

THE STATE OF NEW HAMPSHIRE

BEFORE THE

SITE EVALUATION COMMITTEE

DOCKET NO. 20-15-04

Supplemental Testimony of Donna Heald

July 20, 2018

1 **Q. Please state your name and property address.**

2 **A.** My name is Donna M. Heald and I reside at 220 Longmarsh Road in Durham, New
3 Hampshire.

4 **Q. Did you previously file testimony in this docket?**

5 **A.** Yes.

6 **Q. In that testimony, did you list a number of concerns and provide suggested**
7 **mitigation recommendations?**

8 **A.** Yes.

9 **Q. Have any of those concerns or mitigation recommendations changed since you filed**
10 **that testimony?**

11 **A.** Yes.

12 **Q. Please explain.**

13 **A.** The concerns I listed in my prior testimony were:

14 1. That the project will damage my plant business and my personal plantings that
15 support my plant business;

16 2. That I may be without water during construction because the easement runs
17 between my well and house;

18 3. That I will not be able to cross the easement to reach my property on the east side
19 of the easement during construction, which, I understand, may be for up to a year and a half to
20 two years;

1 4. That I be provided notice well in advance of when crews will be on my property
2 at all times in order that I may plan my work schedule in advance so that I may be present while
3 work is being done;

4 5. That Eversource is unnecessarily locating poles close to my house;

5 6. That screening options for the poles, in particular F-107-90 that is proposed to be
6 110 feet from the corner of my house, do not screen the pole from view of my house;

7 7. That the Project will reduce the value of my property;

8 8. That the sounds from the power lines will interfere with the peaceful nature of my
9 home; and

10 9. That the increase in power being transmitted over the easement will be harmful to
11 my health and that it will interfere with my ability to listen to my radio and use other electronics.

12 **Q. Please describe how these concerns have changed.**

13 **A.** With respect to Concern #1, I wish to make clear that my business is two-fold. One
14 aspect of my business is that I maintain gardens for my clients. The second aspect of my
15 business is growing plant stock. As stated in my original testimony, my growing of plant stock
16 is to allow me income when I transition from maintaining client gardens to selling at farmer's
17 markets and from my home. That transition time is nearing and over the past few years, I have
18 been ramping-up that propagation. As I understand it, Eversource is planning its construction in
19 the next year or so, which concerns me because it will likely coincide with the time that I will
20 most need my plant stock for income. The year and a half to two-year duration of the
21 construction also concerns me because it spans multiple growing seasons. Construction mats

1 will be on my property for that extended time while Eversource places poles on my and my
2 neighbors' properties. This will kill all the plants underneath.

3 In my original testimony, I had recommended temporarily moving my plant stock to
4 mitigate the damage to my plants during that lengthy construction. Having investigated with
5 Eversource and other plant specialists regarding the feasibility of moving my plants, I am aware
6 that there are many difficulties. First, an inventory of my plant stock needs to occur during the
7 growing season immediately preceding the construction. I recommend Eversource hire and pay
8 for an agreed-upon, qualified landscape architect or someone who has experience in identifying
9 perennials and shrubs. Have this person/company quantify and value the plant stock in the areas
10 affected (which have yet to be definitively identified by Eversource) by the Project during the
11 growing season immediately preceding the construction. I have been in contact with a number of
12 people who I feel are potentially qualified to identify and conduct such an inventory. But I have
13 learned that it will require a combination of skills: someone/company to identify the plant and
14 someone/company to quantify them. There are many thousands of plants that will have to be
15 dug out of the affected areas and replanted or if they have not been dug out, replaced if they have
16 been damaged. Many plants are visible only at short periods of time. Spring ephemerals and
17 bulbs can be located only for a short time while blooming and then go dormant, out of sight.
18 Others are identified only during their flowering period, often in the fall. Therefore, even the
19 inventory will need to take place over a period of time.

20 Second, have this person/company develop a relocation plan-which may be on my
21 property or off my property and a plan to return my plants to the sunny portion of my property
22 after the construction. As Eversource is aware, relocating the plant stock is not a simple matter

1 and a relocation plan would need to address my plants' differing growing needs. It is foreseeable
2 that the plan may require a temporary greenhouse on my property for some of the plants, but that
3 presents difficulties in that to keep plants thriving a greenhouse operator must know how to
4 control pests and fungus, and provide ventilation, heating, cooling, and lighting. With respect to
5 any relocation option, potted plants take up more space than plants in the ground. Therefore, the
6 size of any greenhouse would have to be determined once the plants are inventoried. Also, pots
7 themselves present a stress to plants because they do not overwinter as well. These are some of
8 the issues that would need to be addressed in the relocation plan.

9 Eversource has asked that I be available during the relocation, but I can only offer my
10 time as I have time. If the relocation occurs during my busy time, I will be tending to my client's
11 gardens. If I have to be on my property to oversee the relocation, that would require me to take
12 time off of that work. I would expect to be compensated for that by Eversource. Lastly, I do not
13 want Eversource to replant disturbed areas with invasive plants or plants foreign to the easement.
14 I want to limit any competition or harm to my plants by such invasives by ensuring that they are
15 not planted on my property. Ideally, everything should be restored as it was before the Project.

