

**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 RODRIGUE J. BELAND**

**November 15, 2016**

1           Q. Please state your name and address.

2           A. Rodrigue J. Beland, P.O, Box 1447, Waitsfield, VT 05673.

3           Q. What is your interest in this proceeding?

4           A. My wife Tammy and I are intervenors in this proceeding. We own two  
5 abutting parcels of real estate in Stark, New Hampshire on the north side of Route  
6 110. Those properties are directly impacted by the proposed facility that the  
7 Applicants have proposed to build in this proceeding.

8           Q. How will your Stark, New Hampshire properties be impacted if the  
9 Applicants' proposed project is permitted and built?

10          A. Our abutting parcels of land in Stark contain approximately 60 acres of  
11 land together with a residence and related outbuildings and improvements. We  
12 purchased the properties in 1989 and 1998 for the purpose of improving them for use as  
13 a vacation, recreation and eventual retirement home. Our properties are accessible solely by  
14 Route 110 which itself is an important New Hampshire Scenic and Cultural Highway known as  
15 the Woodlands Heritage Trail. In this proceeding, the Applicant Northern Pass Transmission

1 LLC (“Northern Pass”) seeks permission to site a new high voltage transmission line facility  
2 running approximately 190 miles through New Hampshire from Pittsburgh to Deerfield. If the  
3 transmission line is permitted and built as proposed, it would run overhead through the Town of  
4 Stark for approximately 8.5 miles in an existing 150 foot wide right of way deeded to the  
5 Applicant Public Service of New Hampshire, dba Eversource (“PSNH”), approximately 70 years  
6 ago in easement agreements entered into with private landowners. The Northern Pass HVDC  
7 transmission line if ever constructed would run for approximately 1500 feet across our Stark  
8 property and within a few hundred feet of our residence. The new Northern Pass HVDC  
9 transmission facility would be constructed on one side of the PSNH right of way high above a 24  
10 inch diameter underground natural gas transmission line that was constructed in that right of way  
11 and commissioned for operation in 1999. The Applicants also propose to uproot the existing  
12 PSNH HVAC transmission line which is located on 40 foot wooden poles in the center of the  
13 right of way and re-locate it to the other side of the PSNH right of way and place it on new metal  
14 transmission towers two or more times higher than the existing wooden poles that presently carry  
15 it. The new Northern Pass transmission line HVDC structures would be up to 130 feet high and  
16 the HVDC transmission line would run alongside the 24 inch natural gas pipeline and actually  
17 cross over the pipeline on the other side of Route 110 from our property. The proposed new  
18 Northern Pass transmission line and the relocated PSNH transmission line would cross over  
19 Route 110 on towers up to 130 feet high. Route 110 is the Woodlands Heritage Trail designated  
20 by New Hampshire as a Scenic and Cultural Highway. The transmission line would cross this  
21 Scenic and Cultural Highway directly in front of our residence destroying the scenic view that  
22 significantly contributes to the value of our properties. In addition, the Applicants’ proposal  
23 shows that they plan to literally build an access road over our property to construct their

1 proposed HVDC project and relocate the existing HVAC line on landlocked property abutting  
2 our property and running north all the way to the Upper Amonoosuc River. We are concerned  
3 that such activities will greatly add to the environmental damage inflicted our property and the  
4 noise and inconvenience that such road building and use would impose. If the Applicants'  
5 proposed project were to be built, we would greatly fear the increased hazard potential caused by  
6 building a totally new electrified transmission line virtually on top of a natural gas transmission  
7 line located within a few hundred feet of our residence. As a result of the existence of the  
8 Applicants' proposed project, we have deferred all development plans for our Stark property and,  
9 if that project is ever permitted and built, we would never retire there and would have to  
10 demolish our home and abandon our retirement plans for that location.

