

**STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE
DOCKET NO. 2015-06**

**JOINT APPLICATION OF NORTHERN PASS TRANSMISSION, LLC AND
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE
ENERGY FOR A CERTIFICATE OF SITE AND FACILITY**

SUPPLEMENTAL TESTIMONY OF D. SCOTT NEWMAN MS, EDFP

106 ASSOCIATES



**ON BEHALF OF
DEERFIELD ABUTTERS INTERVENERS
April 17, 2017**

1 **Q. Please state your name, position and your employer.**

2 A. My name is Scott Newman, Principal of 106 Associates, historic preservation consultant, and an
3 expert in evaluating the effects of public infrastructure projects on historic properties.
4

5 **Q. What is the purpose of your supplemental testimony?**

6 A. 106 Associates Historic Preservation Consulting was hired by the Deerfield Abutters Interveners
7 to provide an expert evaluation of the effects of the proposed Northern Pass project on above-ground
8 historic properties in the Town of Deerfield. The SEC process requires an assessment of effects on historic
9 sites as part of its evaluation of the project relative to the public interest. This testimony will supplement
10 my pre-filed testimony in this matter based on new information not available when my pre-filed testimony
11 was submitted on December 30, 2016.
12

13 **Q. Please describe the format and order of your report.**

14 A. My testimony is sequenced as follows:

15 1. Narrative

16 2. Figures

17 3. Appendices
18

19 **Q. Explain the reason you are submitting supplemental testimony and how it affects the reasoning
20 and conclusions of your original pre-filed testimony?**

21 A. In summary, based on new data and determinations made by the New Hampshire Division for
22 Historical Resources, the unreasonable adverse effect of the proposed Northern Pass project on historic
23 resources in the Town of Deerfield is substantially more severe than I had previously determined, to wit:
24

25 In my pre-filed testimony dated December 30, 2016 I stated that the proposed Northern Pass
26 Transmission Line project would be sited adjacent to - and between - two historic districts in the Town of
27 Deerfield. One of the Districts, the Deerfield Center Historic District is listed in the National Register of
28 Historic Places with established boundaries. The second district, the potential Nottingham Road Rural
29 Historic District, was considered *potentially eligible* based on data available at the time, with to-be-
30 determined boundaries. Based on the scale and scope of the proposed Northern Pass Transmission Line
31 and its proximity to adjacent historic resources, my expert opinion was that based on SEC criteria the
32 effect of the proposed project on the two historic districts would be clearly unreasonably adverse.
33

34 Since that time, the New Hampshire Division has evaluated the potentially eligible Nottingham Road
35 district and has confirmed that it is eligible for the National Register of Historic Places and has defined its
36 boundaries. The relevant pages from the NHDHR Area Form describing the district and its boundaries are
37 attached as Appendix A. For the purposes of evaluating the Northern Pass Project on historic Resources
38 in Deerfield, the following two points arising from NHDHR's determinations are key:

1. The Nottingham Road Historic District is eligible for listing in the National Register of Historic Places.

2. The boundaries of the Nottingham Road Historic District have been formally established and expanded, resulting in the fact that the proposed Northern Pass Transmission Line would now physically cut through the Historic District.

Q. What are your conclusions with respect to effects on historic properties understanding that the proposed Northern Pass Transmission Line is now confirmed to physically bisect the Nottingham Road National Register Historic District?

A. Primarily, the determination of unreasonable adverse effect of the proposed infrastructure on Deerfield's Historic Resources is unimpeachable by any serious accredited historic preservation professional. As shown on Figure 1, the proposed transmission line would now be physically present within the boundaries of a nationally significant historic resource with substantial and unreasonable adverse impacts. The significance of the District lies in its historic patterns of local agricultural use with farmhouses, barns, and open fields conveying the intact integrity of this rural area. The proposed installation of metal towers up to 140 feet with suspended high tension wires "cutting through" the Historic District clearly and severely degrades these characteristics that qualify the Nottingham Road District for the National Register of Historic Places. Moreover, the proposed infrastructure extending well over the tree canopy as shown in figures in my pre-filed testimony constitute an intrusion that would physically and visually separate components of the Historic District compounding the unreasonable adverse effect.

