STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

September 13, 2017 - 1:20 p.m.        DAY 33
49 Donovan Street            Afternoon Session ONLY
Concord, New Hampshire

{Electronically filed with SEC 09-22-17}

IN RE:      SEC DOCKET NO. 2015-06
NORTHERN PASS TRANSMISSION -
EVERSOURCE; Joint Application of
Northern Pass Transmission LLC and
Public Service of New Hampshire d/b/a
Eversource Energy for a
Certificate of Site and Facility
(Hearing on the Merits)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Chmn. Martin Honigberg (Presiding Officer)          Public Utilities Comm.

Dir. Craig Wright, Designee                     Dept. of Environ. Serv.
Christoper Way, Designee                       Dept. of Business &
William Oldenburg, Designee                     Economic Affairs
Patricia Weathersby                             Dept. of
Rachel Dandeneau                                Transportation

ALSO PRESENT FOR THE SEC:

Iryna Dore, Esq.  Counsel for SEC
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14
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WITNESS PANEL

TERRENCE DEWAN

JESSICA KIMBALL

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PROCEEDINGS

(Hearing resumed at 1:20 p.m.)

PRESIDING OFFICER HONIGBERG: Mr. Berglund, you may proceed.

CROSS-EXAMINATION

BY MR. BERGLUND:

Q  Good afternoon. I'm Erick Berglund from the Deerfield Abutters. I'd like to say good afternoon to the Chairman and the Committee and to Mr. DeWan and Ms. Kimball.

A  (DeWan) Good afternoon.

A  (Kimball) Good afternoon.

Q  This is a map of Deerfield. And just so you know the area I'm going to be talking about has to do with, well, all of Deerfield, first off, and then I'll zero in on Nottingham Road from the Parade down to 107. Can you indicate that with just your finger?

   Yes. The part from the Parade down to James City. Just that one little segment. Right in there. Okay.

   The right-of-way is proposed to be used by Northern Pass, and that's in the middle of the page marked with dotted red lines. Maybe a
little bit faint. Do you see that?
A (DeWan) Yes, I do.
Q Okay.
A (DeWan) Yes.
Q So Mr. DeWan, did you visit in Deerfield in
preparing your analysis of the aesthetic impacts
of NPT on Deerfield?
A Yes. We did.
Q What areas did you visit?
A (DeWan) You can see a record of that in our
Visual Impact Assessment looking at the
photographs that we collected as part of doing
the work that we did. You've seen the work that
we did in Deerfield Center, the Upper Lamprey
River Scenic Byways, Meeting House Hill. We
rode with the SEC on site tours through the
area. I think we visited about every road
that's in the immediate vicinity of the line.
Q Did you study any traffic patterns in the town
to gauge the impact of Northern Pass
Transmission on travelers?
A (DeWan) When you say traffic patterns, what
specifically do you mean?
Q Well, volumes, potential, just volumes of
traffic and how it would travel relative to
where the power line is and perhaps cause an
impact?
A (DeWan) We do not do traffic volume counts, I
don't believe, in Deerfield.
Q Do you have any sense of drivers' reaction to
potentially Northern Pass if it's there?
A (DeWan) That would depend on factors such as
other transmission lines, other distribution
lines within or adjacent to the right-of-ways,
the amount of tree growth on either side, the
amount of openings that you see in the
landscape, the character of the landscape, the
quality of the villages that you may go through.
Lot of factors will influence how people
perceive the addition of another set of
structures within an existing corridor.
Q Okay. The impact of Northern Pass if it comes
to Deerfield on the citizens is just not
confined to those living near or by or under the
power lines. The vast majority of our citizens
will experience Northern Pass and its impact on
them from driving underneath the lines or
parallel to it or near them. So using traffic
data gathered by Southern New Hampshire Planning Commission, an analysis was conducted of the visual impact of Northern Pass Transmission on Deerfield Road travelers, and this study, this focused on seven Deerfield locations. And you could bring that slide up.

Where roads crossed the right-of-way and there's one scenic drive and that's the one that I asked Robert to point out before from, on Nottingham Road from Deerfield Parade down to Mountain Road.

The premise for this study is that there is no aesthetic pleasure in viewing the proposed Northern Pass Transmission line, its insulators --

PRESIDING OFFICER HONIGBERG: Mr. Berglund, you're testifying here.

MR. BERGLUND: I'm coming to a question.

I'm leading up to it. Okay?

BY MR. BERGLUND:

Q And the towers and monopoles that support it. We wanted to learn how significant these impacts would be on Deerfield Road travelers.

Mr. DeWan, do you agree with this statement
that there is no aesthetic pleasure in viewing
the proposed Northern Pass Transmission, its
insulators, and the significantly higher lattice
towers and monopoles that support it?

A (DeWan) You're reading from a report from a
Planning Commission?

Q No. I'm quoting from my words. I'm asking you
a question.

A Because you referenced a planning report which I
have not seen.

PRESIDING OFFICER HONIGBERG: So after all
that, question is do you agree with the
following statement?

MR. BERGLUND: Yes, it is.

PRESIDING OFFICER HONIGBERG: Why don't you
then ask him, repeat the statement because I
doubt he remembers it.

A (DeWan) Please repeat the statement.

Q Do you agree with the following statement: That
there is no aesthetic pleasure in viewing the
proposed Northern Pass Transmission line, its
insulators and the significantly higher lattice
towers and monopoles that support it?

