

1 STATE OF NEW HAMPSHIRE
2 SITE EVALUATION COMMITTEE

3
4 September 12, 2017 - 1:50 p.m. DAY 32
5 49 Donovan Street Afternoon Session ONLY
6 Concord, NH

7 {Electronically filed with SEC on 09-22-17}

8 IN RE: SEC DOCKET NO. 2015-06
9 Joint Application of Northern
10 Pass Transmission, LLC, and
11 Public Service Company of
12 New Hampshire d/b/a Eversource
13 Energy for a Certificate
14 of Site and Facility.
15 (Hearing on the merits)

16 PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:
17 Chrmn. Martin P. Honigberg Public Utilities Comm.
18 (Presiding as Presiding Officer)

19 Cmsr. Kathryn M. Bailey Public Utilities Comm.
20 Dir. Craig Wright, Designee Dept. of Environ. Serv.
21 Christopher Way, Designee Dept. of Resources &
22 Economic Development
23 William Oldenburg, Designee Dept. of Transportation
24 Patricia Weathersby Public Member
Rachel (Whitaker) Dandeneau Alternate Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel to the SEC
Iryna Dore, Esquire, Co-counsel to the SEC
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

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I N D E X

WITNESS PANEL: Terrence J. DeWan
Jessica Wagner Kimball

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P R O C E E D I N G S

(Hearing resumed at 1:50 p.m.)

CHAIRMAN HONIGBERG: All right. If folks could find their seats, we'll resume presently. We're going to resume questioning of the panel by Attorney Pacik.

Although, before we do that, one quick scheduling announcement regarding tomorrow. We'll be ending the day sometime between 3:00 and 3:30. Commissioner Bailey and I, as well as Commissioner Giaimo, have to go to an event in Boston tomorrow tonight. So that's for your planning purposes. And we'll resume after that on Friday.

So, Ms. Pacik, are you ready to go?

MS. PACIK: I am. I don't believe Counsel for the Public is here. If you want me to start without them --

CHAIRMAN HONIGBERG: If you are ready to go, you should proceed.

MS. PACIK: Okay. Thank you.

CROSS-EXAMINATION

BY ATTORNEY PACIK:

1 Q. Good afternoon. My name's Danielle Pacik,
2 and I am the attorney for the City of
3 Concord. And I am also the spokesperson for
4 Municipal Group 3 South. And I wanted to
5 start with just an overview of Concord. And
6 I have what's been marked as Joint Muni
7 Exhibit 275, which is an overhead map of
8 Concord, and it shows the transmission
9 corridor. We can point it out, but it's to
10 the east of Highway 93. And just to confirm,
11 Concord is -- north of the line is in
12 Canterbury, and when it leaves Concord goes
13 to Pembroke; correct?

14 A. (Kimball) Yes.

15 Q. I understand from your supplemental prefiled
16 testimony, as well as you're supplemental
17 impact assessment that parts of Concord are
18 in the urban compact; is that right?

19 A. (DeWan) That's our understanding.

20 Q. Okay. And the way urban -- or it's actually
21 an urban cluster under the Site Evaluation
22 rules?

23 A. (DeWan) I stand corrected. Yes, we have a
24 map of urban cluster.

1 Q. And for urban cluster, that's based on the
2 U.S. Census Bureau. And it needs to have a
3 population at least 2,500 and less than
4 50,000 people; is that right?

5 A. (DeWan) That's our understanding.

6 Q. And just to be clear, not all of Concord is
7 in the urban cluster, just portions; is that
8 correct?

9 A. (DeWan) That is correct.

10 Q. And have you provided a map of the areas that
11 you believe are in the urban cluster?

12 A. (DeWan) We have obtained the map from the
13 United States Census Bureau, and we've used
14 that as part of our determination.

15 Q. And has that been produced in this case, or
16 is it part of the record to date?

17 A. (Kimball) I don't believe so.

18 A. (DeWan) I do not believe so.

19 Q. Okay. Now, just to confirm, Canterbury and
20 Pembroke are not part of the urban cluster;
21 is that right?

22 A. (DeWan) That's our understanding.

23 Q. Those are rural areas as defined by the Site
24 Evaluation Committee's rules?

1 A. (DeWan) With one exception. There seems to
2 be one small corner of Pembroke that might be
3 part of it.

4 Q. Do you have that information as you sit here
5 today?

6 A. (DeWan) I'm looking at it right now. Again,
7 this is the map of the U.S. Census Bureau.

8 Q. So what's the answer? Is it or is it not
9 part of the urban cluster?

10 A. (DeWan) As I look at the map, it seems to be.

11 Q. And is that the portion of Pembroke in the
12 immediate vicinity of Concord?

13 A. (DeWan) It abuts on the eastern portion of
14 Concord.

15 Q. Okay. Now if we can go to what's been marked
16 as Joint Muni 274. And we're going to have
17 to go to the first page. It might take a
18 second.

19 Okay. This is part of your original
20 Visual Impact Assessment that you provided in
21 October of 2015. And this is the description
22 of Concord; correct?

23 A. (DeWan) Yes.

24 Q. And under Population, in what appears to be a

1 greenish-yellow color on the left, it says
2 "Population: 42,590 residents"?

3 A. (DeWan) That's what it says.

4 Q. And in terms of the entire area of the line,
5 Concord is the most densely populated area;
6 is that correct?

7 A. (DeWan) I think that's a fair
8 characterization.

9 Q. Okay. And in terms of the line through
10 Concord, it goes 8.1 miles through Concord?
11 If you look under Existing Transmission
12 Corridor, your first sentence says, "Physical
13 Features: The existing transmission corridor
14 runs 8 miles north-south across the east side
15 of Concord." It's actually 8.1; is that
16 correct?

17 A. (DeWan) I see that it says "runs 8 miles
18 north-south through the east side of
19 Concord."

20 Q. Are you aware of whether it's 8.1 miles?

21 A. (DeWan) I am not aware of that.

22 Q. Okay. And then in terms of the box that
23 we've marked in red, there's some yellow that
24 we're going to blow up so we can try to read

1 it.

2 Okay. It talks about changes within the
3 existing corridor. And to skip to the last
4 two sentences, it talks about the patches of
5 additional clearing. And you describe this
6 as "Sparse patches of additional clearing
7 will occur within the existing corridor. The
8 additional clearing will range from
9 approximately 10 to 40 feet."

10 Are you aware of how many acres in
11 Concord will be cleared?

12 A. (DeWan) No, we're not.

13 Q. Let's turn to the next page. And this is
14 Page 2 of what's been marked as -- and just
15 for clarification, the entire exhibit is 274.
16 Some of them have excerpts from other
17 exhibits. But this has also been marked as
18 Joint Muni Exhibit 91 [sic]. It's marked
19 "Confidential," but I have confirmed that it
20 is not confidential for the record.

21 And the question that was asked was:
22 "During preconstruction and construction,
23 what is the total square footage of specified
24 tree-cutting?" And this is trees 20 feet or

1 more in height proposed by town over the
2 length of the Project.

3 And in the response they say, "Please
4 see the attached spreadsheet" in the second
5 sentence. Do you see that?

6 A. (DeWan) I do.

7 Q. And so going to the spreadsheet that was
8 attached, which is the next page, Concord has
9 a total of 11 acres of tree-clearing for
10 trees that are 20 feet and above; is that
11 right?

12 A. (DeWan) That's what it appears to say.

13 Q. Okay. And so in terms of your
14 characterization that there will be "sparse
15 clearing," it's actually 11 acres; right?

16 A. (DeWan) That's the total acreage apparently
17 that will be cleared throughout the 8 or
18 8.1 miles.

19 Q. Okay. And you understand from -- if we go
20 back to the first page, it said that the
21 clearing will range from 30 to 40 feet along
22 the edge of the right-of-way; right?

23 A. (DeWan) That's what we indicate, yes.

24 Q. So, for a house in a populated area such as

1 Concord, that type of clearing of 30 to
2 40 feet, that could increase visibility. You
3 would agree with that?

4 A. (DeWan) Depending upon the location of the
5 home relative to the transmission corridor,
6 there is the possibility that there may be
7 additional visibility.

8 Q. Okay. And I understand if we go to the
9 fourth page of what's been marked as Joint
10 Muni 274, these are all of the scenic
11 resources that you originally identified in
12 October of 2015 in your Visual Impact
13 Assessment. And it's actually two pages
14 long. And if we go to the next page, it
15 shows that you identified originally 48
16 scenic resources in Concord; correct?

17 A. (DeWan) That is correct.

18 Q. And in terms of your Visual Impact
19 Assessment, and we've gone through this, I
20 understand, for the last two days, but you
21 were focused on scenic resources; right?

22 A. (DeWan) Absolutely.

23 Q. Okay. Now, if we go to Page 6 of Joint Muni
24 274, you were asked about scenic resource

1 identification. And obviously you've been
2 asked questions over the last two days on
3 this particular issue, too. But certain
4 parties have raised concerns about the
5 methodology you used. And you explained how
6 you identified resources. And you explained
7 in the first paragraph that you looked at
8 data from different geo databses; right?

9 A. (DeWan) That's correct.

10 Q. And if you go to the next page, it talks
11 about looking at government and
12 organizational materials. And under that
13 umbrella there's town plans, city documents,
14 town documents, web sites. And you were
15 asked this by Attorney Fillmore today, but
16 just -- you did not go out and talk to any
17 town or city officials; correct?

18 A. (DeWan) That is correct.

19 Q. And you also did not talk to any state
20 agencies; is that right?

21 A. (DeWan) That is correct.

22 Q. So you relied on Internet searches,
23 basically, and publication; is that correct?

24 A. (DeWan) No, it's not. We also did extensive

1 field work looking at sites that have been
2 identified, driving adjacent roads, looking
3 at places that may be considered scenic
4 resources that were not on databases.

5 Q. Okay. And so all of that basically
6 encompasses the research that you did; right?

7 A. (DeWan) No. We also looked at all the
8 material that was submitted in terms of
9 letters to the SEC to see if anybody
10 identified any other specific resources that
11 may be -- may have been omitted or
12 overlooked.

13 Q. Okay. You would agree that research is an
14 important part of your work; right?

15 A. (DeWan) Absolutely.

16 Q. Okay. So can we go to Page 9. This Page 9
17 of Joint Muni 274. And I had a question
18 about one of the scenic resources that's
19 marked with a red square as Scenic Resource
20 No. 42, which is the Contoocook River. And
21 we're actually going to blow it up so we can
22 read what it says.

23 So, under Contoocook River, it says it's
24 a river not designated in the New Hampshire

1 Rivers Management Program. And you gave it a
2 "low" cultural value; is that correct?

3 A. (DeWan) That's correct.

4 Q. Now, that struck me, not knowing anything
5 about designated rivers. I am familiar with
6 the Contoocook River, and so I was a little
7 surprised. So I did some research on the
8 Internet. And the first hit that came up
9 showed that it is a designated river. How is
10 it that you missed that?

11 (Witness reviews document.)

12 Q. And we can go to the next page. So, under
13 Designated Rivers of New Hampshire, No. 6, it
14 says the Contoocook River was designated on
15 June 28, 1991. And if we go to the next
16 page, which is Page 11, there is an
17 explanation about the Contoocook River and
18 the history. And this is all from the
19 Department of Environmental Services web
20 site. Do you see that?

21 A. (DeWan) I do see that, yes.

22 Q. So, based on at least what I found with a
23 quick Internet research, it looks like the
24 Contoocook River is a designated river;

1 correct?

2 A. (DeWan) It appears that it may be visible at
3 a distance of 2 to 2.7 miles.

4 Q. Okay. So you don't have any explanation of
5 how your research missed that?

6 A. (DeWan) I do not. I know that when we issued
7 a supplemental report on those resources that
8 were rated as "low" in April of this year, I
9 believe we listed the Contoocook River. I
10 don't believe we indicated it was part of the
11 program at that point.

12 Q. Okay. But what we saw earlier was that it's
13 been part of the program since 1991. And in
14 fact, the second paragraph of what we're
15 looking at right now says it was designated
16 in June of 1991. Do you see that?

17 A. (DeWan) I don't see it, but I'll take your
18 word for it.

19 Q. Sorry. It's the second paragraph above
20 History.

21 A. (DeWan) Okay. Yes, I see that.

22 Q. Excellent. So if we go back to Page 9 of
23 Joint Muni 274, you gave it a low cultural
24 value because it was not a designated river

1 in the New Hampshire River Management
2 Program. And had you known that it was a
3 designated river, that would have received a
4 "medium"; correct?

5 A. (DeWan) It would have, yes.

6 Q. Okay. And if it had received a "medium,"
7 then you would have gone on to do further
8 analysis in terms of the effects on that
9 particular location, because under Possible
10 Visibility it does say that there will be
11 possible visibility of the proposed new
12 structures; right?

13 A. (DeWan) Yes. And I believe that parts of the
14 river are beyond 2 miles, and therefore I'm
15 not sure where this falls within the
16 boundaries of the urban contract [sic] area.
17 It may be outside of that.

18 Q. Okay. And we'll get into that in a little
19 while.

20 But as you sit here right now, you don't
21 know whether that portion of the river is
22 within the urban cluster; is that right?

23 A. (DeWan) I don't know that right now.

24 Q. Okay.

1 A. (DeWan) I believe that portions of it are.

2 Q. Okay. So in terms of which portions, we
3 don't know because you didn't do any further
4 analysis, is that right, as we sit here
5 today?

6 A. (DeWan) We did some further analysis of it.
7 We know that at a distance of 2 miles there
8 will be minimal potential for adverse effect
9 at this distance.

10 Q. Okay. But in terms of the rating sheet, we
11 don't have one for this particular scenic
12 resource?

13 A. (DeWan) Not to that effect.

14 Q. Okay. And it's sort of curious because I do
15 know that Attorney Connor for Counsel for the
16 Public asked you to sort of make leaps, in
17 terms of whether or not something would have
18 an impact. And when she was asking you, a
19 lot of times you said you couldn't make a
20 decision on the fly; right? You'd actually
21 have to go through the entire methodology
22 before you gave an opinion as to what type of
23 impact or scenic value a location would have;
24 is that right?

1 A. (DeWan) I believe that's a summary of some of
2 the things we said.

3 Q. So as you sit here now, you wouldn't feel
4 comfortable making a judgment on the fly as
5 to impacts to the Contoocook River; right?

6 A. (DeWan) Well, as a general statement, a
7 distance of two miles being in a river which
8 is typically surrounded by riparian
9 vegetation, it's highly unlikely that you
10 would see enough of the structures to warrant
11 additional evaluation, that there's minimal
12 potential for adverse effect at that
13 distance. The computer may say that there
14 may be visibility. We consider that what we
15 call "theoretical visibility." The computer
16 may say you might see it. It may be just the
17 very tops of the structures. But typically
18 at that distance it's not going to be a
19 significant visual effect.

20 Q. Concord's not flat, is it?

21 A. (DeWan) Parts of it are quite level.

22 Q. Parts are quite level, and parts of it are
23 quite hilly; correct?

24 A. (DeWan) That's a fair statement.

1 Q. So without going out to the site and doing
2 all of the work that you've been talking
3 about for days, you would not be able to give
4 an opinion on the impacts to the Contoocook
5 River as you sit here today; right?

6 A. (DeWan) I think it's a fair statement to say
7 that at 2 miles there's minimal potential for
8 adverse effect at that distance. Certainly
9 nothing that would rise to the level of
10 having a high level of scenic impact.

11 Q. Okay. In terms of medium level of scenic
12 impact, do you have that information as you
13 sit here today, or you'd need to do further
14 analysis?

15 A. (DeWan) I would have to do further analysis.

16 Q. Okay. Now I want to talk a little more about
17 the research that you've done and the work
18 you've done in this case. And if we turn to
19 Page 13 of Joint Muni 274, this is a response
20 that you provided to the Committee after site
21 visits on March 8th, 14th and 16th in 2016.
22 Do you recall submitting your responses to
23 Committee Member questions?

24 A. (DeWan) I do.

1 Q. Okay. And part of the site visit on those
2 dates went through Concord. And you received
3 questions about Concord; correct?

4 A. (DeWan) That's correct.

5 Q. And on the next page we can look at what the
6 questions were and what the answers were.
7 And for the record, this is Page 14 of
8 Exhibit 274.

9 The question that you received was that
10 there was some construction occurring on the
11 north side of Portsmouth Street, and you were
12 asked is it related to future residential
13 development. And you were also asked will
14 there be a vegetative buffer left adjacent to
15 the trail. And the response that you made
16 was that there was a clearing that occurred
17 in October 2014 and September 2015.

18 MS. PACIK: And can we just blow
19 that up a little bit so we can see the response
20 better? Thanks.

21 BY MS. PACIK:

22 Q. And it states that, the third sentence, that
23 there was a sign on Portsmouth Street. And
24 according to that sign, there was an 87-lot

1 cluster development entitled "Whispering
2 Heights" that was going to be built on 271
3 acres and that the construction appears to be
4 part of that development.

5 And then, in terms of the question about
6 the tree buffer, you said that the City owns
7 that land and that it's going to be used for
8 the subdivision and that the plans for this
9 land is unknown.

10 Now, when you submitted this answer, did
11 you have Eversource look at that response?

12 A. (DeWan) I don't know if they reviewed it or
13 not.

14 Q. Did somebody review it before it was
15 submitted, in terms of the team for
16 Eversource?

17 A. (DeWan) I can't answer that question.

18 Q. Did you go out personally and look at the
19 sign on Portsmouth Street?

20 A. (DeWan) Well, after we submitted this, as
21 you're aware, we submitted an amended
22 response to this question. It was pointed
23 out to us that we were in error in judging
24 the response based upon a sign that we had

1 seen on the property. We now know that the
2 situation is totally different, and we
3 responded in kind.

4 Q. So when was that amended response submitted?
5 Because I don't recall seeing that --

6 A. (DeWan) I don't have that information in
7 front of me, but I know we did make that
8 correction.

9 Q. So it would be part of the record; is that
10 right?

11 A. (DeWan) Should be part of the record, yes.

12 Q. All right. So we can take a look for that.

13 But initially you did submit this, and
14 you said that there was a sign. And so my
15 question is: Who saw the sign on Portsmouth
16 Street?

