

TOWN OF BETHLEHEM



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February 4, 2016

Pamela Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

RE: New Hampshire Site Evaluation Committee Docket No. 2015-06 Northern Pass Transmission Project - Eversource

Dear Ms. Monroe:

This is a Petition to Intervene by the Planning Board of the Town of Bethlehem in the above project pursuant to the New Hampshire Code of Administrative Rules, Site 202.11 and RSA 541-A:32.

According to RSA 162-H: 16, among the statutory findings that the Site Evaluation Committee must make in reaching a decision is that:

- “The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies;” and
- “The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety”

As the Land Use Board of the Town of Bethlehem, we believe this project will have an extremely negative impact on our Town; that it will unduly interfere with the orderly development of the region – and is already doing so; and that it will have an unreasonable adverse effect on the Town’s character, aesthetics, historic sites, water quality, the natural environment, property values and public health and safety.

Northern Pass’s partial location within Bethlehem differentiates the Town’s concerns from those of the general public. The plan includes 4.9 miles of overhead high voltage direct current transmission lines and their towers along the current PSNH/Eversource Right of Way between the Whitefield/Bethlehem town line and U.S. Route 302. At that juncture there is a proposal to construct Transition Station #5 across from Miller Pond/Baker Pond, where the lines will be buried along Routes 302 and 18 for 3.1 miles. Transition Station #5 is designed to occupy just under an acre.

Bethlehem is located in the Ammonoosuc River Valley of the White Mountains and enjoys spectacular, unspoiled views of the Presidential Range. Two-lane U.S. Route 302 is one of the major east-west “highways” in northern New England. It is the route tourists travel when exiting I-93 at Exit 40 on their way to The Rocks, the Mt. Washington Hotel, the Bretton Woods ski area, and Cannon Mountain. Route 302 also serves as the “Main Street” of Bethlehem.

WITH ITS TRANSMISSION LINES AND TOWERS UP TO 105 FEET HIGH and a Transition Station WITH A STRUCTURE 80 FEET HIGH in an area that is a major gateway to Town, this project could seriously damage Bethlehem's future development, and will be in direct violation of numerous Zoning Ordinances set forth by the Land Use Board of the Town of Bethlehem.

1. **Endangering a pending project:** The proposed Northern Pass project has the potential to put **A STOP** to a multi-million dollar pending project, which holds tremendous potential for the future economic development of Bethlehem and the region. That project is planned for the area across from, and abutting, proposed Transition Station #5. The project includes a brand new 100 room extended stay hotel.

The sale of this property is pending and Northern Pass could impact the owner's decision to go forward because Transition Station #5 would abut the proposed hotel and be directly across from the rest of the development. **THAT WOULD MEAN A SERIOUS LOSS FOR THE TOWN NOW AND INTO THE FUTURE; WE CAN'T IMAGINE ANYONE ELSE WOULD WANT TO BUILD ANYTHING NEXT TO THE TRANSITION STATION STRUCTURES.**

2. **The Town's Aquifer Ordinance:** Bethlehem has an Aquifer Protection Ordinance which stated purpose is "The purpose of this ordinance is to preserve, maintain, and protect the quality and quantity of aquifers, aquifer recharge areas and surface waters that are fed by groundwater located wholly or partially within the town of Bethlehem."

The following Performance Standards apply to all uses in the Groundwater Protection District unless specifically exempt under Section XI: A. For any use that will render impervious more than 15% or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the Planning Board determines is consistent with the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992 and Best Management Practices for Urban Stormwater Runoff NH Department of Environmental Services, January 1996. B. Conditional uses, as defined under Section IX shall develop stormwater management and pollution prevention plans and include information consistent with Stormwater Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices. (US EPA, 1992)

We believe the proposed Transition Station is unique and substantially different in nature and impact than new towers along existing rights of way or buried lines and thus should not be exempt from compliance with local regulations for groundwater protection. We specifically request the applicant be required to comply with local Site Plan Review for the Transition Station or demonstrate that other State regulations on the Transition Station accomplish the same objectives.

3. **Impeding growth:** This SEC process is not only preventing the town from conducting Site Plan Review on the towers, transmission lines and Transition Station, but this proposed project is affecting our ability to conduct Site Plan Review or to develop anything in that area because of all the uncertainty related to construction, etc.
4. **Master Plan Survey:** The Bethlehem Planning Board is in the process of updating the Town's Master Plan. As part of that, the Planning Board conducted a survey of its residents last year to help guide their process in the direction the Town's people indicated they wanted to see Bethlehem go. In a question that asked, "What do you consider the best thing about living in Bethlehem?" 70% of the responses indicated that Bethlehem's scenic/natural environment was extremely important. Furthermore, in an open ended questing asking "What is your opinion of Northern Pass," there was a common thread among 66% of the responses speaking against its existence within our town. 20% of the responses indicated it would be acceptable, but only if it was buried so it would not destroy the Town's natural beauty.

