

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

November 15, 2018 - 1:44 p.m. DAY 16
49 Donovan Street
Concord, New Hampshire

{Electronically filed with SEC 11/20/18}

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 Reopened)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

- | | |
|--|-----------------------------|
| Patricia Weathersby (Presiding Officer) | Public Member |
| David Shulock, Esq. | Public Utilities Commission |
| 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
(Brennan, Lenehan, Iacopino & Hickey)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

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

2 PRESIDING OFFICER WEATHERSBY: Okay.
3 Why don't we get started. The witness will
4 need to be re-sworn in.

5 (WHEREUPON, DAVID RAPHAEL was duly
6 sworn and cautioned by the Court
7 Reporter.)

8 MS. BOEPPLE: Madam Chair, before we
9 get going, could I raise an issue on the record
10 regarding today's hearing? Do I understand
11 correctly that the hearing today is meant to
12 satisfy all the requirements of the rule with
13 respect to rebuttal? I'm looking for
14 clarification.

15 PRESIDING OFFICER WEATHERSBY: With
16 respect to rebuttal?

17 MS. BOEPPLE: Correct.

18 PRESIDING OFFICER WEATHERSBY: With
19 respect to reopening the record, yes.

20 MS. BOEPPLE: And this afternoon is
21 our only opportunity to rebut what has been put
22 forward by the Applicant; is that correct?

23 PRESIDING OFFICER WEATHERSBY: You
24 will have an opportunity to file a supplemental

1 brief.

2 MS. BOEPPLE: But I'm trying to
3 clarify. Questioning this witness is the only
4 way we can rebut it; is that correct?

5 PRESIDING OFFICER WEATHERSBY: What
6 is it that you seek?

7 MS. BOEPPLE: What I'm looking for is
8 what the rule suggests, which is an opportunity
9 for all of the parties to, and I quote, respond
10 or to rebut the newly submitted testimony,
11 evidence or argument. I see rebuttal as taking
12 the form perhaps of recalling witnesses
13 specific to this issue and the issue that has
14 been submitted through the addendum.

15 PRESIDING OFFICER WEATHERSBY: Who is
16 the witness that you would like to call to
17 rebut?

18 MS. BOEPPLE: Counsel for the
19 Public's witness, Patricia O'Donnell.

20 PRESIDING OFFICER WEATHERSBY:
21 Attorney Aslin?

22 MR. ASLIN: I guess I don't know that
23 I would have an objection to recalling Ms.
24 O'Donnell. At this moment, before hearing what

1 Mr. Raphael has to say, I don't have a plan to
2 recall any witnesses. But it's hard to know
3 until you hear the testimony.

4 PRESIDING OFFICER WEATHERSBY:
5 Attorney Boepple, would you make an offer of
6 proof as to what you think Ms. O'Donnell would
7 say.

8 MS. BOEPPLE: At this point, until I
9 hear what Mr. Raphael has to say, it's
10 difficult to know how much additional rebuttal
11 we might want to bring forward. So, you know,
12 I could raise this again at the conclusion of
13 today's hearing and make a motion at that time.
14 But for the record, I'd like to at least put on
15 the record that I object to this hearing as it
16 is at least planned to occur today fulfilling
17 requirements of Rule 202.27.

18 PRESIDING OFFICER WEATHERSBY:
19 Attorney Needleman, you look like you want to
20 say something.

21 MR. NEEDLEMAN: Thank you. I believe
22 the rule says "respond or rebut," not "and
23 rebut." And so the opportunity to respond is
24 being provided both with respect to questioning

1 today and, as you observed, the right to file a
2 brief. So as the procedure is currently
3 contemplated, I would argue that it is already
4 in full compliance with the rule. And at the
5 very best, rebuttal is discretionary.

6 Second of all, I don't believe that
7 one party has the right to insist on the
8 recall of another party's witness for
9 rebuttal purposes. I can't ever remember
10 that happening in the SEC context.

11 And third, I would observe that the
12 testimony that's being offered today is with
13 respect to visual impact assessment, not
14 historic resource assessment. And I'm not
15 sure I can see the value in recalling an
16 historic expert for purposes of rebutting
17 visual impact assessment, even though the
18 resources here that are being looked at were
19 resources determined eligible.

20 So, to the extent this motion is
21 pending, we would object for those reasons.

22 MR. PATCH: Madam Chair, if I could
23 just be heard. I'd just like to note for the
24 record that we support the objection that the

1 Town of Newington has made. We think they have
2 a good point.

3 PRESIDING OFFICER WEATHERSBY: Okay.
4 What we're going to do is hear Mr. Raphael's
5 cross-examination. Everyone will have an
6 opportunity to cross-examine Mr. Raphael. At
7 the end, if you'd like to make a motion, if you
8 feel as though there's some information -- you
9 still want to get more information or try and
10 call Ms. O'Donnell, you can make a motion and
11 we will talk about it then, after Mr. Raphael's
12 cross-examination.

13 MS. BOEPPLE: Thank you. I'd just
14 like to make sure that the record showed,
15 reflects that we are objecting, that there's a
16 clear objection on the record.

17 PRESIDING OFFICER WEATHERSBY: Okay.
18 We are going to now proceed. Guess we'll go in
19 the usual order. Attorney Patch, would you
20 like to commence -- oh, does he need to --
21 sorry, Barry. He needs to adopt his addendum
22 as testimony or --

23 MR. NEEDLEMAN: Well, I'll defer to
24 you. But I'm not sure he does because there's

1 no testimony associated with it. He's already
2 sworn to his other testimony, and this is
3 simply an exhibit which I understand has been
4 entered. So our view is he's available to be
5 questioned about it.

6 PRESIDING OFFICER WEATHERSBY: Okay.
7 I guess we'll proceed then. Attorney Patch.

8 CROSS-EXAMINATION

9 BY MR. PATCH:

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. As you may recall, my name is Doug Patch. I
13 represent Durham and UNH.

14 A. Yes, I do.

15 Q. As I understand it, the addendum to the
16 visual assessment that is the subject of the
17 hearing today relates only to historic sites
18 that have been determined eligible for
19 inclusion in the state Register of Historic
20 Places or the National Register; is that
21 correct?

22 A. That's correct.

23 Q. Can you explain why you thought it was
24 necessary to conduct a further review of the

1 determined eligible sites?

2 A. Well, I just wanted to correct the record. I
3 made a mistake in stating that we did not
4 conduct a review of these properties when in
5 fact we had.

6 Q. And the way in which you conducted this
7 review -- excuse me. One second.

8 (Pause)

9 Q. The way in which you conducted the review, is
10 that what is described at the top of Page 2
11 of the addendum?

12 A. Yes.

13 Q. So it's basically by doing the four things
14 that you listed there.

15 A. Yes. That is a typical account of how we
16 would review it and how it was reviewed.

17 Q. And so which of the four things did you not
18 do for these sites previously?

19 A. Well, all of these techniques were used
20 throughout the VIA, throughout the visual
21 assessment, as part of the approach to
22 reviewing, you know, visibility and the
23 nature of the visibility.

24 Q. And so, for example, in No. 4, it says

1 "recalling site knowledge." What do you do
2 to recall site knowledge?

3 A. Well, for example, I would apply that to the
4 review of the University of New Hampshire
5 campus. We visited -- I personally visited
6 the campus a number of times. And so when I
7 refer to "recalling site knowledge," it
8 refers to recalling those visits.

9 Q. And by "recall," what do you mean?

10 A. Well, it would refer to the review and
11 analysis, perhaps, you know, conducted on
12 site to, first, assess visibility and then,
13 secondly, the nature of that visibility. So
14 when you go to a site, that would be a
15 typical approach that one would take and that
16 we took and that I refer to in this process.

17 Q. So, fair to say then, in preparing the
18 addendum you did not go back and visit any of
19 these sites again?

20 A. In person?

21 Q. Yes.

22 A. No, I did not.

23 Q. Did anybody that works for you do that?

24 A. No.

1 Q. And it refers to "reviewing site notes." Is
2 that part of trying to recall your site
3 knowledge?

4 A. Certainly.

5 Q. And how extensive notes did you have, for
6 example, on Morrill Hall which is cited in
7 the addendum?

8 A. There were no specific notes on Morrill Hall.

9 Q. In fact, when you look at Exhibit 51, you had
10 made reference in here, I think, to
11 exhibit -- just trying to see exactly where
12 it is. I think it's on the first page in
13 Footnote 2 you made. Actually, that may not
14 be what I'm thinking of. But there was -- I
15 think you made reference to the fact that --
16 actually, it's in the list that is attached
17 to the addendum that you have, Morrill Hall.
18 And you also have, I think, Thompson Hall
19 listed from UNH.

20 A. I believe so, yes.

21 Q. And so you had no narrative from before about
22 either one of those, did you?

23 A. No. You wouldn't typically create a
24 narrative unless it was, you know, being

1 reviewed at a certain level.

2 Q. But you didn't have any notes on either one
3 of those either?

4 A. I don't believe specifically. I think the
5 notes were general notes about the nature of
6 the campus. You know, I don't necessarily
7 always take, you know, extensive notes in
8 that regard. I'm pretty good at
9 incorporating what I see into my mind's eye
10 and referring to that.

11 Q. And so when exactly did you visit the UNH
12 campus?

13 A. Oh, I've visited the UNH campus a number of
14 times over the process of this proceeding. I
15 can't -- you know, certainly at least two
16 times on site visits with the Committee; on
17 at least three occasions on my own as part of
18 the review of the Project; and then also
19 staff members also were on campus to prepare
20 for the simulations that are in the visual
21 assessment.

22 Q. And so presumably that was before the visual
23 assessment was done, which was in 2017;
24 right?

1 A. Not all of it, no. Some of the site visits
2 were subsequent to the submission of the
3 visual assessment.

4 Q. But you don't remember when.

5 A. Remember when what?

6 Q. The last time you visited UNH.

7 A. I believe the last time was during the last
8 site visit with the SEC.

9 Q. When?

10 A. I don't remember the date. I'm sorry.

11 Q. Okay. So in the summer of this year then?

12 A. Yes, I believe it was.

13 Q. Okay. And so part of your process is trying
14 to recall what you saw on that date.

15 A. Well, recall what I saw on that date and
16 refer to data that I have in the office --
17 photographs, aerial photos, things of that
18 nature.

19 Q. And when you did this addendum, you
20 determined that Morrill Hall at UNH had
21 potential visibility; correct?

22 A. Correct.

23 Q. I'm going to use Elmo. Actually, I'm going
24 to turn it. And just for the purposes of

1 asking you just a few questions about this, I
2 want to point out where Morrill Hall is. See
3 where my pen is pointing?

4 A. Yes.

5 Q. I'm sorry. Does that look correct to you?

6 A. Yes, it does.

7 Q. And then I think the other building on the
8 campus that you had referred to, that at
9 least was included in the list attached to
10 your addendum, is Thompson Hall; correct?

11 A. Correct.

12 Q. Is that correct where I just pointed?

13 A. Yes.

14 Q. And then the line that is the subject of this
15 proceeding is actually going to run behind
16 and then under Main Street, but behind the
17 train station; correct?

18 A. Correct.

19 Q. So, essentially down here; correct?

20 A. Correct.

21 Q. And so behind the train station there will
22 actually be pretty significantly taller
23 structures; correct?

24 A. Significantly taller than what?

1 Q. Than what's there now.

2 A. They will be taller, yes.

3 Q. And so part of the analysis you did in terms
4 of potential visibility from Morrill Hall,
5 did you do that from inside Morrill Hall or
6 from outside Morrill Hall? Or where did you
7 do that from?

8 A. Outside Morrill Hall.

9 Q. Okay. Right on Main Street or whereabouts?

10 A. Literally right behind Morrill Hall, to the
11 west side of the hall. There's a sidewalk
12 that goes there, a little parking area. And
13 there's landscaping on the western side
14 there.

15 Q. Right there.

16 A. Move your pen a little bit further up. Yeah,
17 right in that area.

18 Q. But you didn't do it from here?

19 A. Well, you know, we typically don't go inside
20 buildings unless there's, you know, a
21 compelling reason to do so. You know, if we
22 were -- if there was, you know, a large
23 picture window that was focused on a view,
24 that might be something that if it was

1 brought to our attention we would look at.
2 But typically it's the experience of the site
3 and the scenic quality of the site itself
4 that we are focused on.

5 Q. And just so the record's clear, when I said
6 you didn't do it "from here," I meant from
7 Morrill Hall as it faces Main Street, and the
8 area of land between Morrill Hall and Main
9 Street. And so you did not do the analysis
10 of potential visibility from that.

11 A. No. We looked -- I looked at and we looked
12 at the entire environs around the building
13 that would have potential visual access to
14 the Project.

15 Q. Okay. I thought you said you had just looked
16 from the west side. But now you're saying
17 you looked from all sides?

18 A. Well, I looked at the whole side. But the
19 area of outdoor use that would be typically
20 focused on was the area proximate, closest to
21 the line, and that would be the rear side of
22 the building.

23 Q. And just explain to me why, why you chose
24 that.

1 A. Well, because as what I just said, that
2 the -- that would be an area that there was
3 public activity and had some potential views.
4 Obviously, the front entrance of Morrill Hall
5 is in the opposite direction and shielded
6 from the building. There is landscaping
7 around the side of Morrill Hall that, you
8 know, also limits visibility to the Project.

9 Q. And so when you say "potential visibility,"
10 what do you mean by "potential visibility"?

11 A. That there is a potential that there's
12 visibility.

13 Q. And why is that? Is that based on distance?
14 Is it based on configuration of the land?
15 What is that based on?

16 A. Well, you know, again, it begins with our
17 viewshed mapping. But certainly at this
18 scale, it is based on, you know, a more
19 detailed analysis of the site and, you know,
20 the landscape and vegetation and building
21 form that is part of that site, you know, to
22 ascertain what visibility is possible on site
23 given those types of factors.

24 Q. And you apparently concluded that, even in

1 wintertime, there is no potential for any
2 visibility of the, I think you said the
3 underground ROW; is that correct?

4 A. I don't recall if that was specific.

5 Yes, I think that was a conclusion, that
6 due to the presence in that section and the
7 limited visual accessibility between existing
8 buildings, existing vegetation, and then the
9 actual location of the underground section, I
10 concluded that there would be no visibility.

11 Q. What about of the above-ground? Is there
12 potential visibility of that?

13 A. Very limited, if any, because, again, of the
14 surrounding vegetation and buildings. You
15 know, there are buildings in the way. Also,
16 the road rises to go over the rail tracks.
17 So there are a number of factors which
18 contribute to blocking the direct view of the
19 structures further north along the line.

20 Q. So if I understand you correctly, and I don't
21 see this in the addendum, what you are now
22 saying is that there is limited visibility
23 from Morrill Hall of the above-ground
24 structures that are proposed for this

1 project; is that correct?

2 A. I want to refer back to exactly what I said.

3 (Witness reviews document.)

4 A. And I'll just read it because that's
5 essentially the answer to your question.

6 "The only potential view of the corridor
7 would be in front of the northwest facade of
8 the building. This view is of the portion of
9 the corridor where the Project would be
10 located underground; therefore, there would
11 be no direct visibility of any project
12 structures."