Q. Explain how the new information affects your analysis of unreasonable effect under SEC rules.

A. To answer this question, I excerpt my evaluation of the SEC Rules from the 12/30 prefiled testimony and augment the testimony in italics at the end of each criterion evaluation.

"Site 301.14(b) Criteria Relative to Findings of Unreasonable Adverse Effects on Historic Sites

(a) In determining whether a proposed energy facility will have an unreasonable adverse effect on historic sites, the committee shall consider:

(1) All of the historic sites and archaeological resources potentially affected by the proposed facility and any anticipated potential adverse effects on such sites and resources;

Comment: Affected sites include 2 National Register Districts, one listed, one potential Rural Historic District, each of which directly abut the proposed project. Both Districts retain their status for the NR, and possess the integrity of location, design, setting, materials, workmanship, feeling, and association."

SUPPLEMENTAL: The proposed project no longer abuts the Nottingham Road Historic District, but physically cuts through the District within its National Register boundaries - directly and adversely impacting the integrity of the rural, agricultural setting.

(2) The number and significance of any adversely affected historic sites and archeological resources, taking into consideration the size, scale, and nature of the proposed facility;

Comment: The project affects a diversity of historic sites spanning the historic development of Deerfield from the time of its founding. Both the historic civic center of

1 the Town, and an intact and broad representation of its agricultural heritage are at stake
2 in the SEC's deliberations. The size of the project is massive: with increased heights,
3 footprints, and widths of proposed infrastructure completely at odds with the character
4 of the affected Deerfield village center, and rural historic district. The scale of the project
5 is clear when considering it bisects the entire Town of Deerfield from west to east,
6 visually and physically separating the Town's two historic districts from one another. The
7 nature of the proposed facility is industrial-scaled electrical power infrastructure installed
8 on towers up to 140' above the ground, and visible for miles. It's important to note here
9 that this nature of this facility could change in a way that would enhance the scenic and
10 historic character of Deerfield, as well as its economic vitality, by undergrounding the
11 transmission lines.

12
13 **SUPPLEMENTAL:** *The size, scale, and nature of the proposed industrial scaled transmission line are an*
14 *even greater unreasonable adverse impact considering its proposed physical location within the*
15 *boundaries of the Historic District. The effect of the massive, linear cut through the District will directly*
16 *and adversely impact the District by visually splitting the district into two separate components.*

17
18 (3) The extent, nature, and duration of the potential adverse effects on historic
19 sites and archeological resources;

20 **Comment:** As detailed in Section 4 of this report, the effects on historic sites of the
21 proposed transmission line are adverse, severe, and permanent. The ephemeral nature of
22 what existing screening vegetation is in place makes any benefits limited in scope, and
23 impermanent. The applicant's basis for concluding that there would not be an
24 unreasonable effect to the abutting historic sites is based on a flawed and incomplete
25 analysis and strains credulity.

26
27 **SUPPLEMENTAL:** *The extent and nature of the effect are exponentially greater than initially*
28 *determined given the direct, physical, and adverse effects of dividing the Nottingham Road Historic*
29 *District. Screening mitigation has no impact on this effect given the location of the towers within the*
30 *district boundaries.*

31
32 (4) Findings and determinations by the New Hampshire division of historical
33 resources of the department of cultural resources and, if applicable, the lead federal
34 agency, of the proposed facility's effects on historic sites as determined under Section 106
35 of the National Historic Preservation Act, 54 U.S.C. §306108, or RSA

36 **Comment:** The findings of the ongoing Section 106 process between the DOE and NHDHR
37 have been useful in identifying historic sites within the APE, including the Deerfield
38 Center National Register Historic District and the potential Nottingham Road Historic
39 District. However, the 106 process is still in the historic resource identification phase and
40 assessments on historic properties have not been made.

