (Mr. Henninger) No.  But I was involved with  
15           some discussions on that.

16  Q.   Okay.

17  A.   (Mr. Henninger) But, you know.

18  Q.   So, basically, my question was not going to be  
19           related to that.  But is it possible that  
20           Antrim Wind Energy could, using a formula such  
21           as distance/time/ground, whatever, come up with  
22           a distance of possible ice throw from their  
23           turbines?

24                           MR. NEEDLEMAN:  Mr. Chair, again,



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 none of this is related to his testimony.

2 MS. BERWICK: Okay.

3 BY MS. BERWICK:

4 Q. Justin Richardson keeps bringing up mercury  
5 concerns related to the -- keeps bringing up  
6 mercury concerns. You related some concerns  
7 related to turbine production. To your  
8 knowledge, will the net effect of putting up  
9 these turbines help reduce the mercury issue  
10 that we have, you know, from fossil fuel  
11 production?

12 A. (Mr. Henninger) I don't think that the mercury  
13 would be affected very much. I don't know how  
14 much coal -- coal is the major source for  
15 mercury production, pollution in the  
16 atmosphere. I don't really have figures for  
17 the amount of coal that's being used to  
18 generate electricity locally. I don't think  
19 it's very much in this part of the country.

20 Q. Can you elaborate on the efficiency of wind  
21 turbines versus the production price?

22 A. (Mr. Henninger) That is a source of contention.  
23 They come out with a 37 percent efficiency  
24 rating, which is saying that it will produce,

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 if I'm not mistaken, 37 percent of the power  
2 continuously. Whatever how many megawatts  
3 they're producing, they can, at full power,  
4 they can produce 37 -- they are capable of  
5 producing 37 percent of that on a continual  
6 basis, of course, intermittently, depending on  
7 the wind. And I'm not sure where they came out  
8 with that figure. At Lempster, I asked -- I  
9 used a e-mail to request what their efficiency  
10 is, and I never got a response. And, of  
11 course, that being the closest wind site, it  
12 would be applicable for this area.

13 Q. Okay. Do you feel that there was confusion at  
14 the 2014 vote in which Antrim Wind Energy was  
15 not able to get a zoning change?

16 A. (Mr. Henninger) Me, not being a resident of  
17 Antrim, I guess I can't really respond to that.

18 Q. All right. Mr. Block, you're next. Some of  
19 these questions have been asked, so I'm going  
20 to skip a few. Francie Von Mertens touched on  
21 this a little bit, but she asked you about if  
22 we could "move the boulders". The Committee  
23 asked Francie Von Mertens if she felt there was  
24 anyway to build a road without destroying these

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 boulders. Do you feel there is a path that  
2 they could take around the boulders?

3 A. (Mr. Block) Yes. But it would probably go  
4 three towns over.

5 Q. Okay. In Jack Kenworthy's prefiled testimony,  
6 he claims that "most of the Project's impact  
7 will be temporary". If this Project were  
8 allowed to go through, why do you believe it is  
9 impossible for the area to ever to be restored?

10 A. (Mr. Block) Mr. Cavanagh used the term  
11 "demolished" about those boulders up there  
12 particularly. What I saw on those boulders,  
13 and what we documented up there, was valuable  
14 habitat for -- we saw bobcat dens, and what  
15 looked to me like there would be ideal bear  
16 dens in the winter. Once those boulders are  
17 demolished, there's no putting them back  
18 together again. So, I don't understand how you  
19 could possibly consider that entire area as  
20 ever being restorable. All they can do would  
21 be to break up the road that was there, and  
22 we'd still end up with just rubble, instead of  
23 the rock habitats.

24 Q. Okay. Your testimony includes articles from

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 both the Monadnock Ledger Transcript and The  
2 Villager regarding the 2014 ballot vote. The  
3 title of the article in The Villager is "Big  
4 Wind Blown Away", and, in the Ledger Transcript  
5 it is "Voters Kill Wind Petition". Both of  
6 these titles suggest that the voters of Antrim  
7 understood exactly what they were voting on.  
8 Have you heard from anyone that they didn't  
9 understand the ballot question?

10 A. (Mr. Block) My impression at the time is  
11 everybody knew exactly what that ballot was  
12 about. It was Antrim Wind trying to pave the  
13 way to put their Project in. The people didn't  
14 want it, which is why it was defeated.

15 Q. Why did you include Antrim's Planning Board  
16 Land Use Survey?

17 A. (Mr. Block) Earlier, I talked about the other  
18 two surveys. The Planning Board survey was a  
19 third, equally, maybe more so, unscientific  
20 survey. I had one of the selectmen read one of  
21 the questions out loud there. It was a  
22 two-part question, with a -- seeking a "yes" or  
23 "no" answer. It was just -- made no sense  
24 whatsoever through logic or anything. A survey

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 written like that has no value whatsoever.

2 Q. You heard my testimony. Do you feel that there  
3 is any way that Antrim Wind Energy has been  
4 deceptive?

5 A. (Mr. Block) Many ways. My area of expertise is  
6 aesthetics, visual impact. That's what my  
7 degrees are in, in visualization and all that.  
8 So, the area that I focused on, during the  
9 course of this, was the Visual Impact  
10 Assessment. And I've rarely seen a document  
11 that was so -- I'm trying to think of the nice  
12 word for it -- a document that was so slanted,  
13 biased, just plain wrong. The rules that the  
14 SEC set forth were just blatantly ignored  
15 throughout that document. I was involved in  
16 the rulemaking part. I actually testified and  
17 submitted suggested wording, which actually was  
18 picked up verbatim and put into the rules, for  
19 specifications for visual photographic  
20 simulations. That was completely ignored by  
21 their Visual Impact Assessment.

22 The fact that the Project, as it stands  
23 know, is very, very little change from the  
24 project that was turned down on the basis of

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 its aesthetic impact. I can't figure out how  
2 or would not be able to figure out how somebody  
3 could approve this Project, if they have  
4 already rejected the previous project. To me,  
5 it comes across like Antrim Wind coming forth  
6 and asking for a different outcome to the first  
7 decision.

8 What's deceptive about their approach is  
9 "well, since the Project hasn't changed much,  
10 let's change the way we look at it." So, Mr.  
11 Raphael comes along and says "Look at the  
12 pictures. Since they're so hazy, obviously,  
13 the Project can't be seen as much. Look at the  
14 turbines." Mr. Raphael says that "Spinning  
15 blades are not visible." He claims that  
16 everybody looks at the hubs and the towers  
17 only. And, therefore, let's treat these  
18 turbines as if they're only 62 percent of their  
19 height. So, if they're 62 percent as high as  
20 they were before, then they should be less  
21 visible. And that's why his maps show that  
22 there is less areas of where it can be seen.

23 If you can't change what you're looking  
24 at, then change how you look at it. And that's

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 what, in my opinion, this whole thing has done.

2 Q. Thank you. If this Project were to be approved  
3 by the SEC, what type of accommodations do you  
4 believe should be made to homeowners who would  
5 be affected?

6 A. (Mr. Block) I've thought about this a lot, and  
7 I think I'm changing my mind on this. I'm not  
8 sure there are really any accommodations that  
9 can be made that would be fair to homeowners  
10 who would be affected.

11 What's always troubled me in Antrim is  
12 that most of the people who are in favor of  
13 this do not live near the turbines. They live  
14 downtown, and they say "Oh, I wouldn't mind  
15 seeing them. They're not a problem to me."  
16 They wouldn't have to live with them outside  
17 their window 24/7. They wouldn't see them.

18 The people who have to live in the face of  
19 these turbines I think should be respected.  
20 And I don't have the exact quote in front of  
21 me -- actually, I do. Something that I saw the  
22 other day that impressed me. I saw this a  
23 while ago. And it was a quote from John F.  
24 Kennedy, during his civil rights speech, when

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 he said "The rights of every man are diminished  
2 when the rights of one man are threatened."

3 Unless the rights of each individual  
4 person in the North Branch area are respected,  
5 then this is not fair to everybody else. We  
6 talk about the "greater good", and will this  
7 provide any benefit to the world in general?  
8 And that's very, very questionable.

9 I do know, and this came out in the 2012  
10 docket, that it was suggested that "shouldn't  
11 some people make sacrifices for the greater  
12 good?" And it was pointed out at that point  
13 that those of us who live in the North Branch  
14 area have actually been making these sacrifices  
15 for years, decades for some of us. We've  
16 lived, if not off the grid, and some people did  
17 for years, at least with minimal impact to the  
18 grid. We keep our house at -- if it's over  
19 60 degrees in our house in the winter, that's  
20 warm. So, we heat our house minimally. We  
21 raise sheep. We have lots of sweaters and  
22 fleece vests and things. So, we dress warmly  
23 in the winter. I spend a lot of time outdoors  
24 anyways, so I don't want too big a difference

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1           there.

2           We were recycling long before anybody in  
3           Antrim knew what the term "recycling" meant,  
4           long before we had a transfer station. So,  
5           we've been very, very aware of energy  
6           consumption for decades.

7           So, to take people, and I know this is  
8           true of many of our neighbors in the North  
9           Branch area. All the people I know, I think,  
10          just so that everybody here who is an  
11          intervenor from the North Branch area feels the  
12          same way. Since we've already been, in effect,  
13          sacrificing, yes, we prefer to live this way,  
14          why should we have to suffer, when the people  
15          downtown wouldn't have to do anything about  
16          them? They wouldn't effect them whatsoever,  
17          so --

18        Q.    Do you feel that, if you were called upon to  
19              sacrifice your --

20        A.    (Mr. Block) It was actually suggested, when my  
21              wife and I were on the stand, and Antrim Wind's  
22              attorneys, which was a different firm then,  
23              when they questioned my wife said "Don't you  
24              feel that some people should sacrifice in order

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 to see a project like this go through for the  
2 greater good?"