13 Q. What do you mean by "direct visibility"? Is
14 there such a thing as indirect visibility?

15 A. You know, if you looked hard and stood in one
16 particular place, you might be able to see
17 or -- you know, I would never say never.
18 But, you know, depending on one select spot,
19 if you tried to search for it, there's a
20 possibility you might see the structure
21 through the trees from the vicinity of the
22 immediate environs of Morrill Hall. But I do
23 not think that will be the case.

24 Q. And is that the winter or the summer?

1 A. Both summer and winter.

2 Q. It's the same?

3 A. Yes.

4 Q. And why is it the same? Are there deciduous
5 trees in between or --

6 A. Yes, there are.

7 Q. And wouldn't it be different when the trees
8 lose their leaves?

9 A. It depends on, you know, the trees themselves
10 and their placement. But generally speaking,
11 we have found, interestingly enough, that
12 even in winter the branching structure of
13 most trees and the linear nature -- the
14 vertical nature of the structures themselves
15 make it difficult at times, depending, again,
16 on the nature of the view and the structure
17 and its location, to directly ascertain or
18 pick out a structure. And there have been a
19 number of studies, actually, that
20 substantiate that. So I'm not making that
21 up.

22 Q. And Morrill Hall, if I understand correctly,
23 was added to the National Register, or was
24 eligible at least in 1992; is that correct?

1 A. I don't know the answer to that.

2 Q. I mean, that's what it said in the list I
3 think that was in Exhibit 51. Is that --

4 A. I would take your word for that.

5 Q. What about Thompson Hall?

6 A. What about it?

7 Q. I mean, same thing? I think it indicated in
8 that list that it was eligible to be on the
9 National Register in 1996; correct?

10 A. I would have to take your word for it.

11 Q. Okay. What about other buildings in this
12 area, not just those two? I mean, you did
13 not analyze those because they weren't on the
14 list, I assume?

15 A. No. We analyzed the -- we looked at the
16 campus as a whole in relationship to the
17 Project.

18 Q. And visibility from some of those other
19 buildings that are noted on the map, is it
20 better or worse than Morrill? Presumably
21 it's different; correct?

22 MR. NEEDLEMAN: Objection, Madam
23 Chair. It's beyond the scope here. We're
24 focused on resources that were determined

1 eligible.

2 MR. PATCH: I think it would be
3 important for the Committee to know how they
4 compare to the ones that are in the addendum.
5 So I think it's a legitimate question.

6 PRESIDING OFFICER WEATHERSBY: It's
7 also a question that's beyond the scope of the
8 addendum to which this hearing is strictly
9 limited to. So I'm going to sustain the
10 objection.

11 MR. PATCH: Okay.

12 BY MR. PATCH:

13 Q. I just have a couple of questions about, I
14 believe it's on Page 1 of the addendum. You
15 make reference in Footnote 2 to "eligible
16 historic districts." And if I read this
17 correctly, there are two that were not on the
18 2017 DHR list; is that correct?

19 A. Correct.

20 Q. And the two that are listed are Fox Point at
21 Newington and Wiswall Falls in Durham;
22 correct?

23 A. Yes, sir.

24 Q. Do you know why they were not on that list?

1 (Witness reviews document.)

2 A. I do not know why they were not on the list.

3 Q. What do you know about Wiswall Falls?

4 A. In terms of?

5 Q. Location, proximity to the Project, anything
6 about the site itself.

7 A. It was reviewed in the course of the
8 preparation of the visual assessment, and it
9 was found to have no visibility.

10 Q. When you say "reviewed," I didn't see any
11 narrative.

12 A. No, there was no narrative.

13 Q. I mean, I saw it on a list of hundreds of
14 different ones that were reviewed. Are there
15 any notes with regard to Wiswall Falls?

16 A. I don't recall that there were notes.

17 Q. And so in preparing for this addendum, did
18 you review any notes of Wiswall Falls?

19 A. No.

20 Q. Do you have any knowledge of Wiswall Falls,
21 its historic significance?

22 A. We would not have delved into that if it did
23 not have visibility. The determination of
24 visibility, or lack thereof, would trigger

1 whether we conducted any further review or
2 left it right there. And in that case, I
3 think it was left right there because there
4 was no visibility.

5 Q. So, fair to say you don't know how far it is
6 from the Project?

7 A. I'd have to look it up. I'm not directly
8 familiar with that.

9 Q. So in reviewing and preparing for the
10 addendum, you did not look that up.

11 A. No.

12 Q. And how extensive an area is it? You know,
13 is it three acres? Is it one acre? And what
14 kind of site it is, do you have any knowledge
15 of that?

16 A. Again, it was reviewed in the course of the
17 visual assessment by others in my company in
18 concert with the historic experts, and it was
19 determined that there was no visibility.

20 Q. And so why is it in the addendum?

21 A. I think it's just listed because it emerged I
22 think as eligible or as a historic district.

23 Q. And so I think what you're saying, and
24 correct me if I'm wrong, is that to the best

1 of your knowledge, it will not have any
2 potential visibility?

3 A. Yes.

4 Q. And why is that? Is it distance? Is it
5 intervening geography? Is it vegetation?
6 Why?

7 A. My guess is it would be a combination of
8 probably all of those. But, you know,
9 typically it's intervening buildings,
10 vegetation, often topography. So it could
11 have been any one of those.

12 Q. But that's a guess, as you just said.

13 A. No, it's not a guess. My staff reviewed it
14 and determined that it did not have
15 visibility. So it was not a guess. It was
16 reviewed as part of our process and
17 determined to have no visibility.

18 Q. But it sounds like you have no specific
19 knowledge of that right now, today. It
20 sounds like you didn't review it for the
21 addendum. And you just said it's your guess
22 that it's one of those.

23 A. Well, again, you know, I don't personally
24 review 112 properties on site necessarily in

1 every instance. That review was conducted by
2 my staff, and I have -- as many visual
3 assessments are developed by a team. And
4 therefore I rely on my staff to make those
5 kinds of conclusions. If a project does have
6 visibility and it becomes a topic to review,
7 then I would probably be brought in.

8 Q. And did you ever visit Wiswall Falls?

9 A. I did not.

10 Q. What would make it qualify as a historic
11 district?

12 A. I'm not a historic preservation expert, so I
13 can't answer that question properly.

14 Q. So you don't know the difference between a
15 district and a site.

16 A. Well, a district is an area that includes
17 potential other sites, or it might be a
18 physical area that has some buildings in it
19 or encompasses -- you know, if it's a site,
20 it could be a dam, just the dam site itself
21 and the immediate environs of the dam.

22 Q. But if there are any criteria for listing as
23 a district, you're not familiar with what
24 those are.

1 A. No. The listing of the districts and
2 eligible properties, for the most part, comes
3 from the Department of Historic Resources.
4 And they're the ones, or other experts, who
5 determine, you know, a property's or a site's
6 eligibility, or potential eligibility.

7 Q. But you don't know --

8 A. That's not what we do as part of --

9 Q. You don't. And so you don't look into
10 whether something qualifies as a district or
11 not. You don't really know what would make
12 it qualify as a district.

13 A. No. That's not germane to our visual
14 assessment.

15 Q. Okay.

16 MR. PATCH: That's all the questions
17 I have. Thank you.

18 PRESIDING OFFICER WEATHERSBY: Thank
19 you. Attorney Boepple.

20 CROSS-EXAMINATION

21 BY MS. BOEPPLE:

22 Q. Good afternoon.

23 A. Good afternoon.

24 Q. Elizabeth Boepple for the Town of Newington.

1 Mr. Raphael, maybe you can help me
2 understand. The addendum is -- this was a --
3 you just said it was to correct the record;
4 is that correct?

5 A. Yes. Or to add to the record I guess would
6 be the right way to put it.

7 Q. And what are you adding to the record with
8 this addendum?

9 A. We're just adding a statement that says
10 eligible properties were reviewed. They were
11 reviewed again, and the addendum represents
12 that process and that review.

13 Q. And when you say -- okay. So let's break it
14 down a little bit.

15 So, eligible properties. And that term
16 is specific to properties that are defined as
17 either eligible for or listed on the state
18 register or the National Register; is that
19 correct?

20 A. I don't know if they're listed. I think
21 they're eligible for listing.

22 Q. I think that's what I just said.

23 A. No, you said eligible or listed.

24 Q. I said eligible for or listed on the state or

1 National Register; correct?

2 A. No, I don't think they would be listed yet.

3 They were eligible for listing. That's how I
4 understand what you're asking. I'm sorry.

5 Q. So your definition of "eligible properties,"
6 why don't you tell me what that is.

7 A. "Eligible properties" mean they are eligible
8 for listing on the state or National
9 Register. I do not believe it means they are
10 listed necessarily.

11 Q. So you only covered properties that were
12 eligible for listing?

13 A. No. We covered properties that were listed
14 as well in the -- throughout the VA.

15 Q. I'm really not trying to make this difficult.
16 I'm just trying to understand exactly --

17 A. Sure.

18 Q. -- what properties you reviewed. So why
19 don't you tell me that.

20 A. We initially reviewed all listed properties
21 on the state or National Register. And then
22 as a second step we did review the listing
23 that was made available, I believe in 2017 in
24 the summer, of eligible properties for

1 listing.

2 Q. What listing are you talking about?

3 A. The listing of eligible properties that was
4 provided by the Department of -- Division of
5 Historic Resources.

6 Q. And was that attached to your addendum?

7 A. I believe so.

8 Q. That's the listing you're talking about?

9 A. Yes.

10 Q. Okay. And so you relied on a list provided
11 to you; is that correct?

12 A. Correct.

13 Q. And you didn't undertake any independent
14 review to see if there might have been
15 additional properties beyond the list you
16 were provided with; is that correct?

17 A. No. That is -- no, we did not. I believe
18 that that would be something that the
19 Preservation Company did do. And then we
20 worked collaboratively with the Preservation
21 Company to address the eligible properties.
22 So if they knew of any others that might be
23 potentially, they would have been initially
24 vetted by them and then, if necessary,

1 reviewed by us if they had scenic qualities
2 or visibility.

3 Q. Are you aware that Preservation Company was
4 reviewing within a one-mile APE?

5 A. No, I think the original review was actually
6 a half a mile, if I'm not mistaken.

7 Q. Okay. So did you review beyond that
8 geographic area?

9 A. Yes. This list includes eligible properties
10 out to the 10-mile radius of the Project.

11 Q. So who decided to go -- so the list -- you're
12 saying that this list actually does include
13 all the way out to 10 miles?

14 A. Yes.

15 Q. Okay. And that was determined in
16 collaboration; is that correct?

17 A. Well, no, that's in response to, you know,
18 rules which do, you know, potentially include
19 views and, you know, scenic resources up to
20 10 miles for a project of this nature.

21 Q. But in your specific assessment, you've
22 relied on the historic experts; is that fair
23 to say?

24 A. No. No. We did -- when a project had either

1 scenic values and could qualify as having --
2 as being a scenic resource, had some scenic
3 qualities, it was publicly accessible, those
4 would -- and obviously had visibility, that
5 was what we would review and did review. And
6 we began that at the very beginning of the
7 actual visual assessment. And there are
8 historic properties listed in the visual
9 assessment, so we did conduct a comprehensive
10 review of those properties.

11 Q. But you missed these; right?

12 A. I'm sorry?

13 Q. But you missed these.

14 A. No, we did not miss these. That's where I
15 made the mistake when asked that question. I
16 actually, I think, misconstrued the question,
17 unfortunately. And on further review in my
18 own mind and, you know, in discussing it with
19 my staff, we realized we had actually
20 reviewed that and I misspoke. And that's why
21 this is here to correct -- you know, not to
22 correct, but to add to the record that, A,
23 that these properties were reviewed, and this
24 addendum is to clarify that that process took

1 place and to enter that into the record.

2 Q. And so don't you think that might have been
3 important to include that originally in your
4 assessment or in your first addendum or your
5 second addendum? Because you've now filed,
6 this will be the third one; correct?

7 A. Yes, it should have been included. And it
8 was an oversight on our part, and we made
9 that mistake.

10 Q. So you didn't actually undertake additional
11 assessment. This was all work you had
12 already done but just neglected to include it
13 prior to the close of the record.

14 A. Yes, that's correct. Except for the fact
15 that I did take the opportunity to just
16 double-check one more time and conduct --
17 checked every site on the list, which is what
18 I did just mostly recently, and that is
19 reflected in the addendum.

20 Q. Okay. So you checked every site on the list.
21 But you didn't go out there. That's what you
22 just testified; correct? When you say you
23 "checked every site," what did you do?

24 A. Well, yes, it's written in the addendum the

1 process that I undertook. You know, again,
2 for a number of these sites and locations, I
3 was already familiar with them in the flesh
4 because, you know, as I mentioned previously,
5 we spent time, for example, on the University
6 of New Hampshire campus. So I understood the
7 context and the conditions there.

8 But everything had been reviewed and
9 vetted. And because no eligible properties
10 rose to a level of meeting, you know, the
11 criteria for review as a scenic resource,
12 they didn't appear in the original report.
13 And we erred by not making that statement and
14 clarifying that.

15 Q. Okay. So your reviewing was just of your
16 records; correct?

17 A. Yes.

18 Q. Okay. So you did not revisit specifically,
19 for example, the sites in Newington; correct?

20 A. In what sense? You mean physically visit the
21 sites?

22 Q. Correct.

23 A. Not for this. But I was pretty familiar with
24 the sites in Newington already.

1 Q. So the historic buildings along Woodbury
2 Avenue in Newington --

3 A. No, that's in Portsmouth.

4 Q. Well, I'm reading "historic buildings along
5 Woodbury Avenue in Newington" --

6 A. I think it might have been... hang on.

7 Q. -- on Page 2 of your addendum.

8 A. Oh, that's a mistake. That should be
9 Portsmouth, I think. No? No, I guess this
10 is Newington. Forgive me. I think of it as
11 Portsmouth because it's over in that area.
12 No, that is in Newington. Forgive me. I
13 misspoke. That's my mistake. Those are in
14 Newington. You know, because we're so close
15 to Portsmouth at that point, I conflated the
16 two together. Forgive me.

17 Q. So did you revisit any of those sites that
18 are listed here?

19 A. No, because I was, as I said, familiar with
20 them already. I'd been there before. I
21 walked all over that area from the substation
22 to those areas and was pretty familiar with
23 the context and the nature of those sites.

24 Q. Okay. So when you describe, for example,

1 under Section E of your addendum, when you're
2 talking about the General Sullivan Bridge and
3 the view south/southwesterly towards Fox
4 Point Road and Nimble Hill Road in Newington,
5 and your statement "may yield some visibility
6 of Project structures at or slightly
7 below" -- or excuse me -- r"at or slightly
8 above the existing tree line,r" that was
9 based on the work you had done, not new work
10 you've done; is that correct?

11 A. No. As I stated previously, I just went back
12 and checked all of these just to be sure. I
13 mean, obviously we already vetted them. I
14 had no reason to be concerned. But I felt as
15 though I personally wanted to walk through
16 that process in a desktop analysis. So,
17 again, we used -- you know, I generally
18 relied on the steps that I identified on the
19 top of Page 2.

20 Q. Okay. So this is all desktop analysis.

21 A. Yes, which is an absolutely common practice
22 for a visual assessment. You can't go out to
23 the site every time you need to review the
24 process -- you know, the visibility. So you

1 rely on, you know, data that you've
2 collected, photographs you've taken, your
3 familiarity with the site and the tools that
4 I identified here.