17 A. (DeWan) We did.

18 Q. When you say "we," who is "we"?

19 A. (DeWan) I did when I took the photograph. I
20 don't know who else was with me at the time.

21 Q. Okay. And this was originally when you
22 submitted this response. And in terms of the
23 determination that the City owned the land
24 for the tree buffer, who made that

1 determination?

2 A. (DeWan) That was based upon our research into
3 what we believed was the plan for the
4 Whispering Pines -- Whispering Heights
5 subdivision.

6 Q. Okay. So if we go to the next page, we have
7 the City of Concord's response which you
8 referenced a moment ago. And I'm going to
9 skip forward to the sign that you were
10 referring to on Page 20 of Joint Muni 274.

11 So when I went out and the assistant
12 planner went out, this was the sign on the
13 ground. Is that the sign you were
14 referencing?

15 A. (DeWan) I believe we saw a sign in a street
16 view photograph that we saw.

17 Q. Oh, so you didn't actually go to the site.
18 You looked at Google Earth and did a street
19 view?

20 A. (DeWan) No, we did go to the site. Later on,
21 when we were reviewing it in response to the
22 question that was raised, we went back and
23 looked at it on street view.

24 Q. And was this the sign that you saw?

1 A. (DeWan) I don't recall. I thought there was
2 a sign and street view that may have shown...

3 Q. Let me back up for a second. Did you ever
4 actually -- when you submitted that response
5 that we were looking at earlier, did you go
6 physically to the site and see a sign?

7 A. (DeWan) After we were -- after we received
8 the request, we did not go back, physically
9 go back to the site.

10 Q. So when was it that you had seen, physically
11 seen this sign on the street?

12 A. (DeWan) Well, we saw it in street view. And
13 as I said, we saw the property when we did
14 the initial site evaluation for the trail in
15 the vicinity here.

16 Q. What do you mean by "street view"?

17 A. (DeWan) Google Earth Street View.

18 Q. Okay. I'm talking about physically going to
19 the location. Did you ever do that?

20 A. (Kimball) Yes, as part of the analysis of the
21 Sugar Ball Trail, we spent time at that site
22 and photographed it.

23 Q. And do you have a sign that you saw at that
24 point hanging up?

1 A. (Kimball) We weren't looking for it at that
2 time, so I can't speak to whether or not it
3 was there. We can check our photographs.
4 But we were not looking for the sign.

5 Q. So let's go to the next page, because when
6 you pick up the sign, this is the sign that
7 you were talking about, Whispering Heights;
8 right?

9 A. (DeWan) That appears to be the sign.

10 Q. Okay. So this is the research, in terms of
11 the important research that you did to
12 provide a response to the Site Evaluation
13 Committee's questions. This is the sign that
14 we're talking about?

15 A. (Kimball) In addition to the reference to the
16 sign, looking at the aerial photograph, the
17 latest one provided in Google, there is a
18 clearing that fits the shape of that
19 subdivision with construction equipment on
20 site suggesting the development of a
21 subdivision in line with the subdivision plan
22 provided.

23 Q. You know now that that clearing is for a
24 substation; is that correct?

1 A. (DeWan) We do know that.

2 Q. And that substation is actually, one of them
3 is a transmission station owned by
4 Eversource; is that right?

5 A. (DeWan) I don't know who owns it. I know
6 there is a transmission station.

7 Q. We just talked about how important it is to
8 do research for identification in evaluation
9 of scenic resources. Yet, here you made an
10 assumption based on a sign that was laying on
11 the ground about what was happening to this
12 property; is that right?

13 A. (Kimball) The sign and the development that
14 was occurring.

15 Q. Okay. And because it was in a particular
16 shape, you assumed it was this subdivision;
17 right?

18 A. (DeWan) When we looked at the site plan and
19 compared it to the shape that we saw on
20 Google Earth, it appeared that it could be
21 one and the same.

22 Q. Now, one way you could have actually gotten
23 the answer to your question -- or to the
24 Subcommittee's question, is calling the City

1 of Concord Planning Department; is that
2 right?

3 A. (DeWan) That is one way we could have
4 assessed that.

5 Q. And another way is to have had Eversource
6 review what you submitted and let you know
7 that actually they were involved with the
8 development of this particular location; is
9 that right?

10 A. (DeWan) That's probably correct.

11 Q. Okay. In terms of the tree buffer, if we go
12 to Page 25 of Joint Muni 274, this is an
13 older picture before the substation went in.
14 But that tree buffer in yellow -- in red, my
15 apologies, is the tree buffer we're talking
16 about; is that right?

17 A. (Kimball) That tree buffer is located on the
18 southwest side of the existing transmission
19 corridor, and the area in question is on the
20 northwestern side of the corridor. So I
21 don't see how that relates to the development
22 of the substation.

23 Q. The question that you received from the
24 Subcommittee was will there be a vegetative

1 buffer left adjacent to the trail. Where is
2 the trail?

3 A. (Kimball) The trail is on the opposite side
4 of the street.

5 Q. And where did you get that information?

6 A. (Kimball) The location of the trail?

7 Q. Yes.

8 A. (Kimball) Likely one of...

9 A. (DeWan) I believe from the Concord trail
10 maps.

11 Q. Do you see -- actually, you can kind of see
12 the trail in this photograph, can't you? And
13 that's on the left side of the corridor?

14 A. (Kimball) The trailhead is on the southeast
15 side of the street, on the opposite side of
16 the street.

17 Q. Okay. That's the trailhead. But we're
18 talking about the trail, aren't we?

19 A. (Kimball) Yeah. That trail begins there, and
20 it runs away from the corridor to the east,
21 parallel to the highway at that location, and
22 connects into another neighborhood. It's a
23 paved trail.

24 Q. Well, that's a different trail that we're

1 talking about. That's the Sugar Ball Trail;
2 right?

3 A. (Kimball) That's the Sugar Ball Trail.

4 Q. Okay. In terms of the hiking trail, which is
5 what the question was about, the hiking trail
6 is near that buffer; right?

7 A. (DeWan) I don't know for a fact. I know that
8 it's someplace in that wooded area on the
9 right side of the photograph.

10 Q. So it might be fair to assume you didn't
11 understand the question that was posed by the
12 Subcommittee?

13 A. (DeWan) I'm not sure. I thought we
14 understood the question.

15 Q. All right. Let's go to Page 28 of Joint
16 Muni 274. And this is an intersection of
17 Hoit Road and Mountain Road. And I want to
18 talk for a moment about the Canterbury Shaker
19 Village byway, which is why I have this map
20 on the screen. And on Page 28 of this
21 exhibit, in the square is the intersection of
22 Hoit Road and Mountain Road; is that right?

23 A. (DeWan) It looks like it's right. I don't
24 see labels for Hoit Road on there.

1 Q. Okay. And I'll represent to you that the
2 circle in red is the area of Shaker Village
3 in Canterbury. Does that look correct to
4 you?

5 A. (DeWan) It may be.

6 Q. Okay. If we go to the next page, this is the
7 description that you have of the byway. And
8 in terms of scenic significance, you
9 determined that it has a "medium" scenic
10 significance; is that right?

11 A. (DeWan) That's correct.

12 Q. And then you end up doing a visual impact
13 analysis on that. But before we get to it, I
14 want to spend a moment looking at this
15 particular byway. And I know you've been
16 asked a lot of questions about the byway
17 program, so I'm not going to cover them
18 again.

19 But if we go to Page 32, we're just
20 going to skip over the Purpose because that
21 was read to us already this morning. But
22 this shows the byway. And it shows in green
23 that one of the ways to get to Shaker
24 Village, as per the byway which was prepared

1 by the Department of Transportation, they
2 recommend going Hoit Road and then going up
3 Mountain Road as one way to travel to Shaker
4 Village; is that right?

5 A. (DeWan) That's what the map appears to say,
6 yes.

7 Q. Okay. And if you go to the next page, which
8 is Page 33... it needs to catch up with us
9 for some reason. We've got a frozen computer
10 here. Hold on. Sorry.

11 (Pause)

12 Q. All right. There we go. I don't want to
13 spend a lot of time looking at this
14 particular intersection because we've gone
15 over it with other witnesses. But you
16 understand that there is construction
17 activity at the intersection of Hoit Road and
18 Mountain Road. And Mountain Road is also
19 called Route 132; is that right?

20 A. (DeWan) That's our understanding.

21 Q. Okay. And in terms of some of the structure
22 changes that will occur, if you look at the
23 next page, you can see that the current 115
24 structures are between 43 and 56.5 feet and

1 that they are going to be increased to
2 between about 90 and 100 feet, and there will
3 be other structures in that same intersection
4 which are approximately 90 to 100 feet. Do
5 you see that?

6 A. (DeWan) Yes.

7 Q. Okay. If we go to the next page, you can
8 actually see some of the clearing that will
9 occur in that location in terms of the
10 vegetative buffer. Do you see that?

11 A. (DeWan) Yes.

12 Q. I know you referenced in one of your reports
13 that you acknowledged Mountain Road was also
14 getting cleared. And if you look at the area
15 near structure F139-175, you can see the
16 vegetative buffer that's getting removed. Do
17 you see that? We have the mouse sort of
18 scrolling in that vicinity.

19 A. (DeWan) Yes, I see that.

20 Q. Okay. Now I want to talk about your analysis
21 of this byway and this particular
22 intersection. And if we go to Page 37 of
23 Exhibit 274, I highlighted in red some of the
24 statements that you make.

1 And ultimately, just if we go to the
2 page before, Page 36, your overall visual
3 impact rating was that the construction would
4 have a "low-medium" impact on the byway; is
5 that right?

6 A. (DeWan) On the byway as a whole. That's
7 correct.

8 Q. And the scenic resource is the byway; is that
9 correct? It's not Shaker Village.

10 A. (DeWan) That is correct.

11 Q. So, on the second page, if we look at User
12 Expectations, you wrote "low." And if we
13 blow it up a little bit so we can read it,
14 you write, the first bullet says, "The two
15 sections of the byway at the corridor
16 crossings are not particularly scenic or
17 culturally important. User expectations are
18 lower here than at the cultural landmarks
19 located several miles from the transmission
20 corridor." But what we just discussed was
21 the scenic resource is the byway, not the
22 cultural landmark several miles away; right?

23 A. (DeWan) The scenic resource is the entire
24 byway.

1 Q. Okay. And in terms of this particular
2 location of Hoit Road and Mountain Road, this
3 would be, you could say, the gateway to the
4 byway because it's the first area somebody's
5 encountering if they're traveling and they
6 choose to go in the direction of Hoit Road
7 and Mountain Road to get to Canterbury Shaker
8 Village; right?

9 A. (DeWan) I wouldn't consider this to be a
10 gateway. "Gateway," to me, implies something
11 different than traveling through a
12 residential neighborhood on the way to a
13 significant cultural site.

14 Q. So let's use a different word than "gateway."
15 It's the beginning of the trip. Would you
16 agree with that?

17 A. (DeWan) It's a portion of the trip that you
18 are traveling on to get to Canterbury Shaker
19 Village.

20 Q. And it's the first portion of the trip; is
21 that right?

22 A. (DeWan) For somebody who's driving there,
23 chances are they've already driven quite a
24 ways along the interstate highway.

1 Q. It's the first portion of the byway trip.
2 Would you agree with that?

3 A. (DeWan) First portion of part of the byway,
4 yes.

5 Q. In terms of the next part, which is Extent,
6 Nature and Duration of Public Use: Low, you
7 talk about the fact that, in the third
8 bullet, that motorists traveling at 35 miles
9 per hour will be in the transmission corridor
10 for less than five seconds on their way to
11 two scenic and cultural resources. Now, if
12 there's a stop sign, you can't travel
13 35 miles an hour, can you? You actually have
14 to stop.

15 A. (DeWan) That's generally the case, yes.

16 Q. And the intersection, if you're coming off of
17 93 and you're taking Hoit Road and you're
18 taking a left up on Route 132 to get to
19 Shaker Village, there is a stop sign there;
20 right?

21 A. (DeWan) I believe that's right.

22 Q. Okay. So this notion that you're just going
23 to be going 35 miles an hour and will be only
24 in the area for five seconds is incorrect; is

1 that right?

2 A. (DeWan) I would have to go back and
3 re-evaluate it. It may be more than that.

4 Q. Okay. And then the last bullet I want to
5 talk about is under -- well, if you go up.
6 Under Overall Visual Impact: Low-Medium, in
7 the last bullet it talks about the fact that
8 people who currently drive the scenic byway
9 to access Canterbury Shaker Village will
10 still be able to enjoy these pursuits. The
11 experience at Shaker Village will remain
12 unchanged. But we talked a moment ago that
13 the scenic resource is the byway, not Shaker
14 Village; right?

15 A. (DeWan) That's correct.

16 Q. And you've heard of the phrase, "It's the
17 journey, not the destination?"

18 A. (DeWan) I think I've heard that once or
19 twice.

20 Q. And when it comes to byways, going to a
21 cultural landscape area, it's really the
22 journey that is why this is designated as a
23 scenic byway; right?

24 A. (DeWan) No. I believe the reason it was

1 designated as a scenic byway is to encourage
2 more people to go to the Canterbury Shaker
3 Village and Canterbury Village itself. These
4 happen to be the ways that you get there. I
5 don't think there's anything inherently
6 scenic about this particular part of the
7 byway that led to its designation.

8 Q. The byway is the journey. It's the scenic
9 resource; right?

10 A. (DeWan) It is. And I believe when you look
11 at the promotional material for the byway,
12 you'll see the emphasis is on the endpoints
13 here.

14 Q. And you don't want me to read the Purpose
15 statement of the statute again, do you? I
16 really would prefer not to. But you'd agree
17 that the purpose of the statute is to provide
18 routes that have some sort of significance in
19 New Hampshire in terms of driving; is that
20 right?

21 A. (DeWan) That's correct.

22 Q. Okay. If we go to Page 38, the next location
23 that you talk about -- or another location
24 that I want to focus on is Turtle Pond. And

1 you gave that, in terms of visual quality, a
2 "medium." And in terms of scenic
3 significance, you also gave that a "medium";
4 is that correct?

5 A. (DeWan) That's correct.

6 Q. Okay. If we go to the next page, which is
7 Page 39 of Joint Muni 274, this is just an
8 overhead to get the perspective of where
9 Turtle Pond is located in Concord. Do you
10 see that?

11 A. (DeWan) I do.

12 Q. On the next page, which is Page 40, I had a
13 question. This is just the vicinity of some
14 of the poles in this area. And this is
15 actually the August 2017 supplemental map.
16 And I think you were asked a question about
17 this earlier today. But you have not seen
18 this map; is that correct?

19 A. (DeWan) It's my understanding there were some
20 minor adjustments made to some of the pole
21 locations. I do not believe we have seen
22 this map.

23 Q. Okay. And were you here when I did the
24 cross-examination of the construction team?

1 A. (DeWan) I was here for a portion of that.

2 Q. And were you aware that on the original maps
3 they missed certain residences in terms of
4 identifying them with yellow dots?

5 A. (DeWan) I do recall a lot of discussion about
6 individual residences. I can't recall the
7 specific testimony.

8 Q. Okay. And would you agree that if they're
9 doing a supplemental map in August of 2017,
10 those residences should be designated on the
11 supplemental map?

12 A. (DeWan) I guess, ideally, yes. I have no
13 control over the preparation of the maps that
14 were used for the Application material.

15 Q. Okay. There's a star in red where there's a
16 house. And that's one of the locations that
17 was identified during the construction
18 cross-examination of missing a yellow dot and
19 identifying it as a house. And there's still
20 no yellow dot even on this August 2017
21 supplement, is there?

22 A. (DeWan) I see a star. I have no indication
23 if there is or is not a house there.

24 Q. Okay. And that's my star, for the record.

1 And you wouldn't know whether there's a
2 house because there's no yellow dot; is that
3 correct?

4 A. (DeWan) That is correct.

5 Q. If we go to the next page, which is Page 41
6 of Joint Muni 274, this shows some of the
7 pole heights in the location of Turtle Pond.
8 And you can see that at least for the
9 structures that are not getting relocated --
10 let me rephrase that.

11 There's one 115 line that's not getting
12 touched; is that correct?

13 A. (DeWan) The one on the right side of the
14 cross-section here.

15 Q. Okay. And then there are some that are
16 getting relocated. And then the new proposed
17 Northern Pass is also going in this area;
18 correct?

19 A. (DeWan) That's correct.

20 Q. Okay. And so in terms of the locations of
21 the 115 line that's getting relocated, it's
22 between 43 and 61 feet; is that right?

23 A. (DeWan) According to the maps, yes.

24 Q. And in terms of the new pole heights in this

1 area, they range from 79 feet to 120 feet; is
2 that right?

3 A. (DeWan) There is one at 120. Yes, the others
4 are less than that.

5 Q. Okay. If you go to the next page, this is
6 the assessment that you provided in your
7 Visual Impact Assessment; is that correct?

8 A. (DeWan) That's correct.

9 Q. And for overall visual impact, you gave it a
10 "low"; right?

11 A. (DeWan) That's correct.

12 Q. And I just want to ask a couple questions
13 about this. If we blow up the area that I
14 put in the red box, we just talked a moment
15 ago about some of the poles that are not
16 getting relocated and that will remain along
17 the edge of the corridor; correct?

18 A. (DeWan) That's correct.

19 Q. And in here you say they range in height from
20 84 to 97 feet. How many poles are there that
21 are not getting touched in the area?

22 A. (DeWan) I don't have that information in
23 front of me.

24 Q. Okay. I believe it's five, which is the next

1 paragraph. It wasn't supposed to be a trick
2 question. But it says that there's five 115
3 kV monopole structures. Does that sound
4 correct?

5 A. (DeWan) That sounds correct, yes.

6 Q. How many of those are at 97 feet?

7 A. (DeWan) Again, I don't know. And I wouldn't
8 have that information in front of me unless I
9 looked at the plans.

10 Q. Okay. It might be important to know because
11 one of your conclusions is that, because some
12 of these new, taller poles will be of similar
13 height to the existing monopole structures,
14 wouldn't you want to know how many of the
15 existing ones are 97 feet?