3 Q. And would you feel that, that being asked that  
4 by an industrial wind energy company that is a  
5 profit-making company, where most of the  
6 profits will actually be going overseas, would  
7 you feel that that was an insulting question?

8 A. (Mr. Block) The fact that there's anybody  
9 trying to make a profit off somebody else  
10 really troubles me. The fact that somebody  
11 that doesn't even live in Antrim is trying to  
12 make a profit off some of us in Antrim troubles  
13 me. The fact that companies that are in New  
14 York or Germany or so that are participating in  
15 this troubles me very greatly.

16 Q. I had a question about your wife's statement,  
17 but I kind of think you probably answered it,  
18 about that she stated that she "had had eight  
19 years to adjust to the possibility of this  
20 industrial wind [turbine] being built on Tuttle  
21 Hill Ridge." And she can say that she "feels  
22 today stronger than ever before that if this  
23 were to happen, [they] could no longer live in  
24 our house or on any part of [their] land." Do

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1           you feel you already answered that or do you  
2           want --

3   A.   (Mr. Block) Yes.  We have been told several  
4           times that "Oh, when something like this  
5           happens, when there's a wind facility goes up,  
6           people get used to it", "people will  
7           accommodate to that eventually", "the extra  
8           noise isn't a problem", and all that.

9                   Well, I submit the extra noise is a  
10           problem.  I don't admit this very often, but I  
11           was born in Manhattan.  I grew up in New York  
12           City.  I know what background noise is.

13                   Part of the reason that we -- and,  
14           actually, much of the reason we live in New  
15           Hampshire was in order to get away from that.  
16           My wife and I lived Upstate New York for a  
17           number of years in the Hudson Valley, on the  
18           first 20 or so years, 20-30 years we were  
19           married, thinking that "Well, this is nice.  
20           It's quiet up here.  And, if we want to drive  
21           back to the City, it's only a couple of hours,  
22           we can go back."  And I think we, in 30 years,  
23           visited New York maybe three times.

24                   So, at that point, when I was looking for

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1 long-term jobs, and had an opportunity to move  
2 to New Hampshire, we decided "no, we want to be  
3 where its quiet." When I first took my  
4 teaching position at Franklin Pierce  
5 University, down in Rindge, we started looking  
6 at an ever-widening circle there, until we  
7 found the house in Antrim where we lived in.  
8 And even though it seemed kind of crazy, it was  
9 almost an hour drive, why should we put up with  
10 that kind of commute, it had many of the things  
11 we were looking for. It had peace and quiet.  
12 We were living on a south-sloping hill, which  
13 meant we could have a nice quiet garden. I  
14 could stand there on my property and look out  
15 and not see another house anyplace. It was  
16 quiet.

17 We decided it was much more important to  
18 us how we lived, what our property was like,  
19 than what the inconvenience of where -- how  
20 long I had to drive to get to work would be.  
21 So, it was very important to us to be there.

22 We realized right on that there's no way  
23 we could ever adjust to the noise. We spent  
24 too many years establishing a place where we

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1 wouldn't have to deal with that, for it to even  
2 be a consideration.

3 Q. Okay. Going to move on to Annie Law and Bob  
4 Cleland. And I'm going to address them to both  
5 of you, but, if you both want to answer, that's  
6 fine, or if just one wants to answer.

7 You stated that you built your house  
8 yourself. What factors were you looking for,  
9 when you decided to purchase your land?

10 A. (Mr. Cleland) I looked for a rural location,  
11 not many neighbors, everybody having a good  
12 piece of land to themselves, basically, and no  
13 developments. I wanted seclusion. I wanted to  
14 live in the country, in the woods, animals  
15 around me. I'm an outdoors person. So, I  
16 thrive on being outside.

17 Q. And would you say that you had good roads, town  
18 water, sewer, convenience to shopping, library,  
19 *etcetera*?

20 A. (Mr. Cleland) No. I live on a Class V road  
21 that is only summer-maintained. So, I plow it  
22 and do a lot of maintenance on it.

23 Q. During mud season, are you always able to get  
24 to your home?

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Mr. Cleland) One way or another. But it's up  
2 to me.

3 A. (Ms. Law) And challenging. But worth it.

4 Q. Can I ask you if you were sent the survey that  
5 was sent in the mail? We've heard that some  
6 people were and some people weren't. Were you  
7 sent that survey?

8 A. (Mr. Cleland) No, neither one of us was, had it  
9 sent to.

10 Q. Neither one of you. If you had to choose, I  
11 bet you know this question already, between two  
12 similar properties, one with a view of  
13 windmills, the sound of windmills, the flicker,  
14 shadow flicker, and the other without, which  
15 one would you choose?

16 A. (Ms. Law) What we have right now.

17 Q. Okay.

18 A. (Ms. Law) No wind turbines.

19 Q. Do you feel that others will be getting  
20 financial gains if Antrim Wind Energy is  
21 approved and the value of your house will be  
22 reduced?

23 A. (Ms. Law) Absolutely.

24 Q. On what --

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Cleland) I feel like the value of our house  
2 will definitely be lowered. I know Mr.  
3 Kenworthy for the last twenty years, and we  
4 have mutual friends. We both worked at the  
5 same company, actually, an international summer  
6 camp in Windsor, New Hampshire, which borders  
7 Antrim. Windsor Mountain is what we live on  
8 and it faces directly in. Every year it used  
9 to have a Live Free or Die Party, which Mr.  
10 Kenworthy would go, I would go, and mutual  
11 friends at Windsor Mountain International.  
12 This is the year that they tried -- were  
13 getting ready to put the met tower in. So, I  
14 still was talking to Mr. Kenworthy in those  
15 days. And I asked him, I said "how will this  
16 affect my property, Jack?" And he looked down  
17 at the ground, and I'll never forget it, and he  
18 said "It's going to be a direct impact." So,  
19 by saying that, I know in my heart that I'd  
20 lose some value on my property.

21 So, now, they're telling us that "No,  
22 there's no property devaluation. It's going to  
23 be the same." So, who do you believe? So, I  
24 agree with Mr. Block, that it seems a little

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1           deceitful.

2           Another time, in Mr. Raphael's testimony,  
3           he said, from Bald Mountain, he got to the  
4           viewpoint. There's two viewpoints on Bald  
5           Mountain; one faces the site, one faces Mount  
6           Monadnock. He said "I had to climb down the  
7           cliff 25 feet to get a good view." Then, later  
8           on in his testimony he said "I was up there a  
9           few weeks ago, and I met a hiker from  
10          Peterborough." I hope we all remember that.  
11          He said "he was about 30". He goes "we walked  
12          over to the rocks, and I showed him the  
13          viewpoint." He didn't mention about him and  
14          the hiker scaling the 25-foot cliff.

15                 So, who do you believe here? Do you  
16                 believe in Antrim? Do you believe in the  
17                 citizens? Who did we believe? Thank you.

18   Q.         So, if this Project were to be approved, what  
19                 accommodations do you feel should be made for  
20                 the homeowners affected?

21   A.         (Ms. Law) I believe that Antrim Wind should put  
22                 their money where their mouth is and buy us out  
23                 for the value that our house is worth before  
24                 the wind towers go up. We don't want to move.



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 But, if we have to move, if they are approved,  
2 we don't want to live there. And we think that  
3 we should be compensated for what our home is  
4 worth now.

5 Q. If there was a type of an agreement like that,  
6 do you feel there really would be any type of  
7 accommodation that would compensate for your  
8 years of love and work at your house?

9 A. (Mr. Cleland) No. I don't feel that there  
10 would be any. But, if they did get approved, I  
11 guess you'd just have to go with it, and, you  
12 know, as long as we got the full property value  
13 of our home.

14 Q. Regarding the 2014 ballot vote, did you feel  
15 that the people of Antrim were understanding  
16 the issue and the need for Antrim Wind Energy  
17 to get a zoning change in order to build their  
18 wind turbines?

19 A. (Mr. Cleland) Yes, they did. I spent the day  
20 out in front of the Town Hall, talked to all  
21 the voters, waved signs. And everybody who  
22 voted for it understood it.

23 Q. Are you aware of any citizens of Antrim who  
24 were originally in favor of the industrial wind

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 turbines but have changed their opinion?

2 A. (Mr. Cleland) Yes, we have. We do know some.

3 Q. Have any of these people expressed any reasons  
4 why they changed their opinion to you?

5 A. (Mr. Cleland) Yes. One, one of our neighbors  
6 lives -- has a summer place on Vinalhaven?

7 A. (Ms. Law) Vinalhaven.

8 A. (Mr. Cleland) Vinalhaven, Maine --

9 *[Court reporter interruption.]*

10 **CONTINUED BY THE WITNESS:**

11 A. (Mr. Cleland) Vinalhaven, Maine. And they put  
12 up a tower there, a wind tower the last couple  
13 of years. And he said most of the people on  
14 the island want it to be removed.

15 BY MS. BERWICK:

16 Q. So, he changed his opinion after --

17 A. (Mr. Cleland) Yes, he did. He wrote a letter  
18 to the SEC.

19 Q. Your house is located out of the official  
20 flicker zone, according to Mr. Raphael. Yet,  
21 you will be able to see the sunset over Tuttle  
22 Mountain. Would you not expect that the blades  
23 of the wind turbine, going in front of the Sun,  
24 would cause changes in light intensity?

{SEC 2015-02} [Day 9/Afternoon Session ONLY] {10-18-16}

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Mr. Cleland) I imagine it would. We see the  
2 sunset every evening from our house.