5 Q. So you did no additional verification; is
6 that correct?

7 A. That was the additional verification.

8 Q. Desktop. There was no on-site --

9 A. I didn't feel the need to go on site because
10 I was already familiar with the sites.

11 Q. Okay. I'm sorry. The question just was did
12 you go on site. You didn't. I'm not asking
13 you to justify it or not. That's just the
14 question.

15 A. I already answered that question. I did not
16 go on site --

17 Q. Okay. Thank you.

18 A. -- for this particular project -- for this
19 particular addendum. I'd been on site
20 previously, as I indicated.

21 Q. Okay. Thank you.

22 A. You're welcome.

23 MS. BOEPPLE: No further questions.

24 PRESIDING OFFICER WEATHERSBY:

1 Attorney Aslin.

2 MR. ASLIN: Thank you, Madam Chair.

3 CROSS-EXAMINATION

4 BY MR. ASLIN:

5 Q. Good afternoon, Mr. Raphael. How are you?

6 A. Fine. And yourself?

7 Q. Doing well, thank you.

8 I'd like to first clarify a little bit
9 of the timing here. You discussed that you
10 previously had or your team had previously
11 done a review of eligible historic resources
12 as part of your visual assessment. And I
13 want to get the timing down correctly.

14 So the original visual assessment you
15 did, which is Applicant's Exhibit 51, was
16 completed in April of 2016; is that right?

17 A. Correct.

18 Q. Okay. And then there was a first addendum to
19 that visual assessment that was done in
20 October of 2016, which I believe is
21 Applicant's Exhibit 95. And that was to
22 address the undergrounding of the Project
23 through the Frink Farm?

24 A. Yes, I believe that's right.

1 Q. Okay. And then in your supplemental
2 testimony you included two additional
3 addendums, the first addressing concrete
4 mattresses. And that one is Attachment C to
5 your supplemental testimony, which is
6 Applicant's Exhibit 142. And that concrete
7 mattress addendum is dated July of 2017; is
8 that correct?

9 A. That sounds right.

10 Q. And then Attachment D to your supplemental
11 testimony, again, Applicant's Exhibit 142,
12 was a third addendum addressing Nimble Hill
13 Road in Newington?

14 A. Right.

15 Q. And that was dated June 29, 2018.

16 A. Correct.

17 Q. Okay. And I believe we established that the
18 list that's appended to your new addendum of
19 eligible resources was provided to the
20 Applicant in July of 2017; is that correct?

21 A. That's correct. And that would be after our
22 initial visual assessment was filed.

23 Q. Okay. So do I have it correct that you
24 completed this -- or LandWorks completed its

1 review of eligible historic resources for
2 scenic impact after July 2017?

3 A. Yes. I think when the list became available,
4 it was reviewed by staff, in collaboration
5 with the Preservation Company at that time.

6 I had the sequence wrong. I didn't mean
7 to imply that it should have been included in
8 the visual assessment because it wouldn't
9 have been, given that it was subsequent to
10 the initial report.

11 Q. Okay. Thank you for clarifying that.

12 And when you have made comments today,
13 and also in the text of the addendum, that
14 these resources had been addressed already in
15 the visual assessment, are you saying that
16 they were also resources that were scenic
17 resources for other reasons that were
18 reviewed, or were they reviewed as eligible
19 historic resources at some time before you
20 received that list from DHR?

21 A. I believe there may have been several that
22 were potentially eligible that were reviewed
23 as part of the initial process. And again,
24 you know, I don't -- yeah, I mean, we would

1 review any resource that had a scenic quality
2 to it, whether it was recreational, historic,
3 conservation-related. And that would have
4 occurred in that initial visual assessment.
5 Again, as I said earlier, we probably erred
6 by not, you know, at least recording the fact
7 that a subsequent -- probably in the last
8 addendum, that in fact we had done that
9 review. And I think our reportage, if you
10 will, in the addendums were missing that
11 piece and should have had that.

12 Q. Okay. Thank you.

13 Now, with regard to the analysis that's
14 outlined in this addendum, if I understand it
15 correctly, kind of a high-level approach here
16 was to look at the list of all eligible
17 resources within the towns that are within a
18 10-mile radius --

19 A. Correct.

20 Q. -- and then filter out those that are outside
21 of 10 miles.

22 A. Well, certainly at the outset, yes.

23 Q. Okay. And then conduct a preliminary
24 assessment of which of those remaining

1 resources had potential visibility of the
2 Project.

3 A. Correct. Or, well, it was filtered by both
4 potential visibility and public access. If
5 it was a private residence, that would have
6 not gone any further in any sort of review on
7 our part.

8 Q. Okay. Thank you for reminding me of that
9 step.

10 And in that regard, when you read the
11 definition of "scenic resources" in the SEC
12 rules -- and I believe it's Subpart D, but it
13 may be a different subpart -- it says that
14 historic resources with a scenic quality --
15 or that's probably not the exact language,
16 but something to that effect.

17 A. Correct.

18 Q. Is your understanding that the scenic
19 resource is the historic site itself or the
20 view from the historic site?

21 A. That's a good question. Typically what we
22 are looking at is are there potential effects
23 from the Project to the site. If it is a
24 scenic resource in and of itself, it has

1 distinct scenic qualities that, you know,
2 attract the public for outdoor use, then that
3 would certainly qualify as a scenic resource
4 regardless, and obviously had public access,
5 regardless of whether there was a historic
6 building there or not. Then you would also
7 consider whether the historic property or the
8 historic site or historic resource itself had
9 a scenic value because -- you know, an
10 example might be that, you know, we would all
11 maybe think of there's wonderful tower on
12 Route 2 in, I think it's Bethlehem,
13 Vermont -- I mean New Hampshire. That would
14 be a historic site, a historic building that
15 also was a scenic resource because it's
16 focused on, you know, having a view from the
17 top of the tower.

18 Q. Okay. And so would it also be a scenic
19 resource if you are in a designated viewing
20 area and looking at that tower that is a
21 historic structure?

22 A. Yes, that would potentially be it.

23 Q. Okay. But for purposes of your review here,
24 am I correct that you are looking at these

1 historic, eligible historic sites as being
2 the viewpoint for the scenic assessment?

3 A. Yes.

4 Q. Okay.

5 A. For the most part, although there are
6 exceptions to that. I mean -- yeah.

7 Q. And that's why, with regard to the questions
8 that Attorney Patch asked you about Morrill
9 Hall, you were looking from Morrill Hall or
10 the vicinity of Morrill Hall out towards the
11 Project.

12 A. Right. Because I think Morrill Hall itself
13 is a historic building, but it's not
14 necessarily a scenic viewing point inside the
15 building. So that's why we would be focused
16 in the exterior of the -- on the site.

17 Q. Okay. Thank you.

18 And then you performed, I believe it
19 says... I lost my reference on that. But,
20 yeah, on Page 1, it says under Section B that
21 LandWorks and Preservation Company conducted
22 a thorough review of determined eligible
23 sites within the area of potential visual
24 impact.

1 Is that review that you did
2 collaboratively with Preservation Company
3 different than the visibility analysis that
4 you conducted that's referenced on Page 2?

5 A. They're integrated. I mean, certainly we
6 worked back and forth with regard to
7 assessing visibility. But we would primarily
8 conduct the final visibility test and whether
9 the Project would be visible from a specific
10 site or not.

11 Q. Okay. So, if we're applying the viewshed
12 mapping and looking at Google Earth images
13 and street views and those kinds of things,
14 you did that work, or your team did that work
15 to determine whether there's potential
16 visibility.

17 A. Correct. Yes. And in the initial go-round,
18 not this, when I revisited this just
19 recently, we also used something called "3D
20 Analyst," which is a computer-driven software
21 that can determine whether a site has a view
22 of a certain object in the distance. And
23 it's a GIS-related analysis tool.

24 Q. Okay. I think that's been referred to as "3D

1 modeling" in some other context.

2 A. Yes, that's right.

3 Q. Okay. And then for this, I think you ended
4 up with six historic, eligible historic sites
5 that had potential visibility. And then you
6 looked at each of those six to determine
7 whether they also had scenic quality?

8 A. Correct.

9 Q. Okay. And it says on Page 2 that that scenic
10 quality assessment was done by both LandWorks
11 and Preservation Company. Can you explain
12 the division of labor? What did Preservation
13 Company do and what did LandWorks do? How
14 were you communicating? Was it all one
15 process working together or two separate
16 processes?

17 A. No, we worked together back and forth
18 typically throughout it. It's not isolated,
19 but it was -- you know, throughout this whole
20 process there was ongoing communication
21 between the two expert companies to, you
22 know, go back and forth and test visibility
23 along with, again, eligibility for
24 consideration as a scenic resource.

1 Q. Okay. And what attributes were you looking
2 at to determine whether an eligible historic
3 site had scenic quality?

4 A. Well, again, it related to the -- in my mind,
5 it might be a little different than what a
6 historic expert would do. You know, it
7 begins with whether the site itself and the
8 integrity of the site would potentially have
9 a view of the Project and that view would
10 have an effect on the historic integrity of
11 the site or the purpose of the site. But
12 adding to that is, again, you know, again, as
13 I'm sure you know, you know, a historic
14 property could be highlighted or eligible
15 because it has an architectural value or it
16 has an engineering value. Or there's a
17 story; an important moment in history took
18 place there. So there are a number of other
19 reasons why a project has historic value that
20 have obviously nothing to do with scenic
21 quality or being a scenic resource. But
22 there are some historic properties that do
23 have a scenic value and/or a viewpoint, or a
24 publicly accessible viewpoint, which is the

1 ones, obviously, again, that would be
2 intrinsic to our review process.

3 Q. And as part of this process in assessing
4 scenic quality, did you have photographs of
5 these resources and their surroundings? Did
6 you perform any photo simulations? What went
7 into that review?

8 A. Well, I mean, in the original visual
9 assessment, beyond that there were photo
10 simulations that were useful and did take
11 into account either the proximity or a
12 viewpoint looking towards or over a historic
13 resource. So that was one piece of
14 information that was relied on. You know,
15 photographs, certainly aerial photographs
16 often, almost always if a site is something
17 we do need to explore, we would look at the
18 web sites if they exist, or any other public
19 sources of information, to understand the
20 nature of the site and whether the site was
21 oriented towards a view, or that view was
22 part of what made the site have some historic
23 value.

24 Q. Okay. Thank you.

1 Now, on Page 2 you have this list that
2 attorney Patch asked you about before,
3 different steps that you used to assess
4 visibility. And Attorney Patch asked you
5 about recalling site knowledge, the fourth
6 bullet there. Am I correct that that
7 references your kind of re-review that you've
8 recently done as opposed to the initial
9 undertaking that your office did to look at
10 these sites?

11 A. Well, if warranted, depending on the resource
12 again, this process identified would have
13 also been used to a greater or lesser extent.
14 For example, you know, perhaps instead of
15 using Google Earth, we might have also tested
16 it with that 3D modeling. Certainly any site
17 that rose to a level of requiring an on-site
18 review, like the University of New Hampshire
19 campus, was visited. And, you know, the
20 context and conditions were taken into
21 account, and photographs were taken that we
22 could rely on again through the analysis
23 process.

24 Q. So would it be correct to say that there was

1 not a specific on-site effort made at any
2 time to analyze the scenic impact of the
3 Project on these particular eligible historic
4 resources, but that you had a lot of
5 information from your other review that you
6 utilized to make this assessment?

7 A. Well, actually, no. For example, the
8 University of New Hampshire, again, we had
9 site visits. We had photographs. We had,
10 you know, mapping that we used. And so that
11 would be site-related, site-specific.

12 General Sullivan Bridge, obviously had
13 been over the newer portion certainly
14 recently, as well as the Scammell Bridge. My
15 staff did actually get onto the bridge. I
16 believe we do have actually a simulation from
17 Scammell Bridge. So that was done with that
18 level of detail and more in the initial VA
19 for those properties, those types of
20 properties.

21 Q. But what I'm trying to get at --

22 A. Please.

23 Q. -- is that effort was not directed towards
24 specifically looking at eligible historic

1 sites. It happens that you went to some of
2 the same places.

3 A. That's correct. Yes, that's right.

4 Q. Okay. Thank you.

5 Now, as far as I can see, the list of
6 eligible historic resources that you have
7 appended here is the universe of what you
8 looked at for specifically addressing
9 eligible historic resources?

10 A. Well, it's the universe of what we
11 specifically looked at. But the Preservation
12 Company started, I believe, with a list of
13 over 500. And they were able to winnow it
14 down again using the criteria that would omit
15 properties for our view -- you know, private
16 residences, no visibility. That type of
17 filter was applied to the original 500. Some
18 of them were no longer extant. Some actually
19 might have been -- they were in the town, but
20 they were beyond the 10-mile radius within
21 the town, so they were dropped off. And
22 there were duplicates. So that winnowing
23 process was conducted by the Preservation
24 Company.

1 Q. Right. But with regard to your assessment,
2 visual assessment of the subcategory of
3 eligible historic resources, this was the
4 list that you used to conduct --

5 A. Correct.

6 Q. Now, what I didn't see in that list were
7 three historic districts that were determined
8 to be eligible resources by the Applicant's
9 historic experts. Those are the UNH Historic
10 District, the Durham Point Historic District
11 and the Newington [sic] and Bennett Road
12 Farms Historic District. Are you aware of
13 whether your group looked at those three
14 historic districts for visual assessment as a
15 scenic resource?

16 A. I believe they were. Now, when you said the
17 Newington, you said the Newington Historic
18 District --

19 Q. It's the Newington [sic] and Bennett Road
20 Farms Historic District.

21 A. Are those two different districts?

22 Q. It's one.

23 A. Oh, around the Bennett Farm area, yes. I
24 believe they did. And again, I also

1 double-checked that as well in the subsequent
2 review.

3 Q. Okay. But I don't see them on this list of
4 resources, and I don't recall them being
5 mentioned in your visual assessment itself.

6 A. They wouldn't have been if there was no
7 visibility and there was no need for any
8 analysis.

9 Q. Okay. But these are three historic districts
10 through which the Project passes. So there
11 certainly is some visual visibility of the
12 Project from those districts.

13 A. Well, potentially, yes, that's right. I
14 mean, you know, I believe the Project passes
15 through the Newington Historic District. And
16 for most of the district there's little, if
17 any, visibility due to, again, intervening
18 vegetation or built form.

19 Q. Thank you. No further questions.

20 PRESIDING OFFICER WEATHERSBY: Thank
21 you, Attorney Aslin.

22 Does anyone on the Committee have
23 any questions for Mr. Raphael?

24 (Discussion off the record.)

1 PRESIDING OFFICER WEATHERSBY: Oh,
2 I'm sorry. We're out of practice. Does anyone
3 on the Committee have any questions for Mr.
4 Raphael concerning the addendum? Ms. Duprey.

5 QUESTIONS BY SEC MEMBERS AND COUNSEL:

6 BY MS. DUPREY:

7 Q. I'm sorry. I'm still mixed up. And I didn't
8 have a chance to go through all the rest of
9 your reports and testimony. So I'm sure what
10 I'm going to ask is clearly able to be
11 determined from that, but I haven't had the
12 chance to do it.

13 So this is what didn't get in the
14 report. So what is in the report? What did
15 you look at that's listed in the report that
16 is exclusive of this list of almost 500
17 sites?

