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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

September 24, 2018 - 9:05 a.m. DAY 7
49 Donovan Street Morning Session ONLY
Concord, New Hampshire

{Electronically filed with SEC 10/08/18}

IN RE: SEC DOCKET NO. 2015-04
Application of Public Service
Company of New Hampshire, d/b/a
Eversource Energy, for a
Certificate of Site and
Facility.
(Adjudicative Hearing)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

- | | |
|--|-----------------------------|
| Patricia Weathersby
(Presiding Officer) | Public Member |
| David Shulock, Esq. | Public Utilities Commission |
| Elizabeth Muzzey, Dir. | Div. of Historic Resources |
| Charles Schmidt, Admin. | Dept. of Transportation |
| Christopher Way, Dep. Dir. | Div. of Economic Dev. |
| Michael Fitzgerald, Dir. | Dept. of Env. Services |
| Susan Duprey | Public Member |

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel for SEC
Iryna Dore, Esq.
(Brennan, Lenahan, Iacopino & Hickey)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Susan J. Robidas, LCR No. 44

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I N D E X

WITNESS:

JAMES CHALMERS

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P R O C E E D I N G S

PRESIDING OFFICER WEATHERSBY: Good morning, all. Welcome to Day 7 of the hearings in Seacoast Reliability Project. Despite news reports to the contrary, this is not our last day of the hearings. Today we will be starting with the examination of Dr. James Chalmers. After Dr. Chalmers, we will, this afternoon most likely, be hearing from Dr. William Bailey. We also hope to get to Mr. Robert Varney later this afternoon.

Would you swear the witness in.
(WHEREUPON, JAMES CHALMERS was duly sworn and cautioned by the Court Reporter.)

PRESIDING OFFICER WEATHERSBY:
Attorney Needleman.

DIRECT EXAMINATION

BY MR. NEEDLEMAN:

- Q. Dr. Chalmers, could you please state your name for the record and your business address.
- A. My name is James Chalmers. My business address 616 Park Lane, Billings, Montana.

1 Q. And you submitted three pieces of testimony
2 in this matter, which I have given you copies
3 of. The first one is Exhibit 12, which is
4 your prefiled direct testimony, dated April,
5 12th, 2016; the second is Exhibit 82, which
6 is your amended prefiled testimony, dated
7 March 29, 2017; and the third is Exhibit 147,
8 which is your supplemental prefiled
9 testimony, dated July 27, 2018; is that
10 correct?

11 A. Yes.

12 Q. Do you have any changes or corrections to any
13 of those pieces of testimony?

14 A. No.

15 Q. Do you adopt all of them and swear to them
16 today?

17 A. I do.

18 Q. Okay. Thank you.

19 MR. NEEDLEMAN: All set, Madam Chair.

20 PRESIDING OFFICER WEATHERSBY: All
21 right. Thank you. First cross-examination
22 will be Attorney Patch for the Town of Durham
23 and UNH.

24 CROSS-EXAMINATION

1 BY MR. PATCH:

2 Q. Good morning.

3 A. Good morning.

4 Q. My name is Doug Patch. I am counsel to
5 intervenors in this docket, Town of Durham
6 and the University of New Hampshire.

7 I wanted to start with a question about
8 sort of the ultimate conclusion that you
9 reached in this docket. If I understand it
10 correctly, while the research that you had
11 conducted lead you to conclude there is no
12 basis to expect that the Project would have a
13 discernible effect on property values, you
14 would have to agree, wouldn't you, that there
15 can still be impacts on individual property
16 values?

17 A. I wouldn't characterize my ultimate
18 conclusion quite the way you did. I think,
19 as is explained in my testimony, the
20 conclusion is that we have now identified the
21 characteristics of properties that in fact
22 have a relatively high likelihood of impact
23 from transmission lines. But we've also
24 identified the characteristics of properties

1 that are unlikely to experience property
2 value impacts, and those properties
3 predominate in the vicinity of the proposed
4 project. So the overall effect is that the
5 effects of the Project on properties are
6 going to be limited. But we've been very
7 explicit.

8 And there's really sort of path-breaking
9 research here that has for the first time
10 given us some leverage on identifying those
11 properties that may very well experience
12 impacts due to their proximity to
13 transmission lines.

14 Q. Then I guess in light of the question I just
15 asked you, would you agree that there can
16 still be impacts on individual property
17 values? Sounds like you'd agree with that.

18 A. Yeah, exactly. Precisely.

19 Q. As you noted on Page 23 of your supplemental
20 testimony, Exhibit 147, high-voltage
21 transmission lines are generally seen as a
22 negative attribute of a property, and there
23 are circumstances where they can be
24 sufficiently intrusive that the market value

1 of a property is affected. Is that fair to
2 say?

3 A. Yeah, absolutely.

4 Q. And on Page 12 of that testimony, I believe
5 it's Lines 5 and 6 -- actually, I'm sorry.
6 I'm looking at your original testimony. I'm
7 back at Page 12 of your original testimony,
8 which I believe is Exhibit 12.

9 A. I'm sorry. The page number?

10 Q. It's Page 12 of Exhibit 12, and Lines 5 and
11 6. You said that the proximity of the house
12 to the right-of-way combined with clear
13 visibility of the transmission line are the
14 critical values. That's what you said at
15 that point in time; correct?

16 A. Correct.

17 Q. Now, I think in your supplemental testimony,
18 Exhibit 147, you modified that somewhat. I'm
19 looking at, in Exhibit 147, I'm looking at
20 Page 11, and I'm looking at Lines 9 to 12.
21 You said for residential properties, emphasis
22 was on the three variables, not two, three
23 variables that research has shown best
24 measure potential effect on the market value

1 of a property. And the three you listed are:
2 The proximity of the house to the
3 right-of-way, the visibility of structures
4 both before and after construction of the
5 Project, and the extent to which the property
6 is encumbered by the right-of-way easement.
7 Is that correct?

8 A. Yes.

9 Q. Now, the variable involving the visibility of
10 structures both before and after construction
11 would be especially true in this project,
12 wouldn't it, because we are talking about
13 places where the structures in many locations
14 will be doubling in height as a result of the
15 Project?

16 A. Yes. You know, to the extent that the
17 Project is in an existing right-of-way,
18 visibility is the only thing that changes.
19 The proximity of the houses to the
20 right-of-way doesn't change and the
21 encumbrance doesn't change, but visibility of
22 structures may well change.

23 Q. Right. And partly as a result, if the height
24 of the structures doubled, then obviously the

1 visibility may change from a particular
2 property; correct?

3 A. That's correct.

4 Q. And if the right-of-way is either widened, or
5 where trees have grown into the right-of-way
6 perhaps over a number of years, and those
7 trees are now going to be cut down, then
8 obviously that would affect the visibility
9 from that particular property as well;
10 correct?

11 A. That's correct.

12 Q. I'm looking at Page 20 of Exhibit 147, and
13 I'm looking at Lines 12 to 13. And at this
14 point you had noted that the visibility of
15 the structures again will change for some
16 properties. And I think there was -- the
17 number of properties for which it would
18 change I think has changed over the course of
19 you filing the three different testimonies;
20 is that fair to say?

21 A. Yes.

22 Q. I mean, it hasn't changed, but the way you
23 have viewed it perhaps has changed, the
24 number of properties that you now consider to

1 be ones that are affected. And what's the
2 number that you would say we're at at this
3 point in time? I'm talking about residential
4 properties, to make it easier, number of
5 residential properties that you would say are
6 affected by the Project.

7 A. The number of properties for which visibility
8 changes from either "none" to "partial" or
9 "clearly" or from "partial" to "clearly"
10 overall is about six, I think. Of properties
11 that are within 100 feet, I believe it's
12 four. There's one that goes from "none" to
13 "partial," and there's three that go from
14 "partial" to "clearly."

15 Q. And the reasons that that the number has gone
16 down from what I think you originally said,
17 20, and then you went to 14, and now you're
18 saying 4. Do I have that incorrect?

19 A. Yeah. No, there's some confusion in your
20 recollection here.

21 Q. Okay.

22 A. There is a count -- there are a lot numbers
23 here. There's a count on the number of
24 properties within 100 feet. There are a

1 number of properties that have homes within
2 100 feet, and that number went from 14 -- I'm
3 sorry -- went from 19 to 14 due to
4 undergrounding along Hannah Lane primarily.
5 That number is now 14. Was 14 is now 14.
6 That's properties within 100 feet. And of
7 those, as you can see on the page we were
8 looking at, Page 20 of Exhibit 147, before
9 SRP, of those 14, 2 have no visibility of
10 structures now, 5 have partial visibility, 7
11 have clear visibility of structures. So a
12 total of 12 have either partial or clear
13 visibility. And if you go to the next page,
14 obviously the number of properties with homes
15 within 100 feet doesn't change; there's still
16 14 of them. But now one of them that was not
17 visible is now partially visible, and three
18 of them that were partially visible are now
19 clearly visible. So you're -- the
20 distribution changes marginally due to the
21 Project. Total number in those categories --
22 that is, 14 -- doesn't change.

23 Q. Okay. But the number after SRP construction,
24 that's -- you have those two charts where you

1 have before and after. And the after, the
2 clearly visible number is now 10; correct?

3 A. Correct.

4 Q. And is it fairly common for a developer of a
5 project like this to, in some cases, purchase
6 properties from a landowner, or in some way
7 compensate a landowner in the event there are
8 negative impacts that the Project will have?

9 A. I think you asked a couple of different
10 questions there. The developer will often
11 have to purchase easements. And it's not
12 uncommon for a property to be acquired for a
13 variety of basically logistical reasons.

14 Q. Are there any properties that have been
15 acquired with regard to this particular
16 project that you're aware of?

17 A. Well, there's been easement purchased. I
18 really don't know the details of those
19 transactions. But I believe there are
20 easement acquisitions associated with
21 university property. There's some expansion
22 of the easement north of the university. And
23 I'm aware that the Getchell property, which
24 is on Little Bay, it's either the last

1 property before the project crosses Little
2 Bay was acquired. And I believe there was a
3 property that was owned by Bellamy Rental
4 Properties. That would have been on the west
5 side of the alignment, north of the
6 university. There are two buildings there,
7 and I believe Eversource purchased one of
8 those. There may be others, but those are
9 the ones that I'm aware of.

10 Q. And I think you indicated in your testimony
11 that you had worked on Northern Pass and then
12 also on the Merrimack Valley project for
13 Eversource; right?

14 A. That's correct.

15 Q. Are there other examples in both of those
16 situations where the property has been
17 purchased by the Applicant?

18 A. Well, there were significant purchases in
19 Northern Pass in the northern section of the
20 route. On Merrimack Valley, I just don't
21 recall. It was largely within the existing
22 right-of-ways. I just don't recall whether
23 there was any expansion of the right-of-way,
24 any additional easements acquired. I just

1 don't recall.

2 Q. In the absence of purchasing the property
3 from a landowner, or purchasing an easement
4 as you've suggested, are there other things
5 that can be done to mitigate negative
6 property value impacts?

7 A. Yeah. The Applicant, and I think the utility
8 industry in general, understands the visual
9 impact that their projects may have on some
10 adjoining properties and works very hard in
11 both the design of the project, location of
12 structures, types of structures, and in
13 basically providing visual screening to
14 mitigate the effects of the Project to the
15 extent possible.

16 Q. And what would constitute visual screening?

17 A. Well, typically it would be landscaping.

18 Q. So, trees?

19 A. Right.

20 Q. I mean, when you plant a tree, you know, you
21 can't plant -- well, maybe you could, but
22 it's pretty rare to plant a 50-foot tree or a
23 60-foot tree. It's usually something much
24 smaller than that, which ultimately may grow

1 and provide the visual screening as you
2 suggested. But sometimes it takes years for
3 that to happen; is that fair to say?

4 A. In some cases, that would be the case, yes.

5 Q. So the impact, in terms of mitigating
6 negative property values, could take a long
7 time before it actually had that kind of
8 impact.

9 A. Well, when we're saying "mitigating," we're
10 talking about mitigating the visual impact.
11 We're not necessarily talking property values
12 here.

13 But, yeah, I would say in some cases
14 it's possible through the location of the
15 structures, some combination of the location
16 of the structures and landscaping to very
17 effectively mitigate the visual impact, and
18 other cases not.

19 Q. But when you're say we're talking about
20 visual screening and not property value
21 impacts, they're very related, aren't they?

22 A. They are related.

23 Q. Okay. That's all the questions I have.

24 Thank you.

1 PRESIDING OFFICER WEATHERSBY: All
2 right. Thank you. Attorney Geiger.

3 CROSS-EXAMINATION

4 BY MS. GEIGER:

5 Q. Good morning, Dr. Chalmers. I'm Susan
6 Geiger, and I represent the Town of
7 Newington.

8 Could you please turn to your
9 supplemental prefiled testimony which has
10 been marked as Applicant's 147. Do you have
11 that?

12 A. Yes, I do.

13 Q. At Page 1, Lines 10 to 11, you say that the
14 decision rendered by the New Hampshire Site
15 Evaluation Committee in another docket lead
16 to the updates and revisions to your earlier
17 testimony and research that underlies it;
18 correct?

19 A. Yes.

20 Q. Was that decision the Northern Pass decision?

21 A. Yes.

22 Q. What in particular about that decision caused
23 you to update and revise your earlier
24 testimony in this docket?

1 A. Well, as you know -- or I suspect you may
2 know -- that docket was extensive. And there
3 were concerns expressed by the Committee of
4 three types, I think. There were concerns
5 with respect to data accuracy; there were
6 concerns that there were gaps or holes in the
7 analysis, particularly with respect to the
8 emphasis in the report was on residential,
9 single-family residential properties, and
10 there was a concern there wasn't adequate
11 representation or attention paid to
12 commercial properties, to vacation homes, to
13 multi-family, to condominiums, to apartments;
14 and the third area of concern was with
15 respect to the applicability of the case
16 studies to the particular characteristics of
17 the proposed project, both in terms of kind
18 of structure type, location, and that the
19 case studies simply weren't sufficiently
20 representative of the proposed project.

21 I understood those concerns, don't
22 necessarily agree with all of them. But
23 there were many legitimate concerns there. I
24 have addressed those, responded to all of

1 them in this matter, and the testimony that I
2 offered is now based on the evidence which
3 has been revised in response to those
4 concerns.

5 Q. Okay. And isn't it true that in the Northern
6 Pass docket, the Site Evaluation Committee
7 found that the Applicant did not meet its
8 burden in demonstrating that the Project's
9 impact on property values will not unduly
10 interfere with the orderly development of the
11 region?