16 With respect to Concern #2, I recommend Eversource construct a well for me on the west
17 side of the easement. The reason for this is that the duration of construction is expected to be a
18 year and a half to two-years. Eversource will be using the easement on my property to construct
19 not only the poles on my property but the poles on other neighbors' properties not accessible by
20 any other way, I'm told. Eversource has also told me that I cannot access any of my property
21 east of the westerly edge of the easement during the construction. My well is on the east side of
22 my property. Because my business, income, and living are highly dependent on having water

1 from my well and because I will not be able to access my well to conduct even maintenance or
2 repairs, I recommend Eversource provide me with a well on the west side of the easement. That
3 way, if construction damages my water line or if my well pump fails, I will still be able to get
4 water. I do not consider Eversource's claims procedure for payment of damages due to water
5 loss to be reasonable for my situation. Such a claims procedure does not resolve my inability to
6 cook, bathe, or water my plants.

7 With respect to Concern #3, I did not make an express request for compensation in my
8 original testimony for the temporary loss of the use of my property in and not in the easement. I
9 make that request now. As stated above, Eversource has also told me that I cannot access any of
10 my property east of the westerly edge of the easement. In looking at my subdivision map,
11 Attachment DH-6, this means that I will not be able to use close to half of my property for a year
12 and a half to two years. I do not consider my request for compensation to be unreasonable given
13 that Eversource's predecessor paid for the easement on my property; it did not, however, pay for
14 control over my property east of the easement. I think it is reasonable to ask for compensation
15 especially since Eversource will be excluding me from my property for an extended period of
16 time which will cause a significant hardship and inconvenience to me conducting my business. I
17 urge the Site Evaluation Committee to approve a compensation mechanism whereby Eversource
18 pays for an independent, licensed appraiser to value this loss of access. Such a valuation
19 mechanism could be, for example, finding comparable rental property that I would otherwise
20 have to obtain to continue my plant business.

21 With respect to Concern #6 and the screening, in my original testimony I focused on
22 needing taller trees. But I also request that the screening be much more extensive than as

1 proposed. Eversource has offered limited screening but it has also not been definitive on which
2 trees on my property will need to be cut. Once this ambiguity is resolved, I request screening
3 that is effective in both height and width at hiding the pole from my view, similar to the
4 screening that I have now.

5 **Q. Do you have any new concerns?**

6 **A.** Yes. I am concerned that construction equipment used for the Project will further
7 damage the usable, dry soil on my property. When I first subdivided my property in 1979, I
8 could drive my truck within the easement because there were no wetlands there. After easement
9 maintenance equipment traverses the easement, I notice that it is more wet, there are even visible
10 ruts left behind by the equipment. This increased wetness can be seen when my subdivision map
11 is compared to Eversources' Environmental maps. Please see Attachment DH-6 (attached) and
12 Eversource Environmental Map 15 of 30 (Attachment DH-7). Eversource has told me in the past
13 that its use of wide tires will prevent compression of the soil, but that has not borne out. I am
14 told that Eversource will use mats to prevent soil compression during the Project, but I am
15 skeptical that the mats will work given that the previous preventive techniques have not worked.
16 For example, two years ago, when Eversource was in the easement drilling test holes for the
17 Project, Eversource's equipment created ruts notwithstanding Eversource having told me that the
18 work would not compress the ground at all. I think it is reasonable to ask that these and any
19 future ruts be removed and that the soil be returned to its pre-compressed state. If the soil is not
20 returned to its pre-compressed state, then there may not be enough space to return my plants to
21 after the Project and this could adversely impact my income. That is why it is so important that
22 my soil not be compressed or otherwise damaged by the Project.

1 **Q. Do you have concerns regarding the location of the mats?**

2 **A.** Yes. Eversource has chosen to access the easement on the west side rather than the east
3 side of the easement. My plants are mostly on the west side. I would prefer that Eversource
4 access the easement along the east side to prevent compression and damage to my plants and
5 soil. This option may result in fewer plants being disturbed and needing to be relocated.

6 **Q. Do you have any concerns regarding flagging?**

7 **A.** Yes. I would like to have the easement and adjacent areas to be disturbed reflagged so
8 that it is clear to me what is being disturbed. For the easement boundary, I would like a
9 continuous string of flagging. I would also like to have sections of the easement that is not being
10 disturbed to be flagged so that plants that are not relocated are marked and protected.

11 **Q. Do you wish to clarify your concern regarding valuation?**

12 **A.** Yes. In my original testimony, I recounted how my situation meets the criteria set forth
13 by Eversource's expert, James Chalmers, for diminished value. I want to make clear that I
14 request compensation for the permanent diminished value caused by the Project as well as for the
15 temporary diminished value. The latter is because I believe that the value of my property will be
16 diminished at a much greater level during construction than when the Project is fully built. It
17 was not clear to me that Mr. Chalmers set forth a mechanism for loss of value during
18 construction, but a mechanism should be set. I recommend the Site Evaluation Committee
19 require Eversource hire an independent, licensed appraiser to conduct this temporary diminished
20 valuation in addition to the permanent diminished value.

21 **Q. Do the concerns you have expressed here today replace your concerns expressed in**
22 **your original testimony?**

1 **A.** No. The concerns I have expressed in this supplemental testimony are in addition to the
2 concerns expressed in my original testimony.

3 **Q.** **Do you think that more concerns may arise once construction of the Project starts?**

4 **A.** Yes. The more I learn about this Project, the more concerns I have. I recommend the
5 Site Evaluation Committee approve a mechanism to address concerns that arise during
6 construction.

7 **Q.** **Does this conclude your testimony?**

8 **A.** Yes.