A (DeWan) I would not agree with that statement.
Q You do not agree. Could you help me understand what the difference is? Why you do not agree?

A (DeWan) You presented it with a universal statement, and we always, with statements like that, we always ask the question, are there times when there may actually be some delight in looking at -- now, granted, that may be a stretch. The other day I came home from work. There was an incredible rainbow which I had photographed over the power line which is part of the Maine Power Reliability Program. Much larger than this Project. It's a spectacular view, and if it wasn't for the transmission corridor, I wouldn't have been able to see this rainbow. Now, granted, that's the exception. And I think that's what I'm looking for. There are exceptions to what you've posited as a universal truth.

Q Okay. I'll accept that.

There were, there are, as noted on this chart, circles that indicate the areas that we measured traffic.

MS. DORE: The Exhibit, Deerfield Abutter 138?
MR. BERGLUND: What's that say, Bob?

MR. COTE: The slide that's here says 138.

MR. BERGLUND: 138.

BY MR. BERGLUND:

Q There are two outlined in black with a green dot in the middle, and those are the high volume traffic areas. One is actually on Nottingham Road. It's parallel to the line. Not crossing. The other one is on Route 107 and 43. And that does actually cross the line.

A (DeWan) I see them. Yes. When you say high volume, do you have traffic counts for those?

Q Yes, I do. I do. Do you want to bring that slide up, Bob, on the numbers?

So to give you a top down, over one year of traffic, with data from the Southern New Hampshire Planning Commission, the number of vehicles that will be crossing all of those points together is over three million, and if you assumed one and a half people per vehicle, that's over four and a half million. That's in one year. So this is not a -- this is significant, and there's going to be a lot of impact. And maybe some, as you suggest, and
maybe a little bit that's positive, but I suspect, I believe it will be mostly negative. So this is a major impact on Deerfield. And we didn't go across the state to look at all of other towns but I guess we could be up into maybe close to 100 million. Who knows?

MR. NEEDLEMAN: Objection.

PRESIDING OFFICER HONIGBERG: Mr. Berglund, what's your question?

MR. BERGLUND: I guess I'm just adding that in as a --

PRESIDING OFFICER HONIGBERG: And you should refrain from doing that, please.

MR. BERGLUND: I'll continue to try and do that. Thank you.

PRESIDING OFFICER HONIGBERG: Mr. Berglund, did you understand what I just said? That you would refrain from doing that going forward, correct?

MR. BERGLUND: I will refrain from doing that.

PRESIDING OFFICER HONIGBERG: Thank you.

MR. BERGLUND: I appreciate the reminder.
Q So moving on to the next topic which is we just had lunch. Time for a walk. Let's take a walk down Nottingham Road.

MR. NEEDLEMAN: Mr. Chair, I'm sorry to interrupt. Were there any questions regarding that exhibit? If there weren't, I'm going to object to it.

PRESIDING OFFICER HONIGBERG: I don't know. I don't recall there being specific questions about that.

MR. BERGLUND: About the exhibit of the traffic?

PRESIDING OFFICER HONIGBERG: Yes. Did you ask any questions about this?

MR. BERGLUND: I asked him if he thought there was any impact on Northern Pass, from Northern Pass on Travelers in Deerfield. And so this was an expression of information that tells us what we found in our study in Deerfield.

PRESIDING OFFICER HONIGBERG: Okay.

MS. DORE: Exhibit 39.

PRESIDING OFFICER HONIGBERG: You may proceed.

PRESIDING OFFICER HONIGBERG: Thank you.
BY MR. BERGLUND:

Q So let's look at the next slide. Nottingham Road Rural Historic just to give you context here. I'm going to walk down Nottingham Road from, and that Historic District is right in the middle, and as we go down the road on the lower side, it's to the south where you can see the right-of-way, towers. The hay fields are visible in this photo just under the word "proposed," and that's the direction that I'm going to show you some photos that I'll ask you some questions about.

So slide number 5.

MS. DORE: That was Deerfield Abutter 46.

MR. NEEDLEMAN: Same issue.

PRESIDING OFFICER HONIGBERG: I don't know how they're ultimately using it. I gather you, Mr. Berglund, you were providing, you were showing the witnesses that map so they had context for what you were about to do. Correct?

MR. BERGLUND: That's correct.

PRESIDING OFFICER HONIGBERG: All right.

BY MR. BERGLUND:

Q This is a view of the existing right-of-way
looking to the south. There's two existing
poles in the hay field and vegetative cover
below.

Mr. DeWan, how would you rate the
aesthetics of this view?

A (DeWan) As I've testified in the past many
times, we don't rate aesthetics or visual impact
on the basis of a single photograph from a
single viewpoint, especially based upon
photographs that we have not taken.

Q Would you agree this possesses scenic quality?

A (DeWan) On Nottingham Road?

Q Yes.

A (DeWan) It does have scenic quality, yes.

Q Does the vegetative buffer play a part in your
valuation of the aesthetics of this view?

A (DeWan) The vegetative buffer that may offer a
certain amount of screening between an
observation point and an object being observed
will definitely play a role in determining its
visibility, lack of visibility or screened
visibility.