12 A. Yes.

13 Q. Could you please turn to Page 3, Lines 5
14 through 8 of your supplemental prefiled
15 testimony. Do you have it?

16 A. Yes.

17 Q. And there, I believe, you state that
18 statistical studies present strong evidence
19 that there are no consistent effects of
20 high-voltage transmission lines on property
21 values in urban and suburban regions of
22 Massachusetts and Connecticut. Is that your
23 testimony?

24 A. Yes.

1 Q. Would you agree that Newington, New
2 Hampshire, is not an urban community?

3 A. Well, it's quite a mixture, really. It's
4 got -- it's a combination of rural community
5 and then heavy commercial development.

6 Q. Would you characterize it as an "urban
7 community"?

8 A. Probably not, no.

9 Q. Would you agree that Newington, New
10 Hampshire, can be characterized as "rural"?

11 A. Yeah, much of the town is rural. Yes.

12 Q. Okay. On Page 3, again of your supplemental
13 prefiled testimony, on Lines 9 through 16,
14 you state that case studies you reviewed
15 identified the small number of residential
16 properties that have experienced adverse
17 sales price effects due to high-voltage
18 transmission lines and that you estimate that
19 there are some residential properties that
20 will experience adverse sales price effects
21 because of the Project; correct?

22 A. That's right.

23 Q. And you go on to say that most of these
24 properties already share these

1 characteristics along the existing PSNH
2 right-of-way. They are encumbered by the
3 right-of-way easement, the houses are within
4 100 feet of the right-of-way, and they have
5 either unobstructed visibility or partial
6 visibility of the structures that currently
7 exist in the right-of-way; correct?

8 A. That's right.

9 Q. Okay. But the structures that currently
10 exist in the PSNH right-of-way are not
11 high-voltage transmission lines, are they?

12 A. They're not characterized as "transmission
13 lines" by the PUC. That's correct.

14 Q. Despite that characterization of whether
15 they're transmission or distribution because
16 of their voltage, these are distribution
17 system poles and wires; correct?

18 A. That's the way they're characterized. I
19 think in the market they're viewed as power
20 lines, typically. This distinction between
21 distribution lines and transmission lines is
22 an important one. I think we understand the
23 formal definition. But in the market, we
24 have what a lot of people think of

1 distribution lines are what's in the street
2 which brings power to the house, and then
3 there are power lines which are in corridors
4 which have easements, which have
5 rights-of-way that are cleared. And I'm not
6 sure that -- as a matter of fact, it's my
7 general experience that the public doesn't
8 make a distinction between power lines of
9 lower voltage and power lines of higher
10 voltage in the same way that we might in this
11 proceeding.

12 Q. But aren't the existing distribution poles
13 that are in the existing PSNH right-of-way in
14 Newington half as tall as the new
15 high-voltage transmission poles that are
16 proposed to be constructed in that same
17 location?

18 A. Yes.

19 Q. Okay. And aren't the -- isn't the
20 circumference of those distribution poles
21 that currently exist in the right-of-way much
22 smaller than the circumference of
23 high-voltage transmission poles that are
24 proposed for the same location?

1 A. I believe so.

2 Q. And isn't the appearance overall of the poles
3 and wires that are proposed for that
4 right-of-way in Newington going to be
5 different than what currently exists in that
6 right-of-way?

7 A. Yes.

8 Q. Now, I believe that you alluded earlier to
9 the fact that 34.5kV distribution poles and
10 wires exist in the roadway; is that correct?

11 A. No. It may in some cases. All I was saying
12 is that we are -- I think the public, the
13 market, is familiar with power lines that
14 bring power to individual homes located in
15 roadways typically. But corridors that
16 contain power lines where you have a cleared
17 corridor and an easement is viewed
18 differently. And those are generally thought
19 of as power lines. And the public wouldn't
20 typically make a distinction. The public
21 typically doesn't have any idea what the
22 voltage is. The public just knows there's a
23 power line corridor maybe across the street
24 in someone's yard or maybe even in their

1 yard. But they wouldn't make the distinction
2 between a distribution corridor and a
3 transmission line corridor, typically.

4 Q. Okay. Are you aware of any studies regarding
5 the effects that a 34.5 kV distribution line
6 and a utility right-of-way or corridor has on
7 the sale price of homes located in close
8 proximity, say within 100 feet?

9 A. Yeah. Interestingly, in our original case
10 studies that were published in 2015, we knew
11 that we were light in terms of case studies
12 in the southeastern portion of the state.
13 And we found -- we looked for case studies
14 locations around Portsmouth, and we found
15 six -- I believe one in Newington, maybe two
16 in Greenland, one in Dover, one in Durham,
17 one in Newmarket -- and four of those six
18 were along corridors exactly similar to the
19 one in question here. They were 34kV
20 corridors in hundred-foot right-of-ways. And
21 of those four, one in Greenland and one in
22 Newmarket, there were sales price effects
23 along that 34.5 kV line, which interestingly
24 is consistent with our research in general,

1 which is that -- and this is sort of
2 surprising. But the nature of what's in that
3 corridor doesn't seem to affect the
4 likelihood of a sale price effect -- that is,
5 we found -- we studied, for example, the
6 Phase 2 corridor goes from Littleton down to
7 the Massachusetts border, which contains
8 three very large two 230 lines and a 450
9 line. The 450 line is on a very big steel
10 lattice, hundred-foot steel lattice tower;
11 Corridor 2 was on wood H-frames, was a 115
12 line. We got almost exactly the same
13 results. And by the same token, in Greenland
14 and in Newmarket, you know, we got two out of
15 the four, we got sales price effects next to
16 34-point [sic] kV.

17 I think what goes on is some people are
18 averse to living next to a power line and
19 they wouldn't consider it, whether it's a
20 34.5 or whether it's a 115 or whether it's a
21 345. There are other people where there are
22 other exigencies that drive their decision
23 and apparently don't -- are not averse, any
24 more averse to, you know, two lines in a

1 corridor versus one, or a 115 versus a 34.5.

2 Q. Have you conducted any studies, or are you
3 aware of any studies that compare the sale
4 price of homes located in close proximity to
5 a 34.5kV distribution line where the sales
6 prices of those same homes after a
7 high-voltage transmission line has been
8 constructed in the same right-of-way?

9 A. We have the 20 new case studies that were
10 occasioned by this project which we added.
11 So we had 58 originally in New Hampshire, but
12 they're heavily weighted towards the northern
13 and central portion of state. We added 20
14 new case studies in the southeastern portion
15 of the state. All of those had at least a
16 115kV line in them. So I think the answer to
17 your question is yes. We haven't studied the
18 before and after, if that was your question.

19 Q. That was my question. My question is: Do
20 you know or have you studied or are you aware
21 of any studies that have considered a
22 property that is in close proximity to a
23 distribution line, a 345.5kV line, the sales
24 price of those properties, with subsequent

1 sales of the same property after a
2 high-voltage transmission line --

3 A. No, we have not done before and after. We
4 studied the 345 and we studied the after
5 condition of the 115, but we never tried
6 to -- be hard to find -- well, it would be
7 possible, but you'd have to look pretty hard
8 to find -- particularly, are you talking
9 about same properties?

10 Q. Talking about --

11 A. Be hard to find before and after. But we
12 have not done that.

13 Q. Okay. Now turning to Page 3 of your
14 supplemental prefiled testimony. On Lines 22
15 to 25 you describe several factors that could
16 influence the sale price of a property in
17 proximity to a high-voltage transmission
18 line; correct?

19 A. That's correct.

20 Q. One of the factors you cite on Line 25 is the
21 extent that mitigation actions had
22 successfully reduced the effect of the
23 high-voltage transmission line on property;
24 correct?

1 A. That's right.

2 Q. Would you consider burial of the line to be
3 an effective mitigation action that could
4 successfully reduce the effect or the
5 negative impact that a high-voltage line
6 might have on a sales price?

7 A. Yes.

8 Q. Would you agree that a property value
9 guaranty is another way to mitigate the
10 negative effects that a high-voltage
11 transmission line has on a property's sales
12 price?

13 A. I don't know whether it...

14 Q. Would you consider economic mitigation? I'm
15 not talking about physically mitigating,
16 obviously. I'm talking about helping the
17 property owner deal with negative impacts.

18 A. Yes.

19 Q. Isn't it true that in the Northern Pass case,
20 the Applicant was willing to provide property
21 value guarantees?

22 A. Yes.

23 Q. And is Eversource willing to do that in this
24 case, do you know?

1 A. Yeah, there were preliminary proposals in
2 Northern Pass. I don't know that it was
3 ever, you know, developed in any detail. But
4 there was a proposal, the general outlines of
5 a proposal in Northern Pass. And there is a
6 proposal in this case for claims, my
7 understanding, that would deal with concerns
8 over property values.

9 Q. Could you provide some details about that
10 claims process?

11 A. I'm sorry?

12 Q. Could you please explain what that claims
13 process would entail?

14 A. Well, my understanding is simply that the
15 Applicant and the Counsel for the Public have
16 agreed on a proposal for basically a dispute
17 resolution process which would address, you
18 know, construction period issues or property
19 value issues that might arise subsequent to
20 construction of the Project.

21 Q. Okay. So that's dispute resolution. But
22 would you agree that the dispute resolution
23 process is not the same thing as a property
24 value guaranty?

1 A. Yeah, they're different.

2 Q. Now turning to Page 5 of your supplemental
3 testimony. On Lines 13 to 14 you note that
4 there are considerable undeveloped land --
5 there is considerable undeveloped land along
6 the Project route of which much is
7 conservation lands. Do you see that?

8 A. Yes.

9 Q. Did you study the Project's effects on
10 undeveloped land?

11 A. In general terms, I reviewed the nature of
12 the vacant lands along the project as
13 described in the Normandeau land use report.

14 Q. But did you actually make a study of the
15 sales prices of vacant lands along the
16 Project route to determine whether or not
17 there would be any adverse impacts on the
18 sales price of those vacant lots?

19 A. Well, we have considerable work on vacant
20 land sales in the research report on which my
21 testimony is based.

22 Q. But did you personally assess or undertake a
23 study of specific vacant lots along this
24 project route?

1 A. No.

2 Q. Okay. So you don't know how this project
3 will affect the sale price of any undeveloped
4 property along the Project route, do you?

5 A. Well, again, we have research on vacant land
6 sales, and we know something about the impact
7 of transmission lines on vacant land. That
8 hasn't been applied to specific lots along
9 the proposed route, no.

10 Q. And could you please explain a little bit
11 what you do know about the sale of vacant
12 land as it relates to effects on property
13 values from high-voltage transmission lines?

14 A. Yes. The vacant land is very tricky because
15 you have to control for highest and best use,
16 right. The vacant land whose highest and
17 best use is commercial, for example, will
18 have a very different -- will respond to a
19 very different set of factors in the
20 marketplace than land that has highest and
21 best use as residential.

22 So the work that we did in the
23 subdivision studies was to look at land that
24 has the same highest and best use -- namely,

1 residential in a subdivision so that we're
2 controlling for location -- and then looked
3 at the sale of lots, both pricing and timing.
4 And you find generally an absence of timing
5 and pricing effects in those lot sales
6 relative to their proximity to transmission
7 lines, with the exception of the case where
8 encumbrance effectively impacts the
9 developability of the lot. So there are
10 cases where a 2-acre lot has the right-of-way
11 crossing it, essentially converting it into a
12 1-acre lot, and in those kinds of cases you
13 frequently see an effect. But it's really
14 quite surprising. You take sort of a
15 rectangular subdivision, 10 lots on one side
16 and 10 lots on the other side, transmission
17 line going down the edge of one set, and the
18 sales seem to be random with respect to that
19 transmission line. And there are other
20 reasons for that. But we didn't find much.

21 The other thing to add here is simply
22 that ultimately the demand for residential
23 land is a function of the demand for
24 residences. So, probably the best way to

1 study the effects of HVTL high-voltage
2 transmission lines on residential land is to
3 study the effect of high-voltage transmission
4 lines on homes because that's going to be --
5 that's what's going to drive the demand for
6 that land. And you've got more transactions
7 and you've got more homogeneity with respect
8 to the homes on that as opposed to mixing up
9 land types. As you go along the Project
10 route, you've got lands that are in
11 conservation. You've got lands that are
12 publicly owned. You've got quite a variety
13 of lands. And sorting out the highest and
14 best use of those would be quite difficult.

15 Q. But would you agree with the notion that
16 because housing structures can vary
17 considerably from one lot to the next, that
18 they can suffer very different prices because
19 of those structures, not because of the
20 underlying property that might be similar
21 to --

22 A. Right. And that has to be controlled for and
23 is controlled for using, you know, standard
24 appraisal techniques.

1 Q. Are you familiar with a study by College of
2 Charleston Professors Chris Mothorpe and
3 David Wyman that found that vacant lots
4 adjacent to high-voltage transmission lines
5 sell for approximately 45 percent less than
6 equivalent lots that are not located near
7 high-voltage transmission lines?

8 A. I am familiar with that study, yes.

9 Q. Would you agree with it?

10 A. No.

11 Q. Why not?

12 A. It's an interesting sort of first attempt to
13 do a desk analysis using some very coarse GIS
14 databases to look at every sale that occurred
15 in Pickens County from the year 2000 to the
16 year 2018, about 5,000 sales. And as I say,
17 they did some interesting things with the GIS
18 information, but it's so -- it would
19 require -- their approach will require a huge
20 amount of refinement before it has any
21 implications for the question of HVTL impacts
22 in general, or certainly for HVTL impacts in
23 New Hampshire. They've got a huge apples and
24 oranges problem. They have no filter for

1 fair market sales. They have related party
2 sales, they have short sales, they have
3 foreclosure sales. And even more
4 importantly, they take every land sale, and
5 they don't have any filter for raw land
6 tracks which may go for \$10- or \$20,000 an
7 acre, to subdivided lots, but unimproved,
8 kind of rural lot subdivisions, to finished
9 lots in subdivisions where you've got water,
10 sewer, street, curb, gutter. And I think
11 their effects are basically -- well, the
12 effects they find and report are really
13 spurious. I don't think they have anything
14 to do with the transmission lines. They go
15 into some detail what's going on in Pickens
16 County. But I think they have simply picked
17 up the fact that the transmission lines in
18 Pickens County are largely in the rural
19 portion of the state which has land values
20 similar to rural New Hampshire.