18 A. Again, I think it would be if you go to our
19 list of potential resources in the report, I
20 think, you know, there are a couple of
21 hundred. And within that --

22 Q. But what are the categories, just the
23 categories?

24 A. Well, again --

1 Q. Excuse me. I'm sorry. So these are eligible
2 sites. So what were the other sites that you
3 reviewed because they weren't the eligible
4 sites? So what were they?

5 A. Any sites that were already listed on the
6 national or state register.

7 Q. Within 10 miles.

8 A. Originally it was within half a mile.

9 Q. Okay. So your report is about sites that are
10 on the National Register that are within a
11 half a mile on either side of the line?

12 A. Correct. But we would have also included any
13 sites that were listed and had visibility and
14 public access or scenic quality that were
15 beyond that as well. So, it's a two-step
16 piece.

17 Q. Okay. And then your report addresses those
18 sites; correct?

19 A. If they had visibility and were considered a
20 scenic -- had a scenic value associated with
21 that.

22 Q. Okay. Initially as I was looking at this, it
23 seemed like it might have just been a
24 clerical error because this exhibit, if you

1 dropped from the list -- because you put in a
2 different exhibit. But as I'm listening to
3 you, I don't think it was just that.

4 Was it a clerical error of mistaking one
5 exhibit for another? Or was it in the
6 drafting of the report, that you were
7 drafting it from a different angle and these
8 weren't included?

9 A. I think the latter explanation is the right
10 one, yes.

11 Q. So I'm sorry to ask this pointed of a
12 question, but it just seems like such a huge
13 error. How did 600 sites within 10 -- you
14 looked at what was within 1 mile and left out
15 the other 9 miles. It just seems like a
16 really large segment.

17 A. Well, first of all, we didn't leave out the
18 other nine miles --

19 Q. No, but your report did.

20 A. No. We would have considered those in the
21 subsequent look at the 10-mile distance. And
22 again, nothing came up in that review.
23 Again, the focus initially was on, you know,
24 the half-mile on either side of the line that

1 was the initial focus. And then I believe
2 another review was done looking at the
3 10-mile.

4 And, again, I just want to back up and
5 say that that half-mile or mile focus is
6 reasonable I think. One of the things I
7 found was once you got beyond, you know, a
8 couple of miles, the visibility and the
9 visual effect was negligible because at that
10 distance the structures become so small in
11 the landscape and there's so many intervening
12 elements in the landscape on a coastal plane
13 sort of geography without a lot of, you know,
14 higher and lower points, that just so many
15 things -- it might seem surprising, but of
16 those, you know, numbers, as I said earlier,
17 the 500, for example, of eligible sites, a
18 whole number was eliminated very quickly
19 because they were private.

20 Q. I don't take anything away from that. I
21 certainly understand that. I'm just trying
22 to understand how what seems like kind of a
23 big universe got left out of the report.
24 That's all.

1 A. It was our mistake not to include a narrative
2 that stated exactly that those things had
3 been considered and had been reviewed. And I
4 think, as you said earlier, you know, our
5 focus is on scenic resources, and we're not
6 always thinking, oh, we've got to also
7 identify discretely and separately the
8 historic resource review.

9 But historic resources were reviewed,
10 again, with public access and visibility and
11 a scenic value within the report. And then
12 again subsequently, here with this addendum
13 that enters in the review of the eligible
14 listings.

15 Q. And a last question. What caused you to
16 realize this omission?

17 A. I mean, I realized after my testimony that I
18 had erred in answering the question from the
19 Counsel for the Public about that. You know,
20 again, I think it was because, as I said to
21 you a moment earlier, you know, my construct
22 is really scenic resources. And scenic
23 resources can mean cultural, recreational,
24 purely scenic, conservation, as well as

1 historic. So I sort of look at it as the
2 universe of sort of scenic resources. I
3 didn't always, you know, pick out or
4 highlight that we did, you know, historic
5 resources, per se.

6 So that was an omission. That was our
7 mistake, and it's regrettable. And this
8 addendum is designed to correct that.

9 Q. So I'm just a little bothered about the fact
10 that your testimony was back in October
11 sometime and the hearings were still going on
12 and yet this didn't come to us until
13 essentially all the testimony was closed.

14 A. Well, I think it was realized soon
15 thereafter, and then we had to work to kind
16 of, you know, regroup and just identify and
17 confirm, you know, that all of this had been
18 done and to reaffirm that to the Committee.

19 Q. Okay. Thank you.

20 PRESIDING OFFICER WEATHERSBY: Mr.
21 Schmidt.

22 BY MR. SCHMIDT:

23 Q. Good afternoon. Welcome back. Thank you.

24 A. Thank you.

1 Q. I have a quick question. I see your analysis
2 of 112 properties given by DHR and so on.
3 But I don't see any reference to the bare
4 ground view. And I'm just curious. Did you
5 address that and I'm just missing it?
6 Because I see several references where trees
7 and so on would obstruct the view, so they're
8 not considered impacted. Can you just
9 elaborate on that for me?

10 A. Certainly. And probably I should have stated
11 this. On the top of Page 2, where I walk
12 through the four points of our analysis, in
13 analyzing the 10-mile viewshed I used the
14 bare earth as a starting point to, first, you
15 know, test whether the Project -- you know,
16 the site appeared within that category in the
17 bare earth viewshed. So we have it, and I
18 used it for that purpose.

19 Q. Okay. So we've been using the bare earth.
20 The only locations that are identified are
21 the ones that you listed. All the others
22 ones with the bare ground wouldn't show up?

23 A. Well, others did show up on the bare ground,
24 certainly. But then that's when I went to

1 the aerial photos and the street view on
2 Google Earth and also certainly any site
3 knowledge that I had of that particular
4 resource. So it was a multi-step process.
5 And that's how certain resources that might
6 have been visible on bare earth were omitted
7 as we dialed down. And then I double-checked
8 it with the viewshed analysis with vegetation
9 to see if that blocked it out, and then to
10 confirm that went to the Google Earth street
11 view to look at the actual site and see what
12 that yielded as well.

13 Also included was, particularly for the
14 distant properties, was a topographic
15 analysis. I looked at the topographic map
16 independent of viewshed to ascertain whether
17 there was intervening land forms that might
18 also block the view.

19 Q. I notice you had made reference to that, you
20 know, which makes sense. So, nowhere in your
21 documentation, this or the original report,
22 is there a list of properties that would show
23 up on a bare ground analysis?

24 A. No, there was not.

1 Q. Okay. All right. Thank you.

2 PRESIDING OFFICER WEATHERSBY: Any
3 other questions from the Committee? Mr.
4 Fitzgerald.

5 BY MR. FITZGERALD:

6 Q. Good afternoon.

7 A. Good afternoon.

8 Q. Just to clarify, I think I've heard this
9 three or four different times in different
10 ways. But as I understand it, no new work is
11 presented here; is that correct?

12 A. That's correct.

13 Q. Basically you're correcting the record that
14 your testimony was confusing on, and you're
15 including information that had previously
16 been -- I mean, I know you might have gone
17 back and reviewed and so on. But all this
18 work had been previously done. These sites
19 had been previously characterized, and you
20 went back and took an additional look based
21 on a list that had been provided.

22 A. That's correct.

23 Q. Okay. Was that list new or was that --

24 A. No. That list had been available since 2017.

1 Q. Oh, okay, okay. So it was just -- this is
2 basically clarification. Is that my
3 understanding?

4 A. Exactly.

5 Q. With regards to the type of view and
6 building, I think we talked about Morrill
7 Hall, for instance. Is the scenic
8 characteristic of Morrill Hall the building
9 itself or the view around the building or --
10 what is the scenic value there?

11 A. Well, I think, honestly, I'm not sure there
12 is a strong scenic value. It's primarily the
13 historic value of the building itself and its
14 architecture.

15 Q. Okay, okay. But you took a look from an area
16 where the -- your objective when evaluating
17 that is to look at the scenic issues from an
18 area where the public would be in or adjacent
19 to the building and how the view of the
20 Project would impact it?

21 A. Yes, exactly.

22 Q. Okay. So if we go to, say, General Sullivan
23 Bridge, is the bridge itself -- the bridge is
24 historic because of engineering and

1 transportation values.

2 A. Correct.

3 Q. Does it have scenic value?

4 A. You know, I think one reason we did take -- I
5 took another look at it is because, you know,
6 it might be on that fence. But I don't think
7 so. After further, you know, thinking and
8 analysis, it would be hard-pressed to call it
9 a scenic resource for any number of reasons.
10 It's not listed anywhere as a destination for
11 a view. As you may know, actually not that
12 this is necessarily germane, but it's closed
13 now.

14 Q. Right.

15 A. The pedestrian access is closed.

16 Q. Right.

17 A. The structure of the bridge itself does not
18 promote long-distance views.

19 And also, from what I understand and
20 what I researched, its primary value might be
21 for fishing. And that was highlighted as a
22 good location for fishing. But you'd be
23 hard-pressed to, you know, want to go to that
24 destination purely for a scenic view when you

1 consider the traffic and the activity right
2 adjacent to any potential viewing point.

3 Q. So it's a historic structure but has really
4 very limited or no scenic value.

5 A. I would think so.

6 Q. Okay.

7 A. That was my conclusion, yes.

8 Q. Okay. And when you're looking at a historic
9 structure or site or whatever, is your -- for
10 instance, with Morrill Hall, you mentioned
11 you looked -- you were down on the ground in
12 front of it. But we had the same issue I
13 think raised with the Frink Farm, where from
14 your vantage point in viewing, you would not
15 see the new structure, but from within that
16 house on the second floor, the structure
17 might be viewed. So your evaluation of the
18 scenic resource is sort of as the public
19 views it, not necessarily an individual.

20 For instance, Morrill Hall, people on
21 the fourth floor of Morrill Hall would have a
22 different view than those on the first floor.

23 A. Right. And you'd have to -- and that's
24 exactly right. And it's based purely on the

1 SEC rules with regard to public access to
2 qualify it. So I don't even know if I would
3 be -- I mean, I teach at the University of
4 Vermont, and I don't think anybody is allowed
5 to walk into a dorm. And many dorms are
6 secure. So that would not even necessarily
7 qualify as a public vantage point. And, you
8 know, again, typically academic buildings,
9 unless developed specifically for a purpose
10 of that sort, are not considered scenic
11 resources or would be, you know, used by the
12 public as a point of viewing for scenery.

13 Q. Good. Thank you very much.

14 PRESIDING OFFICER WEATHERSBY: Any
15 other questions from the Committee? Attorney
16 Iacopino?

17 Attorney Needleman, do you have any
18 redirect?

19 MR. NEEDLEMAN: Just one. Thank you.

20 Dawn, could you pull up Applicant's
21 Exhibit 263, please.

22 REDIRECT EXAMINATION

23 BY MR. NEEDLEMAN:

24 Q. So, Mr. Raphael, I just wanted to clarify one

1 point. This is an exhibit that was
2 previously put into the record. I think it's
3 also separately a Counsel for the Public
4 exhibit.

5 MR. NEEDLEMAN: Dawn, if you could
6 just go to the top first and highlight it.

7 Q. This was the original list of actual listed
8 state and scenic resources --

9 A. Right.

10 Q. -- that you looked at originally --

11 A. Right.

12 Q. -- and assessed as part of the Project.

13 A. Yes.

14 Q. And I think you misspoke and said you only
15 looked at the listed resources within a
16 half-mile. In fact, did you actually look at
17 the listed resources within the 10 miles?

18 A. Yeah, I said that after I said that. And I
19 tried to clarify that. But no, we did look
20 beyond that half-mile, absolutely.

21 Q. And those are contained in this list which
22 is --

23 A. That's correct.

24 Q. Okay. Thank you.

1 MR. NEEDLEMAN: That was it, Madam
2 Chair. Thank you.

3 PRESIDING OFFICER WEATHERSBY: Okay.
4 Thank you. Thank you, Mr. Raphael. You're all
5 done.

6 WITNESS RAPHAEL: Thank you.

7 PRESIDING OFFICER WEATHERSBY:
8 Attorney Boepple, your objection concerning
9 rebuttal is noted on the record. Do you have
10 any further, anything else you'd like to say or
11 any motions you'd like to make on that point?

12 MS. BOEPPLE: I would like to move
13 for an opportunity to at least review and
14 assess and then very quickly -- I'm going to
15 put on the record that I'm moving for an
16 opportunity to file rebuttal evidence. Whether
17 or not we do so, I mean, I appreciate we're
18 going to need to do this very quickly because
19 we have a deadline by which we need to file any
20 supplemental. And I'd like an opportunity to
21 confer with Counsel for the Public about the
22 opportunity to recall his witness. But based
23 on what we've heard today, it's not likely. I
24 would like to preserve that opportunity,

1 Attorney Boepple.

2 MS. BOEPPLE: Thank you, Madam Chair.
3 So we've had an opportunity to consult. And I
4 think based on what we've heard today, we don't
5 see a need to ask for a recall of Counsel for
6 the Public's witness. So I won't be moving for
7 that.

8 I will just note again for the
9 record that our objection was grounded in the
10 rule, which is not an "either/or"; we either
11 get to respond or we get to rebut. When
12 there's new testimony and new evidence
13 presented, when the record is reopened, then
14 the parties, under the rule, have an
15 opportunity to submit testimony, evidence or
16 argument to rebut it. And that's the basis
17 for our objection. I'm just putting that
18 into the record. Thank you.

19 PRESIDING OFFICER WEATHERSBY:
20 Attorney Needleman.

21 MR. NEEDLEMAN: I appreciate that
22 we're not going to have to go through a recall.
23 I thank Attorney Boepple for that.

24 I do want to know for the record,

1 though, that the rule will speak for itself.
2 But I don't believe that's what it says. It
3 says, "shall respond to or rebut." It
4 doesn't say anything about recalling
5 witnesses for any testimony.

6 MR. PATCH: Madam Chair --

7 PRESIDING OFFICER WEATHERSBY:
8 Attorney Patch.

9 MR. PATCH: -- I have one related,
10 procedural matter. I would like to mark for
11 identification the campus map that I used on
12 cross-examination of Mr. Raphael. And I think
13 it would be TD-UNH 32. And we'll submit it the
14 way we have the other exhibits.

15 PRESIDING OFFICER WEATHERSBY: Okay.
16 Thank you. That's a good idea.

17 MR. NEEDLEMAN: No objection.

18 PRESIDING OFFICER WEATHERSBY: Any
19 objection? Does anyone else have any further
20 business?

21 [No verbal response]

22 PRESIDING OFFICER WEATHERSBY: Okay.
23 The record is now closed. Thank you all. We
24 are adjourned.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(Whereupon the Day 16 Session was
adjourned at 3:09 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
notes of these proceedings taken at the
place and on the date hereinbefore set
forth, to the best of my skill and ability
under the conditions present at the time.

I further certify that I am neither
attorney or counsel for, nor related to or
employed by any of the parties to the
action; and further, that I am not a
relative or employee of any attorney or
counsel employed in this case, nor am I
financially interested in this action.