Q Does it contribute to the quality of the
aesthetics?
A  (DeWan) By "it," you mean the vegetative buffer?
Q  Yes.
A  That would be dependent upon the makeup of the material that's used to create the screen. In other words, there are certain types of plant material because of their flowering characteristics, let's say, or the color of their bark may be more attractive at close range than others.
Q  What about the durability of the vegetative cover? How is that factored into the aesthetic value of a view?
A  (DeWan) We typically don't look at durability, but I don't know what you mean by durability.
Q  Life expectancy.
A  (DeWan) Life expectancy. Okay. We typically look at the vegetation, the way it exists right now with the assumption that nature being as it is, it will continue to evolve. Some of the vegetation will grow taller. Plant succession. Some of the vegetation may die, but the resource assessments that we do is pretty much looking at the way things are at the time that we took the photograph and visited the site with the
realization that things will evolve.

Q So in essence I'm hearing you say it's a snapshot? It is how it is right now?

A (DeWan) It's a consideration of the way things exist right now.

Q So it's based on that that you make a determination as to the quality of the view?

A (DeWan) That's part of it.

Q If you were certain the vegetative cover would disappear in three years, how would you rate the aesthetics? Would it rate low knowing that the right-of-way would be fully exposed in three years?

A (DeWan) Are you asking me to rate this particular scene or are you just asking hypothetically?

Q I'm asking you how it fits in, this vegetative cover. I think I'm hearing you say it fits in in that first shot and that's it. Whatever happens happens. And there's a risk to that life of the vegetative cover, as I see it, and I wonder how that plays into your thinking.

A (DeWan) Well, we look at what's out there right now, and one of the questions that you ask, is
there a likelihood that it's going to disappear, is there a likelihood it's going to increase in size and perhaps in screen value, is it going to remain the same.

But to answer your question, do we make assumptions about whether or not it's going to disappear in the next X number of years, we generally don't because we typically don't have that information.

Q Right. We all don't have that. But there are forces out there. I mean, you probably heard of some of the insect attacks on hardwoods in New Hampshire and hemlocks. Well, anyway. I wanted to see where this fit because it's key, I mean, it's not, vegetative buffer is not under control of the power company.

A (DeWan) Just like buildings are also. You drive along this road, and there are a lot of buildings, barns and houses and outbuildings that are part of the landscape, but we're assuming they're going to be there for the long run. And I don't know if you can assume that well, maybe there is going to be a fire. Maybe they're going to move the building. We can't.
We have to look at the landscape the way it is right now.

Q The blue horizontal line in that -- yeah, it is blue. That's the believed-to-be height of Northern Pass Transmission towers. That would exceed the height of the vegetative buffer. So would you agree that Northern Pass Transmission towers, structures rising above that vegetative buffer would create an unreasonable adverse impact?

A (DeWan) I will not come to that conclusion. Again, as the reason I stated before, we're looking at a photograph of unknown origin. We also do not make determinations of reasonableness or unreasonableness based upon a single viewpoint. What we're doing, this is, I believe, on the Upper Lamprey River Scenic Byway, and we evaluated that as part of our Visual Impact Assessment. We looked at that particular viewpoint as part of the overall route in these three towns that the byways go through and made a determination about what effect it would have on the continuing use and enjoyment of the people that use the byway and
looked at where it would be visible from, the amount of time that people may be exposed to it as they drive the continuous loop throughout the towns.

Q So you did say, I believe you looked at it through that Upper Lamprey Scenic Byway?
A Upper Lamprey River, yes. I believe it's one of the newest Scenic Byways in New Hampshire.

Q What was the conclusion then? After the look?
A (DeWan) It's in our Visual Impact Assessment. We made a determination of the overall visual impact on the Upper Lamprey River Scenic Byway would be the low to medium range.

Q That's the entire byway?
A (DeWan) That's the entire byway. That is the scenic resource that we're dealing with right here. Not this particular location. Within the byway.

Q So it's the entire byway. Not, you don't look at individual pieces.
A (DeWan) We look at individual pieces.
Q No, I mean similar, separate scores.
A (DeWan) We don't do ratings on individual properties or viewpoints unless the viewpoint
itself is a scenic resource. Like the top of a mountain, let's say.

Q Okay. Thank you.

A (DeWan) Yes.

Q Let's go to --

MR. NEEDLEMAN: Mr. Chair. I'm sorry. We're going to object to this exhibit as well.

PRESIDING OFFICER HONIGBERG: Understood.

MR. BERGLUND: I didn't hear that.

PRESIDING OFFICER HONIGBERG: He's going to ultimately object to that exhibit being a full exhibit in this proceeding.

MR. BERGLUND: The one we just discussed?

PRESIDING OFFICER HONIGBERG: You don't have to do it now. We'll probably deal with it at the end of the entire proceeding, but if you want to talk about it, you can. Or did I misunderstand what you said?

MR. BERGLUND: Well, I guess I'm hearing an objection.

PRESIDING OFFICER HONIGBERG: To the exhibit that just got pulled from the ELMO. I may have misheard what you said. Yes. His objection was to the exhibit that just got
pulled from ELMO becoming a full exhibit in this proceeding.

MR. ROTH:  Mr. Chairman?

PRESIDING OFFICER HONIGBERG:  Mr. Roth.

MR. ROTH:  The objections by the Applicants to a number of exhibit today suggests a new path that we were not familiar with in that it has not been the practice where one must object to every exhibit as it comes up if it's objectionable. And so I guess I'm looking for some clarification. It's been my understanding that exhibits are objected to at the end when they're all submitted.

PRESIDING OFFICER HONIGBERG:  That has been my expectation, Mr. Roth.