3 Q. Okay. In your Exhibit 2, Maturen & Associates,  
4 it states "The Township" -- "The report of the  
5 Township of Lincoln Wind Turbine Moratorium  
6 Committee, Kenosha" -- "Kewaunee, Wisconsin (2000  
7 to 2002) notes that the Town of Lincoln  
8 building inspector compiled a list of home  
9 sales. The list compared the property's  
10 selling price as a function of the distance to  
11 an existing 22-megawatt" -- or, "WTG farm in  
12 the area. His conclusions were: Number 1.  
13 Sales within one mile of the wind farm prior to  
14 the installation were 104 percent of the  
15 assessed values; and properties selling after  
16 the wind farm introduction in the same area  
17 were at 78 percent of the assessed values.  
18 Anecdotal evidence from real estate agents near  
19 Victoria, Australia indicates a 20 to  
20 30 percent decrease in property values for  
21 homes near wind turbine generators", I guess,  
22 "WTGs".

23 PRESIDING OFFICER SCOTT: Ms. Berwick,  
24 what are you reading from?

{SEC 2015-02} [Day 9/Afternoon Session ONLY] {10-18-16}

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 MS. BERWICK: It's in their -- it's  
2 Exhibit 2 on their prefiled -- is it prefiled  
3 or was it supplemental?

4 WITNESS LAW: It was the prefiled  
5 testimony.

6 MS. BERWICK: Prefiled testimony.

7 MR. NEEDLEMAN: This -- was this  
8 exhibit struck?

9 WITNESS CLELAND: No. This is the  
10 pretrial.

11 MS. BERWICK: Prefiled testimony.

12 WITNESS LAW: The supplemental was  
13 struck, not this one.

14 MS. BERWICK: Okay.

15 BY MS. BERWICK:

16 Q. "Anecdotal evidence from real estate agents  
17 near Victoria, Australia indicates a 20 to  
18 30 percent in property values for homes near  
19 wind tower generators", I guess, "WTGs".

20 "A court case referenced in the  
21 February 14, 2004 edition of the Daily  
22 Telegraph (from the UK) refers to a house near  
23 Askam in the Lakes District. The buyers were  
24 not informed of the pending installation of

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 four wind towers which were 360 feet tall and  
2 550 yards from their new home. No mention was  
3 made in the seller's disclosure form, despite  
4 the fact that the seller had protested the  
5 proposed wind farm installation to the local  
6 government indicating a large loss in value to  
7 their property. The court, after listening to  
8 the chartered surveyors (appraisers) for both  
9 sides, concluded that the property had suffered  
10 a 20 percent decline in value."

11 Can you think of any reason why this type  
12 of research was not included in Magnusson's  
13 report on the economic impacts?

14 A. (Ms. Law) Yes. And I can -- I can agree with  
15 that, because of Mr. Justin Lindholm's  
16 testimony during the public hearing. He's a  
17 property owner from Lempster, and he proved  
18 that all of the properties that surrounded it,  
19 was his testimony that all of the properties  
20 that surrounded the turbines in Lempster had  
21 lost their value, and a lot of them were fore  
22 -- not foreclosed, but abandoned. And, yes, I  
23 agree with that. I agree that anything near a  
24 wind turbine would be hard to sell for their

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 value.

2 MS. BERWICK: That's it. That all my  
3 questions.

4 PRESIDING OFCR. SCOTT: Why don't we  
5 take a five-minute break.

6 *(Recess taken at 3:59 p.m. and*  
7 *the hearing resumed at 4:10*  
8 *p.m.)*

9 PRESIDING OFCR. SCOTT: Okay. We'll  
10 go back on the record. Does the Harris Center  
11 have anything?

12 MR. NEWSOM: No questions.

13 PRESIDING OFCR. SCOTT: Okay. Then,  
14 we're to the Counsel for the Public.

15 MS. MALONEY: Good afternoon. I just  
16 have a few questions.

17 BY MS. MALONEY:

18 Q. With respect to the change in the turbine  
19 configuration, and this is to all of the panel  
20 members, does the removal of Turbine 10 and the  
21 lowering of Turbine 9, does that affect your  
22 view from your residences of the turbine array?

23 A. (Mr. Block) From what I can tell, what I can  
24 see, the removal of -- since Turbine 10 was not

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 visible from the north, nor was Turbine 9, that  
2 the change in those two turbines will have  
3 absolutely zero effect on the visual impact  
4 from anything north of the Project.

5 Q. And, Ms. Law or Mr. Cleland?

6 A. (Mr. Cleland) I have to agree with Mr. Block.  
7 It won't affect us, that one turbine gone.

8 Q. And --

9 A. (Mr. Henninger) Yes. It affects Willard Pond  
10 more than anything. The view from Willard Pond  
11 is what is affected by the removal of that  
12 Turbine 10.

13 Q. Right. Now, I assume you, I have to, this is  
14 difficult to sort of divorce yourself from, the  
15 personal impact it's going to have on you and  
16 your property, but I'm assuming that you live  
17 there and you recreate in the area as well. Is  
18 that accurate?

19 A. (Mr. Cleland) That's correct.

20 Q. And do you ever go to the Audubon Sanctuary?

21 A. (Mr. Cleland) Yes.

22 Q. And how frequently do you go?

23 A. (Mr. Cleland) I go more in the fall and the  
24 winter, and the rest of the time, I probably

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 get over their between ten and a dozen times a  
2 year.

3 Q. Okay. And anybody else?

4 A. (Ms. Law) Yes. My sons always went to Willard  
5 Pond. And they all live far away. But, when  
6 they come home, we always go to Willard Pond to  
7 go swimming, because that's their favorite spot  
8 to go swimming.

9 A. (Mr. Block) My wife used to go there almost  
10 weekly. She loved to go there midweek and just  
11 sit, sometimes bring a book or knitting or so  
12 on and sit there knitting. If the two of us  
13 would go out and take either our kayaks or  
14 canoe, usually our first choice is Willard  
15 Pond.

16 Q. And Mr. --

17 A. (Mr. Henninger) I'm usually up on Bald  
18 Mountain, which overlooks Willard Pond, either  
19 on the trail, in the summer, or snowshoes in  
20 the winter.

21 Q. Okay. So, do you -- is it fair to say you have  
22 a pretty good idea of people, like yourself,  
23 other people that use that resource?

24 A. (Mr. Block) Yes.



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. And how would you describe -- the term "typical  
2 user" has been brought out in the aesthetic  
3 impacts here. How would you describe the  
4 typical user of that resource?

5 A. (Mr. Block) It's -- the days I've been there,  
6 usually to paddle or so, I know they talk about  
7 fishing, I actually seem to feel that a  
8 relatively small percentage of the people that  
9 I saw there were actually fishing, maybe 25 to  
10 30 percent. Most people that I would see at  
11 Willard Pond might be out just paddling around  
12 in a kayak or canoe. We used to go across,  
13 there's a peninsula that sticks out there  
14 across the way, we would always kind of look  
15 and see if there's nobody there, because we  
16 would head for that, which would be our  
17 favorite choice for a picnic spot, and pack  
18 some lunch or so and do that. And, evidently  
19 other people would, too, because we'd have to  
20 see if we could be there first.

21 Q. Go ahead.

22 A. (Ms. Law) Yes. There's a rock, a big giant  
23 rock structure on the other side of Willard  
24 Pond. And you have to walk through the woods

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 and over the dam and over to it. And we always  
2 tried to get there first before anybody else  
3 goes, because it's just a great place to dive  
4 in, and so clean and clear. And the last time  
5 we were there we brought our grandsons, and we  
6 saw a Bald eagle flying over, and they were  
7 pretty amazed by that.

8 Q. Mr. Henninger.

9 A. (Mr. Henninger) Yes. For wildlife sightings,  
10 it's pretty fabulous. And the other thing that  
11 I do there in the winter is ice skating on  
12 Willard Pond. So, it's really a four-season  
13 place to be. And, once again, I want to  
14 emphasize that it's non-motorized use. No ATVs  
15 or snowmobiles or motorboats.

16 Q. I think that they say electric motors are  
17 allowed on the pond. But have you ever seen  
18 them being used?

19 A. (Mr. Henninger) Rarely, yes. And they are  
20 fairly non-intrusive, very slow, and just used  
21 for fishing mostly.

22 Q. Why do you -- I realize you're in close  
23 proximity of that resource, but why do you go  
24 there? Why do you go to the Audubon Sanctuary?

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Mr. Henninger) Well, it is very close for me.  
2 It's just down the road. It's actually close  
3 to the -- where Antrim, Stoddard, and Nelson  
4 come together, and that's within 3 miles of  
5 where I live.

6 A. (Mr. Block) For years, I told you -- I  
7 mentioned earlier that my wife and I, before we  
8 moved to New Hampshire, lived in the Hudson  
9 Valley. We used to vacation, and I use that  
10 loosely, pretty much go away many weekends.  
11 And what we often did, probably more often than  
12 not, was travel to New Hampshire. We'd drive  
13 through Vermont, to New Hampshire. And,  
14 usually, we're finding some lake to sit at.

15 So, when I was job hunting back in the --  
16 this would be in the mid '80s, was actually  
17 offered a job in west -- in eastern  
18 Massachusetts, which I had tentatively  
19 accepted, a teaching position. And, while we  
20 were looking at that, I just had the hardest  
21 time trying to figure out how we were going to  
22 live there. And every time I tried to look for  
23 a place to rent or so, I'd be looking on the  
24 map to see "well, how long would it take on a

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 weekend to get on the highway and get up to New  
2 Hampshire?" So, while that was going on, I was  
3 offered a position and interviewed at a  
4 position in New Hampshire, and we said "let's  
5 just do it."