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

| | | | | |
|--------------------------|--|---|---|--|
| | 39:3;41:10 | 47:23 | 6:13,14,17;8:16; | 57:10 |
| [| adding (3) 28:7,9;47:12 | angle (1) 56:7 | 9:21;12:21,23;13:3; | becomes (1) 26:6 |
| [No (1) | additional (7) 5:10;30:15;33:10; | answered (1) 37:15 | 23:8;24:17;27:14; | began (1) 32:6 |
| [sic] (2) | 37:5,7;39:2;62:20 | APE (1) 31:4 | 31:21;32:7,9;33:4, | beginning (1) 32:6 |
| 52:11,19 | address (3) 30:21;38:22;60:5 | apparently (1) 17:24 | 11;36:22;38:12,14, | begins (2) 17:16;47:7 |
| A | addressed (1) 40:14 | appear (1) 34:12 | 19;39:22;40:8,15; | behind (4) 14:15,16,21;15:10 |
| able (4) | addresses (1) 55:17 | appeared (1) 60:16 | 41:4,24;44:2;46:10; | below (1) 36:7 |
| 19:16;51:13;54:10; | addressing (3) 39:3,12;51:8 | appended (2) 39:18;51:7 | 48:9;50:6;52:1,2,14; | Bennett (3) 52:11,19,23 |
| 69:14 | adjacent (2) 63:18;65:2 | Applicant (2) 3:22;39:20 | 53:5 | best (2) 6:5;24:24 |
| above (1) | adjourned (2) 71:24;72:2 | Applicant's (6) 38:15,21;39:6,11; | assessments (1) 26:3 | Bethlehem (1) 43:12 |
| 36:8 | adopt (1) 7:21 | 52:8;66:20 | associated (2) 8:1;55:20 | better (1) 21:20 |
| above-ground (2) | aerial (3) 13:17;48:15;61:1 | applied (1) 51:17 | assume (1) 21:14 | beyond (9) 21:23;22:7;30:15; |
| 18:11,23 | afternoon (9) 3:20;8:10,11; | apply (1) 10:3 | attached (3) 11:16;14:9;30:6 | 31:7;48:9;51:20; |
| absolutely (2) | 27:22,23;38:5;59:23; | applying (1) 45:11 | Attachment (2) 39:4,10 | 55:15;57:7;67:20 |
| 36:21;67:20 | 62:6,7 | appreciate (2) 68:17;70:21 | attention (1) 16:1 | big (1) 57:23 |
| academic (1) | again (34) 5:12;10:19;17:16; | approach (3) 9:21;10:15;41:15 | attract (1) 43:2 | bit (3) 15:16;28:14;38:8 |
| 66:8 | 18:13;20:15;24:16; | April (1) 38:16 | attributes (1) 47:1 | block (1) 61:18 |
| access (7) | 25:23;28:11;34:1; | architectural (1) 47:15 | available (4) 8:4;29:23;40:3; | blocked (1) 61:9 |
| 16:13;42:4;43:4; | 36:17;39:11;40:23; | architecture (1) 63:14 | 62:24 | blocking (1) 18:18 |
| 55:14;58:10;64:15; | 41:5;46:23;47:4,12, | area (18) 15:12,17;16:8,19, | Avenue (2) 35:2,5 | BOEPPLE (21) 3:8,17,20;4:2,7,18; |
| 66:1 | 12;48:1;49:12,22; | 20;17:2;21:12;24:12; | aware (2) 31:3;52:12 | 5:5,8;7:13;27:19,21, |
| accessibility (1) | 50:8;51:14;52:24; | 21;43:20;44:23; | away (1) 57:20 | 24;37:23;68:8,12; |
| 18:7 | 53:17;54:18,24; | 52:23;63:15,18 | | 69:7,14,21;70:1,2,23 |
| accessible (2) | 56:22,23;57:4;58:10, | | B | both (4) 5:24;20:1;42:3; |
| 32:3;47:24 | 12,20;66:8;70:8 | | | 46:10 |
| account (3) | allowed (1) 66:4 | areas (1) 35:22 | back (11) 10:18;19:2;36:11; | bothered (1) 59:9 |
| 9:15;48:11;49:21 | almost (2) 48:16;54:16 | argue (1) 6:3 | 45:6;46:17,22;57:4; | branching (1) 20:12 |
| acre (1) | along (4) 18:19;35:1,4;46:23 | argument (2) 4:11;70:16 | 59:10,23;62:17,20 | break (1) 28:13 |
| 24:13 | although (1) 44:5 | around (4) 16:12;17:7;52:23; | bare (8) 60:3,14,17,19,22, | Bridge (9) 36:2;50:12,14,15, |
| acres (1) | always (4) 12:7;48:16;58:6; | 63:9 | 23;61:6,23 | 17;63:23,23,23;64:17 |
| 24:13 | 59:3 | ascertain (3) 17:22;20:17;61:16 | Barry (1) 7:21 | brief (2) 4:1;6:2 |
| activity (2) | analysis (17) 10:11;15:3;16:9; | Aslin (6) 4:21,22;38:1,2,4; | based (9) 17:13,14,15,18; | bring (1) 5:11 |
| 17:3;65:1 | 17:19;36:16,20; | 53:21 | 36:9;62:20;65:24; | brought (2) 16:1;26:7 |
| actual (4) | 41:13;45:3,23;49:22; | assess (3) 10:12;49:3;68:14 | 68:22;70:4 | building (15) 14:7;16:12,22; |
| 18:9;32:7;61:11; | 53:8;60:1,12;61:8,15, | assessed (1) 67:12 | basically (3) 9:13;62:13;63:2 | 17:6,20;19:8;43:6, |
| 67:7 | 23;64:8 | assessing (2) 45:7;48:3 | basis (1) 70:16 | 14;44:13,15;63:6,8,9, |
| Actually (17) | Analyst (1) 45:20 | assessment (33) | became (1) 40:3 | 13,19 |
| 11:13,16;13:23; | analyze (2) 21:13;50:2 | | become (1) | |
| 14:15,22;20:19;31:5, | analyzed (1) 21:15 | | | |
| 12;32:16,19;33:10; | analyzing (1) 60:13 | | | |
| 50:7,15,16;51:18; | and/or (1) | | | |
| 64:11;67:16 | | | | |
| add (2) | | | | |
| 28:5;32:22 | | | | |
| added (1) | | | | |
| 20:23 | | | | |
| addendum (39) | | | | |
| 4:14;7:21;8:15; | | | | |
| 9:11;10:18;11:7,17; | | | | |
| 13:19;14:10;18:21; | | | | |
| 22:4,8,14;23:17; | | | | |
| 24:10,20;25:21;28:2, | | | | |
| 8,11;30:6;32:24; | | | | |
| 33:4,5,19,24;35:7; | | | | |
| 36:1;37:19;38:18; | | | | |
| 39:7,12,18;40:13; | | | | |
| 41:8,14;54:4;58:12; | | | | |
| 59:8 | | | | |
| addendums (2) | | | | |

| | | | | |
|--|---|--|--|---|
| <p>buildings (11) 15:20;18:8,14,15; 21:11,19;25:9;26:18; 35:1,4;66:8</p> <p>built (1) 53:18</p> <p>bullet (1) 49:6</p> <p>business (1) 71:20</p> | <p>clarify (6) 4:3;32:24;38:8; 62:8;66:24;67:19</p> <p>clarifying (2) 34:14;40:11</p> <p>clear (2) 7:16;16:5</p> <p>clearly (1) 54:10</p> <p>clerkal (2) 55:24;56:4</p> <p>close (2) 33:13;35:14</p> <p>closed (4) 59:13;64:12,15; 71:23</p> <p>closest (1) 16:20</p> <p>coastal (1) 57:12</p> <p>collaboration (2) 31:16;40:4</p> <p>collaboratively (2) 30:20;45:2</p> <p>collected (1) 37:2</p> <p>combination (1) 25:7</p> <p>commence (1) 7:20</p> <p>comments (1) 40:12</p> <p>Committee (7) 12:16;22:3;53:22; 54:3;59:18;62:3; 66:15</p> <p>common (1) 36:21</p> <p>communicating (1) 46:14</p> <p>communication (1) 46:20</p> <p>companies (1) 46:21</p> <p>company (11) 24:17;30:19,21; 31:3;40:5;44:21; 45:2;46:11,13;51:12, 24</p> <p>compare (1) 22:4</p> <p>compelling (1) 15:21</p> <p>completed (3) 38:16;39:24,24</p> <p>compliance (1) 6:4</p> <p>comprehensive (1) 32:9</p> <p>computer-driven (1) 45:20</p> <p>concerned (1) 36:14</p> | <p>concerning (2) 54:4;68:8</p> <p>concert (1) 24:18</p> <p>concluded (2) 17:24;18:10</p> <p>conclusion (3) 5:12;18:5;65:7</p> <p>conclusions (1) 26:5</p> <p>concrete (2) 39:3,6</p> <p>conditions (2) 34:7;49:20</p> <p>conduct (7) 8:24;9:4;32:9; 33:16;41:23;45:8; 52:4</p> <p>conducted (8) 9:6,9;10:11;24:1; 26:1;44:21;45:4; 51:23</p> <p>confer (1) 68:21</p> <p>configuration (1) 17:14</p> <p>confirm (2) 59:17;61:10</p> <p>conflated (1) 35:15</p> <p>confusing (1) 62:14</p> <p>conservation (1) 58:24</p> <p>conservation-related (1) 41:3</p> <p>consider (2) 43:7;65:1</p> <p>consideration (1) 46:24</p> <p>considered (5) 55:19;56:20;58:3; 60:8;66:10</p> <p>construct (1) 58:21</p> <p>consult (2) 69:16;70:3</p> <p>contained (1) 67:21</p> <p>contemplated (1) 6:3</p> <p>contemplating (1) 69:6</p> <p>context (5) 6:10;34:7;35:23; 46:1;49:20</p> <p>contribute (1) 18:18</p> <p>correcting (1) 62:13</p> <p>correctly (6) 3:11;18:20;20:22; 22:17;38:13;41:15</p> | <p>corridor (2) 19:6,9</p> <p>Counsel (9) 4:18;54:5;58:19; 67:3;68:21;69:2,10, 17;70:5</p> <p>couple (3) 22:13;54:20;57:8</p> <p>course (2) 23:7;24:16</p> <p>Court (1) 3:6</p> <p>covered (2) 29:11,13</p> <p>create (1) 11:23</p> <p>criteria (3) 26:22;34:11;51:14</p> <p>cross-examination (6) 7:5,12;8:8;27:20; 38:3;71:12</p> <p>cross-examine (1) 7:6</p> <p>cultural (1) 58:23</p> <p>curious (1) 60:4</p> <p>currently (1) 6:2</p> | <p>19:18;20:15;49:11</p> <p>depends (1) 20:9</p> <p>describe (1) 35:24</p> <p>described (1) 9:10</p> <p>designated (1) 43:19</p> <p>designed (1) 59:8</p> <p>desktop (3) 36:16,20;37:8</p> <p>destination (2) 64:10,24</p> <p>detail (1) 50:18</p> <p>detailed (1) 17:19</p> <p>determination (1) 23:23</p> <p>determine (5) 27:5;45:15,21; 46:6;47:2</p> <p>determined (12) 6:19;8:18;9:1; 13:20;21:24;24:19; 25:14,17;31:15; 44:22;52:7;54:11</p> <p>developed (2) 26:3;66:9</p> <p>DHR (3) 22:18;40:20;60:2</p> <p>dialed (1) 61:7</p> <p>difference (1) 26:14</p> <p>different (13) 20:7;21:21;23:14; 42:13;45:3;47:5; 49:3;52:21;56:2,7; 62:9,9;65:22</p> <p>difficult (3) 5:10;20:15;29:15</p> <p>direct (3) 18:18;19:11,13</p> <p>directed (1) 50:23</p> <p>direction (1) 17:5</p> <p>directly (2) 20:17;24:7</p> <p>discretely (1) 58:7</p> <p>discretionary (1) 6:5</p> <p>discussed (1) 38:9</p> <p>discussing (1) 32:18</p> <p>Discussion (2) 53:24;69:2</p> <p>distance (5)</p> |
| C | | D | | |