MR. ROTH:  And that you don't need to reserve your rights by making an objection during the hearing.

PRESIDING OFFICER HONIGBERG:  That has been my expectation, Mr. Roth.

MR. ROTH:  I'm concerned that this is causing more delay in the proceeding and it's perhaps unfairly derailing some of the people who are trying to admit these things and move
along in their cross.

PRESIDING OFFICER HONIGBERG: I don't know about the last part. And as for whether this is causing delay, I would consider this a drop in the bucket. Mr. Needleman?

MR. NEEDLEMAN: And that's perfectly fine with me. Just to be clear, the only reason I'm objecting is because I was told early on to make the objections at the time they were presented.

PRESIDING OFFICER HONIGBERG: I think there may be instances where if when Mr. Needleman makes an objection someone wanted to ask a couple of questions about it to perhaps obviate the objection, they might want to do that. I don't get the sense though that Mr. Berglund is using these exhibits as planning to lay them on us at the end as proof of some major truth that is going to be demonstrated by these exhibits. They appear most to be demonstration exhibits, chalks as lawyers and judges sometimes call them, to help with the discussion with these witnesses. Perhaps I'm wrong about that and you believe that these exhibits prove something that is ineluctable and obvious once we look at them,
but I don't know. What do you want to do with this exhibit at the end of the day?

MR. BERGLUND: Well, it's already in the testimony in two other places so --

PRESIDING OFFICER HONIGBERG: And so we may have a, that it's cumulative because we're going to have the same exhibit multiple places. But if you want to say something else about it, that's fine. If not, you can move on to your next topic.

MR. BERGLUND: Well, I am not setting up any strategy for the future with this discussion.

PRESIDING OFFICER HONIGBERG: Okay.

MR. BERGLUND: Simply put it here for some reasons and to show everybody.

PRESIDING OFFICER HONIGBERG: Fair enough.

MR. BERGLUND: Thank you.

PRESIDING OFFICER HONIGBERG: Ms. Pacik?

MS. PACIK: I'm sorry. And for those of us that are new to the SEC process, I wasn't aware that there would be a big objection at the end with respect to exhibits that have been used.

So just so I can anticipate what's going to
happen and I think some of my other attorneys
that are sitting with me also are a little
confused, but could we at some point, maybe now,
get clarification as to whether there's going to
be some sort of omnibus objection to a lot of
the exhibits?

PRESIDING OFFICER HONIGBERG: I think at
the end of the process before the SEC,
historically, the parties have basically gotten
together and said what are the exhibits that no
one objects to and what exhibits have objections
associated with them. And then those that have
objections get presented to the decision maker,
and they decide what gets admitted. That's
essentially how that process works here. That's
how the process has worked at the PUC as well.

MS. PACIK: Thank you.

PRESIDING OFFICER HONIGBERG: Ms. Menard,
you have a question?

MS. MENARD: A statement that Deerfield
Abutters actually paid for an expert witness to
help provide materials for our use for this
exact express purpose.

PRESIDING OFFICER HONIGBERG: What exact
express purpose is that?

MS. MENARD: To demonstrate concerns as such as aesthetic impacts of the Projects on Deerfield.

PRESIDING OFFICER HONIGBERG: Is someone going to testify about these exhibits that the Deerfield Abutters are going to be presenting?

MS. MENARD: We will have an expert witness that will be testifying.

PRESIDING OFFICER HONIGBERG: That wasn't my question. Will your expert witness be testifying about these exhibits?

MS. MENARD: Depends on his questions that he is asked.

PRESIDING OFFICER HONIGBERG: No, no, no. The question is is it in your Direct Testimony, what you've prefiled? The Prefiled Testimony of your witnesses. Or is this the only place that they exist?

MS. MENARD: No. This was Direct Prefiled Testimony of Mr. Newman, our historical expert.

PRESIDING OFFICER HONIGBERG: Then that's how you are sponsoring those exhibits. You have a witness that is testifying about what these
exhibits are and how significant they are. That's how you get exhibits in front of us. You can do that through your witnesses or you can do that through somebody else's witnesses. You could show this witness panel some pictures and ask them questions about it, and that might make them full exhibits. I'm going to recommend, again, that you have, you confer with some of the attorneys about how this process works.

Anything else on this topic now? Mr. Berglund, you may proceed.

MR. BERGLUND: Thank you.

BY MR. BERGLUND:

Q This is a view to that hay field I mentioned up front earlier on. A conserved publicly accessible field which is under conservation easement. It's about 200 feet down from the previous view. And the current 75 foot monopoles in the ROW are clearly visible in the hay field.

I'll ask the question, but I think I know the answer, Mr. DeWan. And it's to ask your rating of the aesthetics here, and I think I hear you saying you wouldn't do that.
A  (DeWan) I'll repeat my former answer and response.

Q  Would you agree that it possesses scenic quality?

A  (DeWan) As I mentioned before, this is Nottingham Road, correct?

Q  Yes.

A  This is part of the Scenic Byway. Yes, it does possess scenic quality.

Q  I'll refer to this view now as a normal view, and to use Mr. DeWan's title from the other day, photo simulation based on this normal view and that's next.

MS. DORE: And that was Deerfield Abutter 139. And now it's Deerfield Abutter 43.