21 Q. Thank you.

22 A. But the transactions -- one more sentence
23 here. But the transactions, the bulk of the
24 transactions are in some very, very expensive

1 lakeside communities on the west part of the
2 county that don't have any transmission
3 lines. And it's those two very different
4 markets. And I think they haven't adequately
5 controlled for it. But in any event, their
6 study would require a great deal of
7 refinement before it would have any
8 applicability to the questions at issue here.

9 Q. Are you aware of any other studies regarding
10 the sales price to vacant lots relative to or
11 as a result of high-voltage transmission
12 lines?

13 A. Yeah. I reviewed five of those, I guess, in
14 the New Hampshire research report.

15 Q. Okay. Have you studied whether the presence
16 of concrete mattresses along the shoreline of
17 Little Bay will affect shoreline property
18 value?

19 A. Never explicitly, no.

20 Q. Thank you.

21 A. Or I have not studied that question.

22 Q. Thank you.

23 MS. GEIGER: No further questions.

24 PRESIDING OFFICER WEATHERSBY: Next

1 is Attorney Brown for the Durham Residents.

2 MS. BROWN: Madam Chair, I will be
3 asking a few questions and then Matthew Fitch
4 will be following up, and we have different
5 subject matters.

6 PRESIDING OFFICER WEATHERSBY: Thank
7 you.

8 CROSS-EXAMINATION

9 BY MS. BROWN:

10 Q. Good morning, Mr. Chalmers.

11 A. Good morning.

12 Q. My name is Marcia Brown, and I represent
13 Donna Heald, an intervenor in this matter.
14 And I'm also the spokesperson for the Durham
15 Residents group.

16 And so with respect to -- well,
17 actually, let me -- excuse me while I address
18 this technical difficulty. I've got someone
19 else's exhibit on my...

20 (Pause in proceedings)

21 Mr. Chalmers, I want to start with the
22 bigger picture, if you don't mind. The
23 purpose of your testimony in this proceeding
24 is to look at the effect of the local and

1 regional real estate markets; is that
2 correct?

3 A. I wouldn't put it -- look at the effects of
4 the Project on real estate markets -- on real
5 estate. And from that one can then derive
6 implications both for types of properties.
7 And then maybe based on sort of how many of
8 those there are, you could then draw
9 implications with respect to local or
10 regional real estate markets, yes.

11 Q. And your opinions in Exhibit 12, which was
12 your first testimony, are also reflected in
13 Exhibit 147, which is your 2018 testimony?

14 A. That's right.

15 Q. And both of those are based on what you call
16 the "research report"?

17 A. That's right, on the New Hampshire Research
18 Report. And then contemporaneously we were
19 doing similar research in Massachusetts and
20 Connecticut, and so there's a
21 Massachusetts-Connecticut Research Report
22 which has additional case studies in it, as
23 well as some statistical analysis which has
24 some relevance in this matter as well. So

1 there are two research reports, both of which
2 are drawn on in my supplemental testimony.

3 Q. Thank you. That answers my next question.

4 Does the research report that was
5 attached to your testimony, which is
6 Attachment A, does that contain the majority
7 of the documents you relied on in forming
8 your opinion?

9 A. It contains all of the research that relates
10 to the general question of transmission line
11 effects on property values. It doesn't
12 contain any of the Seacoast Reliability
13 Project information. That is all drawn from
14 plans and materials provided by the
15 Applicant, by my field investigation, by the
16 tables that you see before you that are on
17 the screen right now. So you have this base
18 of research, okay, which the most important
19 part of which are the case studies. And the
20 case studies deal with New Hampshire as a
21 whole. In the New Hampshire report there's
22 now 78 of them. And then there are 42 more
23 case studies in the Massachusetts-Connecticut
24 report. And that's the research basis on

1 which my opinions are based. That's the
2 basis for sort of the key table in my
3 supplemental research, which is on Page 7.
4 But then all of the Seacoast Reliability
5 Project information -- that report does
6 not -- you won't find any reference in that
7 report to a particular project, okay. That
8 is then the basis that provides the
9 information which I apply then to the Project
10 description and to my investigation of the
11 Project location to come to my opinions in
12 this matter.

13 Q. Okay. I can just parse that response out of
14 it. When you're referring to Massachusetts
15 and Connecticut case studies, that material
16 is in Attachment A to your testimony, your
17 2018 testimony; correct?

18 A. B. Massachusetts-Connecticut is in -- is
19 that right? I believe --

20 Q. I don't want to -- maybe I'm confusing -- I'm
21 trying to establish that everything you
22 relied on to form your opinion is in the
23 attachments to your testimony.

24 A. And I'm trying to -- that's not quite right,

1 okay.

2 Q. Okay. So the next question is, did you --
3 and you alluded to it in your earlier
4 response -- in addition to those documents,
5 you also relied to plans provided by
6 Eversource; correct?

7 A. That's right.

8 Q. And some of those plans included
9 environmental maps?

10 A. Yes.

11 Q. And construction maps?

12 A. Yes.

13 Q. Am I forgetting other things in that list
14 that should be in that list?

15 A. Yeah, absolutely. The extensive
16 investigation of the proposed route on four
17 occasions, you know, my personal inspection
18 of the route, the inspection of the route by
19 other people.

20 Q. I'm trying to limit it to the documents that
21 have been offered as exhibits --

22 A. Oh, documents.

23 Q. -- and I'm trying to get my hands around what
24 did you rely on in forming your opinion.

1 We've already established it's the
2 attachments to the testimony. We've already
3 established it's the environmental charts,
4 it's the construction maps.

5 A. I made reference to the Normandeau Land Use
6 Report.

7 Q. Okay.

8 A. I made reference to the proposed dispute
9 resolution agreement. I made reference --
10 I'm trying to think of documents here. I
11 made heavy reference to the Application
12 itself, which provided a good deal of detail
13 about the Project.

14 Q. Okay. I don't want to strain your memory
15 right now without the opportunity to refresh.
16 But is it fair to say, then, that if you've
17 referred to a document in your testimony in
18 this attachments, that that formed the basis
19 of your opinion?

20 A. Yeah, I think most everything is referenced
21 in my supplemental testimony that I relied
22 on.

23 Q. Let me back into it this way: Are there any
24 documents that have not been introduced as

1 exhibits for identification, things that you
2 relied on in forming your opinion?

3 A. Well, again I'm not sure that in my
4 supplemental opinion, that the Application
5 itself, which gives a lot of the detail on
6 the segment-by-segment,
7 structure-to-structure information, is
8 explicitly referenced. But I relied on, you
9 know, the Applicant materials generally.

10 Q. Thank you.

11 With respect to the criteria that
12 established that there's a price effect, am I
13 correct in that they include a house was
14 within 100 feet of the right-of-way, the lot
15 was encumbered by a right-of-way easement,
16 and the view from outside the house was
17 either partial or clear?

18 A. Yeah, what we have to be -- those are the
19 criteria. But what we have to be careful
20 about -- could we put Table 1 up for a
21 second? That's on Page 7.

22 Q. I have it up on every screen but that one,
23 which I understand is the last one. So as
24 long as you can see it --

1 A. Yeah, there we go.

2 So, you know, what we found basically is
3 there's a total of a hundred case studies in
4 which a decision was reached and which an
5 opinion was reached that there was either an
6 effect or not an effect. So in 25 cases,
7 there was an effect concluded. And in 75 of
8 the cases there was no effect concluded. Of
9 those 25, 23 of them occur in these two cells
10 here which relate to the criteria you just
11 mentioned. But the thing you have to be
12 careful about here is that four properties
13 within 100 feet that had partial or clear
14 visibility and is not included in this table,
15 but they were also encumbered by a
16 right-of-way easement, about half of them
17 experienced effects. So those criteria don't
18 say there's going to be an effect. Those
19 criteria simply say that the likelihood of
20 effect is significant. Likelihood of effect
21 is basically 50/50. Some of those, what were
22 in fact there, 42 properties in these two
23 cells, 23 of them experienced an effect. So
24 the other half basically didn't. So, again,

1 those are the criteria that distinguish
2 properties for which the likelihood of effect
3 is significant.

4 For the other roughly 75 properties, you
5 know, based on the research, the likelihood
6 of effect is very, very low. It's
7 essentially zero, or very close to zero.

8 Q. And I believe you have explained this nuance
9 in your testimony. But what I'm trying to
10 get at is the takeaway from all of your 4,000
11 pages of your Exhibit 147. The takeaway, can
12 it be boiled down to there are three buckets
13 of criteria for a property to fall in where
14 you can likely have a price effect?

15 A. What did you say before price effect, though?

16 Q. I said "likely have a price effect."

17 A. Where the probability of a price effect is
18 roughly 50/50. It's not likely -- I don't
19 know what you mean by "likely." But it's not
20 a hundred percent. It's 50/50. So of the
21 properties that satisfy those three criteria,
22 the research quite consistently shows about
23 50/50. And that's been true of the case
24 studies that we did originally, the case

1 studies that we just did in southeast New
2 Hampshire and the case studies we did in
3 Massachusetts and Connecticut.

4 Q. I'm going -- I don't have any other questions
5 on this subject, but let me move on to
6 another subject.

7 Now, what I have presented on the screen
8 from Exhibit 147 is Page 15, Table 4. And it
9 lists residences. And what I'd like to draw
10 your attention to is the far right column has
11 structures visible before and after the
12 Project. Do you see that?

13 A. Yes.

14 Q. How do you -- what is your definition of
15 "partial"?

16 A. Neither "none" nor "clear." "None" is
17 straightforward, right. Means you can't see
18 the structure leaves on, leaves off. Can't
19 see them, period. "Clear" means you've got
20 an unobstructed view. So you've got -- okay.
21 You're not looking through the foliage.
22 You've got -- so the structures are either
23 above the tree line, visible above the tree
24 line, or you've got a clear shot across a

1 meadow, okay. There's no tree line. So
2 you've got an unobstructed view. And we
3 defined it a little more precisely to say
4 that an unobstructed view of that portion,
5 kind of the business portion, if you will, of
6 the structure where the conductors are
7 attached. So it's not you have an
8 unobstructed view of maybe a little bit of
9 the base, but you can actually see where the
10 three major constructors are attached to the
11 structure, okay. And "partial" is everything
12 in between those two. So it would be -- in a
13 few cases it would be an unobstructed view,
14 but you can see only a little bit of the
15 structure. You can't see all portions of the
16 structure to which the conductors are
17 attached. And more typically, it's the case
18 where a house is located on a property with a
19 tree line fairly close to the back yard. So
20 the back yard may be 40, 50, 60 feet deep,
21 and then there's a 40-foot tree line. The
22 line of sight. These measures of visibility
23 are premised on what one would see if one
24 walked around the edge of the house; so if

1 you walk around the perimeter of the house,
2 what can you see of structures. And it's
3 quite common in those cases that you can't.
4 The line of sight over that tree canopy is at
5 an angle, such that there's no unobstructed
6 view of those structures. But you
7 frequently, if the house is very close to the
8 right-of-way, you can see the structures
9 through the trees. And you can
10 particularly -- that would be more so the
11 case in a leaf-off condition than a leaf-on
12 condition. So, "partial" frequently would be
13 that situation. You're being able to see
14 structures sort of through the foliage,
15 through the vegetation. "Clear," you're able
16 to see it above the vegetation.

17 Q. Thank you. With respect to, still in this
18 column, you've got "before" and "after." Do
19 you see that?

20 A. Yes.

21 Q. The before, am I correct that that represents
22 the visibility of the existing structures in
23 the right-of-way? Is that correct?

24 A. Yup.

1 Q. And the after would be view of the structures
2 with the new poles after construction?

3 A. That's right.

4 Q. Okay. And the after, you've mentioned
5 screening in your prior testimony. When is
6 the after in this column as you're using it?
7 Is it immediately after construction? Is it
8 after screening has happened, through growth
9 of trees, if you could explain?

10 A. Yeah, this is not making assumptions about
11 mitigation. So this would be our best
12 estimate of structure visibility as it's
13 represented on the, in my case, on the
14 environmental maps after construction, in the
15 absence of any additional screening.

16 Q. Now, Mr. Chalmers, I have highlighted in red
17 to aid in our visual today this Page 15 of
18 Exhibit 147. The line lists No. 271,
19 Heald-McCosker. Do you see that?

20 A. I do.

21 Q. Now, originally Ms. Heald's property was not
22 listed in your affected properties; is that
23 correct?

24 A. That's right.

1 Q. And you have listed for Ms. McCosker's
2 property at 220 Longmarsh Road that the view
3 before and after is both partial?

4 A. That's right.

5 Q. And this is a view -- the after view is from
6 outside of her house?

7 A. Yeah, be from the -- right, if you walk
8 around the perimeter of the house.

9 Q. Did you walk around the perimeter of the
10 house?

11 A. No.

12 Q. Have you visited this property?

13 A. All of our property visits are from public
14 right-of-ways. So it would either be from
15 the street or, in some cases, from the -- we
16 would actually walk onto the right-of-way.
17 In this case, we simply viewed the property
18 from the street. We also used imagery, both
19 leaf-on and leaf-off imagery, to characterize
20 these, to make these characterizations of
21 visibility.

22 Q. And what time of year was this site visit
23 that you referred to?

24 A. I visited the properties four times. They

1 were all -- well, one was in April, two were
2 in May, and one was in August.

3 Q. Thank you. Now, is it fair to say that when
4 a property goes from none to partial, there's
5 a greater price effect or potential for price
6 effect on the property? I know I said
7 potential, and I know you want to clarify
8 it's 50/50. But for purposes of this
9 question, if it goes from none to partial,
10 for instance, or partial to clear, that is a
11 greater diminution of price effect or
12 property value? Is that fair to say?

13 A. I would say, you know, if it's within a
14 hundred feet, Table 1 that we were looking at
15 a minute ago would indicate the likelihood of
16 effect is going to go up, the more visible
17 the structures are, yes.

18 Q. And your assessment of price effect for these
19 particular properties relied on these
20 designations of "clear," "partial," "none"
21 and the "before" and "after"; is that
22 correct?

23 A. That's right.

24 MS. BROWN: Okay. So, next subject

1 area is going to be about the transmission
2 lines themselves, and Durham Resident, Matthew
3 Fitch will be asking those.

4 CROSS-EXAMINATION

5 BY MR. FITCH:

6 Q. Hello, Dr. Chalmers. My name is Matthew
7 Fitch. I'm one of the Durham Resident
8 intervenors.

9 A. How do you do?

10 Q. Good.

11 I have a picture here. This is a
12 particular segment of this route. And
13 associated with this I'd like to ask you,
14 would you agree that this picture simply
15 shows an existing distribution line, based on
16 the structures here?