| | | | | |
|--|--|---|--|--|
| 17:13;25:4;45:22; 56:21;57:10 distant (1) 61:14 distinct (1) 43:1 district (14) 24:22;26:11,15,16, 23;27:10,12;52:10, 10,12,18,20;53:15,16 districts (7) 22:16;27:1;52:7, 14,21;53:9,12 Division (2) 30:4;46:12 document (2) 19:3;23:1 documentation (1) 61:21 done (14) 12:23;33:12;36:9, 10;38:11,19;41:8; 46:10;49:8;50:17; 57:2;59:18;62:18; 68:5 dorm (1) 66:5 dorms (1) 66:5 double-check (1) 33:16 double-checked (2) 53:1;61:7 Doug (1) 8:12 down (6) 14:19;28:14;38:13; 51:14;61:7;65:11 drafting (2) 56:6,7 dropped (2) 51:21;56:1 due (2) 18:6;53:17 duly (1) 3:5 duplicates (1) 51:22 Duprey (2) 54:4,6 Durham (3) 8:13;22:21;52:10 during (1) 13:7 | 42:16;47:10;57:9 effects (1) 42:22 effort (2) 50:1,23 either (9) 11:22;12:2,3; 28:17;31:24;48:11; 55:11;56:24;70:10 either/or (1) 70:10 elaborate (1) 60:9 elements (1) 57:12 eligibility (3) 27:6,6;46:23 eligible (46) 6:19;8:18;9:1; 20:24;21:8;22:1,15; 24:22;27:2;28:10,15, 17,21,23,24;29:3,5,7, 7,12,24;30:3,21;31:9; 34:9;38:11;39:19; 40:1,18,22;41:16; 44:1,22;46:4;47:2, 14;50:3,24;51:6,9; 52:3,8;55:1,3;57:17; 58:13 eliminated (1) 57:18 Elizabeth (1) 27:24 Elmo (1) 13:23 else (2) 68:10;71:19 emerged (1) 24:21 encompasses (1) 26:19 end (1) 7:7 ended (1) 46:3 engineering (2) 47:16;63:24 enough (1) 20:11 enter (1) 33:1 entered (1) 8:4 enters (1) 58:13 entire (1) 16:12 entrance (1) 17:4 environs (3) 16:12;19:22;26:21 erred (3) 34:13;41:5;58:18 | error (3) 55:24;56:4,13 essentially (3) 14:19;19:5;59:13 established (1) 39:17 evaluating (1) 63:16 evaluation (1) 65:17 even (5) 6:17;17:24;20:12; 66:2,6 Everyone (1) 7:5 evidence (4) 4:11;68:16;70:12, 15 exact (1) 42:15 exactly (8) 11:11;12:11;19:2; 29:16;58:2;63:4,21; 65:24 EXAMINATION (1) 66:22 example (10) 9:24;10:3;11:6; 34:5,19;35:24;43:10; 49:14;50:7;57:17 Except (1) 33:14 exceptions (1) 44:6 exclusive (1) 54:16 excuse (3) 9:7;36:7;55:1 exhibit (14) 8:3;11:9,11;21:3; 38:15,21;39:6,11; 55:24;56:2,5;66:21; 67:1,4 exhibits (1) 71:14 exist (1) 48:18 existing (3) 18:7,8;36:8 experience (1) 16:2 expert (5) 6:16;26:12;46:21; 47:6;69:11 experts (4) 24:18;27:4;31:22; 52:9 explain (3) 8:23;16:23;46:11 explanation (1) 56:9 explore (1) 48:17 | extant (1) 51:18 extensive (3) 11:5;12:7;24:12 extent (2) 6:20;49:13 exterior (1) 44:16 eye (1) 12:9 | first (10) 10:12;11:12;33:4; 38:8,18;39:3;56:17; 60:14;65:22;67:6 fishing (2) 64:21,22 Fitzgerald (2) 62:4,5 five (1) 69:19 flesh (1) 34:3 floor (3) 65:16,21,22 focus (4) 56:23;57:1,5;58:5 focused (6) 15:23;16:4,20; 21:24;43:16;44:15 Footnote (2) 11:13;22:15 Forgive (3) 35:10,12,16 form (3) 4:12;17:21;53:18 forms (1) 61:17 forth (3) 45:6;46:17,22 forward (2) 3:22;5:11 found (3) 20:11;23:9;57:7 four (4) 9:13,17;60:12;62:9 fourth (2) 49:5;65:21 Fox (2) 22:20;36:3 Frink (2) 38:23;65:13 front (3) 17:4;19:7;65:12 fulfilling (1) 5:16 full (1) 6:4 further (11) 8:24;15:16;18:19; 24:1;32:17;37:23; 42:6;53:19;64:7; 68:10;71:19 |
| E | | F | | G |
| earlier (4) 41:5;57:16;58:4,21 Earth (8) 45:12;49:15;60:14, 17,19;61:2,6,10 effect (3) | earlier (4) 41:5;57:16;58:4,21 Earth (8) 45:12;49:15;60:14, 17,19;61:2,6,10 effect (3) | error (3) 55:24;56:4,13 essentially (3) 14:19;19:5;59:13 established (1) 39:17 evaluating (1) 63:16 evaluation (1) 65:17 even (5) 6:17;17:24;20:12; 66:2,6 Everyone (1) 7:5 evidence (4) 4:11;68:16;70:12, 15 exact (1) 42:15 exactly (8) 11:11;12:11;19:2; 29:16;58:2;63:4,21; 65:24 EXAMINATION (1) 66:22 example (10) 9:24;10:3;11:6; 34:5,19;35:24;43:10; 49:14;50:7;57:17 Except (1) 33:14 exceptions (1) 44:6 exclusive (1) 54:16 excuse (3) 9:7;36:7;55:1 exhibit (14) 8:3;11:9,11;21:3; 38:15,21;39:6,11; 55:24;56:2,5;66:21; 67:1,4 exhibits (1) 71:14 exist (1) 48:18 existing (3) 18:7,8;36:8 experience (1) 16:2 expert (5) 6:16;26:12;46:21; 47:6;69:11 experts (4) 24:18;27:4;31:22; 52:9 explain (3) 8:23;16:23;46:11 explanation (1) 56:9 explore (1) 48:17 | extant (1) 51:18 extensive (3) 11:5;12:7;24:12 extent (2) 6:20;49:13 exterior (1) 44:16 eye (1) 12:9 | first (10) 10:12;11:12;33:4; 38:8,18;39:3;56:17; 60:14;65:22;67:6 fishing (2) 64:21,22 Fitzgerald (2) 62:4,5 five (1) 69:19 flesh (1) 34:3 floor (3) 65:16,21,22 focus (4) 56:23;57:1,5;58:5 focused (6) 15:23;16:4,20; 21:24;43:16;44:15 Footnote (2) 11:13;22:15 Forgive (3) 35:10,12,16 form (3) 4:12;17:21;53:18 forms (1) 61:17 forth (3) 45:6;46:17,22 forward (2) 3:22;5:11 found (3) 20:11;23:9;57:7 four (4) 9:13,17;60:12;62:9 fourth (2) 49:5;65:21 Fox (2) 22:20;36:3 Frink (2) 38:23;65:13 front (3) 17:4;19:7;65:12 fulfilling (1) 5:16 full (1) 6:4 further (11) 8:24;15:16;18:19; 24:1;32:17;37:23; 42:6;53:19;64:7; 68:10;71:19 |
| E | | F | | G |
| earlier (4) 41:5;57:16;58:4,21 Earth (8) 45:12;49:15;60:14, 17,19;61:2,6,10 effect (3) | earlier (4) 41:5;57:16;58:4,21 Earth (8) 45:12;49:15;60:14, 17,19;61:2,6,10 effect (3) | error (3) 55:24;56:4,13 essentially (3) 14:19;19:5;59:13 established (1) 39:17 evaluating (1) 63:16 evaluation (1) 65:17 even (5) 6:17;17:24;20:12; 66:2,6 Everyone (1) 7:5 evidence (4) 4:11;68:16;70:12, 15 exact (1) 42:15 exactly (8) 11:11;12:11;19:2; 29:16;58:2;63:4,21; 65:24 EXAMINATION (1) 66:22 example (10) 9:24;10:3;11:6; 34:5,19;35:24;43:10; 49:14;50:7;57:17 Except (1) 33:14 exceptions (1) 44:6 exclusive (1) 54:16 excuse (3) 9:7;36:7;55:1 exhibit (14) 8:3;11:9,11;21:3; 38:15,21;39:6,11; 55:24;56:2,5;66:21; 67:1,4 exhibits (1) 71:14 exist (1) 48:18 existing (3) 18:7,8;36:8 experience (1) 16:2 expert (5) 6:16;26:12;46:21; 47:6;69:11 experts (4) 24:18;27:4;31:22; 52:9 explain (3) 8:23;16:23;46:11 explanation (1) 56:9 explore (1) 48:17 | extant (1) 51:18 extensive (3) 11:5;12:7;24:12 extent (2) 6:20;49:13 exterior (1) 44:16 eye (1) 12:9 | first (10) 10:12;11:12;33:4; 38:8,18;39:3;56:17; 60:14;65:22;67:6 fishing (2) 64:21,22 Fitzgerald (2) 62:4,5 five (1) 69:19 flesh (1) 34:3 floor (3) 65:16,21,22 focus (4) 56:23;57:1,5;58:5 focused (6) 15:23;16:4,20; 21:24;43:16;44:15 Footnote (2) 11:13;22:15 Forgive (3) 35:10,12,16 form (3) 4:12;17:21;53:18 forms (1) 61:17 forth (3) 45:6;46:17,22 forward (2) 3:22;5:11 found (3) 20:11;23:9;57:7 four (4) 9:13,17;60:12;62:9 fourth (2) 49:5;65:21 Fox (2) 22:20;36:3 Frink (2) 38:23;65:13 front (3) 17:4;19:7;65:12 fulfilling (1) 5:16 full (1) 6:4 further (11) 8:24;15:16;18:19; 24:1;32:17;37:23; 42:6;53:19;64:7; 68:10;71:19 |

| | | | | |
|---|---|--|---|--|
| 25:5;57:13 germane (2) 27:13;64:12 GIS-related (1) 45:23 given (3) 17:23;40:9;60:2 goes (1) 15:12 good (14) 7:2;8:10,11;12:8; 27:22,23;38:5;42:21; 59:23;62:6,7;64:22; 66:13;71:16 Google (4) 45:12;49:15;61:2, 10 go-round (1) 45:17 greater (1) 49:13 ground (5) 60:4,22,23;61:23; 65:11 grounded (1) 70:9 group (1) 52:13 guess (10) 4:22;7:18;8:7;25:7, 12,13,15,21;28:5; 35:9 | heard (4) 6:23;62:8;68:23; 70:4 hearing (8) 3:10,11;4:24;5:13, 15;8:17;22:8;69:23 hearings (1) 59:11 help (1) 28:1 higher (1) 57:14 high-level (1) 41:15 highlight (2) 59:4;67:6 highlighted (2) 47:14;64:21 Hill (2) 36:4;39:12 historic (66) 6:14,16;8:17,19; 22:16;23:21;24:18, 22;26:10,12;27:3; 30:5;31:22;32:8; 35:1,4;38:11;40:1, 19;41:2;42:14,19,20; 43:5,7,8,8,14,14,21; 44:1,1,13;46:4,4; 47:2,6,10,13,19,22; 48:12,22;50:3,24; 51:6,9;52:3,7,9,9,10, 12,14,17,20;53:9,15; 58:8,9;59:1,4;63:13, 24;65:3,8 history (1) 47:17 honestly (1) 63:11 house (1) 65:16 huge (1) 56:12 hundred (1) 54:21 hundreds (1) 23:13 | immediate (2) 19:22;26:21 impact (6) 6:13,17;40:2; 44:24;50:2;63:20 impacted (1) 60:8 imply (1) 40:7 important (3) 22:3;33:3;47:17 include (6) 31:12,18;33:3,12; 58:1;69:10 included (7) 14:9;33:7;39:2; 40:7;55:12;56:8; 61:13 includes (2) 26:16;31:9 including (1) 62:15 inclusion (1) 8:19 incorporating (1) 12:9 independent (2) 30:13;61:16 indicated (2) 21:7;37:20 indirect (1) 19:14 individual (1) 65:19 information (6) 7:8,9;48:14,19; 50:5;62:15 initial (8) 39:22;40:10,23; 41:4;45:17;49:8; 50:18;57:1 initially (4) 29:20;30:23;55:22; 56:23 inside (3) 15:5,19;44:14 insist (1) 6:7 instance (4) 26:1;63:7;65:10,20 instead (1) 49:14 integrated (1) 45:5 integrity (2) 47:8,10 interestingly (1) 20:11 intervening (5) 25:5,9;53:17; 57:11;61:17 into (10) 12:9;23:22;27:9; | 33:1;48:7,11;49:20; 66:5;67:2;70:18 intrinsic (1) 48:2 isolated (1) 46:18 issue (4) 3:9;4:13,13;65:12 issues (1) 63:17 | 56:17 leaves (1) 20:8 left (4) 24:2,3;56:14;57:23 legitimate (1) 22:5 lesser (1) 49:13 level (4) 12:1;34:10;49:17; 50:18 likely (1) 68:23 limited (5) 18:7,13,22;22:9; 65:4 limits (1) 17:8 line (5) 14:14;16:21;18:19; 55:11;56:24 linear (1) 20:13 liner (1) 36:8 list (35) 11:16;14:9;21:2,8, 14;22:18,24;23:2,13; 30:10,15;31:9,11,12; 33:17,20;39:18;40:3, 20;41:16;49:1;51:5, 12;52:4,6;53:3; 54:16,19;56:1;61:22; 62:21,23,24;67:7,21 listed (22) 9:14;11:19;22:20; 24:21;28:17,20,23, 24;29:2,10,13,20; 32:8;35:18;54:15; 55:5,13;60:21;64:10; 67:7,15,17 listening (1) 56:2 listing (11) 26:22;27:1;28:21; 29:3,8,12,22;30:1,2, 3,8 listings (1) 58:14 Literally (1) 15:10 little (7) 15:12,16;28:14; 38:8;47:5;53:16;59:9 located (1) 19:10 location (4) 18:9;20:17;23:5; 64:22 locations (2) 34:2;60:20 long-distance (1) |
| H | I | J | K | L |
| half (3) 31:6;55:8,11 half-mile (4) 56:24;57:5;67:16, 20 Hall (30) 11:6,8,17,18; 13:20;14:2,10;15:4,5, 6,8,10,11;16:7,8; 17:4,7;18:23;19:22; 20:22;21:5;44:9,9,10, 12;63:7,8;65:10,20, 21 Hampshire (5) 10:4;34:6;43:13; 49:18;50:8 hang (1) 35:6 happening (1) 6:10 happens (1) 51:1 hard (2) 5:2;19:15 hard-pressed (2) 64:8,23 hear (3) 5:3,9;7:4 | Iacobino (1) 66:16 idea (1) 71:16 identification (1) 71:11 identified (4) 36:18;37:4;49:12; 60:20 identify (2) 58:7;59:16 images (1) 45:12 | July (3) 39:7,20;40:2 June (1) 39:15 justify (1) 37:13 | kind (5) 24:14;41:15;49:7; 57:22;59:15 kinds (2) 26:5;45:13 knew (1) 30:22 knowledge (10) 10:1,2,7;11:3; 23:20;24:14;25:1,19; 49:5;61:3 | labor (1) 46:12 lack (1) 23:24 land (3) 16:8;17:14;61:17 landscape (3) 17:20;57:11,12 landscaping (2) 15:13;17:6 LandWorks (4) 39:24;44:21;46:10, 13 language (1) 42:15 large (2) 15:22;56:16 last (5) 13:6,7,7;41:7; 58:15 latter (1) 56:9 least (8) 5:14,16;12:15,17; 14:9;20:24;41:6; 68:13 leave (1) |