16 A. (DeWan) Well, we looked at the overall
17 effect. We looked at the existing structure
18 heights. We looked at proposed structure
19 heights. We compared it to the heights seen
20 in the photo simulations. We drew our
21 conclusions partially based upon that
22 information.

23 Q. But a number of the poles are actually
24 doubling in height; correct?

1 A. (DeWan) I know they will be a lot larger than
2 they are right now, yes.

3 Q. Okay. For mitigation, which is on the next
4 page, in terms of the visual impacts, the
5 mitigation that you suggest, and we can blow
6 this up just to make it a little bit easier
7 to read, the first one is to use weathering
8 steel structures; the other one is to use
9 H-frames, and the other one is similar
10 spacing with existing transmission
11 structures. And those are the three
12 mitigation proposals you provide; is that
13 right?

14 A. (DeWan) That's correct.

15 Q. And there's no other ones listed on this?

16 A. (DeWan) That is correct.

17 Q. And then in terms of the reason you gave it
18 an overall visual impact of "low," if we go
19 to the -- if we scroll over to the last
20 column, you talk about, in that first
21 paragraph, the second sentence, that the
22 Project should not result in a substantial
23 change in the way people now use or enjoy the
24 pond. And in the last bullet, your opinion

1 is, if you're there to fish, boat or observe
2 wildlife, you're still going to be able to
3 enjoy those pursuits; is that right?

4 A. (DeWan) That's right.

5 Q. Now, your analysis isn't about use. It's
6 about visual impacts, isn't it?

7 A. (DeWan) Well, that's one of the
8 considerations.

9 Q. But there's a difference between being able
10 to actually use it for fishing and boating
11 versus the scenic impact. Those are two
12 separate questions; right?

13 A. (DeWan) Well, part of the criteria that the
14 SEC has to deal with is to look at the effect
15 on continuing use and enjoyment of the scenic
16 resource.

17 Q. Okay. So, "use" is one part of what you just
18 said. There's "use" and there's "enjoyment";
19 right?

20 A. (DeWan) "Use and enjoyment" is one phrase in
21 the SEC rules.

22 Q. But they're two separate sort of concepts;
23 correct?

24 A. (DeWan) They are, but they're co-joined in

1 the rules.

2 Q. So in the last bullet you're talking about
3 use. You're talking about you can still
4 fish, boat and observe wildlife; right?

5 A. (DeWan) Absolutely right.

6 Q. Now, if we go to the next page, which is
7 Page 44, this is an excerpt from the final
8 Environmental Impact Statement by the
9 Department of Energy. And you're aware that
10 they analyzed Turtle Pond; is that right?

11 A. (DeWan) That is correct.

12 Q. And I'm just going to read to you what they
13 determined would occur at Turtle Pond, which
14 was a little different in terms of the
15 impacts that you came up with.

16 MS. PACIK: And if we can blow
17 it up so we can all read it together. Thank
18 you.

19 BY MS. PACIK:

20 Q. I'll just read the portion of it which is in
21 the third line. It says, "The existing
22 contrast-dominance rating is 'moderate.'
23 Under Alternative 7," which is the proposed
24 project, "the contrast-dominance rating would

1 be 'strong,' which indicates that the visual
2 change would be large and would likely be
3 considered adverse by a casual observer, and
4 depending on the sensitivity of the setting,
5 it may be considered unreasonable."

6 So, according to the Department of
7 Energy, they determined that the enjoyment of
8 this particular area could be impacted in a
9 "strong" way. Is that fair to say?

10 A. (DeWan) I would say what they say is it "may
11 be considered unreasonable." I would like to
12 say, though, that this analysis is based upon
13 the view that was presented in the photo
14 simulation, which we considered to be a
15 snapshot of the effect on a portion of the
16 pond. We also know that when you go to the
17 pond, and I'm sure you've been there many
18 times, when you drive in off of Oak Hill
19 Road, you go straight ahead. Your views open
20 up rather dramatically once you get beyond
21 that first line of vegetation. And what you
22 see is roughly a 180-degree view of Turtle
23 Pond, with little hills in the background.
24 The transmission structures, transmission

1 corridor, is off on your right, sort of
2 behind you. So the focus on Turtle Pond is
3 really the view you get when you're there at
4 the boat launch and the observation deck.

5 Q. So let me just break what you said down in
6 just a couple different areas.

7 The first one is that you said they
8 relied on one particular photo simulation.
9 And do you have any information that the
10 individuals who prepared this analysis did
11 not go to Turtle Pond and actually observe
12 the entire area before writing up their
13 determination that the impact would be
14 "strong"?

15 A. (DeWan) I don't have that information on the
16 tip of my tongue here. I might be able to
17 provide that to you after the break.

18 Q. Okay. And then my other question is you just
19 talked about the fact that you get to Turtle
20 Pond, you're at the boat launch, you can see
21 in one area the transmission corridor. But
22 there's also what you described as a
23 "180-degree view" of the rest of the pond.
24 So, theoretically, as long as somebody goes

1 in the opposite direction of the transmission
2 corridor, they won't see it; is that right?

3 A. (DeWan) The focus of what I considered to be
4 the enjoyment of Turtle Pond for wildlife
5 viewing, for fishing, for boat launching, is
6 that area at the very end of the road there
7 where there's the overlook looking out
8 towards the pond.

9 Q. So if you go in that direction and the
10 corridor's behind you, at some point, though,
11 to get back to the ramp you actually have to
12 turn around; is that right?

13 A. (DeWan) Most people do that, yes.

14 Q. And when you turn around, you will be seeing
15 the transmission corridor; correct?

16 A. (DeWan) Rising above the vegetation that's
17 immediately adjacent to the parking lot
18 there.

19 Q. Okay. So the answer is "Yes."

20 A. (DeWan) Yes. We were just there the other
21 day, and we noticed that there's a lot of
22 vegetation there which partially screens the
23 corridor.

24 Q. And by "vegetation," are you talking about

1 the stuff that grows in the swampy area of
2 the pond?

3 A. (DeWan) There's some wetland vegetation there
4 that's achieved a height of 4 to 5, maybe
5 6 feet tall.

6 Q. So, 4 to 5 to 6 feet tall, that's a lot
7 different than 100-foot-tall structures, in
8 terms of the ratio of height of the
9 vegetation versus the proposed structures;
10 correct?

11 A. (DeWan) You'll certainly be able to see the
12 structures above the vegetation. The
13 vegetation itself is also, we felt was a
14 scenic feature. There's a lot of interesting
15 textures. There's wildlife within there.
16 There's some flowers in there. So it's
17 another minor focal point within the overall
18 landscape.

19 Q. Okay. If we go to the next page, I want to
20 talk for a brief moment about the Oak Hill
21 trees, which is another scenic resource you
22 identified in Concord. And in terms of
23 visual quality, you gave it a "medium," and
24 then in terms of scenic significance, it was

1 a "low-medium." Do you see that?

2 A. (DeWan) I do.

3 Q. And I was just hoping to get a little
4 clarification, because on Page 46, when you
5 look at the assessment of this particular
6 location, and we can just sort of go through
7 it quickly, but for cultural value in the
8 third column, it says "medium"; right?

9 A. (DeWan) Yes.

10 Q. Visual quality, "medium"; right?

11 A. (DeWan) Yes.

12 Q. Scenic significance, "medium"?

13 A. (DeWan) Yes.

14 Q. Visual effect, "medium"; right?

15 A. (DeWan) Right.

16 Q. And then we go to the next page. User
17 Expectation is a "medium." Do you see that
18 at the bottom of the first column?

19 A. (DeWan) Yes.

20 Q. Extent, Nature and Duration of Public Use is
21 "high."

22 A. (DeWan) Yes.

23 Q. Then Overall Visual Impact is a "medium";
24 right?

1 A. (DeWan) Yes.

2 Q. So those are all "mediums" and one "high."
3 But on the first page, if we go back to it,
4 under Scenic Significance, you gave it a
5 "low-medium"; correct?

6 A. (DeWan) I believe that's a typo. It should
7 have said "medium."

8 Q. Oh, okay. Has that been corrected?

9 A. (DeWan) We submitted a sheet of errata. I
10 don't know if that was one of the things that
11 got picked up.

12 Q. Okay. In terms of Page 48, this a little
13 hard to read, so we're actually going to go
14 to a different sheet which is a lot more
15 legible. Not that one.

16 Before I ask the question, has somebody
17 gone over the definition of "high, medium and
18 low" with you, in terms of the total visual
19 effect rating?

20 A. (DeWan) What do you mean by "somebody"?

21 Q. Anybody. I don't want to repeat a question
22 that's already been asked. Have you been
23 asked this question to go over this
24 particular part of the chart yet? I don't

1 think you have. I've been paying attention
2 very carefully, but I didn't want to repeat
3 it if you --

4 A. (DeWan) We discussed, I think -- if I recall,
5 I read what we consider the definition for
6 "low" yesterday.

7 Q. Okay. So let's just go quickly through
8 "medium," because we're talking a lot about
9 "medium" in terms of the total visual effect
10 rating, and I just want to be clear what this
11 means.

12 So, visual effect rating of "medium"
13 means that the project elements will be
14 clearly visible from the scenic resource, and
15 it may attract attention due to their
16 visibility proximity to the viewer, spacial
17 dominance, contrast with the surrounding
18 landscape, duration of use, scale, or
19 combination of factors. And then it says
20 that the Project will cause a moderate
21 alteration of the landscape character, but
22 the change is limited and other features of
23 the landscape remain the primary focus.

24 So, by "medium," you mean it's not going

1 to be basically -- the Project's not going to
2 be right in front of you. It will be more in
3 the mid-ground or the background?

4 A. (DeWan) Generally that's the case.

5 Q. Okay. So, in order for somebody to
6 receive -- or a scenic resource to receive a
7 rating of "high," the Project needs to be
8 basically right up close to the individual in
9 the viewing location?

10 A. (DeWan) No, that's not true at all. You
11 could have some situations where the Project,
12 let's say the transmission corridor, might be
13 visible at a greater distance, not right in
14 your face, and that could cause some of the
15 considerations that would elevate it to a
16 "high" level of scenic impact.

17 Q. But in terms of proximity to the viewer, that
18 is one factor in there; correct?

19 A. (DeWan) It is one factor, yes. That's one of
20 the criteria that's in the SEC rules,
21 determination of the distance to the viewer.

22 Q. Right. And then you have duration of view;
23 right?

24 A. (DeWan) That's correct.

1 Q. Okay. And we talked about that earlier
2 today, or at least you talked about it in
3 terms of hiking and how long somebody might
4 sit in a particular spot after they've gotten
5 to the top of a mountain; correct?

6 A. (DeWan) That's correct.

7 Q. Okay. But in terms of medium impact, there
8 still will be at least a moderate alteration
9 of the landscape; right?

10 A. (DeWan) That's correct.

11 Q. Okay. Now, in terms of another scenic
12 resource that's on your list in Concord, I
13 wanted to talk about White Park for a moment.
14 And the way you describe it -- we'll blow
15 this up so we can read it.

16 Under Description, you state that it's a
17 city park with sports fields in a residential
18 neighborhood; is that right?

19 A. (DeWan) That's correct.

20 Q. White Park isn't just any sort of normal city
21 park, is it?

22 A. (DeWan) What do you mean by "normal city
23 park"?

24 Q. Are you aware of whether it's designated on

1 the National Register of Historic Resources?

2 A. (DeWan) I am not aware of that.

3 Q. You never looked that information up?

4 A. (DeWan) I don't have that information in
5 front of me right now.

6 Q. And if it was, in terms of the rating as
7 "low," it should have been at least "medium,"
8 correct, if it was designated for its scenic
9 value?

10 A. (DeWan) If it had been, yes.

11 Q. Okay. Let's go to Page 50. And before we
12 go, my apologies. To be clear, according to
13 your viewshed analysis, there will be
14 possible visibility at White Park; right?

15 A. (DeWan) Well, again, we're talking about the
16 distinction between theoretical visibility
17 and actual visibility. At a distance of
18 almost 3 miles, probably going to be just
19 seeing the very tops of a structures, if
20 you're seeing them at all.

21 Q. But according to your viewshed analysis,
22 there was visibility shown in portions of
23 White Park; right?

24 A. (DeWan) Well, remember what "visibility"

1 means. That means that the computer
2 theoretically can at least see the top 1 inch
3 of a structure. We don't consider that to be
4 enough to warrant a consideration of a high
5 visual impact.

6 Q. Well, you talked before about all of the
7 research that you did for identifying scenic
8 resources, and one of the things you pointed
9 out was that you actually went out and went
10 to different scenic resources. Did you ever
11 visit White Park?

12 A. (DeWan) I believe we did. I would also think
13 that it's within the urban cluster area.

14 Q. Okay. And we're going to get to that in a
15 moment. But you did visit White Park. And
16 you understand the topography of White Park
17 is that it's actually -- there's portions of
18 it that are higher up in elevation. There's
19 a hill; right?

20 A. (DeWan) We're looking at it right now.

21 Q. What are you looking at?

22 A. (DeWan) Looking at the Google Earth image.

23 Q. Okay. Well, we're going to go with what the
24 record has and my exhibits, all right.

1 A. (DeWan) Yes.

2 (Mr. Iacopino leaves proceedings and
3 Ms. Dore now present.)

4 Q. Okay. Good. So, going to the next page.
5 This is just an overhead. And in red is the
6 area of White Park. Does that look correct
7 to you? Are you familiar with the location
8 of where it is in Concord?

9 A. (DeWan) Yes.

10 Q. And on the next page, which is Page 51 of
11 Joint Muni 274, that's a bit more of a
12 close-up. Do you see that?

13 A. (DeWan) Yes, we do.

14 Q. Okay. And next page, which is Page 52, is
15 the Nomination Form for the National Register
16 for Historic Places.

17 So, had your research found that White
18 Park was on the list, we had discussed before
19 that it would have received a "medium" if it
20 was on the list for scenic qualities;
21 correct?

22 A. (DeWan) That's correct.

23 Q. Okay. And so now that you see this, you're
24 now aware that it is actually on the list of

1 the Register of Historic Places?

2 A. (DeWan) That's what it appears to say.

3 Q. Okay. Good. We're going to skip a few. I
4 put in the entire nomination form, but I will
5 not go through it all.

6 So if we go to Page 58 of Joint Muni
7 274, in red it talks about the reason why it
8 is significant. And are you familiar with
9 Charles Eliot?

10 A. (DeWan) Quite familiar with him.

11 Q. He's a famous landscape architect; right?

12 A. (DeWan) That's correct.

13 Q. And he was actually responsible for designing
14 White Park in Concord; correct?

15 A. (DeWan) That's apparently so.

16 Q. Okay. And before today you were not aware of
17 that?

18 A. (DeWan) I was not.

19 Q. Now, in terms of the first portion of this --
20 I'm just going to skip down, actually, so
21 bear with me for a second.

22 (Pause)

23 Q. So the first sentence in the statement of
24 Significance talks about the fact that White

1 Park is an example of late 19th century
2 naturalistic park development. And if you go
3 to the first indented paragraph, it talks
4 about the fact that it's a park in Concord,
5 and it's 25 acres. Are you aware of that?

6 A. (DeWan) Yes.

7 Q. Okay. And on the fourth line it talks about
8 that there is -- "Here is a steep ridge...."
9 Do you see where I'm reading?

10 A. (DeWan) Yes.

11 Q. Okay. So it talks about the fact that here
12 is a steep ridge, the summit of which
13 commands, through the trees, broad views of
14 the Merrimack Valley. That talks about the
15 steep ridge where you might be able to see
16 all of the proposed transmission lines;
17 correct?

18 A. (DeWan) At a distance of 3 miles, yes.

19 Q. But they will be visible from White Park.

20 A. (DeWan) At a distance of 3 miles they may be
21 technically visible. It's hard to believe,
22 though, that an individual would be able to
23 make them out as individual structures
24 knowing that the context that they'd be

1 seeing them is within the urban fabric of
2 Concord, which would be in the foreground and
3 mid-ground.

4 Q. But you're assuming that right now because
5 you haven't done any sort of analysis of this
6 particular location, have you?

7 A. (DeWan) Based upon our assessment of
8 visibility of other structures at that
9 distance, we don't consider the fact -- we
10 don't consider there would be any chance of
11 it being a high level of visual impact from
12 that distance.

13 Q. But it might be a medium impact level;
14 correct?

15 A. (DeWan) It's hard to believe they would have
16 the contrasting color, form, line, texture,
17 scale, dominance, et cetera, and the other
18 factors we consider when we evaluate
19 potential scenic impacts.

20 Q. But as you went through with Attorney Connor,
21 you can't make that assumption sitting here
22 unless you actually do the analysis; right?

23 A. (DeWan) There's certain places that we, based
24 upon our experience on this project and

1 elsewhere, that we feel very comfortable in
2 making those determinations by looking at
3 existing data, by looking at street view, by
4 looking at topographic maps, by looking at
5 the viewshed mapping that we have in front of
6 us and knowing that, again, looking at the
7 image that is on our screen right now, that
8 the place where the structures appear to be
9 most visible are on that ridge that you talk
10 about. They're separated by a band of trees
11 that looks like it's probably 30 or 40 feet
12 in width. So if one were to see a structure,
13 it be like looking through trees from us to
14 you and then seeing the structures that tall
15 in the background.

16 Q. Okay. And you have not done any sort of
17 analysis in terms of your Visual Impact
18 Assessment that goes through the methodology
19 that you're talking about right now, have
20 you?

21 A. (DeWan) Not for that specific resource.

22 Q. And you agree that, had you done the research
23 correctly and realized that it was on the
24 National Register of Historic Places, you

1 would have needed to go through that
2 analysis; right?

3 A. (DeWan) I'm not sure we would have because
4 it's beyond 2 miles within the urban cluster.

5 Q. So let's talk about that. First of all,
6 before we go to that, if it was not in the
7 urban cluster, you would have done that
8 analysis; right? I think that's a "Yes"?