17 A. Yes.

18 Q. Okay.

19 A. Let me just ask, because I can't really
20 answer that question just based on the pole.
21 But is that your home that's in the
22 background there?

23 Q. It is

24 A. Okay. I'm familiar with that site and that

1 alignment there, yes.

2 Q. All right. In your testimony on Page 4, this
3 is supplemental testimony, Page 4, Line 11,
4 it states that these poles average about
5 40 feet in height. Does this pole, since
6 you're familiar with this area, does it look
7 to be approximately 40 feet in height to you?

8 A. I'm sorry. Was there a question? Am I
9 familiar with that?

10 Q. Well, does it look to be approximately
11 40 feet in height to you as well?

12 A. My understanding is they're approximately
13 40 feet in height, yes.

14 Q. Can you tell by looking at this photo if that
15 line is energized or not?

16 A. I cannot.

17 Q. In your opinion, would the fact that the
18 right-of-way contains a de-energized
19 distribution line materially alter the
20 characteristics of the corridor with respect
21 to portions that have an energized cable?

22 A. Affected in what respect?

23 Q. Well, would it -- let's see. Would it change
24 the characteristics of the corridor because

1 it has -- obviously we see it has structures
2 in it and the cables. But there's no power.
3 If there's no power going through those
4 lines, does it materially change it at all,
5 in your opinion?

6 A. Well, certainly from an engineering point of
7 view, it would be material. Again, I think
8 it depends in what respect are we talking
9 about a material change. Yeah, I mean,
10 there's is a big difference between energized
11 and de-energized in many respects. Visually,
12 I would said no. EMF, I would say yes. I
13 guess those would be kind of the two dominant
14 considerations from kind of a property value
15 perspective.

16 Q. In your supplemental testimony on Page 3,
17 Lines 20 to 25, you state that, to the extent
18 that there were adverse effects, some would
19 be due to the pre-existing condition and some
20 to the Project. What would actually happen
21 in the sale of a particular property,
22 however, cannot be presumed. And the result
23 of any individual property would be specific
24 to the characteristics of the property

1 relative to what was available in the market
2 at that time, to the particular motivations
3 of the seller and potential buyers, to
4 overall market conditions at the time of the
5 sale, and to the extent that mitigation had
6 successfully reduced the effect of the HVTL
7 on the property. Did I read that correctly?

8 A. Yes.

9 Q. And while your statement specifically
10 references "HVTL," in this case we're talking
11 about a distribution line. Could proximity
12 to a de-energized distribution line be a
13 specific characteristic of a particular
14 property that would be considered by a buyer
15 at the time of a sale?

16 A. Yes.

17 Q. I'd like to take a quick look here at
18 Exhibit 106. This is the Existing Cable
19 Removal Plan that's in the Application. And
20 it's a little difficult to read here on the
21 screen. But I'll read a portion here for us.
22 On Page 1, the third bulleted paragraph down,
23 starting at the second sentence, it reads
24 that PSNH records indicated that this single,

1 three-core cable was installed in 1948 as a
2 replacement to the original cables which were
3 left in place and was operated at a voltage
4 of 35.5kV [sic]. A fault in this cable was
5 discovered in 1995 near the east shore of
6 Little Bay and the cable was taken out of
7 service.

8 Now, were you aware that portions of
9 this existing 34.5kV distribution line were
10 taken out of service and de-energized over 20
11 years ago?

12 A. Yes.

13 Q. Could the foreknowledge that the 34.5kV
14 distribution lines has been de-energized for
15 10 years or more be a factor that a potential
16 land or home buyer may consider when making a
17 purchase?

18 A. Could be.

19 Q. Would it be reasonable for a potential buyer
20 to assume that since the line had not been in
21 use for a decade or more that it would remain
22 that way?

23 A. I really can't say one way or the other.

24 Q. Would you agree with me that in this specific

1 instance, where the former 34.5kV
2 distribution line was taken out of service in
3 1995, we have a de-energized line that has
4 sat unused for over 20 years, that it
5 constitutes the current pre-existing
6 condition for the properties that abut or are
7 traversed by this right-of-way at least in
8 this particular area?

9 A. I'm not sure I understand your question. Do
10 I understand that it was a pre-existing
11 condition?

12 Q. Well, as it sits today, based on the
13 information here, that we understand it's a
14 de-energized distribution line, that from a
15 property buyer's perspective this could be
16 considered as a pre-existing condition?

17 A. Yes.

18 Q. Okay. Move on to another topic here
19 regarding conservation.

20 On Page 5 of your supplemental
21 testimony, Lines 13 and 14, you state that
22 there is considerable undeveloped land along
23 the Project route, of which much is
24 conservation land. In your expert opinion,

1 what would you say is the purpose of
2 conservation land?

3 A. Well, it's typically under easement that
4 restricts its developability or prescribes --
5 proscribes its developability.

6 Q. And for definition purposes here,
7 Merriam-Webster defines "conservation" as "a
8 careful preservation and protection of
9 something, especially plant management of a
10 natural resource to prevent exploitation,
11 destruction or neglect." Do you agree with
12 that?

13 A. That may well be the definition.

14 Q. Generally do you agree that the purpose of
15 conservation land is to prevent development
16 and preserve the natural state of the parcel?

17 A. Yes.

18 Q. On Page 10 and 11 of your supplemental
19 testimony, starting with Line 28 on Page 10
20 and continuing to Lines 1 and 2 on Page 11,
21 where we're talking about where the Project
22 passes, you state that much of it is
23 conservation land or is land owned by public
24 sector entities with no development agenda.

1 As such, the presence of the Project in the
2 existing right-of-way should have no effect
3 on the use or utility, and hence the value of
4 adjacent lands.

5 My question is: Is not the inherent
6 value of conservation lands based
7 predominantly on the fact that it will remain
8 undeveloped and preserved in essentially some
9 static state?

10 A. My perspective here is exclusively on market
11 value. And it would be my opinion that the
12 market value of these lands won't be
13 affected.

14 Q. So how can you put a value to that, or how do
15 you quantify that in particular?

16 A. Well, conservation lands have market value,
17 as do -- you know, most all lands have market
18 value. So you're talking about, I think the
19 term that you used, the "inherent value" or
20 it's "value in conservation." That's not
21 something that I've addressed.

22 Q. Understood.

23 Are you aware that over 25 percent of
24 the land in the town of Durham is under some

1 form of permanent conservation?

2 A. Just in looking at the environmental maps, it
3 was clear to me that much of it is. I didn't
4 have any idea what percentage of it was.

5 Q. The Town of Durham Conservation Commission
6 has a sentence on their web page. This is a
7 printout of that here. That reads, "The
8 success of a long legacy of land conservation
9 efforts means that many of Durham's most
10 visible scenic landscapes and farms will
11 remain intact for future generations."

12 Do 85- to 90-foot-tall weathering steel
13 transmission poles complement scenic
14 landscapes and support keeping conserved
15 areas historically intact for future
16 generations?

17 A. That's just not a subject of my opinions in
18 this matter.

19 Q. Thank you.

20 Turning back to your supplemental
21 testimony here, could you please turn to Page
22 4 and read line -- excuse me -- read Lines 9
23 through 11.

24 A. "The Project is approximately 12.9 miles in

1 length and is located for the majority of the
2 route in an existing PSNH right-of-way that
3 is approximately 100 feet wide and contains a
4 34.5kV distribution line on wood pole
5 structures that average about 40 feet in
6 height."

7 Q. Thank you. So the majority of the route,
8 then, as testified here, contains an existing
9 34.5kV line; correct?

10 A. That's right.

11 Q. And could you also continue on and read Lines
12 11 through 15.

13 A. "The Project involves the construction of a
14 new 115kV line in the existing right-of-way
15 with steel monopole structures that will
16 carry both the new line and, in most places,
17 the existing 34.5kV distribution line. The
18 monopoles vary considerably in height from 55
19 to 105 feet, but are generally in the range
20 of 80 to 95 feet."

21 Q. Okay. Thank you.

22 So, again, just to confirm, the Project
23 will be a new 115kV transmission line with
24 poles averaging 80 to 95 feet in height,

1 based on that.

2 A. Is that a question?

3 Q. I'm just confirming, yes.

4 A. Yes.

5 Q. Thank you.

6 So next I'd like to move on and look
7 at -- let's see. Get the exhibit number
8 here. It's Applicant's Exhibit 65, being
9 your New Hampshire Research Report. On
10 Chapter 4, Page 22, which I understand is
11 electronic Page 28, when referencing Study
12 Area 3, the report says that the lines along
13 which these properties are located include
14 345kV lines and 75-foot steel H-frame
15 structures, 115kV lines on 43-foot wood
16 H-frame structures, and 34.5kV lines on
17 34-foot single wood poles. Did I read that
18 accurately?

19 A. I don't have it in front of me. Were you
20 going to put that up on the Elmo or...

21 Q. Let's see. Well, I don't have the entire
22 printout of that report. It was just under
23 2400 pages, so -- well, actually --

24 A. So that was with respect to --

1 Q. -- I do have that here in particular. It's a
2 little difficult to read and I'm not sure how
3 to zoom in.

4 MR. FITCH: Thanks, Pam.

5 PRESIDING OFFICER WEATHERSBY: Could
6 you repeat the page number, please.

7 MR. FITCH: Sure. It's Chapter 4,
8 Page 22. And I believe it's electronic
9 Page 28.

10 A. Okay. I've got that now. Yeah, I think you
11 read that accurately.

12 BY MR. FITCH:

13 Q. Okay. Thank you.

14 Now I'm going to turn to Page 34, which
15 is electronic Page 40, which is, again,
16 referencing Study Area 3. Put that up here.
17 And this says, The third group of case
18 studies came from several HVTL corridors in a
19 relatively small area around Portsmouth, as
20 shown in Figures 4.1.3 --

21 PRESIDING OFFICER WEATHERSBY: Mr.
22 Fitch, I'm going to stop you for a minute
23 because the page numbers you're citing aren't
24 lining up at all with what you're showing us.

1 I'm wondering if it is indeed Exhibit 65 or...

2 MR. ASLIN: Madam Chair, it appears
3 that the pagination is just off. I see this on
4 the bottom of electronic Page 34.

5 PRESIDING OFFICER WEATHERSBY: So
6 this is Page 28 of the report, electronic
7 Page 34, at the bottom of the page for those
8 trying to find this.

9 BY MR. FITCH:

10 Q. Okay. So here again it says, "The third
11 group of case studies came from several HVTL
12 corridors in a relatively small area around
13 Portsmouth, as shown in Figures 4.1.3 through
14 4.1.5." Again, did I read that accurately
15 here?

16 A. Yes.

17 Q. I'm going to look at the figures referenced
18 there, 4.1.3. And these were, again,
19 depending on how the pagination is on the
20 documents, this is Page 22 of the actual
21 document. So this one is Figure 4.1.3, which
22 is a 345kV cross-section. And then the next
23 page here is Figure 4.1.4 with a 115kV
24 cross-section. And Figure 4.1.5 is a 34.5kV

1 cross-section. And then on Figure 4.1.5, is
2 this an HVTL corridor?

3 A. No, it's a distribution line.

4 Q. Again turning back to your supplemental
5 testimony on Page 10, could you please read
6 Lines 1 through 4.

7 A. "The research is directly applicable to the
8 effects of existing HVTL on nearby
9 residential properties. In applying this
10 research to the assessment of the effects of
11 the new project, however, it is necessary to
12 distinguish between a project being built in
13 a new corridor and a project being built in
14 an existing corridor that already contains
15 one or more HVTL."

16 Q. All right. Thank you.

17 So, with the research being directly
18 applicable to the effects of existing HVTL on
19 nearby residential properties, that means
20 "existing," meaning it's already there;
21 correct?

22 A. Right.

23 Q. And then when applying the research to the
24 assessment of the effects of a new project,

1 you state it is necessary to distinguish
2 between a project being built in a new
3 corridor and a project being built in an
4 existing corridor that already contains one
5 or more HVTL --

6 A. That's -- I'm sorry.

7 Q. No, go ahead.

8 A. That's correct.

9 Q. And does the majority of the corridor which
10 you have testified contains an existing
11 34.5kV distribution line already contain one
12 or more HVTL?

13 A. No, the majority contains the 34.5kV
14 distribution line. There's a footnote in the
15 research report. And when discussing these
16 things generically in the original research
17 report, almost 54 of the 58 case studies are
18 HVTL. There are four of them that are the
19 34.5kV. But referring to them generically, I
20 use the "HVTL" acronym. But when I'm talking
21 specifically about distribution lines, I try
22 to use the "distribution line" descriptor.

23 Q. In your opinion, do you see or do you
24 acknowledge a difference between an HVTL

1 corridor and structures and a distribution
2 line corridor and structures?

3 A. Well, again, I understand the technical
4 definition. The issues are visibility, which
5 doesn't distinguish, encumbrance, okay,
6 whether there's an easement on the property
7 which doesn't distinguish, and proximity,
8 which is the distance from the house to the
9 edge of the right-of-way. So, none of those
10 things are voltage-specific.

11 Q. Are they structure-specific?

12 A. Not really. They're whether you can see the
13 structure or not. But it doesn't distinguish
14 between 40 feet, 70 feet, 90 feet, steel
15 lattice, monopole.

16 Q. Do you believe your research report
17 quantifies that difference with respect to
18 properties proximate to existing HVTL
19 compared to properties proximate to existing
20 distribution lines that will potentially have
21 construction of new HVTL corridor?

22 A. I believe so, yes. As we discussed earlier
23 today, some of our case studies were along --
24 as a matter of fact, the four that you're

1 making reference to here were along 34.5kV
2 lines. And we got the same kind of results
3 there when homes were close to those 34.5kV
4 lines and the properties were encumbered. We
5 found sales price effects, you know, in half
6 of the cases.

7 Q. Would you say, then, that those, I believe
8 you said four properties, underpin the entire
9 research with respect to this project?

10 A. No.

11 Q. But those are the four properties that most
12 closely resemble the existing conditions of
13 the properties along this existing 34.5kV
14 distribution line.

15 A. I'm sorry. Ask that again.

16 Q. So those four properties, however, do they
17 most closely represent the existing
18 conditions of the properties that currently
19 reside along this existing 34.5kV
20 distribution line?