| | | | | |
|--|---|---|--|---|
| 64:18 longer (1) 51:18 look (20) 5:19;11:9;14:5; 16:1;24:7,10;27:9; 41:16;48:17;49:9; 54:15;56:21;59:1; 61:11;62:20;63:15; 17:64:5;67:16,19 looked (18) 6:18;16:11,11,11, 15,17,18;19:15; 21:15;46:6;51:8,11; 52:13;56:14;61:15; 65:11;67:10,15 looking (13) 3:13;4:7;42:22; 43:20,24;44:9;45:12; 47:1;48:12;50:24; 55:22;57:2;65:8 lose (1) 20:8 lost (1) 44:19 lot (2) 50:4;57:13 lower (1) 57:14 | 21:2,7,12;23:13; 29:7;34:20;36:13; 40:6,24;43:13;44:6; 45:5;48:8;53:14; 58:17,23;62:16;66:3; 68:17 means (1) 29:9 meant (2) 3:11;16:6 meeting (1) 34:10 members (2) 12:19;54:5 mentioned (3) 34:4;53:5;65:10 might (22) 5:11;15:24;19:16, 20;26:17;30:14,22; 33:2;35:6;43:10; 47:5;49:15;51:19; 55:23;57:15;61:5,17; 62:16;64:6,20;65:17; 69:14 mile (5) 31:6;55:8,11; 56:14;57:5 miles (8) 31:13,20;41:21; 55:7;56:15,18;57:8; 67:17 mind (2) 32:18;47:4 mind's (1) 12:9 minutes (2) 69:16,20 misconstrued (1) 32:16 miss (1) 32:14 missed (2) 32:11,13 missing (2) 41:10;60:5 misspoke (3) 32:20;35:13;67:14 mistake (7) 9:3;32:15;33:9; 35:8,13;58:1;59:7 mistaken (1) 31:6 mistaking (1) 56:4 mixed (1) 54:7 modeling (2) 46:1;49:16 moment (3) 4:24;47:17;58:21 more (4) 7:9;17:18;33:16; 50:18 | Morrill (27) 11:6,8,17;13:20; 14:2;15:4,5,6,8,10; 16:7,8;17:4,7;18:23; 19:22;20:22;21:20; 44:8,9,10,12;63:6,8; 65:10,20,21 most (4) 20:13;27:2;44:5; 53:16 mostly (1) 33:18 motion (6) 5:13;6:20;7:7,10; 69:5,6 motions (1) 68:11 Move (3) 15:16;68:12;69:8 moving (2) 68:15;70:6 much (2) 5:10;66:13 multi-step (1) 61:4 | 10:4;34:6;36:9; 39:18;43:13;49:18; 50:8;62:10,23;65:15; 70:12,12 newer (1) 50:13 Newington (17) 7:1;22:21;27:24; 34:19,24;35:2,5,10, 12,14;36:4;39:13; 52:11,17,17,19;53:15 newly (1) 4:10 Nimble (2) 36:4;39:12 nine (1) 56:18 north (1) 18:19 northwest (1) 19:7 note (2) 6:23;70:8 noted (2) 21:19;68:9 notes (10) 11:1,5,8;12:2,5,5,7; 23:15,16,18 notice (1) 61:19 nowhere (1) 61:20 number (8) 10:6;12:13;18:17; 20:19;34:2;47:18; 57:18;64:9 numbers (1) 57:16 | occur (1) 5:16 occurred (1) 41:4 October (2) 38:20;59:10 O'Donnell (4) 4:19,24;5:6;7:10 off (2) 51:21;53:24 offer (1) 5:5 offered (1) 6:12 office (2) 13:16;49:9 OFFICER (31) 3:2,15,18,23;4:5, 15,20;5:4,18;7:3,17; 8:6;22:6;27:18; 37:24;53:20;54:1; 59:20;62:2;66:14; 68:3,7;69:4,12,18,24; 70:19;71:7,15,18,22 often (2) 25:10;48:16 omission (2) 58:16;59:6 omit (1) 51:14 omitted (1) 61:6 once (1) 57:7 one (23) 6:7;9:7;10:15; 11:22;12:2;19:15,18; 24:13;25:11,22;33:6, 16;39:4;46:14;48:13; 52:22;56:4,10;57:6; 64:4;66:19,24;71:9 one-mile (1) 31:4 ones (6) 22:4;23:14;27:4; 48:1;60:21,22 ongoing (1) 46:20 only (7) 3:21;4:3;8:17; 19:6;29:11;60:20; 67:14 on-site (3) 37:8;49:17;50:1 onto (1) 50:15 opportunity (15) 3:21,24;4:8;5:23; 7:6;33:15;68:13,16, 20,22,24;69:1,9;70:3, 15 opposed (1) 49:8 |
| M | | N | | |
| Madam (7) 3:8;6:22;21:22; 38:2;68:1;70:2;71:6 Main (4) 14:16;15:9;16:7,8 makes (1) 61:20 making (3) 20:20;34:13;69:5 many (4) 26:2;57:11,14;66:5 map (3) 21:19;61:15;71:11 mapping (3) 17:17;45:12;50:10 mark (1) 71:10 matter (1) 71:10 mattress (1) 39:7 mattresses (1) 39:4 may (7) 8:12;11:13;36:5; 40:21;42:13;64:11; 69:9 maybe (2) 28:1;43:11 mean (22) 10:9;17:10;19:13; | 31:13,20;41:21; 55:7;56:15,18;57:8; 67:17 name (1) 8:12 narrative (5) 11:21,24;23:11,12; 58:1 National (9) 8:20;20:23;21:9; 28:18;29:1,8,21;55:6, 10 nature (10) 9:23;10:13;12:5; 13:18;20:13,14,16; 31:20;35:23;48:20 necessarily (7) 12:6;25:24;29:10; 44:14;64:12;65:19; 66:6 necessary (2) 8:24;30:24 need (9) 3:4;7:20;36:23; 37:9;48:17;53:7; 68:18,19;70:5 Needleman (12) 5:19,21;7:23; 21:22;66:17,19,23; 67:5;68:1;70:20,21; 71:17 needs (1) 7:21 neglected (1) 33:12 negligible (1) 57:9 New (12) | name (1) 8:12 narrative (5) 11:21,24;23:11,12; 58:1 National (9) 8:20;20:23;21:9; 28:18;29:1,8,21;55:6, 10 nature (10) 9:23;10:13;12:5; 13:18;20:13,14,16; 31:20;35:23;48:20 necessarily (7) 12:6;25:24;29:10; 44:14;64:12;65:19; 66:6 necessary (2) 8:24;30:24 need (9) 3:4;7:20;36:23; 37:9;48:17;53:7; 68:18,19;70:5 Needleman (12) 5:19,21;7:23; 21:22;66:17,19,23; 67:5;68:1;70:20,21; 71:17 needs (1) 7:21 neglected (1) 33:12 negligible (1) 57:9 New (12) | notice (1) 61:19 nowhere (1) 61:20 number (8) 10:6;12:13;18:17; 20:19;34:2;47:18; 57:18;64:9 numbers (1) 57:16 | O |
| | | | object (3) 5:15;6:21;45:22 objecting (1) 7:15 objection (10) 4:23;6:24;7:16; 21:22;22:10;68:8; 70:9,17;71:17,19 objective (1) 63:16 observe (1) 6:11 observed (1) 6:1 obstruct (1) 60:7 Obviously (7) 17:4;32:4;36:13; 43:4;47:20;48:1; 50:12 occasions (1) 12:17 | |

| | | | | |
|---|--|---|--|---|
| <p>opposite (1) 17:5</p> <p>order (1) 7:19</p> <p>oriented (1) 48:21</p> <p>original (7) 31:5;34:12;38:14; 48:8;51:17;61:21; 67:7</p> <p>originally (3) 33:3;55:8;67:10</p> <p>others (4) 24:17;30:22;60:21, 23</p> <p>out (14) 14:2;20:18;31:10, 13;33:21;36:22; 41:20;44:10;54:2; 56:14,17;57:23;59:3; 61:9</p> <p>outdoor (2) 16:19;43:2</p> <p>outlined (1) 41:14</p> <p>outset (1) 41:22</p> <p>outside (3) 15:6,8;41:20</p> <p>over (7) 12:14;18:16;35:11, 21;48:12;50:13; 51:13</p> <p>oversight (1) 33:8</p> <p>own (2) 12:17;32:18</p> | <p>passes (2) 53:10,14</p> <p>PATCH (15) 6:22;7:19;8:7,9,12; 22:2,11,12;27:16; 44:8;49:2,4;71:6,8,9</p> <p>Patricia (1) 4:19</p> <p>Pause (1) 9:8</p> <p>pedestrian (1) 64:15</p> <p>pen (2) 14:3;15:16</p> <p>pending (1) 6:21</p> <p>people (1) 65:20</p> <p>per (1) 59:5</p> <p>perform (1) 48:6</p> <p>performed (1) 44:18</p> <p>perhaps (3) 4:12;10:11;49:14</p> <p>person (1) 10:20</p> <p>personally (3) 10:5;25:23;36:15</p> <p>photo (2) 48:6,9</p> <p>photographs (7) 13:17;37:2;48:4, 15,15;49:21;50:9</p> <p>photos (2) 13:17;61:1</p> <p>physical (1) 26:18</p> <p>physically (1) 34:20</p> <p>pick (2) 20:18;59:3</p> <p>picture (1) 15:23</p> <p>piece (3) 41:11;48:13;55:16</p> <p>place (3) 19:16;33:1;47:18</p> <p>placement (1) 20:10</p> <p>Places (2) 8:20;51:2</p> <p>plan (1) 5:1</p> <p>plane (1) 57:12</p> <p>planned (1) 5:16</p> <p>Please (2) 50:22;66:21</p> <p>pm (3) 69:22,23;72:2</p> | <p>point (16) 5:8;7:2;14:2; 22:20;35:15;36:4; 44:14;52:10;60:14; 65:2,14;66:7,12; 67:1;68:11;69:5</p> <p>pointed (2) 14:12;56:11</p> <p>pointing (1) 14:3</p> <p>points (2) 57:14;60:12</p> <p>portion (2) 19:8;50:13</p> <p>Portsmouth (4) 35:3,9,11,15</p> <p>possibility (1) 19:20</p> <p>possible (1) 17:22</p> <p>potential (22) 13:21;15:4;16:10, 13;17:3,9,10,11;18:1, 12;19:6;25:2;26:17; 27:6;42:1,4,22; 44:23;45:15;46:5; 54:19;65:2</p> <p>potentially (6) 30:23;31:18;40:22; 43:22;47:8;53:13</p> <p>practice (2) 36:21;54:2</p> <p>preliminary (1) 41:23</p> <p>preparation (1) 23:8</p> <p>prepare (1) 12:19</p> <p>preparing (3) 10:17;23:17;24:9</p> <p>presence (1) 18:6</p> <p>presented (2) 62:11;70:13</p> <p>preservation (11) 26:12;30:19,20; 31:3;40:5;44:21; 45:2;46:11,12;51:11, 23</p> <p>preserve (1) 68:24</p> <p>PRESIDING (31) 3:2,15,18,23;4:5, 15,20;5:4,18;7:3,17; 8:6;22:6;27:18; 37:24;53:20;54:1; 59:20;62:2;66:14; 68:3,7;69:4,12,18,24; 70:19;71:7,15,18,22</p> <p>presumably (2) 12:22;21:20</p> <p>pretty (4) 12:8;14:22;34:23;</p> | <p>35:22</p> <p>previously (10) 9:18;34:4;36:11; 37:20;38:10,10; 62:15,18,19;67:2</p> <p>primarily (2) 45:7;63:12</p> <p>primary (1) 64:20</p> <p>prior (1) 33:13</p> <p>private (3) 42:5;51:15;57:19</p> <p>probably (6) 25:8;26:7;41:5,7; 42:15;60:10</p> <p>procedural (1) 71:10</p> <p>procedure (1) 6:2</p> <p>proceed (2) 7:18;8:7</p> <p>proceeding (2) 12:14;14:15</p> <p>process (18) 10:16;12:14;13:13; 25:16;28:12;32:24; 34:1;36:16,24;40:23; 46:15,20;48:2,3; 49:12,23;51:23;61:4</p> <p>processes (1) 46:16</p> <p>Project (29) 12:18;16:14;17:8; 19:1,9,11;21:17; 23:5;24:6;26:5; 31:10,20,24;36:6; 37:18;38:22;42:2,23; 44:11;45:9;47:9,19; 50:3;53:10,12,14; 60:15;63:20;67:12</p> <p>promote (1) 64:18</p> <p>proof (1) 5:6</p> <p>properly (1) 26:13</p> <p>properties (28) 9:4;25:24;27:2; 28:10,15,16;29:5,7, 11,13,18,20,24;30:3, 15,21;31:9;32:8,10, 23;34:9;47:22;50:19, 20;51:15;60:2;61:14, 22</p> <p>property (2) 43:7;47:14</p> <p>property's (1) 27:5</p> <p>proposed (1) 18:24</p> <p>provided (6) 5:24;30:4,10,16;</p> | <p>39:19;62:21</p> <p>proximate (1) 16:20</p> <p>proximity (2) 23:5;48:11</p> <p>public (17) 17:3;42:4;43:2,4; 48:18;55:14;58:10, 19;63:18;65:18;66:1, 7,12;67:3;68:21; 69:3,17</p> <p>publicly (2) 32:3;47:24</p> <p>Public's (3) 4:19;69:10;70:6</p> <p>pull (1) 66:20</p> <p>purely (3) 58:24;64:24;65:24</p> <p>purpose (3) 47:11;60:18;66:9</p> <p>purposes (4) 6:9,16;13:24;43:23</p> <p>put (7) 3:21;5:14;28:6; 56:1;67:2;68:15;69:7</p> <p>putting (1) 70:17</p> |
| Q | | | | |
| <p style="text-align: center;">P</p> | | | | |
| <p>Page (10) 9:10;11:12;22:14; 35:7;36:19;44:20; 45:4;46:9;49:1;60:11</p> <p>parking (1) 15:12</p> <p>part (17) 9:21;11:2;12:17; 13:13;15:3;17:21; 25:16;27:2,8;33:8; 38:12;40:23;42:7; 44:5;48:3,22;67:12</p> <p>particular (5) 19:16;37:18,19; 50:3;61:3</p> <p>particularly (1) 61:13</p> <p>parties (2) 4:9;70:14</p> <p>party (1) 6:7</p> <p>party's (1) 6:8</p> | | | | |
| R | | | | |
| | | | <p>radius (3) 31:10;41:18;51:20</p> <p>rail (1) 18:16</p> <p>raise (2) 3:9;5:12</p> <p>raised (1) 65:13</p> <p>RAPHAEL (12) 3:5;5:1,9;7:6;28:1; 38:5;53:23;54:4;</p> | |

| | | | | |
|--|--|--|--|--|
| 66:24;68:4,6;71:12 Raphael's (2) 7:4,11 rat (1) 36:7 read (3) 19:4;22:16;42:10 reading (1) 35:4 reaffirm (1) 59:18 realize (1) 58:16 realized (3) 32:19;58:17;59:14 really (5) 27:11;29:15;56:16; 58:22;65:3 rear (1) 16:21 reason (3) 15:21;36:14;64:4 reasonable (1) 57:6 reasons (4) 6:21;40:17;47:19; 64:9 rebut (9) 3:21;4:4,10,17; 5:22,23;70:11,16; 71:3 rebuttal (9) 3:13,16;4:11;5:10; 6:5,9;68:9,16;69:9 rebutting (1) 6:16 recall (14) 5:2;6:8;8:12;10:2, 9:11;2;13:14,15; 18:4;23:16;53:4; 68:22;70:5,22 recalling (9) 4:12,23;6:15;10:1, 7,8;49:5;69:10;71:4 received (1) 40:20 recently (4) 33:18;45:19;49:8; 50:14 recess (2) 69:16,22 reconvene (1) 69:19 record (25) 3:9,19;5:14,15; 6:24;7:14,16;9:2; 28:3,5,7;32:22;33:1, 13;53:24;62:13;67:2; 68:9,15;69:8;70:9,13, 18,24;71:23 recording (1) 41:6 records (1) | 34:16 record's (1) 16:5 recreational (2) 41:2;58:23 redirect (2) 66:18,22 refer (5) 10:7,10,16;13:16; 19:2 reference (6) 11:10,15;22:15; 44:19;60:3;61:19 referenced (1) 45:4 references (2) 49:7;60:6 referred (2) 14:8;45:24 referring (1) 12:10 refers (2) 10:8;11:1 reflected (1) 33:19 reflects (1) 7:15 regard (8) 12:8;23:15;41:13; 42:10;44:7;45:6; 52:1;66:1 regarding (1) 3:10 regardless (2) 43:4,5 regards (1) 63:5 Register (11) 8:19,20;20:23; 21:9;28:18,18;29:1,9, 21;55:6,10 regrettable (1) 59:7 regroup (1) 59:16 related (2) 47:4;71:9 relates (1) 8:17 relationship (1) 21:16 relied (4) 30:10;31:22;36:18; 48:14 rely (3) 26:4;37:1;49:22 remaining (1) 41:24 remember (4) 6:9;13:4,5,10 reminding (1) 42:8 reopened (1) | 70:13 reopening (1) 3:19 report (13) 34:12;40:10;54:14, 14,15,19;55:9,17; 56:6,19;57:23;58:11; 61:21 reportage (1) 41:9 Reporter (1) 3:7 reports (1) 54:9 represent (1) 8:13 represents (1) 28:11 requirements (2) 3:12;5:17 requiring (1) 49:17 re-review (1) 49:7 researched (1) 64:20 residence (1) 42:5 residences (1) 51:16 resolve (1) 69:15 resource (19) 6:14;32:2;34:11; 41:1;42:19,24;43:3,8, 15,19;46:24;47:21; 48:13;49:11;52:15; 58:8;61:4;64:9;65:18 resources (36) 6:18,19;21:24; 27:3;30:5;31:19; 38:11;39:19;40:1,14, 16,17,19;41:17;42:1, 11,14;48:5;50:4; 51:6,9;52:3,8;53:4; 54:19;58:5,9,22,23; 59:2,5;61:5;66:11; 67:8,15,17 respect (5) 3:13,16,19;5:24; 6:13 relied (5) 4:9;5:22,23;70:11; 71:3 response (1) 31:17 response] (1) 71:21 rest (1) 54:8 resumed (1) 69:23 re-sworn (1) | 3:4 review (44) 8:24;9:4,7,9,16; 10:4,10;12:18;23:18; 24:1;25:20,24;26:1, 6;28:12;29:22;30:14; 31:5,7;32:5,5,10,17; 34:11;36:23;38:11; 40:1;41:1,9;42:6; 43:23;44:22;45:1; 48:2,7;49:18;50:5; 53:2;56:22;57:2; 58:8,13;68:13;69:2 reviewed (24) 9:16;12:1;23:7,10, 14;24:16;25:13,16; 28:10,11;29:18,20; 31:1;32:20,23;34:8; 40:4,18,18,22;55:3; 58:3,9;62:17 requiring (5) 9:22;11:1;24:9; 31:4;34:15 reviews (2) 19:3;23:1 revisit (2) 34:18;35:17 revisited (1) 45:18 right (30) 6:1,7;12:24;15:9, 10,15,17;24:2,3; 25:19;28:6;32:11; 38:16,24;39:9,14; 44:12;46:2;51:3; 52:1;53:13;56:9; 62:1;64:14,16;65:1, 23,24;67:9,11 rises (1) 18:16 road (6) 18:16;36:4,4; 39:13;52:11,19 rose (2) 34:10;49:17 Route (1) 43:12 ROW (1) 18:3 rule (8) 3:12;4:8;5:17,22; 6:4;70:10,14;71:1 rules (3) 31:18;42:12;66:1 run (1) 14:15 | 3:12 saw (3) 13:14,15;23:13 saying (5) 16:16;18:22;24:23; 31:12;40:15 scale (1) 17:18 Scammell (2) 50:14,17 scenery (1) 66:12 scenic (51) 16:3;31:1,19;32:1, 2,2;34:11;40:2,16; 41:1;42:11,14,18,24; 43:1,3,9,15,18;44:2, 14;46:7,9,24;47:3,20, 21,23;48:4;50:2; 52:15;55:14,20,20; 58:5,11,22,22,24; 59:2;63:7,10,12,17; 64:3,9,24;65:4,18; 66:10;67:8 Schmidt (2) 59:21,22 scope (2) 21:23;22:7 se (1) 59:5 search (1) 19:19 SEC (5) 6:10;13:8;42:11; 54:5;66:1 Second (5) 6:6;9:7;29:22; 33:5;65:16 secondly (1) 10:13 section (4) 18:6,9;36:1;44:20 secure (1) 66:6 seek (1) 4:6 seem (1) 57:15 seemed (1) 55:23 seems (3) 56:12,15;57:22 segment (1) 56:16 select (1) 19:18 sense (2) 34:20;61:20 separate (1) 46:15 separately (2) 58:7;67:3 sequence (1) |
| S | | | | |
| same (5) 20:2,4;21:7;51:2; 65:12 satisfy (1) | | | | |