Q  This shows three lattice towers presumed to be Northern Pass Transmission on the hay field on the hill. Two lattice towers to the right should be monopoles based on the current Northern Pass design as we understand it. The Northern Pass line here in this picture is clearly above the vegetative cover. Again, how would you rate the aesthetics? And you don't need to answer because I know the answer.
A (DeWan) I will not go there.

Q Possessing scenic quality, do you think it possesses scenic quality?

A (DeWan) If I were to rate this, it would have to be based upon current accurate information. And I don't see anything here that says this is an accurate depiction of what this scene may look like in the future.

Q So if I asked you, and I will, do you agree that this would produce an unreasonable effect on aesthetics?

A (DeWan) I would respond the same way; that we don't judge individual views, but this would be part of the impact to the overall experience of driving the Upper Lamprey River Scenic Byway.

Q Let's move on to the next visual.

MS. DORE: Deerfield Abutter 38?

Q Yes. This is a view to the hay field from private property. Leaf on. It was taken from the ground level. Right-of-way is barely visible. You have to look real hard. And, again, my same questions and I think I know the answer so I won't -- rating the aesthetics and the scenic quality, I'll accept the same answers...
that you gave before.

Considering this line and its structures will be fully visible, do you agree this would result in an unreasonable adverse visual impact?

MR. NEEDLEMAN: Objection. Asked and answered.

PRESIDING OFFICER HONIGBERG: Yes. That's sustained. Move on to another question.

MR. BERGLUND: Okay.

BY MR. BERGLUND:

Q So the next visual is the same as similar view but not exactly the same leaf off to demonstrate what's hiding behind those trees. So I have no questions on that, but I have one last question.

In your description of your process for gathering information, investigating and doing this work to assess the aesthetic qualities and how this will work with Northern Pass Transmission you use databases. You said that was sort of an initial going out to all these databases and pulling information in and then that was, I understood it to be your universe for further work.

A (DeWan) Not the total universe. It was the
starting point.

Q Okay.

A (DeWan) Yes.

Q My question is this. It has to do with the quality of that data in the database and how your process did quality assurance. In other words, ensure that the data that you were receiving from the database, all these databases was in fact accurate and true to what actually existed on the earth, okay? In other words, let's say you made an assumption that all X lands were open to the public and you didn't have all X lands because there was some in this population that were not in the database. So do you understand what I'm asking?

A (DeWan) That's a very good question. I'll let Ms. Kimball answer that. She's the one that started and worked on a lot of the database work.

A (Kimball) So we use a number of different data sources. One of the database sets that we used is managed by GRANIT. I believe it's through the University of New Hampshire, and that lists all, for example, conservation easements or
water bodies. It lists them out. In addition to that database, we also use the National Conservation Easement Database that's available online. There were some variations between the two databases, but we're using multiple sources in an attempt to cover the basis.

We also used master plans. In the case of Deerfield, the community has done a really nice job of identifying all of their conservation areas in trail maps as part of their 2011 Deerfield trail inventory and plan so we used that as well. So in an effort to account for accuracy, we pulled from a variety of sources.

A (DeWan) If I could add to what Jessica just said, the other thing which we've done, of course, is once we had the data we then had to go out and field verify it. Just to use the Deerfield example, we looked at dozens of conservation properties, some of which have had public access and some of which has no public access.

Just as an example, the Getty property. Beautiful piece of property. I think it was listed in the source as being publicly
accessible. We went there. There's a no
trespassing sign. These things change. And so
what things say on the written record has to be
verified. That's one of the reasons that we do
such extensive field work.

Q Well, there's different legal of verification.
Did you go out and sample in various towns or
did you look at everything from all the
databases?

A (DeWan) We did a very thorough drive-through
for, you know, throughout the entire study area
looking at the scenic resources that were
identified.

Q How do you know what your confidence level is in
terms of accuracy of the data and information
that you're using to make these reports on your
proposals?

A (DeWan) We're very confident in them.

Q So you just, you're confident based on, I think
I'm hearing you say your process, you think
that's --

A (DeWan) The process, the source of the data, the
fact that a lot of it comes from the state. The
Granite. Source. Then field verification.
Cross-checking with other data sources.

Q Okay. That's it. Thank you very much.

PRESIDING OFFICER HONIGBERG: All right. Going to circle back now I think to Mr. Judge and Ms. Lee.

Mr. Judge, you may proceed.

MR. JUDGE: Thank you.

CROSS-EXAMINATION

BY MR. JUDGE:

Q My name is Steve Judge, and I represent the McKenna's Purchase in Concord. You have been there, Mr. DeWan, is that correct?

A (DeWan) I have been there.

Q You met Ms. Kleindienst who is sitting at the table over here when you went there back in 2015?

A (DeWan) I can't verify the date but yes. We walked the site with several residents of the community.

Q And you went there after a public meeting in Concord that requested photo simulations be done of McKenna's Purchase; is that correct?

A (DeWan) I don't recall the sequence of events. We were asked to go there to take a look at it
firsthand.

Q Okay. And what I'm showing you is an Attachment 8. It's a photograph that you took. This is 8-70. Can you see that?

A (DeWan) Yes. You're looking at a page from our Visual Impact Assessment.

Q There's three different photographs on that page. Is that correct?

A (DeWan) That's correct.

Q One is Yvonne Court and one you describe as north of Yvonne Court, and then the last one you describe as the southeastern end of Yvonne Court.

A (DeWan) That's correct.

Q And you have an aerial image here that you are describing in photograph 1, 2 and 3?