9 A. (DeWan) Yes.

10 Q. Okay. So let's talk about the 2-mile range
11 that we were just talking about.

12 So, on Page 64 of Joint Muni 274, you
13 talk about White Park. And this is from your
14 supplemental joint testimony. It's just an
15 excerpt from Page 71 of your testimony. But
16 you talk about the fact that you did analyze
17 White Park. And in the Footnote 10, it talks
18 about the fact that White Park is located in
19 a defined urban cluster, and therefore the
20 SEC rules require that the Area of Potential
21 Visual Impact only go out 2 miles; therefore,
22 that scenic resource is not subject to review
23 by the Site Evaluation Committee. Is that
24 your opinion?

1 A. (DeWan) That's how we interpreted it.

2 Q. Okay. So if you go to the next page, which
3 is Page 65, this is just the Site Rule
4 301.05. And I'm not going to get into a
5 legal battle. But I actually just want to
6 have everybody understand what the plain
7 language of the rule says, which is that when
8 you do a computer-based visibility analysis
9 to determine the Area of Potential Impact,
10 under C, if there's an electric transmission
11 line longer than a mile, you go out 2 miles,
12 if the transmission line is located within an
13 urban cluster; correct?

14 A. (DeWan) That's how I read it.

15 Q. Okay. And then if the transmission line is
16 located in a rural area, and this is under D,
17 under 2, which is red, you do a radius of
18 10 miles; correct?

19 A. (DeWan) That's correct.

20 Q. So you're measuring from the structure;
21 right?

22 A. (DeWan) That's our understanding.

23 Q. And so Pembroke is a rural area; correct? At
24 least portions of it are.

1 A. (DeWan) Portions of it are.

2 Q. And did you do any sort of measurement to see
3 whether White Park was within a 5- or 10-mile
4 radius of those areas in Pembroke?

5 A. (DeWan) No, we did not.

6 Q. If it was, then the analysis that it's not a
7 scenic resource subject to review by the Site
8 Evaluation Committee is not correct; right?

9 A. (DeWan) I think there's a lot of
10 interpretation here that needs to be explored
11 within the context of this regulation.

12 Q. Well, I'm going to leave it. But I do
13 believe that it talks about, and you just
14 agreed, that you're measuring it from the
15 transmission structure; correct? And you did
16 agree with that a moment ago.

17 A. (DeWan) I guess I have to think about the
18 intent.

19 Q. So we're not going to look at the plain
20 language. We're going to look at the intent?
21 Is that your opinion?

22 A. (DeWan) Having sat on the committee that
23 helped draft these regulations, we did not
24 get into this portion of it. But I know that

1 there was some consideration about visibility
2 and potential visual impacts within urban
3 areas. And so my sense was when this was
4 drafted, there was a recognition of the fact
5 that urban areas, such as we're talking about
6 right now, these urban clusters, that beyond
7 2 miles that's a much different situation
8 than the areas that are primarily rural.

9 Q. Okay. I'm not going to go into it any
10 further because I don't want to get yelled
11 at. But we'll leave it as it is.

12 Going to the next page, Page 66 of Joint
13 Muni 274, this is an Impact Summary of Sub
14 Area 5. And Concord is in Sub Area 5; right?

15 A. (DeWan) That's correct.

16 Q. And this from your Visual Impact Assessment
17 submitted in October 2016?

18 A. (DeWan) That's right.

19 Q. And it's sort of a summary of the different
20 municipalities within Sub Area 5?

21 A. (DeWan) That's correct.

22 Q. Okay. So, going to Paragraph 5 which is
23 highlighted in red, it talks about the fact
24 that, in your opinion, that the visibility of

1 the Project will not offend the sensibilities
2 of a reasonable person. And one of the
3 reasons you make that conclusion, the first
4 bullet, is because all of the scenic
5 resources are already in a transmission line
6 that's prominently visible; is that right?

7 (Witness reviews document.)

8 A. (DeWan) No, that's not what we say. We say
9 all the scenic resources that were evaluated
10 already have a transmission line prominently
11 visible.

12 Q. Okay. So maybe I misread that. And I
13 apologize if I did. But basically, if you
14 can already see some of the transmission
15 line, the fact that there will be an increase
16 in visibility or an increase in the intensity
17 of use, you dismiss that on the basis that
18 the transmission line is already prominently
19 visible from the scenic resource; is that
20 correct?

21 A. (DeWan) Our consideration here is that what
22 we're looking at is an incremental increase
23 in the visibility of transmission structures.

24 Q. Okay. So, now, the second bullet talks about

1 the fact that at many of the scenic resources
2 you already have other forms of human
3 development which are prominently visible.
4 And the examples that you give are
5 transmission lines. And then you also give,
6 though, highways. So if there's a road,
7 basically the impact of a transmission line
8 isn't going to offend the sensibilities of a
9 reasonable person because there's already
10 human development, based on the road. Is
11 that your opinion?

12 A. (DeWan) We wrote that. And you realize, of
13 course, this is language that was taken from
14 the earlier draft of the SEC rules. This is
15 not included in the final draft. But this
16 was written to say that the transmission
17 lines that are going to be visible are going
18 to be seen in the context of other things
19 that are presently experienced by people who
20 live, work, move through and enjoy the areas
21 surrounding the transmission corridor.

22 Q. And the example that you gave is that there's
23 already human development, and the example is
24 that there's already highways in the area;

1 right? There's roads already.

2 A. (DeWan) Right. And I believe one of the
3 questions -- I don't have that language right
4 in front of me -- that was raised in the
5 initial draft of the SEC rules asked the
6 question: Will the proposal be visible in a
7 landscape that has other form of human
8 development that may be prominently visible
9 in the landscape?

10 Q. And the example you chose to provide as to
11 why there won't be any sort of offending of a
12 reasonable person is that because there's
13 already roads.

14 A. (DeWan) Well, roads and other forms of
15 development.

16 Q. Okay.

17 A. (DeWan) We just used these three examples.

18 Q. There's a road up Mount Washington, isn't
19 there?

20 A. (DeWan) There is a road, yes.

21 Q. And you would agree that Mount Washington
22 probably rates "high" in terms of scenic
23 resources?

24 A. (DeWan) Yes, but I don't think that has any

1 bearing right here.

2 Q. Okay. And then waterfront development was
3 another example. It was the only other
4 example you gave. And you gave it at Turtle
5 Pond, and that's because there's a boat
6 launch; right?

7 A. (DeWan) There is a boat launch, there's
8 restroom facilities, there's an overlook,
9 there's a parking lot, an access road. It's
10 not a pristine pond. It's a developed
11 landscape.

12 Q. And that boat access is what you actually
13 need in order to be able to use the pond;
14 right?

15 A. (DeWan) The way it's used right now, yes.

16 Q. Okay. And the restroom facilities that you
17 were just talking about, that's just actually
18 a Porta Potty that can get relocated; right?

19 A. (DeWan) That's correct.

20 Q. Okay.

21 A. (DeWan) That gets to people's expectation
22 once they arrive there.

23 Q. And then under Paragraph 6, in terms of
24 effectiveness of mitigation measures, in the

1 second paragraph, in the second sentence, you
2 talk about the fact of the use of the
3 existing corridor eliminates the need for a
4 new corridor and avoids the visual effect
5 that a new line would have on the surrounding
6 landscape; right?

7 A. (DeWan) That's what we state, yes.

8 Q. So it's your opinion that because you're
9 already using an existing corridor, that it's
10 going to avoid the visual effect a new line
11 would have, even if that new line might be
12 shorter and the viewshed impacts would be
13 less; right?

14 A. (DeWan) We didn't qualify it. We just say
15 that the difference between a new line and
16 using an existing line is one that the new
17 line would have a new effect on a new part of
18 the communities that it would be located
19 within.

20 Q. But you're actually saying one effective
21 mitigation measure is using an existing
22 corridor; right?

23 A. (DeWan) That's right. I think that's a
24 general rule in siting transmission

1 corridors, trying to avoid green-line
2 development.

3 Q. And we're going to get into it a bit more in
4 a few minutes.

5 So, in terms of scenic resources in
6 Concord, I think I've covered the ones I want
7 to talk about. And I want to turn to some of
8 the photo simulations of private properties
9 that you did.

10 And if you turn to the next page, on
11 Page 67, it talks about -- this is the rule,
12 Site 301.05. And it talks about the need to
13 do private property photo simulations. And
14 you're supposed to do those in observation
15 points within the Area of Potential Visual
16 Impact; is that right?

17 A. (DeWan) That's what the rules state.

18 Q. Okay. And in terms of the photo simulations,
19 in red and underlined under 7 -- actually,
20 sorry, 301.05(b)(8)a, it talks about the fact
21 that the photographs shall avoid, if
22 feasible, showing any utility poles, fences,
23 walls, trees, shrubs, foliage and other
24 foreground objects and obstructions; right?

1 A. (DeWan) That's correct.

2 Q. And so the goal is, if it's feasible, you
3 should avoid those types of features; right?

4 A. (DeWan) That's the idea.

5 Q. Now, the photo simulations that you did of
6 private property, I understand that you don't
7 consider those scenic resources. But you
8 understand that they were used by other
9 experts in this case; right?

10 A. (DeWan) I think I would have to look at
11 specific examples. I don't think they were
12 all used.

13 Q. But for example, the tourism expert used some
14 of your photo simulations, didn't he?

15 A. (DeWan) I did not attend his testimony.

16 Q. Do you know whether the historic resource
17 expert, Cherilyn Widell, used some of your
18 photo simulations?

19 A. (DeWan) Some of the private property
20 simulations or in general?

21 Q. The private property simulations.

22 A. (Kimball) She may have.

23 Q. Okay. And do you know whether Bob Varney,
24 the expert for orderly development, used your

1 photo simulations?

2 A. (DeWan) I don't know that.

3 Q. Okay. But you understand they've been relied
4 on for other purposes, or at least viewed for
5 other purposes?

6 A. (DeWan) I think that's a fair statement.

7 Q. Okay. Now I want to talk about the photo
8 simulation you did of Maple View Farm on
9 Shaker Road. And if you go to Page 68 of
10 what's been marked as Joint Muni 274, in the
11 red box, this is the area where the
12 transmission corridor crosses Shaker Road; is
13 that correct?

14 A. (DeWan) That's correct.

15 Q. And that's also the area where the Maple View
16 Farm is located?

17 A. (DeWan) That's correct.

18 Q. And if we go to the next, which is Page 69 of
19 the exhibit, this actually shows Maple View
20 Farm; is that correct?

21 A. (DeWan) It appears that it does.

22 Q. Okay. And I'll represent to you that is
23 Maple View Farm.

24 In terms of the construction that is

1 going to occur, if you go to Page 70, it
2 shows the plans. And in the red box is the
3 vicinity of some of the structures that will
4 be visible in the region; is that right?

5 A. (DeWan) That's correct.

6 Q. And on the following page, which is Page 71,
7 it shows that, at least for the existing 115
8 line that's going to get relocated, the
9 current heights are between 43 to 47.5, and
10 they will be increased to between 79 and 106
11 feet; is that right?

12 A. (DeWan) That's what it appears to be.

13 Q. And in terms of the new proposed line,
14 heights will be between 85 and 100 feet;
15 right?

16 A. (DeWan) That's correct.

17 Q. If you go to the next page, you can see this
18 is the Alteration of Terrain Permit. And you
19 can see some of the topographic lines. And
20 the area where the corridor is coming in,
21 that's the height of land on Shaker Road,
22 isn't it?

23 A. (DeWan) It may be, yes.

24 Q. Okay. So if you're coming on Shaker Road

1 from Concord, traveling east, you're
2 actually, in this particular area, you're
3 going up a hill; right?

4 A. (DeWan) I believe so.

5 Q. Okay. And if you go to -- there's no number
6 on it, but on the left of Shaker Road, which
7 is the northerly side, you can see some of
8 the construction pads; right?

9 A. (DeWan) Yes.

10 Q. And that area is higher in elevation than
11 Shaker Road; right?

12 A. (DeWan) I can't make out the detail enough,
13 but I'll assume that you're correct.

14 Q. Okay. And so there is -- and I'll just
15 represent to you, one of the poles in that
16 particular location is 101.5 feet tall. So
17 if it's higher in elevation in that
18 particular location, that means you're going
19 to be able to see it from farther away; is
20 that fair to say?

21 A. (DeWan) That's perhaps a fair statement,
22 depending upon intervening vegetation and
23 other factors.

24 Q. Okay. Now let's look at the photo simulation

1 that you did. And if you turn to Page 73 of
2 the exhibit, this is the introduction to the
3 photo simulation. And it has information in
4 terms of where you were located when you took
5 the photograph. And were you the person that
6 did the photograph?

7 A. (DeWan) I did take the photograph.

8 Q. And if you go under Aerial Image...

9 MS. PACIK: We're going to have
10 to scroll up a little bit, yes, and zoom in.
11 Thank you.

12 BY MS. PACIK:

13 Q. That shows where you were standing when the
14 photographs were taken?

15 A. (DeWan) Yes.

16 Q. Okay. And one, two, three and four are the
17 various photographs?

18 A. (DeWan) That's correct. They're shown on
19 this page.

20 Q. Okay. Paragraph 4, Photo 4, it talks about
21 Ferrin Road. Is that a typo? Is it supposed
22 to be Shaker Road?

23 A. (Kimball) It should be Shaker Road.

24 Q. Okay. And in the four photographs that you

1 showed, you really can't see the existing
2 transmission corridor; correct?

3 A. (Kimball) Photo 2 is facing the direction of
4 the existing transmission corridor, I
5 believe.

6 Q. Photo 1 is not?

7 A. (Kimball) Photo 1 is a photograph of the
8 house.

9 Q. And behind that house, when the line goes in,
10 will it be visible?

11 A. (Kimball) From that viewpoint? Potentially.

12 Q. Okay.

13 A. (Kimball) Potentially visible.

14 Q. So let's go to the next page. And this is
15 the photograph that you took of the property.
16 And what we can see here is a fence; right?

17 A. (DeWan) On both sides of the road.

18 Q. And you can see some shrubs?

19 A. (DeWan) Yes.

20 Q. And in terms of the distribution lines, you
21 can see seven of them; right? And there's,
22 I'd say, three in the foreground; is that
23 correct?

24 A. (DeWan) I see at least 7, yes.

1 Q. Okay. And then on the next page it shows the
2 potential -- the proposed transmission line;
3 right?

4 A. (DeWan) That's correct.

5 Q. And I apologize for skipping around. But if
6 you go to the first page of your -- if you go
7 back to Page 73, what I marked as 73, under
8 Number of Transmission Structures Visible in
9 the photograph, it says four; right?

10 A. (DeWan) Down at the bottom of the page?

11 MS. PACIK: Blow it up so we can
12 all read it.

13 BY MS. PACIK:

14 Q. Yup. Do you see that?

15 A. (DeWan) Yes.

16 Q. So, based on what this says in your photo
17 simulation, once you drop in the proposed
18 structures, you'll be able to see four of
19 them?

20 A. (DeWan) According to this document, yes.

21 Q. Okay. And when you go to Page 75, which is
22 the photo simulation, I only see three. Am I
23 missing one?

24 (Witness reviews document.)

1 A. (Kimball) There may be one... there's a
2 fourth one. It would be to the left side,
3 potentially behind the house.

4 Q. And is that the one we talked about earlier
5 that's 101 feet high and is up on that ridge
6 a little bit?

7 A. (Kimball) It doesn't appear to be on a ridge.
8 And I don't know the height of that
9 particular structure.

10 Q. Okay. But we can see at least three in this
11 one. And there's a fourth one that we don't
12 know where it is; right?

13 A. (Kimball) Right. I can't find it right now.
14 But it likely is in the photo, potentially
15 behind those trees.

16 Q. Now, before we go on, I want to ask you about
17 your choice of location in taking this
18 photograph, because we talked earlier about
19 the fact that the rules say to try to avoid
20 fences, try to avoid shrubs, and try to avoid
21 utility lines if feasible. And it was
22 feasible to avoid those in this particular
23 area, wasn't it?

24 A. (DeWan) Well, the day we took this, as you

1 can see, was during the wintertime. There
2 was snow on the ground. There was no clear
3 path to walk. And I remember getting out of
4 the car here and having a lot of traffic come
5 around the corner there. And I felt, you
6 know, from our own personal safety
7 standpoint, it was not a wise move to walk
8 along the shoulder of road.

9 The SEC rules require a sample of
10 private property observation points. So, you
11 know, we were on the private property. We
12 were looking at the transmission line from an
13 observation point from the private property
14 looking towards the proposal. So we felt
15 that, you know, this was a representative
16 view that would show the entire expanse of
17 the Project. It would show relative heights
18 of the structures. It would show the
19 relationship between existing vegetation and
20 the proposed vegetation. Yes, it does
21 include some shrubbery. But it'd be almost
22 impossible not to include shrubbery and still
23 be part of the photograph. You know, the
24 fact of the matter is there are existing

1 distribution lines here that's part of the
2 landscape.

3 Q. So at 3:20 in the afternoon on Shaker Road,
4 you were concerned about the amount of
5 traffic?

6 A. (DeWan) There's a lot of cars coming around
7 the corner. As I said, there was very little
8 place to walk. As you can see, the road
9 shoulder had not been plowed, even if there
10 was a shoulder.

11 Q. You could have avoided this particular corner
12 by parking somewhere else; right?

13 A. (DeWan) We felt this was a reasonable place
14 to photograph and get a sample of private
15 property observation points.

16 Q. So if we go to the next page, which is marked
17 as 76, you had given the latitude and
18 longitude of the location where you're
19 standing when you took the photograph. And
20 that's in the red dot. Do you see that?

21 A. (DeWan) I do.

22 Q. And that's about as far away as you can
23 possibly get from the transmission corridor
24 and still be in the vicinity of that house;

1 right?

2 A. (DeWan) I don't know that for a fact. I felt
3 that taking the photograph in that location
4 would give you a sense of the number of
5 structures that you would see. If we had
6 gotten closer to the house, you probably
7 would not have seen the structures on the
8 right.

9 Q. Those two structures on the right?

10 A. (DeWan) There's an H-frame structure on the
11 right, and I believe there's another one next
12 to it.

13 Q. Okay. Let's go to the next page.

14 So we had talked earlier about that
15 there were three that were visible; is that
16 right?

17 A. (DeWan) That's correct.

18 Q. And in this photo simulation on the left, the
19 structure near the house, you can see that it
20 will be higher than the tree, is that right,
21 in terms of the perspective of where you
22 chose to stand when you took the photographs?