6 So, we moved to New Hampshire so we could  
7 be near the lakes. And it actually was  
8 probably a couple of years when we were living  
9 in Antrim before we discovered Willard Pond,  
10 which was a really, pretty much at that time,  
11 unpublicized place. And, when we discovered  
12 it, both of our jaws dropped and said "this is  
13 the kind of thing we used to travel hours for  
14 to try and find." And to find that it's right  
15 in Antrim just astounded us. And, so, that  
16 very quickly became our kind of closely guarded  
17 secret and our favorite place to go.

18 Q. Go ahead.

19 A. (Ms. Law) I like to go there, because it's  
20 quiet and there aren't too many people there.

21 Q. I wanted to follow up on something that you  
22 said, Mr. Cleland. You were talking about, I  
23 think, Mr. Raphael's report and his description  
24 of the overlook at Bald Mountain. I guess you

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 were talking about the scenic overlook, and he  
2 talked about "one has to creep down the ledges  
3 25 feet". Do you think that Mr. Raphael is  
4 mistaken in that description?

5 A. (Mr. Cleland) Yes, I do.

6 Q. And do you know what area he's talking about?

7 A. (Mr. Cleland) I know where the rock outcropping  
8 is. Like I said before, there's two vistas on  
9 the mountain; one facing Mount Monadnock and  
10 one facing the Project. And I've been there  
11 many times. And I can see where the Project is  
12 going to be without climbing down a cliff.

13 Q. Okay. I don't know if you've had an  
14 opportunity, I believe Mr. Block has, to review  
15 Mr. Raphael's report. But do you agree with  
16 his description of Willard Pond?

17 A. (Mr. Block) You talking about me?

18 Q. Yes.

19 A. (Mr. Block) Absolutely not. He spends about  
20 two pages in there trying to kind of diminish  
21 the value of Willard Pond, talking about how  
22 unremarkable it is. He compares it to -- he  
23 says, one point in there, that "It's not  
24 spectacular like Dublin Lake is with its view

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 of Mount Monadnock." I just laughed when I  
2 read that. I used to work for Yankee Magazine,  
3 which is right down the road from Dublin Lake.  
4 And, when I was working there, a couple of us,  
5 I would put a canoe on the roof, and a couple  
6 of us would try and go out and paddle sometimes  
7 on the lake at lunchtime. And what we  
8 discovered was that the highway runs right  
9 along the entire length of the lake there, at  
10 one point, with major trucks going. The other  
11 side of the lake has an access road covered  
12 with summer homes there.

13 But we also discovered there's no public  
14 access to that. There's one beach on there.  
15 And I found that that's private property. And,  
16 unless you're a member of the local association  
17 of the people who live on the lake, you can't  
18 use it.

19 So, I found it very -- in order to get  
20 onto the lake, we had to basically park up the  
21 road, carry the canoe down the shoulder of the  
22 road and lower it over the guardrail to get  
23 into the lake.

24 So, I found that his comparison of Willard

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Pond to what he called "a beautiful lake like  
2 Dublin Lake", which is beautiful, but it has no  
3 access, and it has a highway, and there are  
4 trucks going by all day long, I found that  
5 ridiculous.

6 There's very few lakes or ponds in  
7 southern New Hampshire, maybe in the entire  
8 state, that compare to Willard. It's in a very  
9 small minority of ponds that have those kind of  
10 qualities. And I've explored a lot of them.

11 Q. Do you agree with the statement that Mr.  
12 Raphael has in his report that there is "scenic  
13 quality may be less important to people engaged  
14 in fishing or boating"?

15 A. (Mr. Block) I think that statement is  
16 ridiculous. There's no way to paddle around --  
17 people who paddle or travel on the lake fishing  
18 do so because maybe the fishing is good, maybe  
19 it's quiet. So, the turbine noise would affect  
20 them. But they're not wearing blinders. If  
21 turbines are spinning, you're aware of it. Mr.  
22 Raphael's attitude is that "well, if you face  
23 in the other direction, there's no visual  
24 impact." So, basically, his attitude is that

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 "well, paddlers sometimes face the other way.  
2 So, they won't see the turbines half the time."  
3 This is an absorb logic. If the turbines are  
4 there, the turbines are there. You're going to  
5 see them, you're going to be aware of them,  
6 whether you're facing them or not. And I think  
7 that, even fishermen, who maybe are there to  
8 primarily fish, they want their peace and  
9 quiet, they want their solitude. That's why  
10 they fish on that pond, and not -- maybe not on  
11 Dublin Lake.

12 Q. Okay. Thank you. Mr. Cleland, you indicated  
13 that you worked at the International School on  
14 Windsor Mountain?

15 A. (Mr. Cleland) Yes, I did.

16 Q. Now, is it accurate to say that there's -- that  
17 that's a private school, correct?

18 A. (Mr. Cleland) It's a private international  
19 camp.

20 Q. And how many students go there in the  
21 summertime, do you know?

22 A. (Mr. Cleland) Yes. About 300 students, and  
23 maybe 125 staff.

24 Q. Okay. I understand that there's an



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 amphitheater at that?

2 A. (Mr. Cleland) Yes, there is. I built it.

3 Q. Okay. You built it. And I also understand  
4 that that is rented out to the public for  
5 events?

6 A. (Mr. Cleland) Yes, in the fall. Mostly  
7 weddings.

8 Q. And the pond itself has public access, correct?

9 A. (Mr. Cleland) Yes, it does.

10 MS. MALONEY: Okay. Just one minute.

11 (Short pause.)

12 MS. MALONEY: I have nothing further.

13 PRESIDING OFCR. SCOTT: So, you're  
14 all set then?

15 MS. MALONEY: Yes.

16 PRESIDING OFCR. SCOTT: Okay. Thank  
17 you. Anybody from the Giffin/Pratt  
18 intervenors, any questions?

19 MR. PRATT: None.

20 PRESIDING OFCR. SCOTT: Is that a  
21 "no"? Okay. Mr. Enman?

22 MR. ENMAN: No questions.

23 PRESIDING OFCR. SCOTT: Okay.

24 Mr. Richardson?

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 MR. RICHARDSON: No questions.

2 PRESIDING OFCR. SCOTT: Anybody from  
3 the Applicant?

4 MR. NEEDLEMAN: Yes. Thank you.  
5 Actually, what I'd like to do is, Ms. Law, I'm  
6 going to start with you. But, eventually, I'm  
7 going to get to Applicant's Exhibit 9a, Pages  
8 101 to 191. So, if people want to take a  
9 second to load that, so that they don't have to  
10 wait later. Right. It's Application Appendix  
11 9a. It's the second part of Mr. Raphael's  
12 report.

13 BY MR. NEEDLEMAN:

14 Q. Ms. Law, I had one question for you. We heard  
15 a moment ago Mrs. Berwick asked you about the  
16 property value study. And my recollection is  
17 that it related to some properties in Michigan,  
18 and then also some properties in Australia.  
19 And you characterized that as "anecdotal  
20 information". And I believe that was all from  
21 2004, is that right?

22 A. (Ms. Law) Yes.

23 Q. In this docket, Applicants submitted a report  
24 from Mr. Magnusson. And, in that report, he

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1           cited to three New England studies, one from  
2           Massachusetts in 2014, one from Rhode Island in  
3           2013, and one from Vermont in 2003. Do you  
4           remember those?

5   A.    (Ms. Law) Yes.

6   Q.    The Massachusetts study looked at over 122,000  
7           properties, the Rhode Island study looked at  
8           over 48,000 properties, and the Vermont study  
9           looked at over 2,000 properties. And, citing  
10          to all of these, Mr. Magnusson said "these  
11          three New England based studies of residential  
12          property transactions found no relationship  
13          between residential property values and  
14          commercial wind power projects after the  
15          construction of wind power projects." My  
16          question to you is, do you think those studies  
17          are more robust and more indicative of what's  
18          likely to happen with property value impacts  
19          than the exhibit that you cited to?

20   A.    (Ms. Law) I really don't believe much of what  
21          Mr. Magnusson stated. The proof to me was what  
22          Mr. Lindholm stated from the properties in  
23          Lempster, near Lempster. Because, when this  
24          project came to the SEC in 2012, we had gone

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 around and seen that there were a lot of  
2 properties that were abandoned around that wind  
3 farm. And I really just don't believe much of  
4 what Mr. Magnusson said.

5 Q. Okay. Thank you. Mr. Cleland, a couple of  
6 questions for you. You mentioned -- or,  
7 Ms. Maloney asked you a moment ago about the  
8 amphitheater on that property near Black Pond.  
9 Do you recall that?

10 A. (Mr. Cleland) Yes, I do.

11 Q. And my recollection is that her Visual Impact  
12 Assessment did her view simulation from that  
13 amphitheater. You said that the public is  
14 invited onto that property, is that right?

15 A. (Mr. Cleland) The public's invited onto the  
16 lake, the water.

17 Q. Okay. But the amphitheater itself, is that on  
18 private property?

19 A. (Mr. Cleland) Yes, it is.

20 Q. And, so, for example, if I just went over there  
21 tomorrow and wandered onto that property  
22 myself, they could ask me to leave, couldn't  
23 they?

24 A. (Mr. Cleland) That's correct.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. Okay. And you also offered your recollections  
2 on a conversation that you had with Mr.  
3 Kenworthy. And you said that Mr. Kenworthy  
4 told you that he thought the Project was going  
5 to have "absolutely have an impact" on your  
6 property. Do you remember saying that?

7 A. (Mr. Cleland) He said "a direct impact".

8 Q. Okay. Mr. Kenworthy remembers that  
9 conversation very differently. And I'm  
10 curious, why didn't you ask him about that when  
11 he was testifying?