A (DeWan) That provides the location of those photographs.

Q That's right. So I blew up one section of it to confirm that it's the same. So the photograph was taken on April 29th, 2015, 10:50 a.m., is that correct?

A (DeWan) That's what it appears to be, yes, from the date stamp.
Q What you say here is number of transmission
structures visible in the photo simulation is
two.

PRESIDING OFFICER HONIGBERG: Steve, the
folks in the back cannot hear you.

Q I'll move over here. You see the number of
photo simulation structures, number of
transmission structures is two. Is that in
reference to the existing or the proposed?

A (DeWan) The photo simulation shows the proposal.

Q Okay. I have a few exhibits at the beginning of
this, and then I'll get off exhibits and it will
move a lot faster.

So this is the existing photograph. Can

you see that?

A (DeWan) Yes.

Q This is the proposed.

A (DeWan) That's correct.

Q How many structures do you see?

A (DeWan) I see two structures.

Q You don't see three structures?

A (DeWan) No. The two vertical elements on the
right are part of a H-Frame structure so
technically it's one structure.
Okay. So what you've put into this is a H-Frame structure?

That's what is being proposed in this location.

Okay. Going back to the technical information. You identified the distance to the visibility structure as 290 to 350 feet?

(DeWan) That's what it says on the chart there.

Okay. Well, why does it say that? Did you measure it?

(DeWan) When we do our imagery, we use a GPS to record where the photograph is taken from. Then using the information supplied to us by the engineers we are able to determine the distance to those two structures.

Did you rely upon the measurements that Mr. Chalmers did for McKenna's Purchase?

(DeWan) I don't know what measurement you're talking about so no.

So the width of the right-of-way you say here is 245 feet?

(DeWan) That's what we say, yes.

And let me represent to you that the photos you took were right on the edge of the right-of-way. So could you explain to me how the distance to
the structures could be 350 feet if the width of
the right-of-way is 245 feet?

A (DeWan) I don't understand your statement when
you said that we were right on the edge of the
right-of-way when we took the photograph.

Q What I'm suggesting to you is that you were
within 10 to 20 feet of the edge of the
right-of-way. And the right-of-way is 245 feet.
So the structures are contained within the
right-of-way. So there can't be structures 350
feet away. I'm not good at math. But I'd just
like you to help me out on that.

A (Kimball) I'm just looking at an aerial
photograph from just the general location of
where I believe that photo was taken between
these two townhouses. It looks to me that the
edge of the right-of-way is approximately 120
feet from this location?

Q You see the document that I've got put up for
you now?

A (Kimball) Yes.

Q There is from JT Municipal Exhibit 274?

A (Kimball) Yes.

Q You see the edge of the right-of-way is a red
line?

A  (Kimball) Yes.

Q  And you see the box that's outlined in this exhibit?

A  (Kimball) Yes.

Q  Is that where the photograph was taken?

A  (Kimball) There's no representation on this map that shows where the photograph was taken.

Q  So, Mr. DeWan, do you know how far you were from the edge of the right-of-way when you took this photograph or when you created this exhibit?

A  (DeWan) As I mentioned, I believe that when we took the photograph, we recorded the location with a GPS unit that was attached to the camera which we were then able to use to locate ourselves on the face of the earth.

Q  So you located yourself on the face of the earth. How did you locate where the structures were going to be?

A  (DeWan) We used the information provided to us by the engineers that is designing the Project.

Q  Let me show you another photograph of the same site. This is your photograph on top. I'll represent to you that my math is not very good.
I don't know about theirs. This is Unit 144 on the left and Unit 135 on the right. Would you agree with me looking at the bottom photograph that depending upon the season that you take a photograph the view changes?

Q Are you all set?

A (DeWan) Yes.

Q You submitted this photograph with your testimony, but you took other photographs; isn't that correct?

A (DeWan) I believe typically when we do this sort of photographic assignment we'll take several hundred photographs.

Q How many photographs did you take of McKenna's Purchase?

A (DeWan) I have no idea. As I said, typically several hundred.

Q Were your asked to produce all the photographs that you took?

A I don't know if we have been asked to produce those or not.

Q If you were asked to produce them, you have not
produced all of them, is that correct?

A (Kimball) I believe we provided all photographs that we took as part of our work on this Project.

Q So I've seen five photographs. Five photographs from McKenna's Purchase, and your testimony is that you only took five photographs?

A (DeWan) No. I just testified that we took hundreds of photographs. Probably took hundreds of photographs when we were out there.

Q I'm asking about McKenna's Purchase. Did you take hundreds of photographs at McKenna's Purchase?

A (DeWan) That's correct, yes, during the course of our site work that day.

Q And my question is did you produce all of those photographs to this body?

A (Kimball) I believe that all photographs that we took as part of our work on this Project were provided in one of the discovery requests.

Q That's not my question. I am asking whether you provided it to the Site Evaluation Committee.

MR. NEEDLEMAN: Objection. There's no obligation to provide it.
MR. JUDGE: I believe there was a request from the Committee for the photographs to be produced.

PRESIDING OFFICER HONIGBERG: Really?

MR. JUDGE: I'm one of those who's not here very often so I'm relying on totem pole hearsay. I'm ready to move on.

PRESIDING OFFICER HONIGBERG: I don't recall such a request.

MR. JUDGE: Okay.

BY MR. JUDGE:

Q So your testimony is that in the discovery you provided hundreds of photographs that were taken at McKenna's Purchase.