21 A. As it relates to the voltage in the line,
22 yes.

23 Q. This next document is in Durham Residents
24 Exhibit 6. This is just a portion of your

1 testimony from the Northern Pass docket. I
2 believe it's Page 11 of the Durham Residents
3 exhibit. Down at the bottom here we see it's
4 Page 47 of that document, which is the Day 25
5 Afternoon Session from August 1st, 2017. And
6 could you please read Lines 13 to 18, please.

7 A. "QUESTION: Is it your testimony, sir,
8 that you are not an expert in New Hampshire
9 property valuation?

10 Yeah, I wouldn't represent myself as an
11 expert in New Hampshire property valuation,
12 no."

13 Q. Would you today consider yourself an expert
14 in New Hampshire property valuation?

15 A. No. That has pretty specific meaning in the
16 trade. And I'm not an expert in New
17 Hampshire property valuation.

18 Q. Are you licensed or otherwise approved to
19 perform property valuations in the state of
20 New Hampshire?

21 A. No, I'm not.

22 Q. I believe that is all the questions that I
23 have. Thank you very much.

24 MS. DORE: Mr. Fitch, can I ask you

1 a few questions? You looked at two documents
2 in the beginning --

3 (Court Reporter interrupts.)

4 PRESIDING OFFICER WEATHERSBY: Mr.
5 Fitch, the documents you put up in the
6 beginning, the photos, are those exhibits --

7 MR. FITCH: I'm not sure if it was
8 sent out this morning or not. It should be.
9 We do have the electronic version here.

10 MS. MONROE: I did receive just this
11 morning an Exhibit 14 from the Durham
12 Residents.

13 PRESIDING OFFICER WEATHERSBY: Thank
14 you.

15 MR. FITCH: Sorry for
16 the last-minute --

17 MS. DUPREY: Madam Chair, point of
18 order for Mr. Fitch, please.

19 PRESIDING OFFICER WEATHERSBY: Yes.

20 MS. DUPREY: I just want to be sure,
21 this being my first such proceeding, that I
22 understand what's what here. And I'm wondering
23 if Mr. Fitch is questioning on behalf of
24 himself or whether he has authority to question

1 on behalf of other Durham Residents; and if so,
2 whom.

3 PRESIDING OFFICER WEATHERSBY: Could
4 you clarify that --

5 MR. FITCH: My understanding --

6 PRESIDING OFFICER WEATHERSBY: -- who
7 you believe you're speaking for?

8 MR. FITCH: Yes. My understanding,
9 and based on the preparation that I've done, is
10 that I'm speaking on behalf of the Durham
11 Residents, not myself.

12 MS. DUPREY: Thank you.

13 PRESIDING OFFICER WEATHERSBY: Thank
14 you.

15 Let's take a 15-minute break and be
16 back at quarter to 11.

17 (Recess was taken at 10:32 a.m.

18 and the hearing resumed at 10:47 a.m.)

19 PRESIDING OFFICER WEATHERSBY: Okay.
20 We'll go back on the record. And we'll have
21 Mr. Lanzetta for Mr. Frizzell -- oh, I'm
22 sorry -- Janet Mackie for the Durham Historic
23 Association. I'm sorry, Ms. Mackie.

24 CROSS-EXAMINATION

1 BY MS. MACKIE:

2 Q. Hello, my name is Janet Mackie, representing
3 the Durham Historic Association.

4 Are you aware that the Eversource expert
5 classified 4.86 miles, or 70 percent of the
6 land in Durham through which the transmission
7 lines pass as eligible for the National
8 Historic Register?

9 A. No.

10 Q. Do you know that the communities around
11 Little Bay are almost 400 years old?

12 A. No, that hasn't been the subject of my
13 investigation.

14 Q. The Piscataqua communities were established
15 four years after Jamestown, Virginia.

16 Do you know that the introduction of
17 high-voltage transmission lines are elements
18 out of keeping with the historic nature of
19 the historic resources in these districts?

20 MR. NEEDLEMAN: Objection.

21 Testimony. And also, what's the basis of that
22 statement?

23 BY MS. MACKIE:

24 Q. The historic districts include houses and

1 farm land dating from the 1600s, 1700s and
2 1800s, as well as a college campus dating
3 from 1893 --

4 PRESIDING OFFICER WEATHERSBY: Ms.
5 Mackie, there was an objection to your last
6 question. Would you like to address the
7 objection?

8 MS. MACKIE: What was the objection?

9 MR. NEEDLEMAN: I objected based on
10 it being testimony. Also, these are assertions
11 without any basis.

12 MS. MACKIE: Well, the fact that
13 70 percent of the line through Durham is within
14 an eligible federal historic district impacts
15 the value of the houses surrounding that
16 district.

17 PRESIDING OFFICER WEATHERSBY: So you
18 do need to ask a question and not testify and
19 put in your own information. So why don't you
20 proceed and try and do that.

21 BY MS. MACKIE:

22 Q. Did you know these historic districts include
23 houses and farmland dating from the 1600s,
24 1700s and 1800s, as well as a college campus

1 dating from 1893?

2 A. I'm aware of the land uses. I'm not aware of
3 the dates.

4 Q. Are you aware that the introduction of modern
5 industrial high-voltage transmission lines is
6 out of keeping with a historic district?

7 A. That's really not the subject of my opinions.

8 Q. I'm asking if you're aware of that fact.

9 MR. NEEDLEMAN: Objection. It's not
10 a fact.

11 PRESIDING OFFICER WEATHERSBY: I
12 agree that that hasn't been necessarily
13 established as a fact. You could ask him
14 hypothetically if that were true, would he
15 agree.

16 BY MS. MACKIE:

17 Q. Okay. Currently, you agree that there are
18 transmission line-type poles through the
19 easement in Durham; correct?

20 A. Yes, there is an easement in Durham, and
21 there are power lines on that easement, yes.

22 Q. Would you agree that those transmission lines
23 are an old technology, in excess of 50 years
24 old?

1 A. Again, I'm not sure what "old technology"
2 means. And I also don't know precisely when
3 those lines were originally constructed.

4 Q. Would you agree that a historic district
5 needs to have historic things in it?

6 A. I'm sorry. A historic district --

7 Q. Would you agree that a historic district
8 ordinarily has elements in it which are
9 historic?

10 MR. NEEDLEMAN: Objection. Madam
11 Chair, this is completely beyond the scope of
12 this witness's testimony.

13 MS. MACKIE: What I'm getting at is
14 that a lot of the value of the land in Durham
15 relates to the existing historic districts and
16 structures in Durham and that the industrial
17 high-voltage transmission lines are elements
18 that destroy the historic character of the
19 town.

20 PRESIDING OFFICER WEATHERSBY: But
21 this -- I'll sustain the objection. This isn't
22 the witness to discuss the historic value of
23 the town. This is the property value witness.
24 So you can phrase that in such a way that it

1 affects property values, the subject of his
2 prefiled testimony.

3 BY MS. MACKIE:

4 Q. Did you consider historic value in your
5 property study?

6 A. Not explicitly, no. We looked at market
7 value as it's reflected in the market. And
8 it's influenced by all kinds of things,
9 including historical. But, you know, there
10 are many, many, many factors that ultimately
11 interact to determine market value.

12 Q. What are the demographic characteristics you
13 used in the market value study?

14 A. Well, market value ultimately is revealed in
15 transactions. So you're looking basically at
16 prices, the prices that were arrived at in
17 transactions. The analysis looked at the
18 physical characteristics of the properties
19 involved. It looked at the nature of the
20 sale itself, you know, listing price, sale
21 price. And it looked at the characteristics
22 of the property in the neighborhood that are
23 typically accounted for in an appraisal. So,
24 you know, number of bedrooms, number of

1 bathrooms, location, I wouldn't consider any
2 of those necessarily demographic factors,
3 but, you know, they're property
4 characteristics that are, you know, analyzed
5 in the appraisals and that ultimately get
6 reflected in the market value.

7 Q. Well, would you agree that the demographics
8 of a given community can affect the market
9 values within the community?

10 A. Yeah. It's clearly one of the determinants
11 of what you observe in the market.

12 Q. I was asking about the demographics because
13 in your previous testimony you mentioned "the
14 public."

15 A. I'm sorry. Mentioned what?

16 Q. "The public," and I didn't know what "the
17 public" means.

18 A. I'm not tracking your question. Sorry.

19 Q. Well, you're talking about how "the public"
20 reacts to poles and how "the public" reacts
21 to conservation land. What do you consider
22 to be "the public" as it relates to Durham?

23 A. I'm not sure I said either of those things.
24 But the market, you know, I would be

1 concerned with market participants, okay,
2 buyers and sellers of property.

3 Q. Are you aware that the U.S. census indicates
4 that the educational demographic in Durham
5 exceeds most averages?

6 A. I haven't seen that data, no.

7 Q. Would you agree that people, particularly
8 educated people, understand and value
9 historic areas in their community?

10 A. Again, that's well beyond the scope of my
11 analysis or opinions.

12 Q. Would you agree that the value of
13 conservation lands that include walking
14 trails and cross-country ski trails are a
15 value to a community?

16 A. Yes.

17 Q. And would the environment of the community
18 factor into the value of all houses in the
19 community?

20 A. Yeah, it's one of many things that would get
21 reflected in the market value of the
22 property.

23 Q. Well, would you agree that market value might
24 be affected because very few educated people

1 choose to live anywhere near a transmission
2 line?

3 MR. NEEDLEMAN: Objection. Basis.

4 PRESIDING OFFICER WEATHERSBY:

5 Sustained.

6 BY MS. MACKIE:

7 Q. I'm just wondering how you factored in the
8 specific characteristics of Durham into your
9 market study.

10 A. You know, in terms of land use, in terms of
11 the location of the homes relative to the
12 existing right-of-way, in terms of the
13 visibility of structures, in terms of the
14 different mix of land uses along the
15 corridor. It did not include the educational
16 attainment of the residents.

17 Q. Thank you.

18 PRESIDING OFFICER WEATHERSBY: Next
19 examiner will be Attorney Lanzetta for
20 Mr. Frizzell.

21 CROSS-EXAMINATION

22 BY MR. LANZETTA:

23 Q. Good morning.

24 A. Good morning.

1 Q. My name is Josh Lanzetta. I represent
2 Intervenor Keith Frizzell. I'll be very
3 brief. My colleagues have asked you a lot of
4 questions this morning.

5 If you want to, if you would, please,
6 refer to your supplemental prefiled testimony
7 on Exhibit 147, Page 23. Is it your opinion
8 that there will be no discernible effects in
9 the local and regional real estate markets
10 due to this project?

11 A. I'm sorry. I got the Page 23 part, but --

12 Q. Can you hear me? So at the bottom of
13 Page 23, Line 13, is it your opinion that
14 there will be no discernible effects in local
15 and regional markets due to this project?

16 A. Right. There will be effects on some
17 properties, and the probability of effect,
18 the likelihood of effect will be influenced
19 by the Project. But the number of properties
20 so affected is small, and it would be
21 significant for a property so involved. But
22 it wouldn't show up. It's not a large enough
23 number to show up in sort of local market
24 statistics. You wouldn't see a blip in the

1 local market, or certainly not in the
2 regional market associated with the
3 construction of the Project, in my opinion.

4 Q. Are you familiar with Mr. Frizzell's
5 property --

6 A. I am.

7 Q. -- at Fox Point Lane? Did you walk that
8 property or the right-of-way during one of
9 the four visits?

10 A. I walked the right-of-way.

11 Q. You did. Did you see where it turned and
12 then abuts his property on two sides?

13 A. Correct.

14 Q. If you'd refer to Page 18 of your
15 Exhibit 147, Table 7. Is Mr. Frizzell's
16 property listed in that table?

17 A. It is not.

18 Q. And is it true that you evaluated residential
19 properties within 300 feet of the
20 right-of-way?

21 A. Residential properties with homes within
22 300 feet of the right-of-way.

23 Q. When you walked Mr. Frizzell's property, did
24 you note that his home was just outside of

1 300 feet from the right-of-way?

2 A. According to my calculations, his home is
3 about 400 feet from the right-of-way.

4 Q. That's correct. So the fact that it's not
5 listed, not within 300 feet, is it your
6 opinion that there would be no discernible or
7 an adverse property impact or value impact to
8 his property?

9 A. Well, in fact, that is my conclusion.

10 Q. Some of the studies in Footnote 8 that you
11 reference reviewed properties within 1,000
12 feet of rights-of-way; is that correct?

13 A. The case studies include properties, 50 or 60
14 of them, that are beyond the 100 feet, and
15 they go out to a few that are beyond 1,000
16 feet. And, again, it's houses are beyond
17 100 feet or houses are beyond 1,000 feet from
18 the edge of the right-of-way.

19 Q. So, 400 feet, Mr. Frizzell's property is
20 obviously under 1,000 feet from the
21 right-of-way?

22 A. I'm sorry. I'm having trouble --

23 Q. At 400 feet from the right-of-way, Mr.
24 Frizzell's property is clearly under 1,000

1 feet from the right-of-way?

2 A. Yeah, but we didn't find any effects on any
3 properties where the homes were further than
4 100 feet, with two exceptions. There was one
5 at 106 feet and one at 110 feet. But of
6 those properties that we looked at, 120 of
7 them, some of them were indeterminate. But
8 there were 100 where we came to a firm
9 conclusion one way or the other. Of those
10 properties further than a 110 feet, there
11 weren't any where we concluded there was a
12 price effect. All of the price effects were
13 on properties within 110 feet. So on that
14 basis, that research suggests that the
15 Frizzell property was very unlikely to be
16 affected.

17 Q. When you evaluated properties for aesthetics,
18 visibly you're only evaluating them from the
19 point of reference from the house; is that
20 correct?

21 A. I'm sorry?

22 Q. So if you -- when you evaluate a property for
23 aesthetic impact, are you evaluating it only
24 from the house, or are you evaluating from

1 other points on the property?

2 A. Yeah, we don't evaluate it from aesthetic
3 impact. We're talking explicitly about the
4 visibility of structures. And when we
5 evaluate visibility of structures, we do
6 that, or we try to do it from the perspective
7 of the perimeter of the house.

8 Q. So you don't evaluate that perspective from,
9 say, a driveway?

10 A. Correct.

11 Q. Okay. Thank you.

12 PRESIDING OFFICER WEATHERSBY: Ms.
13 Frink.

14 CROSS-EXAMINATION

15 BY MS. FRINK:

16 Q. Mr. Chalmers, my name is Helen Frink, and I
17 represent Darius Frink Farm, which you can
18 see here on the panel. I'd like to make
19 sure, first, that I've understood a couple
20 things that you said.