| | | | | |
|--|--|---|--|--|
| 40:6 Session (1) 72:1 several (2) 40:21;60:6 shall (1) 71:3 shielded (1) 17:5 short (1) 69:16 show (3) 60:22,23;61:22 showed (1) 7:14 side (8) 15:11,13;16:16,18, 21;17:7;55:11;56:24 sides (1) 16:17 sidewalk (1) 15:11 significance (1) 23:21 significantly (2) 14:22,24 simply (1) 8:3 simulation (1) 50:16 simulations (3) 12:20;48:6,10 site (54) 10:1,2,7,12,14; 11:1,2;12:16;13:1,8; 16:2,3;17:19,21,22; 23:6;24:14;25:24; 26:15,19,20;33:17, 20,23;36:23;37:3,9, 12,16,19;42:19,20, 23;43:8,14;44:16; 45:10,21;47:3,7,8,11, 11;48:16,20,20,22; 49:5,16;50:9;60:16; 61:2,11;65:9 site-related (1) 50:11 sites (29) 8:17;9:1,18;10:19; 26:17;34:2,19,21,24; 35:17,23;37:10;44:1, 23;46:4;48:18;49:10; 51:1,54;17:55;2,2,4, 5,9,13,18;56:13; 57:17;62:18 site's (1) 27:5 site-specific (1) 50:11 six (2) 46:4,6 slightly (2) 36:6,7 | small (1) 57:10 software (1) 45:20 sometime (1) 59:11 soon (1) 59:14 sorry (10) 7:21;13:10;14:5; 29:4;32:12;37:11; 54:2,7;55:1;56:11 sort (6) 42:6;57:13;59:1,2; 65:18;66:10 sounds (3) 25:18,20;39:9 sources (1) 48:19 south/southwesterly (1) 36:3 speak (1) 71:1 speaking (1) 20:10 specific (8) 4:13;11:8;18:4; 25:18;28:16;31:21; 45:9;50:1 specifically (6) 12:4;34:18;50:24; 51:8,11;66:9 spent (1) 34:5 spot (1) 19:18 staff (7) 12:19;25:13;26:2, 4;32:19;40:4;50:15 started (2) 3:3;51:12 starting (1) 60:14 state (7) 8:19;28:17,24; 29:8,21;55:6;67:8 stated (3) 36:11;58:2;60:10 statement (3) 28:9;34:13;36:5 stating (1) 9:3 station (2) 14:17,21 step (2) 29:22;42:9 steps (2) 36:18;49:3 still (3) 7:9;54:7;59:11 stood (1) 19:15 story (1) | 47:17 Street (7) 14:16;15:9;16:7,9; 45:13;61:1,10 strictly (1) 22:8 strong (1) 63:12 structure (10) 19:20;20:12,16,18; 43:21;64:17;65:3,9, 15,16 structures (7) 14:23;18:19,24; 19:12;20:14;36:6; 57:10 studies (1) 20:19 subcategory (1) 52:2 subject (2) 8:16;14:14 submission (1) 13:2 submit (2) 70:15;71:13 submitted (2) 4:10,14 Subpart (2) 42:12,13 subsequent (5) 13:2;40:9;41:7; 53:1;56:21 subsequently (1) 58:12 substantiate (1) 20:20 substation (1) 35:21 suggests (1) 4:8 Sullivan (3) 36:2;50:12;63:22 summer (4) 13:11;19:24;20:1; 29:24 supplemental (5) 3:24;39:1,5,10; 68:20 support (1) 6:24 sure (9) 6:15;7:14,24; 29:17;36:12;47:13; 54:9;63:11;69:18 surprising (1) 57:15 surrounding (1) 18:14 surroundings (1) 48:5 sustain (1) 22:9 | sworn (2) 3:6;8:2 T talk (1) 7:11 talked (1) 63:6 talking (3) 30:2,8;36:2 taller (3) 14:22,24;15:2 TD-UNH (1) 71:13 teach (1) 66:3 team (3) 26:3;38:10;45:14 techniques (1) 9:19 ten (1) 69:19 term (1) 28:15 terms (2) 15:3;23:4 test (3) 45:8;46:22;60:15 tested (1) 49:15 testified (1) 33:22 testimony (17) 4:10;5:3;6:12; 7:22;8:1,2;39:2,5,11; 54:9;58:17;59:10,13; 62:14;70:12,15;71:5 thereafter (1) 59:15 therefore (2) 19:10;26:4 thereof (1) 23:24 thinking (3) 11:14;58:6;64:7 third (3) 6:11;33:6;39:12 Thompson (3) 11:18;14:10;21:5 thorough (1) 44:22 though (4) 6:17;7:8;36:15; 71:1 thought (2) 8:23;16:15 three (6) 12:17;24:13;52:7, 13;53:9;62:9 throughout (5) 9:20,20;29:14; 46:18,19 | times (5) 10:6;12:14,16; 20:15;62:9 timing (2) 38:9,13 today (9) 3:11;5:16;6:1,12; 8:17;25:19;40:12; 68:23;70:4 today's (2) 3:10;5:13 together (3) 35:16;46:15,17 took (6) 10:16;32:24;47:17; 62:20;63:15;64:5 tool (1) 45:23 tools (1) 37:3 top (5) 9:10;36:19;43:17; 60:11;67:6 topic (1) 26:6 topographic (2) 61:14,15 topography (1) 25:10 towards (5) 36:3;44:10;48:12, 21;50:23 tower (3) 43:11,17,20 Town (4) 7:1;27:24;51:19,21 towns (1) 41:17 tracks (1) 18:16 traffic (1) 65:1 train (2) 14:17,21 transportation (1) 64:1 tree (1) 36:8 trees (6) 19:21;20:5,7,9,13; 60:6 tried (2) 19:19;67:19 trigger (1) 23:24 try (1) 7:9 trying (8) 4:2;11:2,11;13:13; 29:15,16;50:21; 57:21 turn (1) 13:24 |
|--|--|---|--|--|

| | | | | |
|---|--|--|---|---|
| <p>two (9) 12:15;21:12;22:17, 20:35:16;39:2;46:15, 21;52:21 two-step (1) 55:15 type (2) 51:16;63:5 types (2) 17:23;50:19 typical (2) 9:15;10:15 typically (8) 11:23;15:19;16:2, 19;25:9;42:21;46:18; 66:8</p> | <p>7:19 utilized (1) 50:6</p> <p style="text-align: center;">V</p> <p>VA (2) 29:14;50:18 value (15) 6:15;43:9;47:15, 16,19,23;48:23; 55:20;58:11;63:10, 12,13;64:3,20;65:4 values (2) 32:1;64:1 vantage (2) 65:14;66:7 vegetation (7) 17:20;18:8,14; 25:5,10;53:18;61:8 verbal (1) 71:21 verification (2) 37:5,7 Vermont (2) 43:13;66:4 vertical (1) 20:14 vetted (3) 30:24;34:9;36:13 VIA (1) 9:20 vicinity (2) 19:21;44:10 view (26) 8:4;15:23;18:18; 19:6,8;20:16;36:3; 42:20;43:16;45:21; 47:9,9;48:21,21; 51:15;60:4,7;61:1,11, 18;63:5,9,19;64:11, 24;65:22 viewed (1) 65:17 viewing (5) 43:19;44:14;65:2, 14;66:12 viewpoint (4) 44:2;47:23,24; 48:12 views (5) 17:3;31:19;45:13; 64:18;65:19 viewshed (6) 17:17;45:11;60:13, 17;61:8,16 visibility (50) 9:22,23;10:12,13; 13:21;15:4;16:10; 17:8,9,10,12,22;18:2, 10,12,22;19:11,13, 14;21:18;23:9,23,24; 24:4,19;25:2,15,17;</p> | <p>26:6;31:2;32:4;36:5, 24;42:1,4;45:3,7,8, 16;46:5,22;49:4; 51:16;53:7,11,17; 55:13,19;57:8;58:10 visible (2) 45:9;61:6 visit (5) 10:18;12:11;13:8; 26:8;34:20 visited (5) 10:5,5;12:13;13:6; 49:19 visits (4) 10:8;12:16;13:1; 50:9 visual (30) 6:13,17;8:16;9:20; 12:20,22;13:3;16:13; 18:7;23:8;24:17; 26:2;27:13;32:7,8; 36:22;38:12,14,19; 39:22;40:8,15;41:4; 44:23;48:8;52:2,14; 53:5,11;57:9</p> | <p>whole (4) 16:18;21:16;46:19; 57:18 window (1) 15:23 winnow (1) 51:13 winnowing (1) 51:22 winter (3) 19:24;20:1,12 wintertime (1) 18:1 Wiswall (6) 22:21;23:3,15,18, 20;26:8 within (16) 31:4;41:17,17; 44:23;51:20;54:21; 55:7,8,10;56:13,14; 58:11;60:16;65:15; 67:15,17 without (1) 57:13 witness (11) 3:3;4:3,16,19;6:8; 19:3;23:1;68:6,22; 69:11;70:6 witnesses (3) 4:12;5:2;71:5 wonderful (1) 43:11 Woodbury (2) 35:1,5 word (2) 21:4,10 work (8) 33:11;36:9,9; 45:14,14;59:15; 62:10,18 worked (3) 30:20;45:6;46:17 working (1) 46:15 works (1) 10:23 worse (1) 21:20 written (1) 33:24 wrong (2) 24:24;40:6</p> | <p style="text-align: center;">1</p> <p>1 (3) 22:14;44:20;56:14 10 (7) 31:13,20;41:21; 55:7;56:13;67:17; 69:16 10-mile (6) 31:10;41:18;51:20; 56:21;57:3;60:13 112 (2) 25:24;60:2 142 (2) 39:6,11 16 (1) 72:1 1992 (1) 20:24 1996 (1) 21:9</p> |
| <p style="text-align: center;">U</p> <p>under (4) 14:16;36:1;44:20; 70:14 underground (3) 18:3,9;19:10 undergrounding (1) 38:22 understood (1) 34:6 undertake (2) 30:13;33:10 undertaking (1) 49:9 undertook (1) 34:1 unfortunately (1) 32:17 UNH (7) 8:13;11:19;12:11, 13;13:6,20;52:9 universe (4) 51:7,10;57:23;59:2 University (5) 10:4;34:5;49:18; 50:8;66:3 unless (3) 11:24;15:20;66:9 up (13) 15:16;20:21;24:7, 10;31:19;46:4;54:7; 56:22;57:4;60:22,23; 61:23;66:20 use (3) 13:23;16:19;43:2 used (11) 9:19;36:17;45:19; 49:3,13;50:10;52:4; 60:13,18;66:11; 71:11 useful (1) 48:10 using (3) 49:15;51:14;60:19 usual (1)</p> | <p style="text-align: center;">W</p> <p>walk (3) 36:15;60:11;66:5 walked (1) 35:21 warranted (1) 49:11 way (7) 4:4;9:6,9;18:15; 28:6;31:13;71:14 ways (1) 62:10 WEATHERSBY (31) 3:2,15,18,23;4:5, 15,20;5:4,18;7:3,17; 8:6,22;6:27:18; 37:24;53:20;54:1; 59:20;62:2;66:14; 68:3,7;69:4,12,18,24; 70:19;71:7,15,18,22 web (1) 48:18 welcome (2) 37:22;59:23 weren't (3) 21:13;55:3;56:8 west (2) 15:11;16:16 western (1) 15:13 what's (1) 15:1 whereabouts (1) 15:9 WHEREUPON (2) 3:5;72:1</p> | <p style="text-align: center;">Y</p> <p>year (1) 13:11 yield (1) 36:5 yielded (1) 61:12</p> | <p style="text-align: center;">2</p> <p>2 (10) 9:10;11:13;22:15; 35:7;36:19;43:12; 45:4;46:9;49:1;60:11 2016 (2) 38:16,20 2017 (7) 12:23;22:18;29:23; 39:7,20;40:2;62:24 2018 (1) 39:15 202.27 (1) 5:17 263 (1) 66:21 29 (1) 39:15</p> <p style="text-align: center;">3</p> <p>3:00 (1) 69:22 3:07 (1) 69:23 3:09 (1) 72:2 32 (1) 71:13 3D (3) 45:19,24;49:16</p> <p style="text-align: center;">4</p> <p>4 (1) 9:24</p> <p style="text-align: center;">5</p> | |

500 (4)
51:13,17;54:16;
57:17
51 (3)
11:9;21:3;38:15

6

600 (1)
56:13

9

9 (1)
56:15
95 (1)
38:21