23 A. (DeWan) That's right, from this perspective.

24 Q. Same thing with the one on the right. It's

1 about the same height as the tree. Do you
2 see that?

3 A. (DeWan) It probably is not the same height as
4 the tree, but it appears to be because of the
5 angle of view.

6 Q. And you're looking up a hill; correct?

7 A. (DeWan) At this point we are.

8 Q. So at least the utility structure in the
9 foreground, the distribution pole, is going
10 to seem larger than it might be if you had
11 chosen to stand somewhere else.

12 A. (DeWan) It would be very hard, photographing
13 from the road, not to include the utility
14 structures in the immediate foreground in the
15 photograph.

16 Q. Okay. Now, looking at where the structures
17 are in proximity to the trees, and the wires
18 that you can see, if you go to the next page,
19 the same circles you can see that currently
20 the view of those poles are a lot shorter
21 from this proximity; correct?

22 A. (DeWan) That's correct.

23 Q. And then I have a question about some of the
24 distribution lines which were shown on your

1 photo simulation. If you go to Page 79, this
2 is your photo simulation with the proposed
3 structures. And do you see what I circled?
4 There's three distribution lines that can be
5 seen. And if you want, we can zoom in so you
6 can see them a little bit better.

7 A. (DeWan) I see two distribution structures. I
8 have a hard time making out the one on the
9 left.

10 Q. Well, you can see the wires at the top of it;
11 right?

12 A. (DeWan) I see a short, vertical white line
13 which may be a distribution structure.

14 Q. The one with the arrow on it, it's not quite
15 as tall as that tree that's in the yellow
16 circle, but it's coming up to the top of it;
17 is that right?

18 A. (DeWan) Tree in the yellow circle? I'm
19 sorry.

20 Q. The red circle. Sorry. I'm getting tired.
21 The red circle. You see the height of that
22 particular one? Oh, boy.

23 MS. FILLMORE: Sorry.

24 A. (DeWan) Must be break time.

1 CHAIRMAN HONIGBERG: Off the
2 record.

3 (Discussion off the record)

4 BY MS. PACIK:

5 Q. Keeping your eye on the one with the red
6 line -- with the red arrow for a second, if
7 you go to the next page, which is Page 80,
8 those are the same areas. Why is it that the
9 distribution lines are changing and are more
10 visible in your photo simulation?

11 A. (Kimball) Because they're being rebuilt and
12 relocated.

13 Q. And the one that was with the red arrow which
14 no longer is showing was a lot taller than
15 the one in your photo simulation than it is
16 in this photograph; right?

17 A. (Kimball) They're in different locations.

18 Q. Well, actually, let's go back to the page
19 before.

20 So there's the photo simulation; right?
21 And then if we go to the next page, there it
22 is. And it's not nearly as tall as the tree,
23 and it's pretty much the same location, isn't
24 it?

1 A. (Kimball) I mean, we're looking at the
2 transmission corridor at an angle. So it may
3 appear to be in parallel with that previous
4 structure from this particular angle. We're
5 not looking at it perpendicular, so it may
6 appear to be in the same location. But it's
7 clearly a different structure and clearly a
8 different location.

9 Q. So are the distribution lines also getting
10 taller?

11 A. (Kimball) I don't know the difference between
12 the existing and proposed distribution lines
13 at this location.

14 Q. Were they given to you for purposes of the
15 photo simulations, in terms of the heights of
16 the distribution lines?

17 A. (Kimball) Yes. I just don't have the
18 information at my fingertips.

19 Q. So why is it that the Site Evaluation
20 Committee has never been provided information
21 about the new heights of the distribution
22 lines, especially if they're getting
23 relocated and they're going to be taller?

24 A. (Kimball) I don't know that they're going to

1 be taller. Could be that the grade could be
2 slightly different in the location that one
3 is currently located in and one is being
4 proposed. I don't know that they're getting
5 taller. I just know they're being replaced
6 and relocated.

7 Q. And at least in the photo simulation that you
8 provided, one of the distribution poles
9 appears taller; correct?

10 A. (Kimball) The one to the far right?

11 Q. Yes.

12 A. (Kimball) Yeah. You can go back and forth
13 again, but...

14 Q. You would agree with that statement?

15 A. (Kimball) Hard to tell without looking
16 side-by-side.

17 A. (DeWan) Yeah, we would have to check the data
18 that was used to create the photo simulation
19 to give you an accurate answer.

20 Q. But the taller the distribution pole, you
21 know, when you look at it in proximity to the
22 new proposed structures, it's going to impact
23 how the height of the new structures look if
24 the distribution poles in the photo

1 simulation are also getting taller; right?

2 A. (Kimball) I don't know that the distribution
3 lines are getting taller. Could just be, as
4 I said, the grade of the terrain. But I
5 don't have that information in front of me.

6 MS. PACIK: Okay. We can take a
7 break now.

8 CHAIRMAN HONIGBERG: Before we
9 break, do you have access to that information
10 while you're sitting there, Ms. Kimball, or
11 does someone on the team have access to that
12 information so you may be able to answer the
13 question that Attorney Pacik just asked?

14 WITNESS KIMBALL: I will have
15 the height of that existing distribution line.
16 I don't know it on my fingertips if I have the
17 height of the -- sorry. I have the height of
18 the proposed, but I may have not have the
19 height of the existing to do the comparison.

20 CHAIRMAN HONIGBERG: Doesn't the
21 Alteration of Terrain Permit show where the old
22 and new poles are? And I think one of the
23 other diagrams that gets shown regularly shows
24 the heights of the poles.

1 Isn't that right, Mr.
2 Needleman?

3 MR. NEEDLEMAN: I believe you're
4 correct. We'll look at the break. But I
5 believe it's information that's in the record.
6 I just can't tell you where.

7 CHAIRMAN HONIGBERG: Thank you.
8 And Mr. Needleman, if you could, could you
9 track down the updated filing from the Company
10 regarding the answers to the questions from the
11 site visit? Because as I was scrolling through
12 the docket, I know that there was the filing by
13 the Company, and then the City filed a response
14 to that. And the docket doesn't reflect
15 another filing, but it's possible it was
16 created in discovery or something like that.

17 MR. NEEDLEMAN: We'll take a
18 look at the break.

19 CHAIRMAN HONIGBERG: All right.
20 Appreciate that.

21 So we'll break for 10 or 15
22 minutes.

23 (Recess taken at 3:21 p.m., and the
24 hearing resumed at 3:48 p.m.)

1 CHAIRMAN HONIGBERG: All right.
2 Before Ms. Pacik picks back up, Mr. Needleman,
3 do you have anything for us?

4 MR. NEEDLEMAN: I do. So, with
5 respect to the distribution line question you
6 asked me before the break, you're correct that
7 they are on the AOT maps in the Application.
8 The heights I don't believe are included. Both
9 the existing and the proposed relocated
10 distribution lines are also on the Project maps
11 which were submitted with the Application.
12 Again, I don't believe heights are included in
13 there. We were able to talk to the engineers
14 at the break, and what I understand is at this
15 location, the distribution line is being moved
16 over 12 feet. And there is no change in height
17 to the line. It's an in-kind replacement.

18 With respect to questions as
19 to how it appears --

20 CHAIRMAN HONIGBERG: Go ahead.
21 Sorry.

22 MR. NEEDLEMAN: -- how it
23 appears on the view sim, probably better
24 directed to Ms. Kimball.

1 CHAIRMAN HONIGBERG: So the
2 question as to -- you say you understand it was
3 moved 12 feet. Will Ms. Kimball know the
4 direction in which it was moved? Was it moved
5 closer to the location where the picture was
6 taken and the simulation was then created?

7 MR. NEEDLEMAN: I believe she
8 will. And we could also call up the Project
9 maps which would indicate that as well.

10 And then there was another
11 question you asked about the correction that
12 Mr. DeWan had mentioned. I don't believe
13 anything has been filed with the Committee.
14 We're still trying to run that down. It
15 could be that Mr. DeWan was just remembering
16 the more detailed information that was
17 already included in what Ms. Pacik filed.
18 But we will track that down and let you know.

19 CHAIRMAN HONIGBERG: All right.
20 Ms. Pacik, are you ready to continue?

21 MS. PACIK: Yes. Thank you.

22 BY MS. PACIK:

23 Q. Attorney Needleman just mentioned that the
24 distribution poles that are getting relocated

1 are on the Alteration of Terrain maps; is
2 that right?

3 A. (Kimball) That's what he said.

4 Q. Can you turn to page -- I'm going to show you
5 what's Page 72 of Joint Muni 274. And this
6 is the Alteration of Terrain map for the
7 vicinity near Maple View Farm. And this
8 shows construction pads, but it doesn't
9 actually show the current location of
10 distribution poles and where they're going to
11 be located -- relocated, does it?

12 (Witness reviews document.)

13 A. (Kimball) I see existing structures and I see
14 existing structures to be removed.

15 A. (DeWan) And I'm not sure if those structures
16 included distribution structures or not.

17 Q. So, for somebody looking at this AOT map,
18 Alteration of Terrain map, it's not entirely
19 clear what's going on with the distribution
20 poles; right?

21 A. (Kimball) I see the distribution line as a
22 purple line on the southern side. I don't
23 know what is north or south here, but...

24 Q. Well, that purple is actually the proposed

1 transmission/distribution line. And the
2 purple transmission line is the proposed
3 Northern Pass line; right?

4 A. (Kimball) I just see the purple line at the
5 bottom that says, "Proposed
6 transmission/distribution line."

7 Q. So it sounds like from your answer you don't
8 know any more than I do in terms of what this
9 map is showing with respect to distribution
10 lines.

11 A. (DeWan) Yeah, we're seeing it for the first
12 time.

13 Q. Okay. If we go to Page 81, and this is
14 Page 81 of Joint Muni 274, have you seen the
15 effects table for Maple View Farm that was
16 provided by Cherilyn Widell, who is the
17 historic resources expert?

18 A. (Kimball) We have not spent any time looking
19 at this.

20 Q. Okay. Are you aware, if you turn -- we'll go
21 to Page 82. And at the bottom where it says
22 Recommended Finding --

23 MS. PACIK: Just scroll down a
24 little lower. Thank you.

1 BY MS. PACIK:

2 Q. Recommended Finding. It's shaded gray at the
3 bottom of this. And it says "adverse effect"
4 correct?

5 A. (DeWan) That's what it says.

6 Q. And are you aware that the historic resources
7 expert found that the proposed line will have
8 an adverse effect in this area?

9 A. (Kimball) We did receive a list of adverse
10 effects at one point, and this may have been
11 on the list.

12 Q. And in terms of the rationale for it, in the
13 box that's in red, the last sentence states
14 that the Project will introduce elements that
15 will be more visible and thus diminish the
16 integrity of setting, feeling and
17 association; right?

18 A. (DeWan) There it goes. That's what it seems
19 to say.

20 Q. Okay. And if we turn to Page 84 of Joint
21 Muni 274, in the red box, and we'll just blow
22 this up so everybody can read it a little bit
23 better, it talks about -- this is under
24 Adverse Effect Evaluation. And the second

1 sentence talks about the fact that the
2 proposed project will increase the number of
3 visible structures due to greater height,
4 different design and increased number of
5 structures in the area. The proposed new
6 structures will be out of scale with the
7 setting and the historic resource. The
8 proposed transmission line will intrude on
9 the setting and on the views within the
10 property, and they will create a focal point
11 and views from the property that detracts
12 from the property's integrity of setting and
13 lessens the appreciation of this property.

14 Now, I understand that this is not a
15 scenic resource that you've reviewed. But
16 you would agree that, at least in this
17 particular location, adding a new line and
18 relocating an existing line in an existing
19 corridor was an inadequate way to mitigate
20 the visual effects of the proposed project;
21 right?

22 MR. NEEDLEMAN: I'm going to
23 object. This relates to historic resource
24 analysis. And as those witnesses testified,

1 that's different under the SEC rules from a
2 visual impact analysis.

3 CHAIRMAN HONIGBERG: Ms. Pacik.

4 MS. PACIK: The question is
5 general because Mr. DeWan talked about
6 mitigation and the use of an existing corridor
7 as an appropriate way to mitigate impacts to
8 aesthetics. And I think it's a fair question
9 to ask him about this particular location and
10 the fact that using an existing corridor is
11 actually not always a good way to mitigate
12 impacts.

13 CHAIRMAN HONIGBERG: Overruled.
14 You can answer.

15 A. (DeWan) Again, we're talking about a very
16 specific location. As you mentioned before,
17 it was not a scenic resource. This is not a
18 publicly accessible property. The sort of
19 evaluation that you're asking would demand
20 that we look at alternatives to the location
21 and determine what effect it may have on
22 other resources, be it historic resources or
23 other types of resources.

24 Q. Okay. But you understand that a corridor

1 with only so much width that would require
2 increasing the height of structures and
3 adding in new structures, it creates a lot of
4 infrastructure in a small space; is that fair
5 to say?

6 A. (DeWan) That's the purpose of transmission
7 corridors, yes.

8 Q. And in your work as -- you do architectural
9 design review for different municipalities;
10 right?

11 A. (DeWan) That's correct.

12 Q. And you understand the concept of "visual
13 clutter"; correct?

14 A. (DeWan) Yes.

15 Q. And the visual clutter, the concept is having
16 a lot of structures or infrastructure in a
17 small area that becomes a distraction; right?

18 A. (DeWan) Well, it also considers the context
19 by which you look at what you're calling
20 "visual clutter."

21 Q. Okay. But you understand in a transmission
22 corridor that visual clutter could occur;
23 right?

24 A. (DeWan) If you use the -- I suppose it's

1 theoretically possible. But it's a place
2 where normally one would expect to see
3 transmission infrastructure.

4 Q. At least in this particular location,
5 Cherilyn Widell found that the new structures
6 would be out of scale and it would be
7 intrusive; right?

8 A. (DeWan) That is her conclusion.

9 Q. Okay. If we go to Page 87, and this is
10 Page 87 of Joint Muni 274, these show a
11 couple different locations that at least the
12 effects table provided near the Maple View
13 Farm; right?

14 A. (Kimball) It looks like their work.

15 A. (DeWan) This is not our work.

16 Q. I understand that. But whoever took these
17 photographs, it was summer. They were able
18 to get out of their car and were able to take
19 photographs in this area.

20 A. (DeWan) It appears they did. Looks like they
21 were able to walk in the area between the
22 edge of the roadway and the fence.

23 Q. Okay. And to the extent you encountered a
24 dangerous situation on Shaker Road, you could

1 have come back a different time of the year
2 to take photographs; right?

3 A. (DeWan) We were under a certain time frame to
4 produce the photographs to meet a deadline
5 established by the SEC for the provision of
6 these types of photographs.

7 Q. But you could have come back, correct, to
8 take photographs?

9 A. (DeWan) It would have been possible to. But
10 I don't know when we took the photographs
11 relative to the deadline that the SEC had
12 established, and I don't know if there would
13 have been snow on the ground or not.

14 Q. Your Visual Impact Assessment was provided in
15 October of 2016. And according to this, your
16 photograph was taken January 13, 2016; right?

17 A. (Kimball) Sounds right.

18 Q. Okay. So that was, based on my math, about
19 nine months before you submitted your Visual
20 Impact Assessment?

21 A. (Kimball) No, it was about four months after
22 we submitted our Visual Impact Assessment.
23 In October of 2015 we submitted the VIA. And
24 then this was part of our supplemental filing

1 in February of 2016.

2 Q. Okay. So you did not originally include
3 Shaker Road in your VIA?

4 A. (Kimball) That's correct. We included a
5 collection of private property photo
6 simulations in response to the approved SEC
7 rules that came out in December of 2015.

8 Q. Okay. When you were there, did you try to
9 park at the top of the road and leave your
10 car by the transmission corridor?

11 A. (DeWan) No, we did not, for the reason I
12 stated earlier.

13 Q. Now, going to Page 92 of Joint Exhibit 274,
14 this is another private property photo
15 simulation you provided. And that's on
16 Ferrin Road; is that right?

17 A. (DeWan) Yes.

18 Q. And this is 3.1 to 3.4 miles away from the
19 transmission corridor?

20 A. (DeWan) That's correct.

21 Q. And that's shown on the bottom under
22 Technical Information, if we scroll down in
23 the red box; correct?

24 A. (DeWan) Correct.

1 Q. Even at 3.13 to 3.4 miles, the number of
2 transmission structures that will be visible
3 in the photo simulation was 29; right?

4 A. (DeWan) That's a number we arrived at by
5 evaluating the photo simulation and the data
6 used to prepare it.

7 Q. Okay.

8 A. (DeWan) That doesn't necessarily mean that's
9 what you would actually see when you were at
10 that distance of close to three and a half
11 miles away.

12 Q. Well, that number 29 says "number of
13 transmission structures visible in the photo
14 simulation"; right?

15 A. (DeWan) Could we see the photo simulation,
16 please?

17 Q. Well, first answer my question.

18 A. (DeWan) That's the number that appears there.
19 Correct.

20 Q. Okay. We'll get to the photo simulation in a
21 moment.

22 Now, in terms of the location that you
23 took it, was this not in the urban cluster?
24 Is that why you chose to take a photograph

1 that was more than 2 miles away from the
2 transmission corridor?

3 A. (Kimball) In this collection of private
4 property photo simulations, we took a wide
5 range of different viewing distances; so,
6 some in the foreground and some in the far
7 background. The location of the photo
8 simulation was done independently from the
9 urban cluster issue.

10 Q. Well, but that wasn't an answer to my
11 question. My question is: Is this location
12 within the urban cluster?

13 A. (DeWan) I don't believe it is. I'd have to
14 go back and verify that.

15 Q. Okay. So you would be analyzing 5 miles from
16 the transmission line would be the visual --
17 the area of visual impact for Ferrin Road?