41 That said, based on my having personally reviewed over 2,200 infrastructure projects for
42 impacts to historic sites under the Section 106 regulations, I offer the following two
43 points regarding the Northern Pass project. First, the Section 106 regulations are
44 consultative in nature, requiring that federal agencies consider the views of the public
45 and affected parties in their project reviews. Deerfield residents are on record voting
46 against the project as designed by a 2-1 margin. The Deerfield Abutters group is active in
47 opposing the Project to protect the cultural heritage of the Town from the adverse effects
48 of the project. And Stop Northern Pass signs are ubiquitous in the area of the project.
49 Moreover, the Town of Deerfield recognizes and states an intention to preserve the rural
50 and scenic character of the Town in its 2009 Master Plan. The proposed project is at odds

1 with this array of public input the Section 106 process is mandated to invite and consider.

2
3 ***SUPPLEMENTAL: At this time, the boundaries of the Historic Districts in Deerfield have been***
4 ***established, but the applicant has not completed the Section 106 process rendering NHDHR unable to***
5 ***make official effect findings under Section 106 as required under SEC rules. One can expect the effect***
6 ***finding under Section 106 to be adverse considering the project now bisects a historic district,***
7 ***combined with the vocal opposition to the project.***

8
9 ***Since my pre-filed testimony, the residents of Deerfield have again voted against the proposed project***
10 ***in an Article 24 vote worded as follows: "Based on your current understanding do you support***
11 ***Northern Pass coming to Deerfield?" Yes 397 No 632***

12
13
14 (5) The effectiveness of the measures proposed by the applicant to avoid, minimize,
15 or mitigate unreasonable adverse effects on historic sites and archaeological resources, and
16 the extent to which such measures represent best practical measures.

17 **This is best responded to with the second point under Section 106 due to the similarity of**
18 **review intent. The stated mandate of Section 106 in its implementing regulations is to**
19 **avoid, minimize, and mitigate adverse effects to historic properties, with avoidance being**
20 **the preferred alternative when feasible. In the case of the Northern Pass, the project**
21 **planning has demonstrated that a practical avoidance measure exists, demonstrated by**
22 **its deployment elsewhere in the project, i.e., undergrounding wires. The 106 process will**
23 **rightly question why the taxpayers and residents of Deerfield would be excluded from**
24 **this available tool that would eliminate adverse effects and enhance the long term**
25 **historic, scenic, and economic valued embraced by their residents as detailed in their**
26 **Master Plan. The SEC under this criterion should ask the same question. Considering the**
27 **long term benefits, the stated desire of the community to protect their heritage and**
28 **economy, the financial capacity of the corporate interests involved, and fact that**
29 **undergrounding has been planned for other parts of the project, it is my expert**
30 **assessment that the Section 106 process would find in favor of undergrounding the**
31 **transmission line as a practical and feasible avoidance measure.**