21 I'm understanding that you visited
22 Newington, I think you said April, May and
23 August; is that correct?

24 A. I visited the entire alignment on those four

1 occasions, and I've had some other occasions
2 to visit as well when I didn't look at the
3 entire alignment. I've actually been on
4 Hannah Lane, I bet you 8 or 10 times. So I'm
5 quite familiar with this immediate area.

6 Q. And what about when the leaves were off the
7 leaves, the time of maximum visibility?

8 A. Well, certainly not in the winter. That not
9 being the reason, just the way it's worked
10 out. I've not seen it in a leaf-off
11 condition. Trees are pretty well leafed-out
12 in May. I have looked a good deal at the
13 aerial imagery, which actually makes it
14 pretty easy to discern the deciduous trees
15 from the evergreens. So you get a pretty
16 good sense in some cases, I think, of how
17 much of the vegetative screening would
18 continue to exist in the winter. But I have
19 not examined the route in a true leaf-off
20 condition.

21 Q. You seem to be quite familiar with the Hannah
22 Lane subdivision. And of course, that's
23 directly across from the Frink Farm. Would
24 it be fair to say that the open conserved

1 land and the agricultural landscape adds in
2 any way to the value of the properties on
3 Hannah Lane as opposed, for example, to
4 another similar subdivision immediately
5 opposite Hannah Lane, on the other side of
6 Nimble Hill Road Road?

7 A. On the other side of Nimble Hill? Are you
8 talking about on the east side or the west
9 side?

10 Q. I'm talking about if the land that you see
11 here on the Darius Frink Farm were developed
12 in a subdivision like that on Hannah Lane,
13 would there be any change in the value of the
14 properties on Hannah Lane? In other words,
15 do the residents of Hannah Lane have a
16 greater value or greater enjoyment of their
17 properties because they look at vacant
18 farmland?

19 A. I understand your question. And it would
20 really require some property-specific
21 research. I'm afraid to give you any kind of
22 definitive answer. I think the setting of
23 the Newington Historic District is definitely
24 a locational attribute that would be viewed

1 very positively in the market.

2 Q. Thank you.

3 A. And insofar as Hannah Lane, you know,
4 partakes of that, that would definitely be a
5 benefit.

6 Q. Thank you.

7 Did I understand correctly that you
8 viewed properties chiefly from the roadside?

9 A. That's right. We have not entered onto
10 private property, which would require,
11 obviously, permission of the individual
12 landowners.

13 Q. So you didn't walk the Eversource
14 right-of-way. Did you seek permission to do
15 that, to enter into the right-of-way itself?

16 A. Yeah, we do enter into the right-of-way in
17 some areas, not -- I haven't walked the
18 entire right-of-way, to be sure. But I've
19 walked, you know, significant portions of it.
20 I've walked the portion actually on the other
21 side of Nimble Hill Road, on the east side.

22 Q. Through Hannah Lane, in other words?

23 A. That's right.

24 Q. Yes. When you assess the impact of the power

1 line, are you looking chiefly at the
2 appearance or the visibility of the power
3 line from inside the house?

4 A. No. I'm looking at it as -- again, we're not
5 actually inside the houses, to be sure. And
6 we're actually not on the perimeter of the
7 house. But what we're trying to evaluate is
8 simply that you need some kind of point of
9 reference to describe how you're doing this.
10 The point of reference that we've always used
11 is that, if you walked around the perimeter
12 of the house, what would be the visibility of
13 structures.

14 Q. If you walked around the perimeter of the
15 house, what would be the visibility of the
16 structures? But you didn't actually walk
17 around the perimeter of the house.

18 A. That's right.

19 Q. I'm just having difficulty understanding how
20 you would assess whether a structure was
21 visible from inside the house if you didn't
22 enter the house and didn't walk around the
23 perimeter of it.

24 A. Well, we didn't make any representation with

1 respect to inside the house. I think your
2 question is how do we do -- how do we make a
3 representation with respect to the perimeter
4 of the house without having actually walked
5 it. Well, if we actually walked it, it would
6 be -- you know, you'd have a higher degree of
7 reliability. But it's just not practical to,
8 you know, get the permission to do that. I
9 think in most cases you can tell from being
10 physically on the ground on public
11 rights-of-way or the actual utility
12 right-of-way and from careful inspection of
13 the maps and aerial imagery, which is now, as
14 you know, widely available, including street
15 view, which, you know, a lot of times will
16 give you perspective on visibility. You
17 know, I think we're generally characterizing
18 the visibility accurately, you know, whether
19 or not, A, the existing structures can be
20 seen from the house and, B, whether the
21 proposed structures can be seen from the
22 house. There are some cases where the houses
23 are very far removed from public
24 rights-of-way and in a wooded way where we

1 have to do that aerial imagery. Again,
2 sometimes the vegetation is pretty easy to
3 read. And I think you can make a sound
4 determination. There would be some other
5 cases where it's more difficult.

6 Q. I think I'm hearing you say that it makes a
7 difference whether you're looking toward a
8 structure through vegetation or through a
9 cleared field. Would that be accurate?

10 A. Yes. Yeah, one of our, you know, three
11 distinctions that we're using are there's no
12 structure visible. That's clear, right. Or
13 another one is that the structures are
14 clearly visible, and by that we mean you're
15 not looking through vegetation, but there's
16 an obstructed view. The other kind of
17 visibility is you're looking, which we call
18 "partial," is you can see structures, but you
19 can only see them essentially through the
20 vegetation. And presumably that would be
21 more likely in a leaf-off condition. But
22 there are a lot of places where that's true
23 in leaf-on kind of point. You'll get
24 glimpses through the vegetation of a

1 structure.

2 Q. Okay. I'm going to move now to a different
3 image, which is going to be my premarked
4 Exhibit No. 1. This property does not
5 appear, I think, on your list of impacted
6 properties. I'm looking at your supplemental
7 prefiled testimony, and I believe that there
8 is a chart on either Page 16 or 17 that lists
9 those properties that will have an impact
10 from the Seacoast Reliability Project.

11 A. Yeah, I wouldn't characterize those as
12 "impacted" properties. Those are simply
13 properties that have homes located on them
14 that are within 300 feet of the edge of the
15 right-of-way.

16 Q. And may I assume that you judge that 300 feet
17 from the edge of the right-of-way, for
18 example, based on a map provided by
19 Eversource?

20 A. No. It's basically off of orthoimagery, off
21 of aerial imagery. It's off of satellite
22 imagery.

23 Q. Did that differ from the maps provided by
24 Eversource? Were there any cases where the

1 data was different, the distance from the
2 right-of-way, for example?

3 A. Yeah, I don't... I wouldn't think so, in
4 general, although there could be conceivably
5 a difference. No, they should be generally
6 consistent.

7 Q. Good. This is an historic property. Is it
8 fair to say that well-maintained historic
9 properties may have a higher market value
10 than, say, a house that was built 20 or 30
11 years ago of a comparable size?

12 A. Yeah, historic character can certainly be an
13 attribute that the market recognizes as
14 valuable and would pay more for.

15 Q. And if the historic property is then impacted
16 by a visible power line structure, does that
17 also cause some loss in property value?

18 A. Well, it depends. You know, and that's the
19 question that our research was really
20 designed to come to grips with. And
21 basically, you simply -- all I can do is look
22 at the results of that research. And what it
23 shows is that it's only when you get a
24 combination of property encumbrance,

1 proximity of the house to the right-of-way
2 and structure visibility. To get any one of
3 those things, we simply just don't find it in
4 the data. Now, we've done a lot of case
5 studies now. But it's when you get a house
6 that's within 100 feet of the edge of the
7 right-of-way, combined with an easement on
8 that property, combined with the visibility
9 of structures, all of a sudden, the
10 probability of a market value effect goes
11 from close to zero to about 50/50.

12 Q. So if the view from inside this house is
13 impacted by 65-foot-tall, H-frame poles of
14 the Seacoast Reliability Project, that will
15 impact the market value of the property?

16 A. I doubt it.

17 Q. Based on what?

18 A. Based on the criteria I just discussed.
19 There's just no evidence in the data that
20 we've looked at for -- I don't know the
21 distance of your home from the right-of-way.
22 What is the distance?

23 Q. The distance of this house from the
24 right-of-way is outside of your 300-foot

1 limit. But looking straight across very
2 cleared fields, the pole, according to the
3 maps provided, will be in clear view.

4 A. Right. So, two points. I mean, I can tell
5 you that I would doubt it based on the -- we
6 haven't found any case where a house located
7 at that distance experienced a market value
8 effect. But I would also say that ultimately
9 the only way you would know would be, you
10 know, if this house came on the market and
11 you could study it then, after the Project
12 were constructed, and determine one way or
13 the other.

14 But I wanted to say that the object of
15 our study is not to come to a conclusion with
16 respect to a particular property. It's to
17 come to a conclusion -- what we're really
18 trying to do is characterize the order of
19 magnitude of properties that might be at
20 risk. And what we're saying is, of this
21 group of properties that are close, that are
22 encumbered and that have visibility, about
23 half of them we would expect to be affected.
24 We don't know which of those it would be.

1 There's no basis to know which of those might
2 be affected.

3 But in any case, your particular houses
4 sort of lies outside of that group. Your
5 house is in the group for which we haven't
6 found any effects, and I wouldn't expect
7 them. But, you know, you'd only know after
8 the fact. And, you know, if it turned out
9 that there was an effect, happily, you know,
10 there's a dispute resolution process that has
11 been recommended and/or has been proposed,
12 you know, and you could approach it in that
13 context.

14 Q. I believe I understood you to just describe
15 this group of properties in terms of
16 proximity to the right-of-way, visibility of
17 structures, and I think I missed the third
18 criteria that you named.

19 A. The easement actually being on the property.

20 Q. The easement actually being on the property.
21 Thank you.

22 And within that group of properties,
23 what percentage, roughly, or what fraction
24 were in fact historic properties?

1 A. I couldn't tell you. It's a pretty good
2 cross-section of New Hampshire. But beyond
3 that, we'd have to look at them individually
4 and whether -- they were certainly a number
5 of old properties. But whether they were
6 actually in historic districts or not or on
7 the national district or whatever, I wouldn't
8 know off the top of my head.

9 Q. All right. Thank you, Mr. Chalmers.

10 MS. FRINK: No further questions.

11 PRESIDING OFFICER WEATHERSBY: Thank
12 you, Ms. Frink. Attorney Aslin.

13 MR. ASLIN: Thank you, Madam Chair.

14 CROSS-EXAMINATION

15 BY MR. ASLIN:

16 Q. Good morning, Dr. Chalmers.

17 A. Good morning.

18 Q. For the record, my name is Chris Aslin, and
19 I'm designated as Counsel for the Public in
20 this proceeding.

21 I want to start by following up on some
22 of your testimony earlier about your
23 consideration of the value of conservation
24 easements. And I think you testified, if I

1 heard it correctly, that you looked at the
2 value of the land and not -- well, I'll ask.
3 Did you distinguish between the value of the
4 land itself versus the value of the
5 conservation easement rights?

6 A. No. You know, I didn't study the value of
7 conservation easements, which is definitely a
8 field of study.

9 Q. You'd agree that conservation easements have
10 value in and of themselves separate from the
11 fee interest in the land.

12 A. Sure.

13 Q. So when you said you don't expect a market
14 effect on the land valuation, you're not
15 reaching towards valuation of the
16 conservation easement itself as a bundle of
17 rights.

18 A. That's right.

19 Q. Okay. I just wanted to make sure I
20 understood where you're coming from there.

21 In general, your research is based on
22 three different types of studies; is that
23 fair?

24 A. That's right.

1 Q. You have case studies, subdivision studies
2 and market activity research?

3 A. That's right.

4 Q. Okay. And with regard to the latter of
5 those, the market activity research, would
6 you agree that, based on sample sizes, it
7 wasn't particularly informative?

8 A. Yes.

9 Q. And in your testimony, your original prefiled
10 testimony, which is Applicant's 12, on
11 Page 10 you state at Line 10 that the number
12 of observations in each corridor is so small,
13 so not too much should be read into these
14 results. Is that accurate?

15 A. I continue to think that's the case. Right.

16 Q. So would it be fair to say that your
17 conclusions are based primarily on the case
18 studies and subdivision studies that you
19 performed?

20 A. Yeah. And as a practical matter, they're
21 really based on the case studies. The
22 subdivision studies I thought were worth
23 doing and are informative. But the case
24 studies, you know, the great virtue of the

1 case studies is that they have -- they result
2 in sort of operational criteria that we can
3 use to get our arms around what the
4 magnitudes might be, magnitude of properties
5 that might potentially be affected be,
6 whereas much of the other research in this
7 area ends up with generalizations. We found
8 effects, didn't find effects. But it didn't
9 give you much direction or leverage on how
10 many or, you know, which are in and which are
11 out. And, really, the case studies is the
12 first research that's really given us some
13 perspective on where you would find effects
14 and where you're not likely to find effects.
15 And in that respect, I think it's pretty
16 important, pretty useful.

17 Q. Okay. So do I take it, then, you didn't rely
18 heavily on the results of the subdivision
19 studies?

20 A. Right. At this point my testimony is based
21 on the case studies.

22 Q. Okay. Thank you.

23 In regard to both the case studies and
24 the subdivision studies, you used a

1 visibility assessment; is that fair?

2 A. Yes.

3 Q. And that's the "clear," "partial" or "none"
4 categories of visibility?

5 A. Correct.

6 Q. Okay. I want to understand the distinctions
7 a little bit better. We had some testimony
8 on it earlier. And just to be consistent
9 with earlier testimony, I've pulled up on the
10 screen Table 4 from your supplemental
11 testimony, which is Applicant's Exhibit 147.
12 And it's Page 15 of the testimony, Page 16
13 electronically. And in the right-hand column
14 you've listed the "before" and "after"
15 visibility distinctions for each of these
16 properties; correct?

17 A. Right.

18 Q. And I think you testified earlier that you
19 said you base "partial" as everything that's
20 not "clear" or not "none." Is that fair?

21 A. That's correct.

22 Q. So would you agree that's a wide range of
23 visibility within that category?

24 A. Yes.

1 Q. Okay. And in your analyses, when you had a
2 property such as Ms. McCosker's property --

3 A. I'm sorry. Such as which one?

4 Q. Ms. McCosker's property. There was some
5 testimony on it before. It's 271 here in
6 your line as --

7 A. Oh, okay. I've got it.

8 Q. That one was partial before and partial after
9 for visibility?

10 A. Correct.

11 Q. Based on your system here that you're using,
12 would you agree that if you had partial
13 visibility of one structure before the
14 project and partial visibility of three or
15 four structures after the Project, it would
16 still be partial and partial in your
17 analysis?