12 A. (Mr. Cleland) When he was what?

13 Q. When Mr. Kenworthy was testifying, why didn't  
14 you ask him about that conversation?

15 A. (Mr. Cleland) Because Mr. Block was  
16 representing me, and I had no right to ask him  
17 that.

18 Q. Did you suggest to Mr. Block that maybe he ask  
19 about it?

20 A. (Mr. Cleland) No. I knew I would have my time.

21 Q. Okay. I'm going to -- Mr. Block, the rest of  
22 my questions are for you. I've got some  
23 language. This issue with the boulders I know  
24 is something that's important to you. And, so,

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1           what I've got is some proposed language, which  
2           is essentially a condition that the Applicant  
3           would be willing to accept if the Committee  
4           decided to issue a certificate here, that  
5           relates to these boulders, and tries to make a  
6           good faith effort to address your concerns.

7                       MR. NEEDLEMAN: And, so, let me take  
8           a minute to have this passed out and take a  
9           look at it.

10                               *(Ms. Walkley distributing*  
11                               *documents.)*

12                               *(The document, as described, was*  
13                               *herewith marked as **Exhibit***  
14                               ***App. 43** for identification.)*

15 BY MR. NEEDLEMAN:

16 Q.     And the question I'm going to ask you is, would  
17         something like this address the concerns that  
18         you have, assuming that the Project was built?

19 A.     (Mr. Block) Perhaps I should read this into the  
20         record?

21 Q.     Everyone has it. I think it's "Applicant 43".  
22         But you're welcome to read it, if you'd like  
23         to.

24 A.     (Mr. Block) Okay. Well, I'll read part of it,

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 because you talk about "AWE agrees that it  
2 shall use --

3 *[Court reporter interruption.]*

4 MR. IACOPINO: Slow down.

5 WITNESS BLOCK: Okay. Sorry.

6 **BY THE WITNESS:**

7 A. (Mr. Block) "AWE agrees that it shall use  
8 commercially reasonable efforts to relocate any  
9 boulders located inside the limits of  
10 disturbance for the construction of the project  
11 rather than demolish them."

12 As I've already testified, some of those  
13 boulders look to me like their actually bedrock  
14 outcroppings. And, if they are, I'm not a  
15 geologist, so I don't know for sure, it would  
16 take a geologist to look at it. If they're  
17 bedrock outcroppings, I don't think that they  
18 can be moved. If they're not bedrock  
19 outcroppings, they are very, very large  
20 erratics. I don't know if it would be feasible  
21 to move them.

22 When I read this and it says  
23 "'commercially reasonable efforts', means those  
24 efforts that AWE determines, in its sole

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 reasonable discretion", not to me or anybody  
2 else, that "can be carried out without  
3 violation to any SEC permit condition, without  
4 hazard to worker safety and", this is the part  
5 that I have a hard time with, "without a  
6 material increase in cost or change in  
7 construction schedule."

8 So, if it turns out that, well, maybe  
9 these boulders could be moved, if that was  
10 possible, but it would cost a lot, when I  
11 looked at this, AWE could say "No, we can't  
12 afford to do it. So, we tried, but we're not  
13 going to do it."

14 So, bottom line is "no", this I don't  
15 think would solve the problem whatsoever.

16 BY MR. NEEDLEMAN:

17 Q. Well, I'll represent to you that AWE would be  
18 willing to have this condition included. And  
19 I'll also represent to that they would be  
20 willing to have a conversation with you about  
21 ways to address those concerns, if you would  
22 like to do it.

23 Let me ask you some questions -- actually,  
24 just one question about Mrs. Block's testimony.



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 On Pages 3 and 4 of her testimony, she  
2 expressed concerns about the North Branch  
3 River, and the impacts that the Project might  
4 have on the North Branch River. Do you recall  
5 that?

6 A. (Mr. Block) Yes, I do.

7 Q. Did you have an opportunity to go back and look  
8 at Mr. Raphael's VIA after he testified? And  
9 the reason I'm asking is because, in his VIA,  
10 at Page 50, where he lists all of the resources  
11 that he evaluated, Resources Number 10 and 26  
12 specifically pertain to the North Branch River.  
13 Resource Number 10 is "New Hampshire Fish &  
14 Game North Branch River Shorebank Access",  
15 that's in Antrim. And Resource 26 is "North  
16 Branch River", which is Antrim and Stoddard.  
17 And his assessment showed that, in both cases,  
18 there's no visibility from those locations.  
19 Were you aware of that when this testimony was  
20 written?

21 A. (Mr. Block) Yes, I was.

22 Q. Okay.

23 A. (Mr. Block) But I don't think my wife was  
24 concerning herself so much with project

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 visibility. First of all, I disagree with the  
2 Project visibility. I know the river very  
3 well. We have property on the river. I think  
4 you would see the Project from there. In fact,  
5 Ms. Connelly has -- one of her visual  
6 simulations is done right by the bridge over  
7 the North Branch River at that shore bank  
8 access.

9 Second of all, what my wife is concerned  
10 with was that the -- both of us having served  
11 on the North Branch and Contoocook Rivers Local  
12 Advisory Committee, I was on the original  
13 committee that got that -- that assessed that  
14 river over a period of over two years, and got  
15 it listed on the State Register of Protected  
16 Rivers, we were concerned that physically,  
17 things like storm runoff and changes in  
18 erosion, because of adding roads and all that,  
19 were not necessarily as thoroughly looked into  
20 as we would like. So, our concern was less  
21 visual than what might happen with the physical  
22 characteristics of the river. It's not  
23 something that is new.

24 There were projects proposed for other

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 areas along Route 9, such as a sawmill and  
2 things in past years, and I know a lot of the  
3 concern for some of these things were "What  
4 would happen with storm runoff? Would it  
5 affect the North Branch?"

6 Q. Now that you've had an opportunity to review  
7 the Department of Environmental Services'  
8 recommended permit conditions for the  
9 Alteration of Terrain Permit, do you still have  
10 those same concerns?

11 A. (Mr. Block) I'm still concerned that not enough  
12 is known yet about what would happen. I still  
13 worry that perhaps there's a lot more to this  
14 than people have studied at this point. I  
15 think it may be a little too premature to say  
16 one way or another what will happen.

17 Q. When I spoke to you at the technical session,  
18 you told me that you had never prepared a  
19 visual impact assessment for any project, is  
20 that correct?

21 A. (Mr. Block) Not to the extent of this one,  
22 that's correct.

23 Q. And you told me that the only time you had ever  
24 testified regarding visual impacts anywhere was

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 in the prior Antrim docket, is that right?

2 A. (Mr. Block) That's correct.

3 Q. You also told me you have no formal training on  
4 the landscape level for visual assessment, is  
5 that correct?

6 A. (Mr. Block) Not on landscape. I've done  
7 interior and exterior architectural studies.

8 Q. And you told me that you're only generally  
9 familiar with visual impact assessment  
10 methodology, and you only gained that  
11 familiarity by your work on this docket, is  
12 that right?

13 A. (Mr. Block) Well, specifically, on visual  
14 assessment of wind turbine projects, yes.

15 Q. Earlier on, you said that "everything is  
16 relatively scaled". Do you remember saying  
17 that?

18 A. (Mr. Block) Yes, I do.

19 Q. And I think that was in the context of you  
20 talking about trying to compare turbines to  
21 ridge heights. Do you remember that?

22 A. (Mr. Block) Yes, I do.

23 Q. Using the formula that you suggested, isn't it  
24 true that turbines built on flat land or on the

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 water would always be out-of-scale to their  
2 surroundings?

3 A. (Mr. Block) No. Because there's another factor  
4 that you have to take into account on flat land  
5 or water. And that's what I would call the  
6 "horizontal factor". Turbines that I have seen  
7 on flat land, in the Plains, the turbines that  
8 I've seen offshore, have very, very large  
9 expanses of open space around them. So, again,  
10 it's the same analogy that I used, if I put a  
11 truck in the middle of this room here, it would  
12 look out of the scale. But, if you look at it  
13 out on the highway, it's not a problem.

14 The problem with a situation like Tuttle  
15 is it's a narrow, close-in valley. There are  
16 homes around there. You do not see a large  
17 expanse. It's difficult to get a great  
18 distance from the hill to see it. So, what  
19 you're dealing with is not just an issue of  
20 vertical height, you can't divorce -- say that  
21 that's the only problem. The problem is one of  
22 visual scale from where you're looking. Where  
23 you will see the turbines is from Antrim, from  
24 within a few miles of them. If you were out

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 traveling across the Plains, if you see  
2 turbines, you may see turbines that are 8,  
3 10 miles off. You see a lot of space between  
4 them. That's true in Upstate New York, in the  
5 Lowville area, where there are a lot of  
6 turbines. It's still a rolling terrain, but  
7 it's wide open. It's not forested. It's not  
8 ridges. It's not narrow like this.

9 Q. Have you ever had an opportunity to look at the  
10 large wind farms around Dannemora and --

11 *[Court reporter interruption.]*

12 BY MR. NEEDLEMAN:

13 Q. Have you ever had an opportunity to look at the  
14 large wind farms around Dannemora and Lyon  
15 Mountain in Upstate New York?

16 A. (Mr. Block) I've seen them from a distance  
17 only.

18 Q. Okay. Those wind farms are exactly what you're  
19 describing, aren't they? Rolling hills?

20 A. (Mr. Block) I don't know. I was too far away.  
21 I know the Lowville, which is similar to that,  
22 it's rolling land. Mr. Raphael has a picture  
23 of turbines from that area in his VIA there.  
24 It's still -- it's not forested. It's open

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 land, and it's agricultural, primarily, yes.

2 Q. Okay. Earlier on you also offered a comparison  
3 between your sense of the relative height of  
4 what the turbines would look like in this  
5 Project and the relative height of the turbines  
6 in Lempster. Do you recall that?