A (DeWan) I can't verify the actual number. As I said, I typically provide that order of magnitude of photographs just to cover all the bases, and we provided all the photographs that we took during that day out on the site.

Q You provided them to the Applicant.

A (Kimball) No. As part of discovery.

Q Okay. This is another photograph that you took; is that correct?

A (DeWan) That is correct. The same day.
Q There's no number on this. I can't identify it as an exhibit. It's just something that you took on the same day. Is that correct?

A (DeWan) That is correct.

Q It's not been marked as an exhibit as far as you know?

A (Kimball) It may have been shown in previous questioning.

Q Yes, I think it was shown without the technical information on the bottom, and I will say for the record that our method of producing it has turned the houses green. They're not actually green.

PRESIDING OFFICER HONIGBERG: It's very attractive, but do you want to mark this for some purpose?

MR. JUDGE: No. It's a chalk.

PRESIDING OFFICER HONIGBERG: Okay. It's a green chalk.

MR. JUDGE: It's a green chalk.

Q Here is a nice pretty chalk. That was 70 and 71 of Brenda Court, and this is, again, the same point, depending on when you take the photograph it's different.
A (DeWan) Could you go back to the initial green-tinted photograph?

Q Yes, I'd love to.

PRESIDING OFFICER HONIGBERG: Off the record.

(Discussion off the record)

Q This was taken in 2015, I believe. The same day that you took the other photographs.

A (DeWan) What was date of the next photograph that you --

Q It's much more recent. It's a different season.

A (DeWan) The reason I ask is I'm looking at the relative position of the transmission instruction here with the pine trees, and the next photograph, if you could put that on. All of a sudden the trees have gotten a lot larger. As we discussed in the past, trees grow and they change, and they do provide additional screening.

Q Right. 2015 was a couple of years ago. And I will draw your attention to the pole. See where I'm pointing?

A (DeWan) I see a stake in the ground. Yes.

Q That is the edge of the right-of-way. I'll make
a representation to you. Would you agree with
me that this house is not 150 feet from the edge
of the right-of-way?

A (DeWan) It looks like one corner of house may be
very close to the right-of-way. I don't know --
I only see one data point for the right-of-way.
I'd need to have several sequence of posts like
that to establish where the right-of-way
actually is.

Q So we go back to your photograph. You say
distance to visible structures is 325 feet.
Right-of-way is 245 feet. That house would have
to be at least -- I'm not doing math. A hundred
feet from the edge of the right-of-way?

A (DeWan) Well, remember, we're in the parking
area here quite a ways away from the two homes
right here.

Q It says distance -- okay. So the distance is
not from the structures? It's from where your
camera is set up?

A (Kimball) The distance that we provide in the
technical information is the distance from where
the photographer is standing to the nearest
visible structure. It doesn't have anything to
do with the edge of the right-of-way.

Q And it doesn't have anything to do with how close the structures are to the buildings?

A (Kimball) Correct.

A (DeWan) One of the requirements in the SEC rules is to provide a distance to the Project. We're assuming by that they mean the distance from the observation point. That's one of the reasons why we use the GPS unit to record the location of all of our photographs.

Q And this is the photograph that you took on the same day showing the proposed structures?

A (DeWan) This is a photo simulation using that photograph. Yes. This was in April, I believe, and this, as I said, was just recently taken.

Q You have stated in your testimony that you use an objective standard in determining whether there's an impact or not; is that correct?

A (DeWan) We use a methodology that's outlined in our Visual Impact Assessment, and the first chapter under Methodology is a methodology that we've used extensively over the last several decades.

Q Do you remember my question?
A (DeWan) Do we use an objective methodology?
Q Right.
A (DeWan) We feel that it's an objective way of looking at the landscape and doing the evaluation.
Q So you would agree with me that you use an objective standard?
A (DeWan) We feel it's an objective way of looking at the landscape and making determination.
Q And the first part, you would agree with me also that each step along the way is important in your process; isn't that true?
A (DeWan) Absolutely.
Q And the first thing you want to do is to write a succinct Project description so the viewers can understand, and you specifically say the color, height and design of the transmission structures. Isn't that -- that's very important, is it not?
A (DeWan) That's correct.
Q And each component has visual qualities that are factored into the evaluation of visibility, and their potential to affect the aesthetic characteristics of the surrounding landscape.
That's also correct, right?

A (DeWan) That's correct.

Q And the Applicant gave you incorrect information initially because the crossarms were actually 3 to 5 feet higher than you've used; isn't that correct?

A (Kimball) The information that we received that showed the location of each structure was accurate, and the location of the crossarms in that data was accurate. What was not accurate at the time was the 3-D structure models that were used to superimpose on that data in the photo simulation which was corrected a year ago.

Q Right. So my question is, the Applicant gave you incorrect information initially. The crossarms were actually 3 to 5 feet higher than what you used; is that correct?

A (Kimball) The data, the photo simulations that were submitted most recently are correct.

Q You didn't answer my question. Did the Applicant initially give you bad information, the wrong area of where the crossarms were? Do you understand the question?

A (Kimball) I do, and it was not wrong. It was
just updated at a later time. So they never
gave us wrong information. They gave us
information that was later redesigned to be
slightly different.

Q So if there's a letter from counsel in the file
saying that the plans were changed but you were
not informed that the plans were changed, and
you did your work and then subsequently they
informed you that the plans had been changed,
that's not your understanding?