18 A. That's right.

19 Q. So you wouldn't find that to be a change in
20 visibility within your analysis.

21 A. Well, I mean, obviously from her perspective
22 it would be a change. But in the way in
23 which we've coded it, it would not be a
24 change.

1 Q. Similarly, if you had clear visibility of one
2 structure before and clear visibility of two
3 or three after, that wouldn't be coded as a
4 change in visibility in your analysis.

5 A. That's right.

6 Q. With regard to the case studies -- well, one
7 more question. Sorry.

8 So, in your analysis, a property that
9 experienced some change in visibility but
10 fell within either clear to clear or partial
11 to partial would not be picked up as one of
12 the properties that you deemed to be more
13 likely to have a price effect; is that
14 correct?

15 A. Not really. It may very well have a price
16 effect. But it would have had a price effect
17 in the before condition as well as after
18 condition is the point.

19 You know, her property is very close to
20 the right-of-way. She's got partial
21 visibility, as far as we could tell, in both
22 the before and the after condition, and she's
23 got a major encumbrance on the property. I
24 would say there's a pretty good chance, 50/50

1 chance, she's definitely in that category of
2 properties that may very well experience a
3 price effect should it be sold. But the
4 point is that it would have experienced that
5 in the before. As it exists right now, it's
6 got visible structures, it's heavily
7 encumbered, and she's right on top of the
8 right-of-way. And likewise, in the after
9 condition, there's a good chance that there
10 would be a price effect as well. But I don't
11 think there's much of a differential
12 increase, if any, in that probability between
13 the before and the after. In other words,
14 it's a pre-existing condition on that
15 property. That property is definitely
16 vulnerable to price effects as it sits out
17 there today.

18 Q. But you would, I believe, find a
19 "differential," as you say, if the visibility
20 went from partial to clear; is that correct?

21 A. Yeah, small. If you remember Table 1 for
22 those homes within 100 feet, the ratio of
23 cases where we found effects and not effects
24 were in the 40s, whereas where there was

1 clear visibility, it was in the 50 percent.
2 It was north of 50. So, less likely partial.
3 Again, based on, you know, the number of
4 cases that we have. But the number of cases
5 is increasing now. But I think as a general
6 proposition, the partial would have a
7 somewhat lower, but nevertheless significant
8 probability of effect.

9 Q. And if I understand correctly, you haven't
10 attempted to tease apart a difference in
11 visibility within the partial category. So
12 if you go from partial to more partial, but
13 not all the way to clear, you haven't
14 attempted to determine if that does create a
15 differential in price effect.

16 A. Right. Yeah, and we've thought about, you
17 know, number of structures and the extent to
18 which they're visible. And trying to tease
19 that out of the case study data just
20 wasn't -- didn't get us anywhere. We didn't
21 get any insights out of that. So we haven't
22 tried to make those. We just can't
23 operationalize those distinctions in a way
24 that seems to make any difference, whereas

1 these distinctions have some coarseness to
2 them. But nevertheless, getting to the heart
3 of the matter, which is are those structures
4 intrusive on the property, that basically has
5 to do with, you know, are they screened, are
6 they unobstructed or you can't see them.

7 Q. But I think you would agree that a change of
8 visibility is one of the factors that can
9 lead to a price effect, among others.

10 A. Sure.

11 Q. With regard to the case studies that you
12 performed, part of that analysis is use of a
13 retrospective appraisal; is that correct?

14 A. That's right.

15 Q. And I'll summarize and see if we need to go
16 to the document. But if I understand the
17 retrospective appraisal approach, it's an
18 appraisal with a special condition that
19 assumes that there is no right-of-way near or
20 on the property --

21 A. Exactly.

22 Q. -- despite there actually being one near or
23 on the property.

24 A. Right.

1 Q. And then it also looks back in time to the
2 time of the sale that you're comparing it to?

3 A. That's right.

4 Q. So as a practical matter, if there was a sale
5 in 1995 that you are assessing in a case
6 study, the appraiser has to go look at
7 properties in 1995 to compare them to the
8 subject property?

9 A. Correct. That's the reason you got the
10 "retrospective" descriptor. We try to stay
11 as current as we can, because the further
12 back you go, the more difficult it is for the
13 appraisers. The original case studies went
14 back to 2010. The 20 that we just did in
15 southeastern New Hampshire are largely 2017,
16 2018 sales. But they range from 2010 up to
17 present.

18 Q. And would you agree that appraisals don't
19 correlate perfectly with fair market value?

20 A. Well, it's your only -- it's the only way it
21 could be estimated. But if you're saying is
22 there a confidence around those estimates?

23 Yes.

24 Q. And in your analysis -- yeah. So looking at

1 your supplemental testimony, which again is
2 Applicant's Exhibit 147, at Page 9 of the
3 testimony, which is electronic Page 10, you
4 reference on Line 6 and 7 that the case
5 studies -- and I believe this is for all the
6 case studies you looked at -- ranged in price
7 effects, where there was a price effect,
8 between 1.6 percent to a high of
9 17.9 percent?

10 A. That's correct.

11 Q. That's a fairly broad range; would you agree?

12 A. Yes.

13 Q. And I think your overall conclusion is that
14 price effects are more typically in the 1 to
15 6 percent range?

16 A. In the literature in the statistical studies,
17 that's the range, and that's where that one
18 to six number comes from. I don't think I
19 would apply that to -- you know, those are
20 some studies in Canada and a variety of
21 places. I would say the case study evidence
22 is the most relevant and may be the only
23 relevant information we have here in New
24 Hampshire. And I would just acknowledge that

1 in the early 2000s -- the first 58 case
2 studies we did used data from 2010 to 2015,
3 and there are also a lot of North Country
4 case studies. And the market was very, very
5 slow up there at that time. And there aren't
6 a whole lot of sales up there, anyway. So
7 they're really hard to appraise. The range
8 on the last 20 that we did is much narrower,
9 and the average is about 5 percent. The
10 Massachusetts-Connecticut studies also have a
11 narrower range, and their average I think was
12 around a little bit less than 6 percent. It
13 was like 5.8 percent. So I think part of
14 that wide range in those initial case studies
15 had to do with conditions in the northern
16 part -- well, northern and central part of
17 the state in the early, you know, 2010
18 through 2014 period. So I think the average,
19 though, you know, of 5, 6, 7 percent is --
20 that's now an average over a fairly large
21 number of properties. And I think it's a
22 reasonable indicator for properties that have
23 that kind of a location, that kind of
24 visibility and that kind of encumbrance of

1 what kind of market value effects you might
2 see.

3 Q. Am I correct that of the hundred case studies
4 you have analyzed at this point, six are
5 within the Seacoast Region?

6 A. No. Six of the original 58 were in the
7 Seacoast Region. But the 20 we just did are
8 all east of 93, south of Concord, if you
9 will. So they're all in the southeast
10 quadrant of the state. In fact, 2 of them --
11 10 are in Dover; 4 of them are in Danville,
12 and I believe 6 of them are in Hooksett,
13 which is kind of on the border of that
14 region. But that's where we could find
15 lines. And in this case, we were looking for
16 lines most like SRP. We were looking for
17 primarily 115 lines on monopoles.

18 Q. Would you agree that the results of the case
19 studies, I'll say don't correlate perfectly?
20 In terms of the closest to the properties --
21 properties that are closest in proximity, the
22 greatest encumbrance, and the greatest change
23 in visibility do not always have the largest
24 price effect?

1 A. That's right. Yeah. No, and in fact, you
2 know, as data show in Table 1, there are a
3 whole bunch of properties that have those
4 characteristics that don't have any effect at
5 all, right. About half of them, right.

6 There are 42 that are close, are encumbered
7 and have visibility, and of those, only 23
8 showed a price effect. So there are a lot of
9 other variables interacting there in the
10 market. But, you know, it turns out some of
11 the properties are affected and some aren't.

12 Q. And you mentioned there are a lot of other
13 variables. Did you control or analyze the
14 difference between effects across the type of
15 structure or the voltage for any of these
16 properties in the case studies?

17 A. No, but there's -- it's been looked at in the
18 research. And as I think I discussed briefly
19 earlier, the upshot to date is that voltage
20 doesn't matter. And again, somewhat
21 surprisingly, the intensity of the
22 development of the corridor, you know, one
23 line, two lines, three lines, it doesn't
24 matter. Because, I mean, if you just think

1 about the common sense of it for a second, if
2 a home is located next to an alignment, next
3 to a power line corridor, what's quite clear
4 is that there's some people -- and it's
5 encumbered by the easement, let's say, and
6 the structures are visible -- there are some
7 people who just are not interested in that,
8 period. They wouldn't consider that
9 property. Okay. They drop out of the
10 market. The brokers tell us that. The
11 market "thinned" as a result.

12 But what about the people who are
13 willing to look at it, of which there are
14 clearly many, and who end up buying these
15 properties, sometimes at a discount,
16 sometimes not. You think there are many
17 people that look at that home and say, gee,
18 I'd be interested in that house if only it
19 was 345kV not 115, or only if it was 115 and
20 not 230 or only if it was one line and not
21 two lines. I've got an easement across my
22 back yard.

23 So I think what happens in the market is
24 that the people who are averse to power

1 lines, you know, stay out of it. But the
2 people who are willing to consider that
3 property have somehow kind of rationalized
4 that, which they probably view as a negative
5 attribute. But they sort of rationalize it
6 and say, well, gee, we really want to be in
7 this school district. And I reference in my
8 testimony, you know, you got these comments
9 like, We were looking for a mother-in-law
10 apartment and couldn't find it. But when we
11 found it, it was great. There's a power line
12 there, but we found just what we were looking
13 for. Again, there are all kinds of
14 rationalizations that people offer, but
15 they're obviously willing to consider it.
16 And I don't think, again, the intensity of
17 the development of the corridor has much to
18 do with it. At least that's what the
19 research shows to date.

20 Q. You mention research. Is any of that New
21 Hampshire- or New England-based research?

22 A. Well, our research supports that, right. I
23 mean, we find effects, same intensity of
24 effects with the 34kV lines that we did with

1 the others. We also -- the comparison
2 between the Phase 2 corridor and the proposed
3 Northern Pass corridor, those two corridors
4 are radically different in terms of
5 intensity, and we got the same basic result.
6 And the published literature addresses it.
7 Not a lot of it, but some of it does. And
8 the published literature comes to the same
9 conclusion, that there's simply no suggestion
10 in the literature out there of the
11 differential response to voltage or to width
12 of right-of-way or to the number of lines,
13 which is a little surprising on the face of
14 it. But I think there's a rationale there
15 that makes some sense from kind of a common
16 sense perspective.

17 Q. That's your common sense perspective as
18 opposed to your expert opinion?

19 A. Well, I'm just trying to understand why. But
20 you'd think, I guess -- I would think the
21 Phase 2 corridor would be a bigger deal than
22 the Northern Pass corridor. I mean, they're
23 radically different. But it doesn't show up
24 that way in the data. So then you wonder:

1 Well, why is this? You know, so you sort of
2 develop hypotheses, and that's what I've
3 thought about.

4 But the fact of the data is that the
5 intensity of the corridor doesn't seem to
6 make a difference, and that's supported in
7 the literature.

8 Q. When you say it doesn't make a difference,
9 with regard to the case studies, you're
10 essentially saying that you see the same
11 characteristics of proximity and encumbrance
12 and visibility that matter, not that you
13 specifically analyzed the difference between
14 all the case studies that are on the 115kV
15 line versus a 345 or versus a 34.5 line.

16 A. Yeah. Actually, we've looked at this
17 question. We haven't presented the data
18 because it's complicated. But thought about
19 it a good deal. And there's no suggestion in
20 the data that we have in the case studies of
21 a differential effect associated with the
22 intensity or the voltage of the line.

23 Q. You said you haven't presented that
24 testimony.

1 A. We haven't presented any tables on that. But
2 I've looked at it pretty carefully, and
3 there's no suggestion of that in the data.

4 Q. You also talked about some of the variables
5 that people consider when purchasing a home
6 and that those may overwhelm perhaps the
7 effect of proximity to a HVTL. Are you able
8 to control in your analyses for those kinds
9 of effects, whether it's the tightness of the
10 market or attributes that a specific buyer is
11 looking for that they're willing to overlook
12 a proximity issue with an HVTL?

13 A. No. Ultimately all we have are the facts,
14 right, that somebody bought it. And
15 ultimately we really don't know, right, what
16 all those considerations were in any
17 particular case. But we observed that some
18 properties are purchased that are very
19 heavily impacted and that the impacts on the
20 property in some cases are nil and in some
21 cases are small. Now, in other cases they're
22 larger. But there's no way for us to know
23 how those other considerations weigh into the
24 ultimate market result. And we noticed that,

1 you know, sometimes you get a market result
2 of no effect and sometimes you get a market
3 result of an effect.

4 Q. And that could be just luck of the draw with
5 the buyer that you happen to link up with.

6 A. Exactly. Yeah, timing and...

7 Q. And that's the reason for the caveat that you
8 have in a couple places in your testimony,
9 that it really is property-specific and
10 case-by-case-specific what the actual effect
11 will be.

12 A. Yeah. We don't begin to pretend that this
13 allows us to predict what will happen to
14 individual properties. But what it does let
15 us do, very importantly, is to make some
16 useful generalizations about groups of
17 properties that have certain characteristics.
18 And then once we know what that group is, we
19 can count them and see, you know, are we
20 dealing with a large number, medium number,
21 small number, whatever. And presumably
22 that's something that's relevant in this case
23 before us.

24 Q. Okay. And you testified earlier that you

1 didn't rely heavily on the subdivision
2 studies, but they do make up a significant
3 portion of your report and your testimony, so
4 I wanted to take a quick look.

5 This is a table out of your report in
6 Applicant's 147, Attachment A. And it is
7 Page 89 of that report, and PDF Page 120.
8 And this is the Study Area 3 subdivisions
9 studies you performed?

10 A. Right.

11 Q. And am I correct that you found a greater
12 price effect in the Study Area 3 subdivision
13 studies than the other areas that were
14 studied?