5. **The Town's height ordinance:** The Town of Bethlehem Zoning Ordinances specifically address the height of all buildings and structures in Article II, General Provisions, item B. *"No building or structure shall be greater than forty (40) feet in height, unless a Special Exception is granted by the Zoning Board of Adjustments. However, **under no circumstances shall any structure or building exceed sixty (60) feet in height.**"*

The proposed height for Transfer Station 5 is 80 feet, with two towers with projected heights of 105 feet and 95 feet. These heights are restricted within the Town of Bethlehem and therefore should not be allowed.

6. **Construction and its impacts:** We have very little concrete information about the impacts of construction associated with this project. And **WE ARE CONCERNED** about **THOSE** impacts having recently reviewed the letter of December 2, 2015 to the Site Evaluation Committee from the Counsel for the Public, Peter Roth, Senior Assistant Attorney General.

He cites "insufficient information on the specific impacts of the Project's construction on the communities that will host the Project."

He writes "...it is impossible to tell whether the Applicants have specifically analyzed how construction of the route between Bethlehem and Bridgewater will impact the hosting communities. Are there adequate alternative roads to accommodate traffic during construction? How will emergency services be impacted (e.g., will routes to hospitals be unavailable)? When will construction occur in certain locations? How specifically would road limitations be dealt with in bad weather?"

Mr. Roth also noted: "the application lacks community specific information on the impact of building and maintaining this underground section. This is not something that should wait for post-certificate design and approval as the communities involved deserve to weigh in on the impacts and the committee needs to understand the full impact of the project that it is approving."

We have no idea how long construction will continue and are very concerned over the impact it will have on our businesses, on tourism and on the daily lives of our residents. If there are power outages associated with construction, we will be affected by those.

We have no information about how burial of lines on route 302 will be handled. Water and sewer lines run under most streets and roads in Bethlehem, including a portion of route 302 where transmission lines are proposed to be buried.

John Kayser, the construction project manager, in his pre-filed testimony of October 16, 2015, mentions blasting. On page 135 of his testimony, he says: "it is anticipated that blasting will be required for overhead, underground and substation construction of the project."

We are concerned about these impacts.

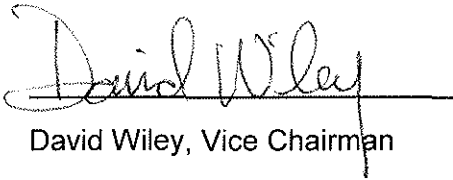
7. **In conclusion:** The transmission lines should run underground from the Canadian/New Hampshire border to south of the Franconia Notch, along I-93 as others have suggested, to try to mitigate disruptions associated with construction and the negative long-term effects of the project. The unreasonably adverse effects this project could have on our Town qualify us to be granted intervenor status so that, according to RSA 162-H: 16, "due consideration" will be given to "the views of municipal and regional planning commissions and municipal governing bodies."

WE BELIEVE THAT WE HAVE DEMONSTRATED THAT OUR RIGHTS, DUTIES, PRIVILEGES, IMMUNITIES OR OTHER SUBSTANTIAL INTERESTS MIGHT BE AFFECTED BY THE PROCEEDINGS, IN NUMEROUS WAYS, INCLUDING BUT NOT LIMITED TO THE ABOVE, PER NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, SITE 202.11 FOR INTERVENTION.


Sincerely, the undersigned members of the Bethlehem Planning Board



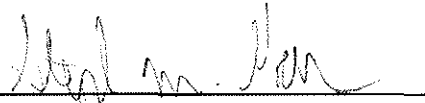
Michael Bruno, Chairman



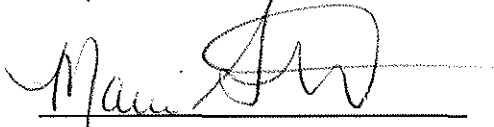
David Wiley, Vice Chairman



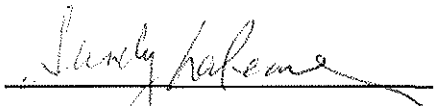
Andrea Bryant, Elected Member



Stephen Gorman, Elected Member



Marie Stevenson, Elected Member



Sandy Lalame, Ex Officio

Cc: To all the people on the SEC distribution list as of February 4, 2016.

Copies of this request have been sent via e-mail to the SEC committee membership as posted on your website.