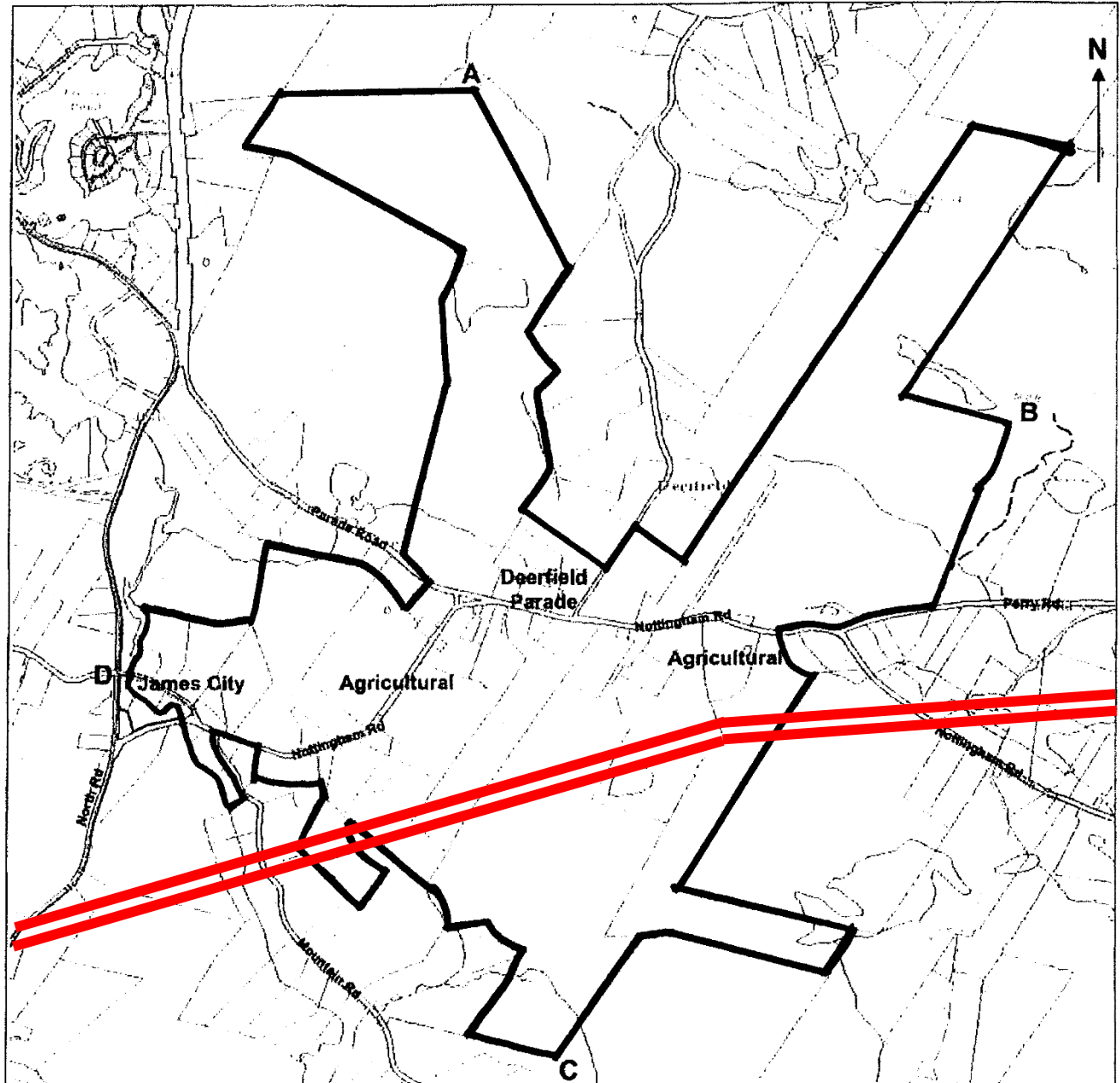
32
33 ***SUPPLMENTAL: The imperative to address adverse effects is more urgent give the revised***
34 ***understanding of the proposed infrastructure's direct impacts to the Nottingham Road Historic***
35 ***District. Avoidance of the Historic Districts is preferred via a no-build or alternate route that sites the***
36 ***project out of the view shed of the historic districts. Burial of the line also remains an acceptable***
37 ***alternative***

38
39
40 END

FIGURE 1: Nottingham Road Historic District

Historic District Boundary (black line)

Proposed Northern Pass (red line)



APPENDIX A:

1

2

New Hampshire Division for Historical Resources

3

Area Form Excerpt, Nottingham National Register Historic District

AREA FORM**NOTTINGHAM ROAD HISTORIC DISTRICT**

70), 53 Nottingham (409-67), and 57 Nottingham (409-66), are largely set back from the road on partially wooded lots. Lots at the edges of the district with new houses or commercial buildings are not included within the boundary, with the exception of 4 Nottingham Road (209-59), as it may be the site of archaeological remains of a nineteenth-century mill.