7 A. (Mr. Block) Yes.

8 Q. Mr. Raphael actually spoke to this issue. In  
9 his supplemental testimony, he referred to  
10 Exhibit 21 of his Visual Assessment. And  
11 Exhibit 21 of his Visual Assessment I believe  
12 is on PDF Pages 79 and 80, which is what I  
13 wanted to refer to now. And what Mr. Raphael  
14 did there was he did side-by-side comparisons  
15 of the Lempster turbines with visual  
16 simulations of the Antrim turbines, from  
17 identical distances, both from Gregg Lake and  
18 Willard Pond. And Mr. Raphael, in his  
19 testimony, said, and I'm looking at Page 51,  
20 this is the supplemental testimony, Line 3,  
21 "The results clearly indicate that the visual  
22 ratio (e.g. what users will actual experience)  
23 is nearly identical to that of the Lempster  
24 wind project." Did you have an opportunity to

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 look at these?

2 A. (Mr. Block) I'm not sure. I have not found the  
3 actual page. I'm looking at here, there's a  
4 different PDF here. Do you know what the  
5 actual page number is on there?

6 Q. These are Exhibits 21 in his VIA. It's  
7 Appendix 9a on the website, Pages -- PDF Pages  
8 79 and 80 of that appendix.

9 A. (Mr. Block) I think it's further than that  
10 in -- okay. Is it the one that's under the  
11 printed Page 105? That's just Lempster.

12 Q. No, it's Exhibit --

13 A. (Mr. Block) I think it was Exhibit 21, and I  
14 actually used that in my -- talked about that  
15 in my testimony. It's at the very end of  
16 the --

17 Q. It is Exhibit 21, right.

18 A. (Mr. Block) Okay.

19 Q. It's got --

20 A. (Mr. Block) I'll have to find that again.

21 *[Court reporter interruption.]*

22 BY MR. NEEDLEMAN:

23 Q. It's got two pictures on each page.

24 A. (Mr. Block) I know which one you're talking



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 about, yes.

2 Q. And he was looking at the ratio of the height  
3 of the existing turbines in Lempster to the  
4 proposed turbines here, from both Willard and  
5 Gregg, and found those ratios to actually be  
6 pretty similar. And my question is, did you  
7 have a chance to look at that and consider it?

8 A. (Mr. Block) I have looked at that, and I have  
9 an opinion about it.

10 Q. Well, do you disagree with his analysis?

11 A. (Mr. Block) Yes.

12 Q. And what is it about these exhibits that causes  
13 you to disagree? Do you think he didn't  
14 calculate it correctly?

15 A. (Mr. Block) It's a contrived display. It's a  
16 display where a distance from the project was  
17 selected from each one in order to make them  
18 appear similar. The setting is different.  
19 What I'm referring to, in terms of scale, I  
20 don't think there's going to be a lot of people  
21 in the future that will happen upon this page  
22 in the Visual Impact Assessment. But a lot of  
23 people will drive down Route 9, a lot people  
24 drive up Route 10, past the Lempster turbines.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1           When you're driving along Route 10, you see  
2           those turbines. They're off at a certain  
3           distance. They're on a hill that's fairly  
4           large. They don't look quite so imposing and  
5           quite as big as I think the turbines will look  
6           in Antrim, when you're driving along Route 9,  
7           where you're very close to a much smaller hill  
8           on Tuttle Mountain, and that these turbines up  
9           there will look very, very large in terms of  
10          the average viewer that travels past there.

11   Q.    So, let me come back to the exhibit again,  
12          because I'm not sure you answered my question.  
13          Sheet Number 1 has a comparison of a view sim  
14          at Willard to one at May Pond. And he did them  
15          both from exactly 1.5 miles. Do you agree with  
16          that?

17   A.    (Mr. Block) I agree with that. I see that,  
18          where it says that on there, yes.

19   Q.    And he calculated the ratio of the size of the  
20          turbine to the size of the hill. Is there  
21          anything about his calculation of those ratios  
22          in this exhibit that you disagree with?

23   A.    (Mr. Block) I haven't actually measured them.  
24          So, no, I won't argue with that yet.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. All right. And I guess the same question for  
2 the next one. That's from Gregg Lake. Again,  
3 he did both of those from 1.7 miles to try to  
4 make them comparable. And, the same question,  
5 he did the calculations of the ratios there.  
6 Is there anything about those ratios you  
7 disagree with?

8 A. (Mr. Block) Not his numbers, no.

9 MR. NEEDLEMAN: Okay. Thank you. I  
10 don't have anything further.

11 PRESIDING OFCR. SCOTT: Mr. Boisvert,  
12 any questions?

13 BY DR. BOISVERT:

14 Q. It's difficult sometimes to make comparisons.  
15 But, in your objections to Antrim Wind, is it  
16 the noise that is the primary objection? Is it  
17 the visual? Is it some other combination of  
18 things? What would you say is your primary --  
19 the first priority objection that you have?

20 A. (Mr. Cleland) For me, it's the visual. You  
21 know, it's in a direct viewshed. You've been  
22 there. Just it's right in front of us.

23 A. (Ms. Law) It's the visual impact for me, too.

24 A. (Mr. Block) For me, it's a multilayer thing.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 As I said, when the project was first proposed,  
2 my initial reaction was that this is  
3 inappropriate for a rural conservation zone,  
4 that it just seems out of place for the zoning.  
5 And this was long before there was any talk of  
6 anything coming to the state level. So, my  
7 initial reaction was it just didn't seem like  
8 it made sense in Antrim on this hill.

9 Later on, I came to decide that the  
10 potential added noise was an issue, and the  
11 visual impact I thought would be quite jarring  
12 for the area. And I thought that -- but the  
13 more I got into it, the other problem that I  
14 think that really bothered me was the amount of  
15 actual physical destruction that would be done  
16 to the ridge top there, the blasting. After  
17 hiking up there, again, I was -- and seeing  
18 that they had actually already cleared the  
19 first few turbine circles and part of the road,  
20 and I realized how much was actually going to  
21 be destroyed up there. I was pretty shocked  
22 and started to realize that I have a hard time  
23 thinking of something as a green energy, if  
24 it's going to destroy as much habitat as this

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[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 appeared like it was going to do.

2 A. (Mr. Henninger) Yes. To me, it's the whole  
3 package. The amount of energy produced, the  
4 disruption to the environment and the wildlife,  
5 and the -- and the impacts, to the visual  
6 impact and the sound impact to the local  
7 residents are just way out-of-line with the  
8 benefits that might or might not be  
9 implemented.

10 Q. Mr. Block, you submitted as one of your  
11 exhibits, Number 10, a comparison of the uses  
12 of the color schemes for visual impact and so  
13 forth -- visibility, excuse me, not "visual  
14 effect", but visibility of turbines across the  
15 landscape and the viewsheds. Mr. Raphael  
16 defended it, saying that, because it was almost  
17 random, it was a better map. From your  
18 experience with visuals, graphic design and so  
19 forth, would you give me a critique of that, of  
20 his explanation as to why it was superior to  
21 the more or less conventional color gradation  
22 that you used on the left-hand side of your  
23 Exhibit 10?

24 A. (Mr. Block) I've actually worked as a mapmaker.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 I've drawn maps. I've worked from topographic  
2 maps, and was actually paid for a while from  
3 the State of Massachusetts to create trail maps  
4 for them for some of their state parks. I know  
5 a lot about mapping.

6 Most maps that I've seen are laid out in  
7 order to clearly describe or show something.  
8 They're designed so that, when somebody looks  
9 at this map, they can very quickly understand  
10 what the information is trying to show there.  
11 Topographic maps have their lines on them so  
12 that, when you see lines getting closer  
13 together, it looks like they're steeper. So,  
14 maps -- I've always been fascinated with maps.  
15 And, to me, they're pictures of the Earth. And  
16 I love the way they look and I love the way  
17 then tend to illustrate things.

18 When you color code something, it makes  
19 sense to follow some kind of logical  
20 progression. So that, if you're trying to  
21 convey some data, such as the example I gave  
22 was population density. But there's not that  
23 much difference between population density and  
24 density of how many turbines one could see.

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[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 That it should be immediately accessible to a  
2 viewer that there's a pattern here. That, as I  
3 move in this direction, I can see more  
4 turbines. As I can move in that direction, I  
5 would see less turbines.

6 And I feel like what he did with this  
7 coloring here, whether it was intentional or  
8 whether it was because he's colorblind, I don't  
9 know, but it tended to completely obscure that  
10 information. And, when I was looking and  
11 studying his maps, I found that I had to  
12 constantly refer back and forth from one  
13 particular area to the key down there to find  
14 out "can I see two turbines from here or eight  
15 turbines?" I don't know. So, it made no sense  
16 to me. And the more I looked at it, the more I  
17 realized, to me, that way of displaying  
18 information is essentially useless.

19 Q. But was it inaccurate?

20 A. (Mr. Block) It technically is accurate. But  
21 it's not easy to understand. It's accurate,  
22 but made complicated.

23 Q. Turning to the boulders, it strikes me that  
24 there, and please correct me if I'm wrong, your

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 panel, that there are two factors that cause  
2 you concern. One is, the aesthetics that the  
3 boulders are there, they're works of geology.  
4 They have some certain attraction, but they're  
5 also habitat of various animals. Setting aside  
6 the aesthetic aspect of it, would you consider,  
7 and they have -- Antrim Wind has presented the  
8 short effort to "use commercially reasonable  
9 efforts to relocate the boulders". Regarding  
10 the habitat aspect, would it be desirable, if  
11 the boulders cannot be left in place, to  
12 reconstruct equivalent habitat on the Antrim  
13 Wind property, not unlike the way that, if a  
14 wetland is lost, another wetland can be created  
15 elsewhere and used as mitigation for the loss  
16 of the first one? Would you consider that to  
17 be potentially acceptable compensation,  
18 mitigation, however you might phrase it?