18 A. (DeWan) Ten miles where we would look out to.

19 Q. Right. Well, a radius of 10 miles; correct?

20 A. (Kimball) Correct.

21 Q. Which is 5 miles on each side of the
22 transmission line?

23 A. (Kimball) No, it would be a radius of
24 20 miles then.

1 A. (DeWan) No.

2 A. (Kimball) Oh, radius of 10 miles. Sorry.

3 Ten miles on either side of the transmission
4 line, not five miles on either side.

5 A. (DeWan) If this is outside of the urban zone,
6 it would be 10 miles away from the line.

7 Q. So, 10 miles on each side of the line?

8 A. (DeWan) That's correct.

9 Q. Okay. Page 94. And it's a little bit hard
10 to see on the computer, but this is the
11 existing conditions; right?

12 A. (DeWan) Yes.

13 Q. You're looking out east; is that correct? Or
14 southeast, I believe?

15 A. (Kimball) I believe so.

16 Q. All right. And you can see this is part of
17 Concord where it is hilly and rural; right?

18 A. (DeWan) That's right.

19 Q. And so the vistas you're going to be able to
20 see farther in the distance; correct?

21 A. (DeWan) That's correct.

22 Q. And on the next photograph, it is the
23 proposed conditions. And it's a little hard
24 to see, but there are transmission

1 structures. And I know you don't like to
2 zoom in, but we're going to anyways, so at
3 least the SEC can see it. You can see the
4 existing structures --

5 A. (DeWan) Could you point those out, please?

6 Q. Sure.

7 MS. PACIK: If you take the
8 mouse, keep going left, left. There's one
9 under the mouse. There's another one. We're
10 going to keep going. Yeah, go left.

11 BY MS. PACIK:

12 Q. And so you can see some of those transmission
13 structures; right? And I know we're zooming
14 in, but those are above the tree line; is
15 that correct?

16 A. (Kimball) Correct. That's why the --

17 A. (DeWan) They are above the line of existing
18 vegetation. They do not break the skyline at
19 this point.

20 Q. Okay. And in your first page that we looked
21 at earlier, you had said you can see 29 of
22 these?

23 A. (DeWan) That's what we said.

24 Q. Okay. Now I want to go to Loudon Road in

1 Concord, New Hampshire. And this is on Page
2 96 of Joint Muni 274. And this is a photo
3 simulation you prepared of the Loudon Road
4 area; right?

5 A. (Kimball) Correct.

6 A. (DeWan) This is not --

7 Q. Well, this is the first page of the --

8 A. (DeWan) First page. That's correct.

9 Q. Thank you.

10 Okay. And if you go to the next page,
11 this shows existing conditions near Shaw's;
12 correct?

13 A. (DeWan) That's correct.

14 Q. And if you go to the following page, this
15 shows the proposed conditions, which includes
16 in front of the -- what do you call that?
17 H-frame? The one with three poles?

18 A. (Kimball) I believe it's called a
19 "three-pole."

20 Q. So in front of the three-pole you can see one
21 of the structures, and that is a height of
22 125 feet; is that right?

23 A. (DeWan) That's probably correct. I don't
24 know the exact number.

1 Q. Okay. And if you go to the following page,
2 you can see how in the sky there are what you
3 can see are conductors; correct?

4 A. (DeWan) That's correct.

5 Q. And the conductors go all the way to the top
6 of that photograph?

7 A. (DeWan) That's right.

8 Q. Okay. That's because across the street
9 there's another structure that's proposed to
10 be 125 feet; correct?

11 A. (DeWan) I can't verify the height, but that's
12 probably in the right range.

13 Q. Okay. And I have a map in a bit that I can
14 show you to confirm it.

15 On the following page, this is that
16 first page again that we had looked at for
17 Loudon Road. And I wanted to ask you about
18 your choice of the three photos that you
19 provided as context photos. The photo -- the
20 first one was heading west on Loudon Road; is
21 that right?

22 A. (DeWan) Panoramic view facing southwest.
23 Right.

24 Q. Southwest. Okay.

1 And then the second one, Photo 2, was
2 facing northeast, which is in the opposite
3 direction of the line, so obviously you're
4 not going to see anything.

5 A. (DeWan) That's correct.

6 Q. And then the third one was facing west, also
7 opposite of the line. And so -- hold on.

8 A. (DeWan) No, no.

9 Q. Oh, this is where it crosses the road; right?

10 A. (DeWan) That is correct.

11 Q. Okay. And so you're kind of facing west
12 again, but from a different location?

13 A. (DeWan) That's correct.

14 Q. Okay. So I want to talk about Photo 3 for a
15 moment and your choice of that particular
16 angle.

17 You're aware that the City of Concord
18 requested all photo simulations that you
19 prepared but did not use; is that right?

20 A. (DeWan) That's my understanding.

21 Q. Okay. If you go to -- we'll turn to
22 Page 101. And this is the request for all
23 photo simulations, including Concord. And
24 they were provided. And if we go to

1 Page 202 -- oh, and this is not confidential,
2 by the way. I did receive confirmation on
3 that, too.

4 This is a photo simulation of a slight,
5 of a different angle than what you showed in
6 Photo No. 3; is that right?

7 A. (DeWan) Generally same direction, but in a
8 different location.

9 Q. Okay. And this, actually, this photo
10 simulation, this was prepared by you?

11 A. (DeWan) By our office.

12 Q. By your office. And this shows the 125-foot
13 poles; is that right?

14 A. (Kimball) I would have to confirm the height,
15 but that sounds about right.

16 Q. Okay. And your office did not choose to
17 provide a photo simulation of this particular
18 area in Concord; right?

19 A. (DeWan) No. The earlier photograph that you
20 showed is this particular area, it's just a
21 different view.

22 Q. Right. So the view that you provided, you
23 chose not to provide this particular view;
24 correct?

1 A. (DeWan) Well, we felt that the one view that
2 we showed was representative of the effect it
3 would have on this area.

4 Q. And the area where there's construction, is
5 there a shopping center there now?

6 A. (DeWan) It was our understanding there was a
7 shopping center of some sort that obviously
8 was under construction when we visited. I
9 don't know if it's been completed yet.

10 Q. But near that shopping center would be a pole
11 of 125 feet?

12 A. (DeWan) Again, I don't know. It looks like
13 there's some other poles in the back of the
14 traffic signals on the right. I don't know
15 the height of those. The one you may be
16 referring to are the ones on the left-hand
17 side of the photograph.

18 Q. The ones in the back, those are the proposed
19 Northern Pass poles; right?

20 A. (Kimball) The three-pole structure and the
21 monopole structure on the far right are
22 included in the Project.

23 Q. So those three behind the three stoplight
24 signals are all proposed structures?

1 A. (Kimball) Correct.

2 Q. Now, if we go to the following page, I think
3 Page 104 of Joint Muni 274, that shows -- you
4 can see that's existing conditions. And
5 those three poles are not there; right?

6 A. (Kimball) I believe, yes.

7 A. (DeWan) On the right side.

8 Q. Nor is that 125-foot pole?

9 A. (Kimball) No, that's not there either.

10 Q. Okay. Now, I understand that you concluded
11 this is not a scenic resource. But in terms
12 of visual impacts to this particular area,
13 are you aware that the Department of Energy
14 analyzed it?

15 A. (DeWan) We are.

16 Q. Okay. And if we go to Page 106, they didn't
17 analyze it with respect to it being a scenic
18 resource, but they analyzed it with respect
19 to it being a viewpoint assessment. And they
20 looked at the contrast-dominance rating. And
21 according to the Department of Energy on
22 this, in the third line, starting there, it
23 says, "The existing contrast-dominance rating
24 is 'strong.' But under Alternative 7, the

1 contrast-dominance rating would increase to
2 'severe,' which indicates that the visual
3 change would be very large and in sensitive
4 settings would likely be considered
5 unreasonably adverse by a casual observer."
6 And you're familiar with this.

7 A. (DeWan) Very familiar with it.

8 Q. Okay. And you understand that you responded,
9 at least in part, to the Counsel for the
10 Public's expert's concern about the impacts
11 to Loudon Road in your supplemental
12 testimony; right?

13 A. (DeWan) That's correct.

14 Q. So if we go to the next page, which is
15 Page 107, this is your supplemental testimony
16 that you submitted. And if we scroll down,
17 this is the section that starts your
18 discussion on Loudon Road. And you start off
19 by explaining that it doesn't meet the
20 definition of a scenic resource. And really,
21 that was your focus was scenic resources;
22 right?

23 A. (DeWan) That's correct.

24 Q. You weren't analyzing orderly development;

1 correct?

2 A. (DeWan) That's not our area of expertise.

3 Q. All right. So on the next page you wrote
4 that -- you addressed one of T.J. Boyle's
5 concerns. And T.J. Boyle is the expert for
6 Counsel for the Public; correct?

7 A. (DeWan) That's correct.

8 Q. And that firm stated that the Project is
9 highly visible to the large number of people
10 on Loudon Road living in the area and
11 shopping at the retail businesses.

12 And your response was, at least what I
13 highlighted was, "In reality, there are very
14 few people who live in this part of Loudon
15 Road."

16 What type of research did you do to
17 determine how many people lived in this area
18 of Loudon Road?

19 A. (DeWan) Personal observations driving Loudon
20 Road, looking at properties within a few
21 hundred feet of the center line of Loudon
22 Road, which is primarily a commercial strip
23 development.

24 Q. Okay. So this is the type of research that

1 you do in your general work as an expert;
2 right?

3 A. (DeWan) In preparing visual impact
4 assessments, we rely very heavily on field
5 observation.

6 Q. So let's go to the next page, which is
7 Page 109 of Joint Muni 274. And this is a
8 Google Earth overhead. And you can see the
9 transmission corridor; correct?

10 A. (DeWan) Yes.

11 Q. And you can see the intersection with the
12 Shaw's parking lot at the top?

13 A. (DeWan) That's correct.

14 Q. And there's a mouse in that area. You can
15 see where we just scrolled over.

16 A. (DeWan) Yes.

17 Q. Now, all those properties along the corridor
18 at that intersection of Loudon Road, that's
19 Alton Woods Apartment buildings; right?

20 A. (DeWan) That is correct.

21 Q. And there's over 300 apartments in that area;
22 is that right?

23 A. (DeWan) I don't know the exact number.

24 Q. That wasn't something you decided to

1 research?

2 A. (DeWan) We looked at this area.

3 Q. Okay. And McKenna's Purchase is behind
4 Shaw's; right?

5 A. (DeWan) That's correct.

6 Q. And then if you keep going south, I believe
7 it is, Edgewood Condominiums is in the area;
8 right?

9 A. (DeWan) Well, it's shown on the photograph.
10 It's not in the area that we refer to when we
11 talked about this particular photo
12 simulation.

13 Q. So when you talk about not having a lot of
14 people living in the area, you're talking
15 about how many feet from this particular
16 pole?

17 A. (DeWan) Say within, you know, 300 feet or so.

18 Q. Okay. So that's your limit that you chose,
19 300 feet?

20 A. (DeWan) I didn't come up with an exact
21 number. You know, looking at the front of
22 the Shaw's building there, I'd say a rough
23 approximation. Also following the tree line
24 around and looking at the trees as separating

1 McKenna's Purchase from the roadway and then
2 looking at what separates Alton Woods from
3 the roadway, our evaluation was that the
4 majority of those structures are all
5 commercial structures. We talked about the
6 area. It's the area that's visible from the
7 photos we showed in our VIA, not the general
8 area around, which we realize there's a lot
9 of condominiums and apartment developments.

10 Q. Yeah, there is a lot of residential in that
11 area, isn't there?

12 A. (DeWan) There is.

13 Q. And people driving to their homes, whether
14 it's a house, a condominium, an apartment,
15 they're going to be passing by this
16 particular intersection, aren't they?

17 A. (DeWan) A lot of people go down Loudon Road
18 every day.

19 Q. Okay. And the following page is another
20 overhead of Google Earth that shows a larger
21 portion of the area. And it shows how much
22 residential -- how many residential
23 properties are in the area. And you would
24 agree there's a significant amount; right?

1 A. (DeWan) At Loudon Road -- at McKenna's
2 Purchase right there, yes, there are.

3 Q. Okay. Well, you can see all the way down
4 Loudon Road, on each side of that road there
5 is residential property; right?

6 A. (DeWan) But it's not visible from Loudon
7 Road. I think that's the criteria that we
8 were looking at: Are these properties that
9 are visible? What's the character of Loudon
10 Road? It is definitely not a residential
11 street. It's primarily a commercial strip
12 development.

13 Q. Okay. But when people are traveling, whether
14 or not when they walk out their door they
15 might be able to see it, but the people that
16 live in this area that drive and shop and
17 walk are going to be in the nearby vicinity
18 of the Loudon Road intersection; right?

19 A. (DeWan) That's absolutely right, depending on
20 what route they travel.

21 Q. Now I want to talk about McKenna's Purchase.
22 You did a photo simulation of that area, too;
23 right?

24 A. (DeWan) We actually did two photo simulations

1 for that area.

2 Q. Okay. And McKenna's' purchase is circled in
3 red on the exhibit that we're looking at
4 currently, which is Page 110; is that right?

5 A. (DeWan) I don't see 110, but I see the
6 circle, yes.

7 Q. I'll represent to you it's Page 110. But in
8 the red circle --

9 A. (DeWan) We'll take it for granted, yes.

10 Q. Okay.

11 A. (DeWan) It may include a little bit of
12 additional, but yes, that's the general
13 location of McKenna's Purchase.

14 Q. And if we go to Page 111, the general area of
15 McKenna's Purchase and the proposed
16 construction is in a red square; right?

17 A. (DeWan) That's generally right.

18 Q. Okay. And if we scroll in or zoom in, we can
19 look and confirm. But we talked about the
20 two poles that were going to be 125 feet.
21 And the first one is 3132-140. Do you see
22 that? That's the number.

23 A. (DeWan) Oh, okay, up by Shaw's there.

24 Q. Then across the street, the other pole that's

1 going to be 125 feet that we were looking at
2 is 3132-139. Do you see that?

3 A. (DeWan) I do, and that wedge of land there.

4 Q. Okay. And if we go to the next page -- and
5 I'm not going to bore you with pole heights,
6 but if you needed confirmation, I just wanted
7 to make sure it was there for you. Do you
8 see that?

9 A. (DeWan) I see that they're there, yes.

10 Q. Okay. Good. So now, if we go to the
11 following page, which is 113, this is the
12 first page of the photo simulation that you
13 provided right?

14 A. (DeWan) Yes.

15 Q. And this is for McKenna's Purchase?

16 A. (DeWan) That's correct.

17 Q. And you can see under Aerial Image where it
18 says "1" with the arrow? That shows where
19 you were standing when you took the
20 photograph?

21 A. (DeWan) For Photograph 1, yes. One, two and
22 three, yes.

23 Q. For the photo simulation. Okay. So if we go
24 to the following page, this is just a Google

1 Earth to give a better perspective. But
2 that's the area that you were standing in;
3 correct?

4 A. (DeWan) Is that right?

5 Q. Not the red dot. What's in the red circle.

6 A. (Kimball) Looks right, if it's Yvonne Court.

7 Q. It is.

8 A. (DeWan) Yeah, okay. Yes.

9 Q. Okay. And the following page, which is Page
10 115, this is the photo simulation. Well,
11 actually, this is the existing conditions;
12 right?

13 A. (Kimball) Yes.

14 Q. You can see one of the structures behind the
15 condominiums?

16 A. (DeWan) Yes.

17 Q. And on the following page, which is Page 116,
18 is the photo simulation. And in it you can
19 see three structures behind this property.

20 A. (Kimball) I believe it's two structures. One
21 is an H-frame.

22 A. (DeWan) Right-hand side above the skyline
23 there.

24 Q. Now, in terms of the heights of these

1 structures, if you go to the following page,
2 this is the area with the structures that we
3 were looking at.

4 And on the following page, which is Page
5 118, it shows that structure heights are
6 between 75 feet and 88 feet in that area.

7 A. (DeWan) Those are the proposed structures?

8 Q. Yes. Is that right?

9 A. (Kimball) If those are the structures that
10 are visible in the photo simulation.

11 Q. Okay. Well, why don't we go back to the
12 prior page. The ones that are in the red
13 square, are those the structures that are
14 visible in the photo simulation?

15 A. (DeWan) It appears they are.

16 Q. Okay. Now, in terms of the draft photo
17 simulations that you did, but did not provide
18 to the Site Evaluation Committee, if we go to
19 Page 119, again, this is the request, which
20 is not confidential. And on the following
21 page it shows a photograph of a different
22 condominium. And this one's on Brenda Court;
23 is that right?

24 A. (Kimball) Yes, it is.

1 A. (DeWan) Yeah. If you can reduce the
2 photograph, there should be a title on it.

3 Q. I don't think there is.

4 A. (DeWan) Maybe not. Okay.

5 Q. And the following page shows the photo
6 simulation.

7 A. (DeWan) Yes.

8 Q. Okay. And in this one, the structures are a
9 lot more prominent in terms of the sky. The
10 entire sky is taken up with wires; is that
11 right?

12 A. (DeWan) No, there are conductors visible in
13 portions of the sky as seen in this
14 particular photograph.

15 Q. There's some sky that doesn't have
16 conductors. But for the most part, the wires
17 at least behind one of the condominiums, you
18 can't even see all of it, can you?

19 A. (DeWan) Can't see all of what?

20 Q. The conductor.

21 A. (DeWan) It disappears, yes, because the
22 photograph is cut off there.

23 Q. It disappears because it's so high that the
24 photograph doesn't show it all; right?

1 A. (DeWan) I guess that's correct.

2 Q. Okay. On the following page, which is
3 Page 122, is this a panoramic or just you
4 were standing farther back?

5 A. (DeWan) No, this is a panoramic view.

6 Q. And this again is Brenda Court?

7 A. (Kimball) I believe so.

8 A. (DeWan) I believe it is.

9 Q. And on the following page is the photo
10 simulation of this one that you also chose
11 not to provide. And again, you can see the
12 skyline in the back is filled with wires;
13 right?