25. Boundary Justification

The Nottingham Road Historic District is a definable geographic area on Nottingham Road, James City Road, and portions of three connecting side roads. It includes identified locations in town, two village centers, one commercial and residential (Deerfield Parade) and one industrial focused (James City) with several nearby more agricultural properties in between and to the east. It contains a grouping of historically associated properties. The district is distinguishable from its surrounding by changes in age and historical development. The majority of properties in the district boundary have historic residences and outbuildings (mostly agricultural). The size of the properties varies depending on their location and proximity to one of the two village centers. Areas of modern development at either end of Nottingham Road are outside the recommended district boundary. Properties with no historic buildings do not contribute to the village center development pattern of the area, the agricultural character of the area, or convey the historic associations under Criterion A, so are not included.

The boundary is defined by the historic and current legal lot lines of this group of related properties, indicated in some places by stone walls. The land of the larger parcels has both significance and integrity, with land ownership and land-use patterns remaining evidence in the parcels, walls, roads, and fields. Non-historic resources surrounded by contributing parcels are included in the district.

The north and south boundaries are defined by the lot lines of the historic village lots and farms on both sides of the road. The east and west boundaries are drawn to exclude new development at the edges. New commercial buildings are present on the north and south sides of Nottingham Road at its intersection with North Road. One parcel with newer development at the west edge along Nottingham Road (4 Nottingham Road, 209-59) is included as it likely has archaeological mill remains. The boundary does not extend to the west along Parade Road as those lots include either historic buildings with no integrity or new development. To the east, lots with new development abut the historic properties within the boundary and new development is present on several lots to the east on Perry Road and along Nottingham Road. The one large parcel (415-54) along the westerly side of Nottingham but abutting 409-60 (land associated with 73 Nottingham Road) that consists of managed and unmanaged pines and hardwood is not included as it has not been associated with any of the historic farms in the district since at least the 1920s at which time it was used to harvest the timber growing on the land by the owners who lived in another town (Deed 1921 [747-330]).

26. Boundary Description

The Nottingham Road Historic District contains a total of more than roughly 740 acres according to the tax cards. There are 54 parcels on both sides of Nottingham Road and James City Road, and on one side of Mountain Road, Parade Road and Harvey Road.

The Nottingham Road Historic District includes land associated with 45 North Road (209-58), and land associated with properties located on both sides of James City Road including a wooded parcel: Parcel 209-57, 2 James City Road (209-50), 4 James City (209-52), 5 James City (209-56), 8 James