19 A. (Mr. Block) My opinion is, in a way, it's not  
20 for me to say. What it ultimately is up to is  
21 the animals. Would the animals still live  
22 there? Would they still inhabit an area like  
23 this, if, just to one side, if there was a  
24 large road and there were trucks going by? I



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 don't know this. I'm not enough of a wildlife  
2 biologist to know whether or not that  
3 disruption would affect them.

4 I just was astounded when I -- I didn't  
5 even know that that area was up there, because  
6 I never hiked on that side of the hill there.  
7 When I saw that, I was pretty amazed. And,  
8 when I also saw the surveyor's flagging running  
9 through the center of it, I was completely  
10 dismayed.

11 And, since it's not my area of expertise,  
12 I'm -- I enjoy wildlife, I enjoy hiking. And  
13 the day I was up there, I was up there with Sue  
14 Morse, who is a world-renowned tracker and  
15 wildlife biologist. And she pointed out a  
16 number of places that I probably wouldn't have  
17 noticed on my own, where there were obvious  
18 places for bobcat dens and things like this.  
19 It just made me think a lot about this and  
20 wondered what would be the outcome.

21 Q. And the other panelists, do you have an opinion  
22 as to whether or not it would be desirable to  
23 create a compensatory habitat, if you will, for  
24 the bobcat and whatever other animals use that,

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 those boulders, as habitat?

2 A. (Mr. Cleland) I want to see it left in its  
3 natural state. Because I think, once you drive  
4 the animals out, they won't come back. That's  
5 my opinion. And I don't think you can build  
6 anything to get them back.

7 A. (Mr. Henninger) Yes. I think it's almost  
8 impossible to reproduce a habitat, with  
9 boulders that way hundreds of tons. Once  
10 they're gone, they're gone.

11 Q. I wasn't talking about replacing the entire  
12 boulder, just the habitat that the animals  
13 would take advantage of. They don't care if  
14 it's a thousand tons or a hundred tons above  
15 them.

16 A. (Mr. Henninger) I agree with Mr. Block, that  
17 I'm not a wildlife biologist. And maybe our  
18 Stoddard Conservation Commission knows more  
19 about the wildlife than I do.

20 DR. BOISVERT: That's all I have.

21 PRESIDING OFCR. SCOTT: Commissioner  
22 Rose.

23 CMSR. ROSE: Thank you.

24 BY CMSR. ROSE:

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. I'd just like to ask the same question that I  
2 asked the abutters. If, and, you know, a big  
3 "if", but are there other conditions by which  
4 you believe the Committee should take into  
5 consideration, if there were to be a granting  
6 of the certificate that has not come up to this  
7 point in the proceedings?

8 A. (Ms. Law) Well, first of all, I don't think  
9 there is anything else, besides what has  
10 already been decided in 2012, and again in  
11 2013, when it was appealed by AWE. The SEC  
12 Committee already turned this project down.  
13 It's the same project, minus one turbine, and  
14 reduced the size of another turbine. It's the  
15 same project. It has the same impact on all of  
16 us who live there.

17 And I don't believe there's anything that  
18 can be changed, besides the fact that you honor  
19 the decision that was initially made in 2012  
20 and reject this, their permit.

21 A. (Mr. Cleland) I totally agree with Annie. This  
22 came through here twice already. It's a waste  
23 of your time, and it's a waste of our time,  
24 just for someone to line their pockets.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Mr. Henninger) Yes, I agree. We just keep  
2 saying the same things over and over. That  
3 it's a total rehash of what's been before.

4 A. (Mr. Block) I'm too biased at this point to  
5 comment, really. I was against this project on  
6 a few -- for a few reasons back in 2009, when I  
7 first saw it. Unfortunately, the longer we go  
8 on this, it's been seven and a half years now,  
9 the stronger I feel, that it's just  
10 inappropriate. And I cannot figure out any way  
11 that it could be made appropriate.

12 CMSR. ROSE: Thank you.

13 PRESIDING OFCR. SCOTT: Ms.  
14 Weathersby.

15 MS. WEATHERSBY: Thank you.

16 BY MS. WEATHERSBY:

17 Q. Mr. Block, could you tell me how the Town of  
18 Antrim has changed, since the 1970s to the  
19 present?

20 A. (Mr. Block) I'm not sure about --

21 Q. In population or -- population, development,  
22 town center, conservation? What strikes you,  
23 if any, has there been any --

24 A. (Mr. Block) I'm not sure about the 1970s. I

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 moved there in the mid-'80s. When I moved in  
2 there, we bought our house, because -- I didn't  
3 know anything about the town. We bought our  
4 house, because we stumbled upon this place that  
5 was inexpensive. It had been somewhat  
6 neglected by the previous owners. The land was  
7 overgrown, six, eight feet high. But, yet, my  
8 wife and I walked out on the property and saw  
9 this view of Tuttle Hill and said "this is the  
10 kind of view we've been looking for." It's a  
11 big log home, and we said "This is the kind of  
12 home we've been looking for. We can work on  
13 this, we can fix it."

14 After buying the house and starting to go  
15 to a couple of town meetings and everything, we  
16 discovered that this town had just started  
17 expanding their zoning at that point. And that  
18 was the point where Antrim put in the Rural  
19 Conservation District. And I thought "Wow,  
20 this is very innovative." I hadn't heard of  
21 this before. This is a town that pretty much  
22 appreciates what they got here, and are looking  
23 to somewhat preserve it.

24 A few years later, I know the Master Plan

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 was redone, and I don't remember the exact  
2 year, Mr. Levesque would remember this, because  
3 he was Chair, but there's an Open Space  
4 Committee formed on that. My wife was asked to  
5 serve on that. And part of that was to advise  
6 the Town of Antrim, particularly the selectmen,  
7 and study what should be done in terms of land  
8 preservation in and -- in Antrim. And what  
9 they were doing became a part of the Master  
10 Plan. We were very impressed with that. So,  
11 we saw a lot of activity in Antrim that was  
12 started to move towards being careful about not  
13 letting things get overdeveloped, being careful  
14 about seeing that whatever was happening in  
15 Antrim, developmentwise and all that, was  
16 appropriate and proper, and went along with  
17 what the people wanted. And, so, we were  
18 excited by that.

19 Q. And was some of that a reaction to development  
20 that had been going on in town? Or was it  
21 just --

22 A. (Mr. Block) It was a reaction to some of the  
23 things, I think, that people saw happening in  
24 nearby towns. There was -- up the road, there

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 was a --

2 Q. That's okay.

3 A. (Mr. Block) -- a controversy other a big box  
4 store and things like that. So that it was  
5 kind of a -- some of it was a preemptive thing.  
6 "Let's figure out what we want the town to be,  
7 before the big developers come in and start  
8 changing it."

9 Q. Okay. Thank you. And, then, I think one last  
10 question. In your wife's testimony, one of her  
11 major objections to this Project were the red  
12 lights on the tops of the towers. And, if  
13 those lights are radar-activated, so they only  
14 come on when the plane is coming close, does  
15 that pretty much address her concern, as far  
16 as --

17 A. (Mr. Block) It sounds better. But what happens  
18 if a plane comes over at two in the morning,  
19 and all of a sudden lights are flashing in your  
20 window? I know she's sensitive enough that it  
21 would wake her up. So, that's a worry that we  
22 would have. If the lights are off, that's  
23 fine. But what happens when they do go on?  
24 Then, all of a sudden our bedroom windows are,

{SEC 2015-02} [Day 9/Afternoon Session ONLY] {10-18-16}

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1           wherever we're sleeping, the ceiling is  
2           lighting up there.

3           So, it's a temporary halt, but it's not  
4           going to end the problem. It's not going to  
5           solve it, I don't think, for us anyway.

6           MS. WEATHERSBY: Thank you.

7           PRESIDING OFCR. SCOTT: Mr. Clifford.

8           MR. CLIFFORD: No questions.

9           PRESIDING OFCR. SCOTT: You're next.

10          DIR. FORBES: I just have a couple of  
11          quick questions for Mr. Block.

12 BY DIR. FORBES:

13 Q.       You indicated a big concern about noise at your  
14       home.

15 A.       (Mr. Block) Yes.

16 Q.       Could you remind me or help me find the  
17       predictive noise level --

18 A.       (Mr. Block) I'm sorry?

19 Q.       The noise level at your property, what's  
20       predicted there?

21 A.       (Mr. Block) What's predicted there, if I  
22       remember correctly, was about 31.8 to 32 at our  
23       house.

24 Q.       So, you're about a mile away?

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[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Mr. Block) Yes.

2 Q. And --

3 DIR. FORBES: All right. Thank you  
4 very much.

5 WITNESS BLOCK: Yes. Oh, actually, I  
6 would like to say that we measured it ourselves  
7 at 19 at this point. So, that's -- the  
8 difference between that is something that does  
9 concern us.

10 BY PRESIDING OFCR. SCOTT:

11 Q. Mr. Block, looking at your -- Mrs. Block's  
12 testimony that you adopted, you had that  
13 discussion earlier about the scale, and you  
14 have a -- she has a graphic labeled "Turbine  
15 Scale on Tuttle Hill"?

16 A. (Mr. Block) Yes.

17 Q. I was just curious, so I fully understood it,  
18 what's the -- the frame of reference seems to  
19 be Route 9. What's the significance of Route 9  
20 in those calculations?