14 A. (DeWan) There are additional conductors
15 visible in this specific location.

16 Q. Why is it that you didn't provide this photo
17 simulation to the Site Evaluation Committee?

18 A. (DeWan) I believe these were done after the
19 Application was filed.

20 Q. You did do supplemental photos, though, that
21 were provided; right?

22 A. (Kimball) These were done, I believe, for a
23 public meeting or for the residents at
24 McKenna's Purchase. We chose to select one

1 of them to include in our list of 30 photo
2 simulations showing a variety of different
3 conditions. We chose the one from Yvonne
4 Court instead of Brenda Court. I couldn't
5 tell you --

6 A. (DeWan) I would participate in the site walk
7 with the residents of condominium project,
8 and walking the entire length of the Project
9 as it abuts the transmission corridor. We
10 together selected a number of images that
11 they felt would be representative of the
12 views that would be -- that would result from
13 the Project.

14 Q. Okay.

15 A. (DeWan) This was done to answer their
16 specific questions.

17 Q. The following page shows, actually, just as
18 an overhead, where you're standing when you
19 took that photograph, at least in that area;
20 correct?

21 A. (DeWan) That's correct. Two courts over from
22 Yvonne.

23 Q. All right. We're going to skip a couple
24 pages. We're going to go to Page 127 of

1 Joint Muni 274. And I want to talk about the
2 393 crossing.

3 Are you familiar with the design
4 concepts that have been provided to the
5 Department of Transportation to cross
6 Interstate 393?

7 A. (Kimball) I don't believe so.

8 Q. Are you aware of whether there has been a
9 proposal to increase the height of two of the
10 structures to 165 feet?

11 A. (Kimball) We are not aware of that proposal.

12 Q. So nobody's provided you information about
13 other potential visual impacts that may occur
14 if the height is increased?

15 A. (Kimball) It may have been in updated
16 material that we received. But this is not a
17 scenic resource, the impact on 393, so it may
18 have been something that wasn't called out as
19 something to look at.

20 Q. Now, if the heights are increased to
21 165 feet, that would impact your viewshed
22 analysis; right?

23 A. (Kimball) Potentially. What's the height of
24 the current proposal?

1 Q. Well, we're going to go through it right now.
2 So let's go to the next page. And the two --
3 let me make sure I got this correct.

4 So, 3132-135 and 3132-136, there was a
5 design submitted to the Department of
6 Transportation to make those 165 feet, and
7 currently the proposal is 105 and 115 feet.
8 So it's about 60 feet taller than one of the
9 proposed heights and 50 feet higher than
10 another. That would impact the viewshed
11 analysis, wouldn't it?

12 A. (Kimball) It's possible that it would change
13 the way the viewshed map looks. Correct.

14 Q. It's possible or yes? I think you can say
15 "Yes," can't you?

16 A. (DeWan) Without doing a -- my suspicion is it
17 would have some effect on it. We would have
18 to run it through the computer to give you an
19 accurate answer.

20 Q. Okay. If we go to Page 135 of Joint Muni
21 274, there's also poles that are going to be
22 lit in Concord; correct?

23 A. (DeWan) That's correct.

24 Q. And so under existing conditions, apparently

1 there's warning lighting on 15 transmission
2 structures east of the airport; is that
3 right?

4 A. (DeWan) That's correct.

5 Q. Do you know the height of those 15 structures
6 that are currently illuminated?

7 A. (Kimball) We have it in the data that we used
8 to run the viewshed map, but I don't have it
9 in front of me.

10 Q. And according to this, additional lighting
11 will be on 31 more structures; right?

12 A. (DeWan) That's correct.

13 Q. Okay. So, in terms of those 15 existing
14 structures, will the heights of those be
15 increased?

16 A. (Kimball) I'm not sure if the existing
17 structures in this area are being -- I can
18 take a look to see if they're being removed
19 and replaced.

20 (Witness reviews document.)

21 A. (Kimball) It appears that the structures in
22 this area are being removed and replaced.

23 Q. And when you say "removed and replaced," that
24 means they're getting higher, too, the height

1 of the structures?

2 A. (Kimball) We'd have to take a look at the
3 chart.

4 Q. Well, be fair to say that the ones that we've
5 looked at to date have been increased, so
6 these would likely also be increased?

7 A. (Kimball) Very likely.

8 Q. And then there will be 31 new structures that
9 are also going to have lights.

10 You did an analysis of the impact on the
11 lights; is that right?

12 A. (DeWan) That's correct.

13 Q. And you looked at some scenic resources that
14 you thought might have an impact. And I want
15 to talk about two of the scenic resources
16 which are listed on Page 137 of Joint Muni
17 274. And this is from your Supplemental
18 Visual Impact Assessment; is that correct?

19 A. (Kimball) Correct. This was submitted in
20 April of this year.

21 Q. Okay. And one of the locations is Concord
22 Historic District. And by "Concord Historic
23 District," you're talking about downtown
24 Concord; correct?

1 A. (DeWan) That's correct.

2 Q. And that's the Main Street area. And
3 according to your visibility analysis, you
4 determined that structures may be visible in
5 scattered locations; correct?

6 A. (DeWan) That's what we concluded, yes.

7 Q. And then ultimately, though, in the last
8 sentence you say, "The lighting will have no
9 visual effect on the historic district," and
10 there's an asterisk. And if you go to the
11 bottom of the page, the reason you say
12 there's no visual effect is because it's in
13 the urban cluster; correct?

14 A. (DeWan) No. No, we talked about why it will
15 not have a visual effect, primarily because
16 the views are largely blocked by structures
17 between the lighting and the historic
18 district. That's an additional comment to
19 say that it's outside of the 2-mile urban
20 cluster area.

21 Q. Oh, okay. Thank you for that clarification.

22 A. (DeWan) Yeah, that's not why it will have no
23 effect.

24 Q. Okay. So, because there's already street

1 lights in the Main Street area, you
2 determined that there would be no visual
3 effect because of the additional transmission
4 lines that you'll be able to see that are
5 lighted. Was that the analysis?

6 A. (DeWan) That's correct.

7 Q. All right. And same for the Concord Civic
8 District? You determined that there would be
9 visibility in that district, but because
10 there's already street lights in the area,
11 there's really no visual impact; right?

12 A. (DeWan) Well, consider the fact that we're in
13 an urban area, and any views of these lights
14 would be looking down street corridors
15 between buildings, the views would be blocked
16 by trees. You probably are seeing other
17 light sources in the immediate foreground, so
18 the lights seen at a distance 2-1/2 to
19 2.6 miles away would appear to be very, very
20 tiny, if visible at all.

21 Q. But even with all the trees, even with all
22 the buildings, even with the fact that people
23 are walking down corridors, your visibility
24 analysis determined that there would be

1 structures that would be visible from both
2 Main Street and the Concord Civic District;
3 right?

4 A. (DeWan) And the computer analysis, the
5 visibility analysis shows that,
6 theoretically, you would be able to see them.

7 Q. And I understand that second floors of
8 certain buildings are not scenic resources.
9 But presumably if somebody is on the second
10 or third floor of one of the new buildings,
11 like Capital Commons or the Smile Building,
12 they would be able to see those lighted poles
13 from that area; right?

14 A. (DeWan) They would be seeing them in the
15 context of a lot of other lights in that
16 area, like the airport.

17 Q. Okay. Page 139. You did an analysis of
18 whether or not the lighted transmission lines
19 will be visible from the State House; is that
20 right? Well, we'll get there in a second.

21 MS. PACIK: We can use ELMO if I
22 have to, although that would make me have to
23 get up.

24 MS. FILLMORE: If anyone else in

1 the room is connected to Apple TV, you're
2 kicking me off.

3 (Pause)

4 CHAIRMAN HONIGBERG: Off the
5 record.

6 (Discussion off the record)

7 BY MS. PACIK:

8 Q. Page 139 of Joint Muni 274, which I can never
9 remember, this shows the ground level in
10 front of the State House; is that right?

11 A. (DeWan) That is correct.

12 Q. All right. And the State House is a building
13 that's open to the public?

14 A. (DeWan) That is right.

15 Q. Did you try to go upstairs in the State House
16 to see whether or not the transmission
17 structures would be visible from there?

18 A. (DeWan) I did.

19 Q. And what did you see?

20 A. (DeWan) The offices that face in the
21 direction of Main Street I believe are
22 largely private offices.

23 Q. Okay. But from those private offices, would
24 they have been visible, based on what you

1 observed?

2 A. (DeWan) Well, it's a private office. It
3 would not, to me, equate as a publicly
4 accessible place.

5 Q. Right. And I understand this is outside your
6 analysis of what's a scenic resource. But my
7 question is would they be visible from those
8 private offices?

9 A. (DeWan) I highly doubt it because of the
10 effectiveness of the buildings seen on the
11 opposite side of the street there, five- or
12 six-story buildings.

13 Q. Okay. So you don't know the answer. Which
14 is fine. But if you do not know --

15 A. (DeWan) No, our viewshed analysis does not go
16 up along the sides of the building.

17 Q. Okay. Just a couple more exhibits, if we can
18 get them up.

19 (Pause)

20 MS. PACIK: You want to go off
21 the record again?

22 CHAIRMAN HONIGBERG: Whatever
23 works.

24 (Discussion off the record)

1 CHAIRMAN HONIGBERG: All right.

2 BY MS. PACIK:

3 Q. So I'm going to show you what's been marked
4 as Page 142 of Exhibit 274. And this is the
5 viewshed analysis you did of the proposed and
6 existing structures with lights. And if we
7 scroll in quite a bit to No. 6 and 7 --

8 A. (DeWan) We're still not able to see it on our
9 screens.

10 Q. Okay.

11 MS. PACIK: Can you go in a
12 little bit more? We're waiting for -- okay.

13 A. (Kimball) Shall we pull up our copy?

14 BY MS. PACIK:

15 Q. Yeah, if you have Page 49, that's great.

16 A. (Kimball) So this is the viewshed map, the
17 proposed viewshed map.

18 Q. Yes.

19 MS. PACIK: Can the Subcommittee
20 see it? Excellent.

21 BY MS. PACIK:

22 Q. If we scroll in, this is a map that shows
23 where the lighted structures will be visible;
24 is that right?

1 A. (Kimball) Potentially visible.

2 Q. And on the map, what's been marked as 6 and
3 7, that's the Concord Historic District and
4 the Concord Civic District; right?

5 A. (DeWan) That's the general location of them.

6 Q. Okay. And Concord Civic District, that's
7 sort of in the South Main Street area; is
8 that right?

9 A. (Kimball) Yes. I believe it's further north
10 than the historic district.

11 Q. Further north or further south?

12 A. (Kimball) It's 6?

13 Q. I believe it's 6. That's south; right?

14 A. (Kimball) Yes.

15 Q. Okay. And this map, the scale of it, you can
16 actually see a lot of Concord in it, can't
17 you? For example, you can see White Park,
18 which is to the west of the area that's been
19 marked as No. 7.

20 A. (DeWan) That's correct.

21 Q. We can zoom in a little bit. But there's a
22 lot of purple on the westerly side of White
23 Park, isn't there?

24 A. (DeWan) There appears to be, yeah.

1 Q. Okay. We talked before about the steep slope
2 of White Park and how there will be
3 visibility of the proposed transmission line.
4 And this shows that not only will there be
5 visibility during the day, but also at night;
6 correct?

7 A. (Kimball) Potential visibility.

8 A. (DeWan) Yeah, this is another situation where
9 visibility needs to be really refined,
10 because seeing lights at a distance of
11 3 miles from this point --

12 Q. But there is a lot of purple on this. So,
13 based on what we have on the record in terms
14 of the viewshed analysis that you provided,
15 there is potential visibility from White
16 Park; right?

17 A. (Kimball) Correct. The western boundary.

18 Q. Okay. And heading north, there's also
19 potential visibility from Concord Country
20 Club. And we're going to just scroll for a
21 moment a ways north. There's Concord Country
22 Club. And you can see from areas of Concord
23 Country Club there's also visibility; right?

24 A. (DeWan) We can't see that.

1 Q. Did you lose the picture?

2 A. (Kimball) We don't have the picture. I'm
3 controlling it separately. Oh, I see it on
4 there.

5 Q. So you would agree that your viewshed
6 analysis shows visibility of the lines at
7 night; correct?

8 A. (Kimball) right.

9 A. (DeWan) Visibility analysis shows that
10 there's a chance that someone with binoculars
11 might be able to pick out lights at that
12 distance in the context of all the other
13 lights seen around the airport.

14 Q. Well, now I'm confused, because there was no
15 discussion of binoculars, were there? I
16 mean, this is a viewshed analysis that you
17 provided to the Site Evaluation Committee.
18 And this is the first time we're hearing
19 about binoculars; right?

20 A. (DeWan) I use that as a figure of speech to
21 say that at that distance, the unaided eye is
22 probably not going to be making out
23 individual light sources at that distance
24 surrounded by other light sources.

1 Q. Okay.

2 A. (DeWan) Maybe with binoculars you might be
3 able to pick it out if you know what you were
4 looking for.

5 Q. According to your viewshed analysis, it will
6 be visible; right?

7 A. (DeWan) According to the visibility analysis,
8 there's a potential for visibility.

9 Q. Okay. Now I want to go south for a moment.
10 I probably should have gone there before we
11 went up to the Concord Country Club. But the
12 area of Iron Works Road and Clinton Street,
13 where it says Silk Farm Road, do you see all
14 that purple right there?

15 A. (Kimball) Yeah, I'm not following exactly
16 where you are but --

17 Q. Near Great Turkey Pond. If you're looking at
18 your viewshed analysis --

19 A. (Kimball) Oh, yeah, okay.

20 Q. You found it?

21 A. (Kimball) Near 93.

22 Q. Yes. And are you familiar with the use of
23 Clinton Street for people traveling to
24 Concord?

1 A. (DeWan) Not specifically.

2 Q. Okay. But according to this, those lights
3 will also be visible at night; correct?

4 A. (Kimball) From where?

5 A. (DeWan) Again, in the same context of seeing
6 street lights and headlights and lights that
7 are on people's homes.

8 Q. Okay. You did do this viewshed analysis,
9 though, to determine impacts of lights;
10 right?

11 A. (DeWan) Potential impacts on scenic
12 resources.

13 Q. Okay. Now, can you go to -- we're going
14 to -- I understand you don't have this
15 potentially in front of you, but I want to
16 look at Map 4, which was produced April 13,
17 2017. And we marked it as Joint Muni 276,
18 and we're going to put it up on the screen.
19 And you probably have it in front of you in
20 your packet. It's the Northern Pass viewshed
21 analysis difference between original viewed
22 and revised land cover heights for non-
23 forested areas.

24 A. (Kimball) I'll pull it up on my computer

1 here.

2 Q. (DeWan) Take one minute.

3 (Pause)

4 A. (Kimball) Okay. So it's a four-page...

5 A. (DeWan) Which map are you looking at, No. 4?

6 Q. Map No. 4.

7 A. (Kimball) Okay. Yeah.

8 Q. So we just talked about the fact that these
9 viewshed analysis maps were done to identify
10 impacts to scenic resources; right?

11 A. (DeWan) Potential impacts to scenic
12 resources.

13 Q. Okay. And now I want to look at the scale of
14 these maps. The one we just looked at in
15 Concord, we could see White Park and we could
16 see Silk Farm Road and we could see Concord
17 Country Club; right?

18 A. (DeWan) That's correct.

19 Q. So now if we zoom in on this one in the
20 Concord vicinity and we try to look at White
21 Park, for example, and we keep zooming, we
22 really can't see any of the items that we
23 were just looking at before, can we?

24 A. (Kimball) Not at this scale.

1 Q. Okay. And this is the scale that you
2 provided to the Site Evaluation Committee;
3 right?

4 A. (DeWan) That's correct, in response to the
5 SEC rules.

6 Q. Okay. So in terms of trying to identify
7 impacts to specific scenic resources, this is
8 not helpful, is it?

9 A. (DeWan) It was certainly helpful to us,
10 because what it does is provides a guidance
11 to where to do further evaluation, where to
12 concentrate our efforts.

13 Q. But in terms of the Site Evaluation Committee
14 and the parties in the case, when you zoom
15 in, it's not helpful to others because of the
16 scale by which it was produced; right?

17 A. (Kimball) I believe all of the parties in the
18 case received files that allowed them to look
19 at this in whatever scale they would like.

20 Q. In discovery?

21 A. (Kimball) Yes.

22 Q. And the Site Evaluation Committee, did they
23 receive that?

24 A. (Kimball) No. I believe it's in the record,

1 but...

2 Q. Well, discovery is not necessarily the record
3 that the Site Evaluation Committee has, is
4 it?

5 A. (Kimball) Then if they're limited to the
6 print copies, then this was the scale at
7 which they received this map.

8 MS. PACIK: All right. I have
9 nothing further.

10 CHAIRMAN HONIGBERG: All right.
11 It is quarter to five. Is there any intervenor
12 here that has a short questioning they would
13 like to do with this panel, something in the
14 15- to 45-minute range?

15 Who are you?

16 MS. SPENCER: I'm Karen Spencer.

17 CHAIRMAN HONIGBERG: Oh, you're
18 part of the Dummer, Stark, North UMBERLAND
19 Abutting Group with Spencer and Lagasse.

20 MS. SPENCER: Yes.

21 CHAIRMAN HONIGBERG: All right.
22 Come on.

23 Mr. Cunningham, do you also
24 have questions?

1 MR. CUNNINGHAM: No, I'm going
2 to work the ELMO.

3 (Discussion off the record)

4 CHAIRMAN HONIGBERG: You may
5 proceed.

6 CROSS-EXAMINATION

7 BY MS. SPENCER:

8 Q. I'm Karen Spencer, secretary/treasurer of
9 Lagasse Realty, LLC, also known as Percy
10 Lodge and Campground.

11 CHAIRMAN HONIGBERG: Slow down,
12 slow down just a little.

13 BY MS. SPENCER:

14 Q. Kevin Spencer is my husband. Mark Lagasse is
15 his partner in the LLC.

16 Percy Lodge and Campground is located in
17 Stark, New Hampshire, which was known as
18 Percy Village before the town name was
19 changed to Stark in 1838. The front portion
20 of the lodge was the old Percy Village Post
21 Office.

22 Mr. DeWan, have you stood on Percy Road
23 in front of the Percy Lodge?

24 A. (DeWan) I believe we have. I believe we

1 walked the entire area on either side of the
2 lodge. We photographed most of the buildings
3 in both directions.

