

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2015-06

**RE: APPLICATION FOR CERTIFICATE OF SITE AND FACILITY
NORTHERN PASS TRANSMISSION, LLC – EVERSOURCE ENERGY**

PREFILED TESTIMONY OF DAVID A. SCHRIER

November 15, 2016

1 Q. Please state your name and address.

2 A. David A. Schrier, 188 High Street, Exeter NH 03833.

3 Q. What is your interest in this proceeding?

4 A. I am an intervenor in this proceeding. I own 38 acres of land together with the
5 buildings and improvements in part of the North Country known as the Great North Woods
6 Tourism Region of New Hampshire. My property is located on Old County Road in
7 Stewartstown approximately 200 yards south of the Stewartstown-Clarksville town line. My
8 property is reached from the south by way of NH Route 145 running north through Colebrook,
9 Stewartstown and Clarksville and then by turning right and heading southerly on Old County
10 Road. Route 145 is a State of New Hampshire Cultural and Scenic Byway known as the Moose
11 Path Trail. Old County Road is a narrow and ancient way that has neither been laid out nor taken
12 by eminent domain by any municipal or state authority. The portion of the road running from
13 Route 145 southerly to my property is maintained by the Town of Clarksville and the Town of
14 Stewartstown. My property includes the westerly half of Old County Road as it runs past my
15 property to the centerline of the roadbed. My property is subject only to the ancient and limited
16 rights of the public acquired by prescription to use Old County Road for passage. The

1 Applicants in this proceeding have stated that they intend to use Old County Road, including my
2 property, to dig trenches and/or bore tunnels to bury their proposed transmission line facility and
3 related communication fiber under the entire length of Old County Road from Route 145 in
4 Clarksville to North Hill Road in Stewartstown. The Applicants in this proceeding claim that
5 they have the absolute right, subject only to Site Evaluation Committee ("SEC") authority, to site
6 their facility on my property under Old County Road. I object to the Applicants' use of Old
7 County Road and attempt to literally take my property for that private purpose; and I also
8 disagree with the Applicants' contention that the SEC has siting authority for this project insofar
9 as its proposed use of my property and the use of Old County Road in Clarksville and
10 Stewartstown.

11 Q. Are there other ways in which your Stewartstown property would be impacted if the
12 Applicants' proposed project is permitted and built?

13 A. Yes. My property is used as an all-season second home for vacation and recreation
14 for myself, my family and my friends. We enjoy and value the pristine rural, scenic, and pastoral
15 environmental attributes of the property and its surrounding environs in the Great North Woods
16 Tourism Region. The presence of this transmission line running through the heart of the Great
17 North Woods tourism region using overhead transmission towers, transition stations and
18 underground digging and trenching in local rural roads would ruin all of the reasons that I had
19 for acquiring the property. As it is, I have refrained from making significant improvements to
20 my property for the past six years while this project has been inching its way through various
21 permitting processes and changing its routing and design plans. With numerous siting changes
22 that continue to the present, the Applicants seek permission to site a new high voltage
23 transmission line facility (the "Northern Pass") running approximately 190 miles through New

1 Hampshire from Pittsburg to Deerfield. The Northern Pass transmission line facility—if
2 permitted and built as presently proposed—would run through Pittsburg Clarksville and
3 Stewartstown for approximately 16 miles. 8 miles of the transmission line is planned to be
4 constructed above ground on over 70 transmission towers that Northern Pass says it would like
5 to erect in a new transmission line corridor clear cut through portions of Pittsburg, Clarksville
6 and the east side of Stewartstown. Among the nearby local scenic and cultural treasures that
7 would be directly and adversely impacted by the above ground transmission towers proposed by
8 the Applicants' Northern Pass project are the Connecticut River, the Connecticut River Scenic
9 and Cultural Byway, the historic Indian Stream Republic, the Washburn Family Forest, the
10 Moose Path Trail Scenic and Cultural Highway, Bear Rock, and Coleman State Park. Another 8
11 miles of transmission line is planned to be placed in Pittsburg, Clarksville and Stewartstown by
12 heavy construction equipment that Northern Pass says it will use to dig trenches and/or to drill
13 borings under country roads that the Applicants have strategically selected to avoid landowner
14 blockades formed by local property owners who oppose the construction of the Northern Pass
15 project. Some of the roads that the Applicants claim they will use are not even wide enough for
16 two vehicles to pass safely. This project proposed by the Applicants would simply ruin the local
17 charm, character, scenic beauty and wilderness look and feel that attracted me and so many
18 others to purchase vacation and recreational properties in the area. While I am not an
19 environmental engineer, I care deeply for the environment. I am concerned about the impact that
20 digging and trenching in ancient roadbeds through the area would have on the movement of
21 water and on our precious wetlands. I am deeply concerned about the impact on wetlands that
22 building new roads through forested areas would have on wetlands and I am also deeply
23 concerned about the impact that construction of this transmission corridor through the Great

1 North Woods would have on wildlife which is becoming scarcer every year. The further
2 fragmentation of large forested areas seems a most unwise plan when existing previously dug
3 state highway corridors are available to be used for construction of subsurface infrastructure such
4 as HVDC cable.