21 A. (Mr. Block) The reason I did this graphic for  
22 her like this is the most visible, I think, and  
23 probably most heavily view of the turbines will  
24 be cars and trucks that drive along Route 9.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 We're on the north side, it's our -- it's our  
2 orientation. So, I thought -- that's what I've  
3 been aware of. So, I thought, okay, we'll  
4 start looking at the elevation of the highway,  
5 looking at the elevation of the hill. And, in  
6 other words, if you're standing or traveling  
7 along the road there, what's it going to look  
8 like if you look to your right or your left,  
9 depending on which direction you're going in.

10 Q. So, is that supposed to be a surrogate for  
11 different property owners? Or, I guess it is  
12 what you just said, I suppose.

13 A. (Mr. Block) Well, if you live along Route 9,  
14 it's going to be the same as it is if you're  
15 living someplace else, it's still -- it's  
16 valid. I just used Route 9 as a reference,  
17 because that's kind of the low point of the  
18 valley at that point. So, that gives you the  
19 maximum rise, essentially, of the hill there.

20 Q. Okay.

21 A. (Mr. Block) A lot of the residents are slightly  
22 uphill, such as Annie and Bob, and we're uphill  
23 also on that. But the lowest point tree and  
24 the maximum rise, that's what you'd see.

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. Okay. That's what I thought -- I thought you  
2 were saying it "represents the valley floor".  
3 So, okay.

4 A. (Mr. Block) That, Route 9, essentially is the  
5 valley floor at that point there. So, that's  
6 why we're using that as a reference, yes.

7 PRESIDING OFCR. SCOTT: Thank you.  
8 Mr. Iacopino, any questions?

9 MR. IACOPINO: Just a couple.

10 BY MR. IACOPINO:

11 Q. First of all, Mr. Block, on Page 2 of your  
12 wife's testimony, it references the fact that  
13 you and her were named as "informal land  
14 stewards by the Forest Society for The Nature  
15 Conservancy's Loveren Mill Swamp". And I  
16 didn't quite understand what that means. What  
17 is an "informal land steward" and what does the  
18 Forest Society have to do with The Nature  
19 Conservancy's property?

20 A. (Mr. Block) Well, it's actually not the --  
21 well, what happened is, a number of years ago  
22 we saw a notice in the paper that The Nature  
23 Conservancy was going to take over that land,  
24 which is right across from our house. We were

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 concerned about that. We went to a -- I  
2 believe it was a planning board meeting where  
3 they were discussing this. And I think the  
4 Forest Society was there, they were going to be  
5 holding the easement. The Nature Conservancy  
6 was there, because they were purchasing the  
7 land. They were also planning to sell a large  
8 portion of the land to a company called  
9 "Meadowsend Timberland", which is a commercial  
10 logger. And the idea was that The Nature  
11 Conservancy wanted to purchase all this land so  
12 they could preserve the Loveren Mill Cedar  
13 Swamp, which they did.

14 We went there, because we were concerned  
15 about "well, what about the rest of the land?"  
16 Particularly, from our own viewpoint, directly  
17 across the road from our house, which was  
18 Meadowsend. When we heard about this, we had  
19 about two weeks lead time before this hearing.  
20 My wife went out, she used to work as a  
21 professional photography, she went out very  
22 quickly, the two of us went out, and we knew a  
23 lot of that land across the road. And that  
24 there is, like our property, a lot of historic

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[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 things there. There are incredible stonewalls.  
2 There's a stone mound I'm still trying to  
3 determine what it's from, whether it was a silo  
4 base or something there. There are  
5 foundations. And, then, as you go down the  
6 hill, there's the foundation of the original  
7 Loveren Mill that's on the river. She  
8 documented all this in photography, ran to the  
9 library in Antrim, ran to the State Library,  
10 did a whole bunch of research, and submitted a  
11 20-something page paper to the planning board,  
12 to The Nature Conservancy, to the Forest  
13 Society, at the time saying "we're concerned  
14 about all this historic stuff, if there's going  
15 to be logging."

16 The bottom line was they became very  
17 interested, they were very appreciative. They  
18 asked "Can we include this document as part of  
19 the easements? And make it a stipulation that,  
20 if and when Meadowsend does log, that they will  
21 be careful to avoid these stonewalls and these  
22 foundations?" We said "Great." And they said  
23 "Would you like to be informal stewards? Keep  
24 an eye on this land, when they do log and all

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1           that, to make sure they do this?" And we said  
2           "Sure."

3           And a number of years later, Meadowsend  
4           Timberland did start logging. We got to know  
5           their forester. He encouraged us to come and  
6           hike over there and watch what they were doing.  
7           I was impressed. They were very careful about  
8           their logging. They did avoid the cellar  
9           holes. They did avoid most of the stonewalls  
10          and all that. I thought they did a very  
11          careful job on that, and we were pleased.

12          So, we've kind of taken a personal  
13          interest in all of that, and the Cedar Swamp.  
14          The other Cedar Swamp property, incidentally,  
15          at that point, The Nature Conservancy, when  
16          they took it over, my son was being  
17          homeschooled, and he and a group of his  
18          homeschool friends, volunteered for The Nature  
19          Conservancy. And there's a trail in there,  
20          with a boardwalk, they built that, my son and  
21          his homeschool friends.

22          Q.    Okay. So, being an "informal steward" is  
23          simply that somebody for the Forest Society  
24          asked you to check on it and keep a look after

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 it. So, if I were to look --

2 A. (Mr. Block) And they asked us to let them know  
3 if they were overstepping their bounds, yes.

4 Q. So, if I were to look at the Forest Society's  
5 records or The Nature Conservancy's records, I  
6 wouldn't find you and Mrs. Block listed as  
7 stewards or informal stewards anywhere?

8 A. (Mr. Block) No, it was something that came out  
9 of this meeting. If you could find the minutes  
10 of that meeting, you'd probably see it there.

11 Q. Okay. Ms. Law, you have mentioned a couple of  
12 times about "homes being abandoned in  
13 Lempster". And I assume you rely on the public  
14 comment of Mr. Lindholm.

15 Do you have any evidence that homes are  
16 actually abandoned in Lempster, other than what  
17 Mr. Lindholm says?

18 A. (Ms. Law) No.

19 Q. Okay. Do you have any evidence about whether  
20 the population in Lempster has increased or  
21 decreased since the Lempster wind facility went  
22 in?

23 A. (Ms. Law) No.

24 Q. And, finally, for the panel, I've argued with

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 myself about asking this question, but I'm  
2 going to ask it, because you all have spoken  
3 very passionately, based upon the values that  
4 you all place on your land. We've heard twice  
5 from Mr. Ott, who owns the property on Willard  
6 Mountain, that is the subject of this  
7 particular Project, and he speaks very  
8 eloquently about his passions for clean energy,  
9 and how he's agreeing to provide additional  
10 conservation lands, even though it's not his  
11 first choice of things to do.

12 How is the Committee sort of way what you  
13 say and what your values are against what  
14 Mr. Ott's values and his property are?

15 A. (Ms. Law) I'd like to comment on that. First  
16 of all, Mr. Ott is going to be paid a lot of  
17 money to lease his land. Secondly, the land  
18 that he's putting into conservation, what's the  
19 point, if you're going to destroy what's  
20 already in conservation? I don't understand  
21 that aspect of his passion for his land. He  
22 doesn't even live there. He built a house  
23 there, but he lives in Florida. He doesn't  
24 have to live there; we do.



[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 Q. Anybody else want to address that on the panel?

2 A. (Mr. Block) It's something that I actually  
3 brought to, I think I said this, to our  
4 Planning Board or ZBA at one point. I believe  
5 that people have a right to do what they want  
6 with their property, provided it doesn't impact  
7 other people's property.

8 If I wanted on my property to set up a  
9 rifle range, and put the target on the edge of  
10 my property, so that beyond it is my neighbor's  
11 property, I don't think the town would  
12 appreciate that, if I'm shooting, and potential  
13 bullets or so are traveling into somebody  
14 else's property. It makes their property  
15 dangerous and unusable.

16 To me, the same thing is true if somebody  
17 wants to put up turbines that might throw ISO  
18 or fall down or whatever onto somebody else's  
19 property, I think that is an imposition on your  
20 neighbors' rights. And I think that your  
21 rights to do what you want with your property  
22 end at the point where they impose on somebody  
23 else's rights.

24 Q. Mr. Henninger or Mr. Cleland?

[WITNESS PANEL: Law~Cleland~Block~Henninger]

1 A. (Mr. Henninger) Yes. I have nothing more to  
2 add. That was very good.

3 A. (Mr. Cleland) Yes. I agree with Mr. Block.

4 MR. IACOPINO: Thank you. I have no  
5 further questions.

6 PRESIDING OFCR. SCOTT: All right.  
7 We're going to adjourn for the day. We will  
8 pick back up at nine o'clock at the New  
9 Hampshire Public Utilities Commission, Hearing  
10 Room A. We'll start with Mr. Jones. Depending  
11 on how long that takes, we do have, for one  
12 o'clock, electronically, we have Mr. James.

13 So, either in between Mr. Jones and  
14 Mr. James will be the Levesque/Allen group, or  
15 we'll have to be a little flexible.

16 DR. WARD: And squeeze me in.

17 PRESIDING OFCR. SCOTT: We're going  
18 to squeeze you in. Okay. You're immediately  
19 after that, actually, Mr. Ward.

20 DR. WARD: We're breaking at three  
21 tomorrow, though, aren't we?

22 PRESIDING OFCR. SCOTT: And, yes,  
23 thank you for that, too. And our intention is  
24 to break roughly around three o'clock tomorrow.

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DR. WARD: Four o'clock.

PRESIDING OFCR. SCOTT: Thank you.

*(Whereupon the **Day 9 Afternoon Session** was adjourned at 5:08 p.m., and the hearing to resume on **October 19, 2016**, commencing at 9:00 a.m.)*