15 A. Right. We found -- right. We found in two
16 of the three we concluded there was a price
17 effect.

18 Q. And I believe you attributed that, to some
19 extent, to characteristics of the types of
20 properties that are in the study area, which
21 includes the Seacoast Area?

22 A. Yeah. The lots are smaller. A lot of the
23 lots in the subdivisions that we looked at
24 north/south in New Hampshire were larger.

1 And on these in particular, significant
2 portions the lots were encumbered, okay. So,
3 for instance, in the Greenland subdivision,
4 the encumbrance ranged from 40 percent to
5 almost 60 percent; in Newington, 12 percent
6 to 40 percent. And these encumbered lots --
7 and you don't know -- encumbrance, proximity
8 and visibility all tend to go together, and
9 you don't quite know which of those is
10 driving the result. There's really no way to
11 know. You just know when they're together,
12 you get an effect.

13 But my suspicion here is you get a small
14 lot that's heavily encumbered. Your building
15 envelope is constrained. Whereas, if you
16 have an 8-acre rural lot in Lancaster and the
17 easement is on the back of the lot, it
18 doesn't really affect the lot much. It
19 doesn't affect the building envelope. And,
20 you know, it doesn't show up effective in
21 sales price.

22 But on these subdivisions, we did see a
23 preference for the unencumbered lots, which
24 also were further away from the right-of-way,

1 obviously, and had less visibility.

2 Q. Would you agree that the way your studies are
3 designed, there's sort of a tendency to have
4 more encumbered lots than unencumbered lots
5 in subdivision studies?

6 A. Absolutely. Yeah. No, I mean, we wanted to
7 start with those. We wanted to study the
8 things that we thought were most likely to
9 have effects. So kind of start in close and
10 then work out as required.

11 Q. And when you're doing your subdivision
12 studies, I believe you based your conclusions
13 off of these spreadsheets which are included
14 in the appendices. So I want to look at one
15 of the subdivisions in that Study Area 3. So
16 I'm looking at -- turn the page. But this is
17 the spreadsheet that's in the appendix to
18 Attachment A, which is your report, to
19 Appendix 147. And it's specifically for the
20 subdivision in Newington. Do you see that?
21 And the spreadsheet itself is on Appendix --
22 I think this the page number from the
23 Appendix -- but it's Page 85, PDF Page 1795.
24 Try to zoom in.

1 And so if I understand correctly, this a
2 compilation of the data you used to come to
3 your conclusions for the subdivision
4 studies -- for this particular subdivision
5 study?

6 A. Yes.

7 Q. Okay. And that includes the date of the
8 sales, the sale price. And then you have
9 some notes on the right-hand column; is that
10 correct?

11 A. Correct.

12 Q. And some of the notes, if I understand
13 correctly, you're identifying which of the
14 sales may not be fair market value sale?

15 A. That's right.

16 Q. So there's some that don't get considered in
17 your analysis?

18 A. That's right.

19 Q. Then also you had some notes that were more
20 complicated. So I'm looking at Lot 7A, I
21 guess it is. And you have a note here that
22 it was -- you were unable to tell if this was
23 being sold along with a second lot; is that
24 correct?

1 (Witness reviews document.)

2 A. Correct. One of the things to keep in mind
3 here is what we're trying to do is we're just
4 running the chain of title back because we're
5 trying to get back to the lot sale, okay. So
6 we're starting out with the current owner,
7 and you're going grantor, grantee, grantor,
8 grantee, back to the original lot sale. And
9 sometimes there are intermediate transactions
10 there that may be problematic or ambiguous.
11 What we're really after is that original lot
12 sale. So I would be tending to look at the
13 bottom of these, you know, to the last entry
14 in this list.

15 Q. For each property you mean?

16 A. For each property.

17 Q. That being the original sale?

18 A. That would be the sale of the lot.

19 Q. Okay. For example, the first one on the top
20 of the chart, which I guess is Lot 7F, the
21 original sale was in 1987, and it appears to
22 be for \$107,000 and change?

23 A. That's correct. I need to have the map in
24 front of me. And be careful. These are

1 tricky. But that appears to be the case,
2 yes.

3 Q. Okay. And then the next one down is 7E, also
4 a 1987 sale?

5 A. Right. And Graves appears to be the original
6 land developer.

7 Q. And that one was for \$80,000?

8 A. That's right.

9 Q. And so the way you performed the analysis was
10 to look at the, I guess the lot plans, and
11 determine whether they were encumbered or
12 unencumbered lots --

13 A. That's right.

14 Q. -- and then compare the two?

15 A. That's right. And also in some of these,
16 wetlands were playing a big role, too. So we
17 were trying to control for the wetlands
18 effect. Essentially, we're trying to get
19 some sense of what the usable portion of the
20 lot is.

21 Q. But that information doesn't appear in this
22 spreadsheet.

23 A. That's right. This is purely the chain of
24 title.

1 Q. Is there another spreadsheet somewhere --

2 A. No.

3 Q. -- that includes that other information?

4 A. No. All the rest would be in the description
5 that's in the text of the report. It
6 summarizes the results that are taken from
7 the chain of title and any other
8 considerations. The wetland issue is, I
9 don't remember which of these three. The
10 wetlands were particularly important to --

11 Q. I believe it was the Portsmouth subdivision.

12 A. Okay. It's discussed at length in the text
13 of the research report.

14 Q. Thank you.

15 And were you the person who did that
16 analysis for each of these, or was it some
17 other -- yourself? You're pointing to
18 yourself.

19 A. Well, I'm sorry. The construction of the
20 spreadsheet, I had legal assistance or
21 paralegal, real estate attorney or paralegal
22 did the actual work on the deeds. So I got
23 this spreadsheet as you see it. But there's
24 still a lot of interpretation involved from

1 this point forward. And I was involved, you
2 know, from this point forward.

3 Q. Okay. Thank you.

4 At the end of your testimony you have
5 Attachment D, which is the list of all the
6 properties within 300 feet of the
7 right-of-way for this project; is that
8 correct?

9 A. Yeah, all the properties with homes within
10 100 feet, right.

11 Q. Yes, thank you. Okay. And that's on
12 Applicant's Exhibit 147. It's the last page,
13 which is electronic Page 4389.

14 And am I correct that only 6 of those 63
15 properties met your specific criteria of
16 being within -- the home being within
17 100 feet of the right-of-way boundary, the
18 property being encumbered by the right-of-way
19 and a change in visibility?

20 A. No, four, if you compare Tables 8 and 9,
21 which are on Pages 20 and 21 of my testimony.
22 So, in Table 8 there are two homes, two
23 properties with homes within 100 feet where
24 the structures are currently not visible.

1 Switch over to Table 9, there's only one now.
2 So we've had one change there. And then back
3 to Table 8, there are five where structures
4 are partially visible. In fact, three of
5 those become Clearly Visible. So that middle
6 cell is down three and up one, so a net
7 change of two. So it's now three. And the
8 Clearly Visible cell in Table 9 that we're
9 looking at right now is now 10 instead of 7.
10 So there basically have been four changes on
11 the properties that are within 100 feet: One
12 from none to partial and three from partial
13 to clearly. There are two others where
14 there's a change in visibility, which is how
15 you get to six, but those are on properties
16 that are further away than 100 feet,
17 properties with homes further away than
18 100 feet.

19 Q. So if I were to attempt to summarize that,
20 there are six properties in Attachment D that
21 show change in visibility, but only four of
22 them are within 100 feet?

23 A. Correct.

24 Q. Thus your conclusion that there are four

1 properties that fall into the category that
2 you conclude to be more likely to potentially
3 have an impact on property value.

4 A. Yeah, more likely after the project than
5 before the Project.

6 Q. And you have not, kind of circling back, you
7 have not assessed visibility changes within
8 the categories you have here. So there may
9 be properties like Ms. Heald's that are
10 encumbered within 100 feet of the
11 right-of-way and have a change of visibility,
12 but not a change that's great enough to go
13 from partial to clear?

14 A. Yeah. Absolutely.

15 Q. And you don't -- you haven't counted how many
16 of those exist, have you?

17 A. Right. Yeah, I think to the extent there is
18 some change, then, you know, again these --
19 we're making a generalization about that
20 group as a whole. And I think this sort of
21 general 50/50 proposition is probably a
22 useful one. But, again, the effects of it on
23 any individual property of the kind of
24 changes you're talking about will depend on,

1 you know, on the specifics about the Project,
2 how turns out on mitigation, market
3 conditions and so on and so forth. So, hard
4 to predict.

5 Q. And you testified earlier that your
6 visibility determination was based on a
7 combination of viewing the properties from
8 public rights-of-way, whether it's roads or
9 the corridor, and using aerial imagery; is
10 that fair?

11 A. That's right.

12 Q. So you did not use any sort of viewshed
13 modeling to determine views from each of
14 these properties?

15 A. No, nothing that I'd characterize as
16 "viewshed modeling." We did a little
17 geometry along the way but...

18 Q. And I think you said you looked at your
19 assessment of the visibility from the full
20 perimeter of each house?

21 A. Yeah, that's was the perspective that we were
22 trying to envision, yes.

23 Q. And that's a ground-based view?

24 A. I'm sorry?

1 Q. You're basing that from being on the ground?

2 A. That's right.

3 Q. So you didn't consider views from
4 second-story windows or things like that?

5 A. Correct.

6 Q. And I just wanted to come back and see... so
7 I wanted to take one example where you
8 found -- get a sense of how you characterize
9 "visibility" a little better. On Page 13 of
10 your supplemental testimony, Applicant's 147,
11 you have a Table 3, which is showing
12 properties in the Route 4/UNH portion of the
13 Project; is that correct?

14 A. Yes.

15 Q. And for all of these you found the visibility
16 to be none before and after?

17 A. That's right.

18 Q. And that includes a number of properties on
19 Fairchild Drive; is that right?

20 A. Yes.

21 Q. And it happens that Fairchild Drive was one
22 of the examples used by the Applicant's
23 aesthetics expert to look at impacts from
24 properties, private properties. Are you

1 familiar with that?

2 A. I understand that those kinds of assessments
3 have been made. I'm not familiar with -- I
4 have not seen them.

5 Q. That's fair. So I pulled up Applicant's
6 Exhibit 52, which is I think the amended set
7 of visual assessment maps from LandWorks.
8 And this is Exhibit 14, which is the existing
9 conditions at Fairchild Drive. Would you
10 agree that that's the vicinity of those
11 properties you were -- that were on the table
12 we were just looking at? And I can go back
13 to that if it helps.

14 A. It's in vicinity.

15 Q. So on your table, you have a number of
16 properties on Fairchild Drive.

17 A. Right.

18 Q. And in the visual assessment, this is the
19 before picture. And there's a photo
20 simulation of the Project in the after
21 condition. You see there's an obscured
22 structure in the background. Do you see
23 that?

24 A. I do.

1 Q. Now, you categorized this as "none" in
2 visibility.

3 A. That's right.

4 Q. If this were the view you were looking at,
5 would this count as partial in your analysis,
6 or would this still be a none?

7 A. This would be partial. But what happens --
8 and I don't have, you know, photographs with
9 a simulation. But what happens there -- and
10 I can't tell the perspective here, but the
11 back yards are very shallow on all of those
12 homes and --

13 Q. Just so you have a perspective, here's the...

14 A. If you back up far enough, you'll be able to
15 see something poking over the tree tops. But
16 from the perimeter of those houses, we got a
17 tree line on average about 40 feet for those
18 houses. So from the back of the house to the
19 tree line was about 40 feet. And the towers,
20 you know -- if you're 40 feet from the tree
21 line, and the trees are 40 feet high, the
22 towers would have to be 250 feet tall to be
23 able to see the top. So it's a pretty remote
24 chance. So it looked to me like that

1 perspective was from the street and not from
2 the perimeter of the house. And you can see
3 it's just barely visible there. But I think
4 I felt pretty confident. I've been there
5 several times, looked at it very carefully,
6 and it's a very, very dense canopy right up
7 against the back of those houses. And I
8 don't think from the perimeter of the houses
9 you're going to see any structures.

10 Q. Okay. Thank you.

11 Now, your ultimate conclusion is that
12 there's no discernible effect in the local or
13 regional real estate markets. You testified
14 about that before. And for reference, that's
15 on Page 23 of your supplemental testimony.

16 When you say "local real estate market,"
17 what defines the "local" market?

18 A. Yeah, I mean my assumption has always been
19 that the object here was, you know, orderly
20 development of the region. And sort of
21 backing down from that, in order to affect
22 that -- and Mr. Varney will address that.
23 It's not the subject of my testimony. But
24 what we'd want to know is if we looked at the

1 data on the regional real estate market,
2 would there be any evidence of these effects.
3 The answer is no. If we looked at, say, data
4 for the town of Durham, more local market,
5 the evidence would be that there wouldn't be
6 any evidence of the Project discernible.

7 There are, however, you know, a small number
8 of properties that are potentially subject to
9 effect now, and there'd be some marginal
10 increases due to the Project in the future.

11 But the number of properties is very small.

12 And I don't think there's any possibility

13 that you'd get any kind of market-wide

14 effects either on the local level or

15 certainly not on the regional level.

16 Q. So I hear you saying the "local level" is
17 essentially the town level?

18 A. Yeah, for a town like Durham. For a city, it
19 gets a little more complicated. You'll have
20 some markets, presumably. But I would think
21 Durham would be a reasonable definition of a
22 "local market."

23 Q. And in a town like Newington, you might have
24 a couple different markets, given the

1 commercial district versus the rural areas?

2 A. Correct.

3 Q. Okay. Thank you.

4 And now your work on these types of
5 topics has primarily been on behalf of
6 utilities and transmission line developers;
7 is that a fair statement?

8 A. Well, on the transmission line cases, I've
9 done a lot of work for the federal
10 government, U.S. attorneys, for state
11 government and for utility companies. I've
12 done a lot of work for the states.
13 Represented State of Nevada with respect to
14 the effects of the Yucca Mountain Nuclear
15 Waste Repository, the huge study that had all
16 kinds of property value issues associated
17 with it. And that was, you know, on behalf
18 of the state. So I've worked for a variety
19 of clients. But the transmission line work
20 is largely for the utility industry or for
21 the public sector.

22 Q. All right. Thank you much.

23 MR. ASLIN: No further questions.

24 PRESIDING OFFICER WEATHERSBY: We

1 actually are going to break for lunch and be
2 back at five minutes after one.

3 (Lunch recess taken at 12:08 p.m. and
4 concludes the Morning Session. The
5 hearing continues under separate cover
6 in the transcript noted as Afternoon
7 Session.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
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