5 Q. Are there other concerns and interests that you have that you wish to call to the
6 attention of the Site Evaluation Committee in this proceeding?

7 A. Yes.

8 Q. What are those concerns and interests?

9 A. As previously mentioned I do not consent to the Applicants' proposed use of my
10 property to dig in my road or to bury a high voltage direct current transmission line cable. I have
11 a statutory right as a property owner in Stewartstown to participate in and appeal to Superior
12 Court, from any attempt by the Applicants to seek a license to use my road or any other locally
13 maintained roads per the provisions of RSA Section 231:160. That statute spells out the local
14 licensing procedure that the Board of Selectmen in Stewartstown must employ. That statute
15 specifically provides that the procedures therein described and as described in following sections
16 of law must be followed "and not otherwise." The SEC simply does not have authority to license
17 or order "permission" for the Applicants to use my road for the purposes sought and claimed by
18 the Applicants. To do so would be "otherwise" and in direct violation of RSA Section 231:160.
19 Should any license for use of my road be granted by the Selectmen, I would have the rights to
20 petition the Superior Court to reverse or modify such authority, as well as the right to seek
21 damages by way of eminent domain proceedings and other relief as provided in RSA Sections
22 231:166 and 231:167. I would also have the statutory right to protect trees on my property
23 including those in or abutting the roadbed per the provisions of 231:172. I insist that those rights

1 be preserved and I object to any attempt by the SEC to exercise jurisdiction over my property
2 and my road in a manner “otherwise” than that stated in RSA Section 231:160 and the provisions
3 that follow it. The Applicants have never asked me for permission to use my property and road.
4 I claim claims that the Applicants have no right to use my road for this project without my
5 consent; that any such use would be a trespass giving rise to damages; and that I can lawfully
6 take whatever actions may be necessary and appropriate to prevent such use and damage to my
7 property rights and interests. To make it explicitly clear, I do not consent to the SEC to act or
8 rule in such a manner as to take my property and the property of Old County Road abutters
9 without our consent and without any statutory right having been granted to the SEC to exercise
10 or use the State of New Hampshire’s power of eminent domain and without any ability in the
11 SEC to award compensation or damages to me and those similarly situated.
12 I also object to any permanent or temporary loss of use and enjoyment of my property due to the
13 Applicants’ digging up and closure of Old County Road. I also object to the noise and
14 movement of construction vehicles and equipment passing by within a few hundred feet of my
15 vacation residence. I further object to the loss of esthetic and scenic values of the greater
16 Stewartstown, Clarksville and Pittsburg local and regional environment that forms the highly
17 valuable Great North Woods Tourism Region backdrop for my property, including the
18 Connecticut River, the Connecticut River Scenic and Cultural Byway, the Indian Stream
19 Republic, the Washburn Family Forest, the Moose Path Trail, Bear Rock and Coleman State
20 Park. I also object to the loss esthetic, cultural and scenic values of nearby cemeteries on or
21 under Old County Road. One of those nearby cemeteries is known as the burial place of the
22 Native American Metallak who is celebrated on New Hampshire Historic Marker #47 on the
23 Moose Path Trail. The Marker reads: “Hunter, trapper, fisherman, and guide, well and favorably

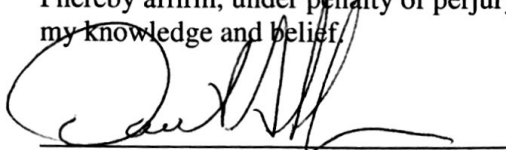
1 known by the region's early settlers. 'The Lone Indian of the Magalloway' was the last survivor
2 of a band of Abenaki inhabiting the Upper Androscoggin. Blinded by accidents, Metallak died a
3 town charge in 1847 at the reputed age of 120." I recognize that the Applicants and I differ on
4 our interpretation of governing laws concerning the use of my property, but that dispute itself is a
5 private property dispute, the resolution of which must be done not by the SEC in this
6 administrative law proceeding, but rather after trial in the Superior Court pursuant to my
7 Constitutional Rights enshrined in Article 20 of the Bill of Rights which provides in relevant
8 part:

9 "In all controversies concerning property, and in all suits between two or more
10 persons except those in which another practice is and has been customary and
11 except those in which the value in controversy does not exceed \$1,500 and no title
12 to real estate is involved, the parties have a right to a trial by jury."
13

14 Q. Does this conclude your testimony?

15 A. Yes.

I hereby affirm, under penalty of perjury, that this testimony is true to the best of
my knowledge and belief.

A handwritten signature in black ink, appearing to read 'David A. Schrier', is written over a horizontal line.

David A. Schrier