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

13 A. Yes.

14 Q. What are those concerns and interests?

15 A. I want the Site Evaluation Committee ("SEC") to know that my wife and I do not  
16 consent to the SEC determining or adjudicating in this administrative law proceeding whether or  
17 not the Applicants can use our property to build their proposed project. More specifically, the  
18 PSNH easement over our property is limited in the number of structures it permits to be erected  
19 and it also limits the uses which PSNH may reasonably make of the easement. We contend that  
20 the Applicants' proposed project violates both the specific terms of the PSNH easement deed  
21 with respect to the number of structures permitted and the intent of our predecessors in interest in  
22 entering into the easement deed. We also contend that PSNH has no right to allow the use of the  
23 easement area by Northern Pass by way of a partial assignment of its limited interests in our

1 land. We recognize that the Applicants contend otherwise and that our respective contentions  
2 regarding the use of our property are in direct conflict. We believe and assert that this presents a  
3 classic private property dispute between us and PSNH and Northern Pass over the meaning and  
4 intent of a private easement deed that was recorded approximately 70 years ago. We further  
5 believe and assert that the SEC has no power to adjudicate or determine a resolution of our  
6 private property dispute with the Applicants. My wife and I insist that such a private property  
7 dispute can only be resolved in the New Hampshire Superior Court after trial and entry of a final  
8 judgment. The New Hampshire Constitution Bill of Rights speaks directly to this issue in Article  
9 20 of the New Hampshire Constitution Bill of Rights, which provides in relevant part as follows:

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

14 The value in controversy in our private property dispute with the Applicants over their proposed  
15 rights in, title to and use of our Stark property is far more than \$1500 and we insist on exercising  
16 our Constitutional right to a jury trial. Unless and until the Applicants obtain a final judgment of  
17 the Superior Court after a trial by jury awarding them the right to build their proposed project on  
18 our property, the Applicants cannot demonstrated in this proceeding that they control our  
19 property as a site that they can use for their proposed HVDC transmission project facility.  
20 Moreover, unless and until the Applicants obtain a final judgment of the Superior Court that  
21 resolves in their favor the private property dispute between us, we will not permit them to use  
22 our property for their project and we will bar and prevent them from trespassing on our property  
23 for any such purpose furthering their efforts to construct their proposed HVDC project which we

1 contend would violate the terms of the PSNH easement encumbering our property and which  
2 would use our property in a manner which is unreasonable and never intended by the parties to  
3 the PSNH easement.

4 Q. Do you have other concerns and objections that you wish to make known to the SEC?

5 A. Yes.

6 Q. What are those other concerns and objections?

7 A. As property owners, we believe that the construction of the Applicants' project would  
8 reduce the fair market value of our Stark Property by over six figures to the point where its only  
9 value would be as a wood lot. We also know that the potential health and safety hazards and  
10 fears imposed upon us and other users of our property would include the fact that the proposed  
11 new structures will have fall zones outside the existing PSNH right of way. The fall zones of the  
12 structures would also include the area where the 24 inch natural gas pipeline lies under the  
13 ground in the existing right of way. This fact alone makes the project design and use of the  
14 easement area unreasonable. We also are concerned about the infliction of damage to the  
15 wetlands on and near our property which the project shows will be impacted by the construction  
16 of roads over our property. We agree with the NH DES that the projects use of Route 3 or other  
17 already disturbed roadbeds would be far less environmentally damaging to the North Country  
18 than the Applicants' current proposal which literally requires the construction of new roads  
19 through 40 plus miles of environmentally sensitive forests, wetlands and scenic areas. We also  
20 object to the temporary loss of use and enjoyment of our property due to the noise and movement  
21 of construction vehicles and equipment passing by within a few hundred feet of our home.  
22 Finally, we object to the tremendous loss of scenic and cultural value of the area that the  
23 Applicants' proposed facility would cause including:

1           a.       Loss of enjoyment and scenic and cultural value of the Woodlands  
2 Heritage Trail which abuts our Stark property and which is the only public access way by  
3 which our property can be reached by automobile.

4           b.       Loss of esthetic and scenic values of the greater Stark local and regional  
5 environment that forms the highly valuable scenic and cultural backdrop for our property.

6           c.       Loss of esthetic, cultural, and scenic values of the nearby Upper  
7 Ammonoosuc River which is an important component of the international 740 mile long  
8 Northern Forest Canoe Trail. The proposed new transmission line would be built directly  
9 over the Northern Forest Canoe Trail on the Upper Ammonoosuc River on a parcel of  
10 land abutting our property.

11           Q. Does this conclude your testimony?

12           A. Yes.

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

/s/ Rodrigue J. Beland

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Rodrigue J. Beland