AREA FORM**NOTTINGHAM ROAD HISTORIC DISTRICT**

City (209-53), 9 James City Road (209-55), and 10 James City (209-54). Along Nottingham Road, south of its intersection with James City Road, the boundary only includes land associated with 4 Nottingham Road (209-59) on the northerly side of the road. Between James City Road and Mountain Road the boundary includes land associated with two properties on either side of Nottingham Road: 11 Nottingham (210-51) and 12 Nottingham (210-27). At the intersection of Mountain and Nottingham roads the boundary includes the land associated with two properties along the westerly side of Mountain Road: 1 Mountain (210-50) and 7 Mountain (210-49). Between Mountain Road and Parade Road the boundary includes all the properties along the northerly side of Nottingham Road and all those along the southerly side of the road except at the southeast corner of Mountain and Nottingham. This includes 14 Nottingham (210-28), 15 Nottingham (210-35), 18 Nottingham (210-29), 23 Nottingham Road (210-33, 210-33-1, 210-33-2, 210-34), 24 Nottingham Road (210-30), 26 Nottingham (210-31), 27 Nottingham (210-32), Parcel 209-39, Parcel 409-76 (owned by 23 Nottingham), 37 Nottingham (409-75), Deerfield Parade Cemetery (409-1), and a small Town lot (409-02). Along the Deerfield Parade between the intersections of Nottingham Road with Parade Road and Harvey Road, the boundary includes properties along both sides of the road: 40 Nottingham (409-3), 3 Parade Road (409-5), 41 Nottingham Rd (409-74), 43 Nottingham Rd (409-73), 45 Nottingham Rd (409-72), 46 Nottingham Rd (409-6), 47 Nottingham Rd (409-71), 47A Nottingham Rd (409-70), 48 Nottingham Rd (409-7), 49 Nottingham Rd (409-69), 51 Nottingham Rd (409-68), and 53 Nottingham Rd (409-67). Also in the boundary is 4 Harvey Road (409-9) on the north of Nottingham Road. Continuing east from the intersection with Harvey Road, the boundary includes properties along both sides of Nottingham Road nearly to its intersection with Perry Road: 57 Nottingham Rd (409-66), 58 Nottingham Rd (409-51), 59 Nottingham Rd (409-65), 61 Nottingham Rd (409-64), 63 Nottingham Rd (409-63), 64 Nottingham Rd (409-52), 65 Nottingham Rd (409-620), part of 415-57 adjacent to 65 Nottingham Road, 72 Nottingham Rd (409-53), and 73 Nottingham Rd (409-61, 409-60). The boundary includes one additional property on the north side of the road, 76 Nottingham Rd (409-54).

The boundary is described and shown on the map below. Beginning at the westerly end of the district at 45 North Road (209-58) and 4 Nottingham (209-59), the recommended district boundary is defined by the westerly lot lines of parcels 209-58 and 209-59. The boundary runs northerly on the north line of 209-50 and 209-52. The boundary then turns easterly and runs along the northerly lines of 209-52 and 209-54. It then turns and runs along the westerly and northerly line of 210-29, and then continuing along the northerly line of 209-39 to the westerly line of 409-3. Turning and continuing north along that line to Parade Road, the boundary crosses Parade Road to the south line of 409-5 where it turns and runs west to the westerly line of 409-5. The boundary then follows the extended property line of 409-5 to the northerly line of 409-9. From that intersection the boundary then runs along the northerly line of 409-9, and crosses Harvey Road to the westerly line of 409-51. It turns north, following the westerly and northerly line of 409-51. At the intersection with the westerly line of 409-52 the boundary turns and runs along the westerly line of 409-52 and 409-54. It continues along the extended property line of 409-54 to Perry Road. There it turns westerly and runs the southerly line of 409-54 to just opposite the easterly line of 409-60 on the south side of the Nottingham Road. The boundary crosses Nottingham Road and runs along the northeasterly, southeasterly, northeasterly, southeasterly, and southwesterly to a point where a stone wall begins within 409-57. The boundary then runs southwesterly along the stone wall within 409-57, then turns westerly and runs along a second stone wall to the westerly line of 409-57. From there it continues along the westerly, southwesterly, and northwesterly lines of 409-57 to the southeast corner of 210-33.2. The boundary then continues along the southwesterly line of 210-33.2 to the intersection with 210-34. The boundary follows the property lines of 210-34 to the westerly edge of a stone wall defining a lane along the westerly line of 210-33 to the southerly line of 210-35. The line follows

AREA FORM

NOTTINGHAM ROAD HISTORIC DISTRICT

the southerly and easterly line of 210-35 then crosses Nottingham Road and runs along the south lines of 210-29, 210-28, and part of 210-27 to just opposite the westerly side of Mountain Road. The boundary re-crosses Nottingham Road and continues along the northeasterly line of 210-50. It continues along the northwesterly property line of 210-49 and the southwesterly line of 210-50 and 210-51 to Nottingham Road which it then crosses. It then turns and follows the southeasterly line of 209-59 to the beginning point at the westerly end of the recommended district.