INTERVENTION PLATFORM

Platform Objective #1

The fundamental platform of the coalition is to promote underground construction of the recently, revised proposal for the Northern Pass HVDC transmission line ("Proposed Line"). The underground construction should be from the Canadian border to Franklin, NH in either the PSNH/Eversource ("Utility") claimed rights-of-ways or the Interstate I-93 right-of-way corridor. This proposal is anticipated to be part of the SEC intervention.

Platform Objective #2

The second platform is intended to address the current proposal to construct the line above ground and underground in the Utility claimed rights-of-ways, land, and in municipal and state roadways in various towns. The objective is to present a streamlined group of municipal concerns and issues, and *common municipal interests* shared by all the towns along the Proposed Line. These concerns and interests generally include the following, which are anticipated to be part of the SEC Intervention:

1. Hazards on highway shoulders and paved surfaces caused by unique heating/cooling dynamics as well as related frost heaves.
2. Safety concerns expressed by municipal fire, police, highway, & EMT departments.
3. Construction issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
4. Maintenance issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
5. Addressing the remediation of any reluctance by developers to construct new residential, commercial, or industrial property adjacent to the underground HVDC line and the attendant extra cost of that construction.
6. Addressing the remediation for the existing residential, commercial, and industrial properties regarding the additional costs and interferences with the use and operation of their existing properties.
7. Addressing utility reimbursement for cost on municipal budgets related to both the construction and operation of the Proposed Line for:
 - a. Management & administration
 - b. Law enforcement
 - c. Safety services

- d. Traffic Congestion
 - e. Timely emergency & accident response
8. Require a pre-construction ground survey and inventory of natural and man-made structures among the Proposed Line including streets, intersections, highways, bicycle lanes, traffic control devices, signs, bridges, prospective staging & parking areas for the utility's construction vehicles, gravel pits, parks, playgrounds, open spaces, driveways, cross-country ski and hiking trails, horseback riding including access and parking areas as well as the natural landscape used by or impacted by the construction of the Proposed Line.
 9. Require a pre-construction video taping of all the impacted areas and the abutters' properties to the Proposed Line.
 10. Require a Municipal Infrastructure Reimbursement Fund indexed for inflation and contributed to annually, for the reimbursement of costs incurred by the municipalities to operate, construct, and maintain municipal infrastructure in and around the Proposed Line located in the municipal rights-of-ways that are adjacent to rights-of-ways in, and interfering with, any other municipal right-of way. This fund shall be intact for as long as the line is in the ground.
 11. Provide for and fund an inflation indexed Damages Mitigation Fund to reimburse the municipalities', their citizens', and their property owners' costs for:
 - a. Unforeseen events and or unintended circumstances including highway accidents related to the construction and operation of the line.
 - b. From earthquakes, floods, fires, overloads, short-circuits, explosions or other catastrophic events that impact the line and the abutters' property; and
 - c. To include the costs of post construction restorative landscaping for both sides of the proposed line.
 12. Provide for and fund an inflation index Decommissioning Trust Fund to be held in escrow and used to remove the line, all of its appurtenances, and restore the right-of-way to a green field state.
 13. Require the Utility to report annually all ad valorem property tax information including annual historic original costs by FERC account. As part of this item, require the utility to agree to valuation methodology of replacement cost new less depreciation over an economic life of 100 years with a 20% to the good floor.

Platform Objective #3

The third platform objective relates to potential *concerns & issues unique to each town* that will be part of the SEC intervention. Some examples are listed below:

1. Bethlehem will require relocation of the Utility's Proposed Line and/or transition station around wetlands and an area that abuts a prospective hotel development project.
2. Local planning board & master plans will need to be considered and consulted, as would safety services departments, schools, cemetery trustees, churches, eleemosynary institutions, and recreation & sports committees.
3. The SEC order that the Utility negotiate with each community for which it has buried lines in municipal rights of way both state and local, a Construction and Maintenance Agreement, that protects towns and cities by paying for movement of all interferences realignments and future maintenances as required by the towns and cities so as to keep the town and city financial whole as if the line had not been constructed.
4. Mitigation and payment for the construction impact on lost business for local businesses, contractors, inns, motels, B&Bs, farm stands, campgrounds & related visitor facilities impacted by the construction of the Proposed Line, maintenance of the Proposed Line, and any unforeseen emergency on the Proposed Line.
5. Address local conservation commissions, which have concerns about wetlands, beaver ponds, wild life & aquatic habitats, stream, brook, and river crossings, and any other impacts created by the Proposed Line.
6. Provide mitigation for access and parking for recreation and sports including but not limited to:
 - a. Swimming, bicycle races, hiking, cross-country skiing, mountain biking, horseback riding, and road-side walking
 - b. Hunting, fishing, snowmobiling, and ATV activity
 - c. Scenic views and picnic grounds
7. Address and mitigate any other environmental or operational impacts unique to each of the towns not yet identified.