4 Q. Would you want Northern Pass going through
5 your back yard?

6 A. (DeWan) That's a personal question. I can
7 certainly sympathize with -- you know, the
8 illustration you're showing here, which I do
9 not believe is an accurate representation of
10 what it would look like --

11 Q. Okay. We're southeast of Christine Lake,
12 which five homes on Percy Road get their
13 daily water from, which last month Eversource
14 compromised this water source by heavy
15 equipment driving over Pond Brook during
16 their bush cleaning on the 150-foot easement
17 which is on the northern side of the 26 acres
18 which Percy Lodge is located on.

19 CHAIRMAN HONIGBERG: Ms.
20 Spencer, this is your opportunity to ask
21 questions --

22 MS. SPENCER: But I have to also
23 explain who I am.

24 CHAIRMAN HONIGBERG: Well, no.

1 You need to ask questions. You've identified
2 yourself, and they know where you live and who
3 you are, and this is your opportunity to ask
4 questions.

5 MS. SPENCER: Okay.

6 BY MS. SPENCER:

7 Q. On Table 1-6, Stark Scenic Resources, Item
8 No. 2, explain to me how the visual --

9 MS. DORE: Excuse me. I'm sorry
10 to interrupt. I'm really sorry to interrupt.
11 But Art, are you going to file it as an exhibit
12 or --

13 MR. CUNNINGHAM: Yes, these will
14 be identified.

15 MS. DORE: Okay. Can you
16 identify it right now as a number or --

17 MS. SPENCER: It's 338 Percy
18 Road.

19 MR. CUNNINGHAM: No, no. To my
20 memory, this will be Dummer Exhibit 66, I
21 think.

22 MR. NEEDLEMAN: And Mr. Chair,
23 we're going to object to this exhibit.

24 CHAIRMAN HONIGBERG: Okay.

1 We'll deal with that when we need to. But it's
2 marked, or it will be marked, I think Mr.
3 Cunningham thought 66. We'll get that
4 confirmed.

5 I think we're about to get a
6 question from Ms. Spencer about a table that
7 is in the witnesses' report? Is that where
8 this table comes from? Is it something you
9 have in front of you, Mr. Cunningham?

10 MS. SPENCER: Yes.

11 CHAIRMAN HONIGBERG: Since
12 you're going to ask a question of them about
13 it, it probably makes sense for them to know
14 what it is and to be able to see it.

15 MR. CUNNINGHAM: This is Table
16 1.6 on the Stark Scenic Resources.

17 CHAIRMAN HONIGBERG: Can you
18 blow this up?

19 MR. CUNNINGHAM: How do you blow
20 this up, Pam?

21 (Pause)

22 CHAIRMAN HONIGBERG: You may
23 proceed.

24 BY MS. SPENCER:

1 Q. Please describe scenic characteristics of
2 Stark. List out the rate.

3 A. (DeWan) Could you please repeat the question?
4 I didn't catch the last --

5 Q. Please describe the scenic characteristics of
6 Stark and list out the rate.

7 A. (DeWan) When you say "the rate," what are you
8 referring to?

9 Q. I'm referring to the "medium." It's the
10 yellow --

11 MR. CUNNINGHAM: This is the one
12 you're referring to, Karen?

13 MS. SPENCER: Yes.

14 A. (Kimball) The Upper Ammonoosuc River?

15 BY MS. SPENCER:

16 Q. The Northern Canoe Trail, Coos County Trail.

17 A. (DeWan) Again, when you say the rate -- we're
18 looking at a number of columns here that
19 provide information on cultural value, visual
20 quality, scenic significance.

21 MR. CUNNINGHAM: It's the first
22 yellow stripe.

23 A. (Kimball) The Upper Ammonoosuc River received
24 a scenic significance rating of

1 "medium-high."

2 Q. Right.

3 A. (Kimball) Is that what you're looking for?

4 Q. Yes. List out the rate. Please describe the
5 characteristics of that.

6 A. (Kimball) Of the Upper Ammonoosuc River?

7 Q. With the results that you have on that line.

8 A. (DeWan) Those are described in our report.
9 If you want to turn to that particular page
10 in our report, we can refer you to it.

11 A. (Kimball) On Page 1-93 of our report, we go
12 into detail about the visual quality and
13 impact on the Upper Ammonoosuc River.

14 Q. Right. Yes. I can't hear you, so I don't
15 know what you said.

16 A. (Kimball) On Page 1-93 of our report --

17 Q. Right, describe that.

18 A. (Kimball) You would like me to read to you
19 our report?

20 Q. Yes.

21 A. (DeWan) It would take probably 10 minutes or
22 so to read the entire document. I'm not
23 sure --

24 CHAIRMAN HONIGBERG: What pages

1 of your report describe --

2 WITNESS DeWAN: 1-93 provides a
3 description of the Upper Ammonoosuc River in
4 the Northern Forest Canoe Trail in Stark.

5 BY MS. SPENCER:

6 Q. Okay. Have you walked that particular area?

7 A. (DeWan) We've driven a lot of it. We've
8 gotten a chance to walk a lot of it. We've
9 not gone onto private property.

10 MS. SPENCER: Can you put up the
11 campground so they can see?

12 BY MS. SPENCER:

13 Q. This is my interpretation of the existing
14 lines on our campground, the black line. You
15 cannot see any poles. If the power lines are
16 now 45 feet high and cannot be seen above the
17 tree line, do you understand that adding
18 another 52 feet to 56.5 to the relocated
19 towers to the south side of the easement,
20 that they will now be seen year-round?

21 A. (DeWan) I don't know where you're referring
22 to. I will need to see a location map to
23 find out where this photograph is taken from.

24 Q. It's taken across the street from 338 Percy

1 Road where the lodge is, and the easement is
2 behind the lodge. It's a 150-foot easement
3 on 26 acres, northern side.

4 Can you explain the Intermaps that were
5 used for that viewshed?

6 A. (Kimball) Are you interested in the data that
7 was used to complete the viewshed analysis?

8 MS. SPENCER: Can you put that
9 up, Mr. Cunningham?

10 MR. NEEDLEMAN: Mr. Chairman,
11 I'm going to object to that exhibit as well.

12 CHAIRMAN HONIGBERG: Okay.

13 I think she'd like a different
14 one up, anyway, Mr. Cunningham.

15 MS. SPENCER: Just that one
16 there on the top.

17 CHAIRMAN HONIGBERG: Off the
18 record.

19 (Discussion off the record.)

20 BY MS. SPENCER:

21 Q. Okay. Those two graphs on top.

22 A. (Kimball) Sure. The data that's represented
23 in the cross-section is taken from Intermap
24 data that was purchased for the analysis done

1 for this project. It was the most accurate
2 data available to us.

3 So, the upper line, the green line,
4 represents the DSM, the digital surface
5 model, representing trees and buildings on
6 site. And the brown line at the bottom
7 represents the terrain. We cut sections from
8 particular viewpoints that are shown in the
9 plan below and attempted to represent the
10 location and height of the buildings that
11 were also captured in those sections to
12 demonstrate potential visibility across those
13 two sections.

14 A. (DeWan) My recollection was -- excuse me.
15 These were prepared following a site visit by
16 the Site Evaluation Committee. A question
17 was raised by one of the members on the tour
18 bus: Will it be visible from Percy Road?
19 And so we didn't know the exact answer when
20 we had the site walk. We decided the best
21 way to answer that would be to go out, look
22 at the site, photograph it and then prepare
23 these cross-sections as Jessica just
24 explained.

1 MS. SPENCER: Okay. Mr.
2 Cunningham, can you put the graph for me,
3 please? That one.

4 Can I say a comment, or it has
5 to all be questions?

6 CHAIRMAN HONIGBERG: Depends on
7 what the comment is. What would you like to
8 say?

9 MS. SPENCER: The graph that he
10 just took down that I was questioning, did
11 anybody stand on Percy Road and make those
12 graphs? To me, the naked eye does not do what
13 these graphs say --

14 CHAIRMAN HONIGBERG: All right.
15 Well, you asked a perfectly valid question.

16 Did anyone stand in front of
17 the location to verify or examine the real
18 view as opposed to this drawing?

19 WITNESS DeWAN: I think she
20 asked did anybody stand on Percy Road and do
21 the graphs. We did the analysis standing on
22 Percy Road. The maps were actually prepared
23 back in our office based upon the topographic
24 information, the viewshed analyses, the

1 location of the structures, the heights of the
2 structures and other data that was pertinent to
3 come up with charts.

4 CHAIRMAN HONIGBERG: Try my
5 question, my version of the question. Did
6 anyone go back to the location and see if that
7 is consistent with what you can see when you're
8 standing in front of --

9 WITNESS DeWAN: Nobody went back
10 to look at these after these charts were
11 prepared.

12 MS. SPENCER: Okay. Can you put
13 up the last one for me, please?

14 As I said earlier, the power lines are
15 45 feet below the tree line. These power
16 lines on this 26 acres are only 400 feet from
17 the back of the lodge. They will all be seen
18 and have a very negative effect on our
19 recreational venue.

20 And that's all I have to say. Thank
21 you.

22 CHAIRMAN HONIGBERG: All right.
23 I think that probably brings us to the end of
24 the day. Is there anything else we need to do

1 before we break?

2 MR. CUNNINGHAM: Just one
3 question, Mr. Chairman. When would you like to
4 have argument on Karen's exhibits?

5 CHAIRMAN HONIGBERG: Generally
6 we would do objections to exhibits at the end
7 of the hearing process as to what gets -- what
8 becomes a full exhibit.

9 MR. CUNNINGHAM: And the reason
10 I raise that question --

11 CHAIRMAN HONIGBERG: Why don't
12 you go to the microphone so people in the back
13 can hear you.

14 MR. CUNNINGHAM: Sure. Karen,
15 on her exhibits, made depictions of the height,
16 in her judgment, where the new power line would
17 be. What's the great uncertainty here, and the
18 reason I want to make this point today, is that
19 we have pending the issue of the pipeline and
20 where precisely the relocated, existing 115 kV
21 line will be and the new DC line. We cannot
22 possibly know where those lines will be or what
23 height they will be and what those elevations
24 that are dictated by the power -- or the gas

1 line will be --

2 CHAIRMAN HONIGBERG: And how do
3 those -- I'm sorry. How do those exhibits
4 relate to what you just said?

5 MR. CUNNINGHAM: Well, I know
6 Mr. Needleman's going to object --

7 CHAIRMAN HONIGBERG: Yeah, I do,
8 too. But I'm interested in the answer to my
9 question. How does what you just said relate
10 to those exhibits?

11 MR. CUNNINGHAM: It relates
12 because I assume what he's going to object to
13 is that they're handwritten depictions of where
14 the power lines are expected to be in the
15 viewshed. The point here, Mr. Chairman, is we
16 have no idea where those power lines will be or
17 what the height will be because of the
18 existence of that 24-inch gas pipeline. So the
19 information is deficient, and until we have the
20 final engineering done on the safety aspects of
21 the location of the new power lines with
22 respect to the pipeline, we cannot provide an
23 accurate depiction of the viewshed issues.

24 CHAIRMAN HONIGBERG: Mr.

1 Needleman.

2 MR. NEEDLEMAN: My objection to
3 those exhibits actually had nothing to do with
4 that issue. But just for the record, to be
5 clear, we know exactly where the line is. The
6 Committee has the drawings, and they have
7 testimony from the construction panel
8 establishing that.

9 CHAIRMAN HONIGBERG: And I think
10 we can hold off on whether those exhibits are
11 full exhibits at this point. I don't think
12 anything you've given us is a reason to
13 accelerate that decision. And I think if you
14 were to force a decision right now, you
15 probably wouldn't like the answer.

16 MR. CUNNINGHAM: No, it's just
17 that I want it on the record, the concern we
18 have.

19 CHAIRMAN HONIGBERG: Yeah, I
20 think you've made that concern very clear in
21 this proceeding, and I think at the Public
22 Utilities Commission as well. You're concerned
23 about the relationship between the lines and
24 the existing pipeline. I've yet to -- it may

1 just be me, and it may be because it's late in
2 the day, but I'm just not seeing the connection
3 between the exhibits that have just been
4 identified and will be marked and that concern.
5 But I think you've put it on the record. We
6 don't need to deal with it right now. I think
7 it's probably best that we not deal with it
8 right now. Is that okay?

9 MR. CUNNINGHAM: Yeah, I would
10 agree with that.

11 CHAIRMAN HONIGBERG: All right.
12 Is there anything else we cannot resolve, or
13 anything we can do?

14 [No verbal response]

15 CHAIRMAN HONIGBERG: All right.
16 We'll break for the day and be back at 9:00.
17 And just as a reminder, we will stop tomorrow
18 between 3:00 and 3:30 .

19 (Whereupon the Day 32 Afternoon
20 Session was adjourned at 5:07
21 p.m., and hearing for Day 33 to resume
22 on September 13, 2017
23 commencing at 9:00)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
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<p>[</p> <p>[No (1) 155:14</p> <p>[sic] (2) 8:18;15:16</p>	<p>actually (45) 4:20;7:15;9:15; 10:13;12:21;16:20; 22:17;23:4;25:2,22; 26:7;27:11;31:8; 34:13;37:15;41:23; 43:10;46:11;47:11; 50:13;55:9,17;56:24; 57:13,20;59:22;62:5; 68:12,17;69:20; 70:19;72:19;74:2; 84:18;91:9,24;95:11; 100:9;107:9;115:24; 118:11;122:17; 133:16;150:22;154:3</p>	<p>ahead (2) 45:19;89:20</p> <p>airport (3) 125:2;129:16; 135:13</p> <p>allowed (1) 139:18</p> <p>almost (2) 54:18;79:21</p> <p>along (6) 9:21;33:24;40:16; 79:8;112:17;131:16</p> <p>alteration (7) 51:21;53:8;73:18; 87:21;91:1,6,18</p> <p>Alternative (2) 44:23;109:24</p> <p>alternatives (1) 95:20</p> <p>Although (2) 3:7;129:22</p> <p>Alton (2) 112:19;114:2</p> <p>always (1) 95:11</p> <p>amended (2) 20:21;21:4</p> <p>Ammonoosuc (5) 145:14,23;146:6, 13;147:3</p> <p>amount (2) 80:4;114:24</p> <p>analyses (1) 150:24</p> <p>analysis (47) 15:8;16:4,6;18:14, 15;23:20;29:13; 31:20;43:5,45;12; 46:10;54:13,21;59:5, 22;60:17;61:2,8; 62:8;63:6;94:24; 95:2;123:22;124:11; 126:10;127:3;128:5, 24;129:4,5,17;131:6, 15;132:5;134:14; 135:6,9,16;136:5,7, 18;137:8,21;138:9; 148:7,24;150:21</p> <p>analyze (2) 61:16;109:17</p> <p>analyzed (3) 44:10;109:14,18</p> <p>analyzing (2) 101:15;110:24</p> <p>angle (5) 82:5;85:2,4; 106:16;107:5</p> <p>announcement (1) 3:8</p> <p>anyways (1) 103:2</p> <p>AOT (2) 89:7;91:17</p>	<p>Apartment (3) 112:19;114:9,14</p> <p>apartments (1) 112:21</p> <p>apologies (2) 26:15;54:12</p> <p>apologize (2) 65:13;77:5</p> <p>apparently (3) 9:16;57:15;124:24</p> <p>appear (5) 60:8;78:7;85:3,6; 128:19</p> <p>appeared (1) 25:20</p> <p>appears (18) 6:24;9:12;14:2; 20:3;24:9;30:5;57:2; 72:21;73:12;82:4; 86:9;89:19,23;97:20; 100:18;119:15; 125:21;133:24</p> <p>Apple (1) 130:1</p> <p>Application (4) 38:14;89:7,11; 121:19</p> <p>Appreciate (1) 88:20</p> <p>appreciation (1) 94:13</p> <p>appropriate (1) 95:7</p> <p>approved (1) 99:6</p> <p>approximately (2) 8:9;31:4</p> <p>approximation (1) 113:23</p> <p>April (3) 14:8;126:20; 137:16</p> <p>architect (1) 57:11</p> <p>architectural (1) 96:8</p> <p>area (87) 7:4,5;9:24;15:16; 26:19;28:8;29:2; 31:14;33:4;34:24; 35:21;37:14;39:17; 40:1,13,21;45:8; 46:12,21;47:6;48:1; 55:13;56:6;61:20; 62:9,16,23;64:14,14, 20;66:24;70:15; 72:11,15;73:20;74:2, 10;78:23;93:8;94:5; 96:17;97:19,21; 101:17;104:4; 107:18,20;108:3,4; 109:12;111:2,10,17; 112:14,21;113:2,7,</p>	<p>10,14;114:6,6,8,11, 21,23;115:16,22; 116:1,14;118:2; 119:2,6;122:19; 125:17,22;127:2,20; 128:1,10,13;129:13, 16;133:7,18;136:12; 142:1;147:6</p> <p>areas (11) 5:10,23;46:6;63:4; 64:3,5,8;66:20;84:8; 134:22;137:23</p> <p>argument (1) 152:4</p> <p>around (8) 47:12,14;77:5; 79:5;80:6;113:24; 114:8;135:13</p> <p>arrive (1) 68:22</p> <p>arrived (1) 100:4</p> <p>arrow (4) 83:14;84:6,13; 117:18</p> <p>Art (1) 143:11</p> <p>aspects (1) 153:20</p> <p>assessed (1) 26:4</p> <p>assessment (15) 4:17;6:20;10:13, 19;40:6,7;49:5;59:7; 60:18;64:16;98:14, 20,22;109:19;126:18</p> <p>assessments (1) 112:4</p> <p>assistant (1) 22:11</p> <p>association (1) 93:17</p> <p>assume (3) 28:10;74:13; 153:12</p> <p>assumed (1) 25:16</p> <p>assuming (1) 59:4</p> <p>assumption (2) 25:10;59:21</p> <p>asterisk (1) 127:10</p> <p>attached (2) 9:4,8</p> <p>attempted (1) 149:9</p> <p>attend (1) 71:15</p> <p>attention (2) 51:1,15</p> <p>Attorney (8) 3:6,24;4:2;11:15;</p>
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