A (Kimball) No. That's what I -- that's my
understanding.

Q So I think the record will be clear on that.
Hopefully.

So having talked about how important it is
to have succinct Project description and talk
about the color, height and design of the
transmission structures, let's look at the note
that you put on the photographs. Tell me if I'm
reading this correctly.

Right in the middle. Simulation is based
upon preliminary design plans. Structure,
design and location will be finalized during the
detail design and permitting process. Published
February 26th, 2016.

Did I read that correctly?

A (DeWan) You did.

Q So you don't know where the structures will be, do you?

A (DeWan) That is not a correct statement. We used the information provided us by the Project engineer based upon their work that locates the structure and the X, Y, Z axes, and we're using that as the basis for developing our photo simulation and doing our computer modeling and doing our photo simulations. What this says is that this is based upon the design plans as they currently existed at the time that we did our work in February of 2016.

As Jessica has pointed out, and I think we've heard continuously, plans continue to evolve as further work is done. This is typical of any type of Project involving a very large amount of infrastructure. That you develop Projects to a certain point at which point then you start doing the analysis for the Committee to approve. As it comes time to do actual construction, at that point you then do the
final design.

Q So let's see if we can unpack that a little bit. You took photographs in McKenna's Purchase in 2015. We've established that, correct?

A That's correct.

Q Have you updated those photographs at all?

A (Kimball) The photographs themselves that are used in the photo simulations?

Q Yes.

A (Kimball) I don't believe that we have -- we certainly haven't updated the photo simulations since 2015.

Q So all of these changes that you're talking about, they have not been produced in this proceeding; is that correct?

A (Kimball) All of the photo simulations that we produced have been provided in the proceeding.

Q That's not what I asked. I just got a long answer about how Projects change, and you have to adjust things. I'm trying to establish that as far as McKenna's Purchase is concerned, they're my client, they're a condo association, that's who I'm interested in, you provided photographs in 2015 that showed the proposed
land. That plan has changed, isn't that correct?

A (Kimball) It has not changed. The change, the three-foot change in the crossarm location, I believe, only impacted the DC portion of the line which ends quite a bit further north than the McKenna's Purchase location.

Q So have you looked at the plans that the company has submitted here and do you know that they say on the plans that they're preliminary design and they're not final?

A (Kimball) That's why we have that note in our photo simulation.

Q Well, you have that note in your photo simulation because the company hasn't told you where the final, because the company doesn't know where the final structures will be. Isn't that correct?

A (Kimball) No. I believe that the location is correct.

Q So if the Construction Panel testified that they didn't know, they couldn't say exactly where the structures were going to be, you think they were incorrect about that?
MR. NEEDLEMAN: Objection. I think that misrepresents the Construction Panel testimony.

MR. JUDGE: Pretty good memory about that. That's a point that I drove home.

PRESIDING OFFICER HONIGBERG: You can answer the question.

A (Kimball) We're working with the most up-to-date information that we have, provided to us by the engineers.

Q But you haven't changed the document that you provided for McKenna's Purchase, right?

A (Kimball) There have been no updates that we've received from the engineers since these photo simulations that were done that would change the photo simulation.

Q Wouldn't it be important for you to know if there had been updates?

A (Kimball) I'm sure that if the engineers changed the height and location of one of the structures in the photo simulation we have received it.

Q That's not my question. Wouldn't it be important for you to know if there had been changes?

A (DeWan) If there had been a significant change.
Let's say they added different structure type or they substantially increased the height of a structure, we're in constant communication with the Engineering Department that we have been working with, and I think based upon our track record of working with them, they would have informed us of those changes.

Yes, there may be some slight changes with the horizontal position of a structure moving down the line slightly, but I think what we're representing here is a good view of what the Project will look like in the future and how it may affect people who now live in McKenna's Purchase.

Q Can we agree that what you're showing here is what you thought the Project looked like in 2015, and the information you were given at that point was incorrect?

A (Kimball) That data is still the most up-to-date data that we have.

Q Okay. That's good. So you haven't learned anything since 2015. That's the most up-to-date data that you have.

A (Kimball) In this section of the Project, yes.
Q Can you tell me whether there will be latticework or monopoles in the transmission corridor by McKenna's Purchase?

A (Kimball) It will be a combination of monopoles and H-Frame structures, I believe.

Q Can you tell me which one will be in each location?

A (Kimball) Not off the top of my head.

Q I don't care where you get it from. Can you tell me which one will be in which location? Do you know whether each of these poles will be a latticework or a monopole? Do you have that information?

A (Kimball) Yes.

Q Where is that information on the document that we're looking at?

A (Kimball) The photo simulation document?

A (DeWan) It's not on the document we're looking at. We're looking at notes right now.

Q The document that you produced from McKenna's Purchase in 2015.

A (Kimball) If you zoom out a little bit here, just so we're not looking at this note, but the technical panel?
Q The technical panel. I'm sorry. That one.
A (Kimball) So under the proposed column.
Q Yes.
A (Kimball) What's visible in this photograph
you'll see there's a 115 kV structure type which
is going to be a weathering steel monopole at
87.5 feet. The 345 kV structure will be a
weathering steel H-Frame structure at 70 feet.
Q And you're reading from a column to the right
side of this technical information?
A (Kimball) That's correct.
Q What does it say at the top of the column?
A (Kimball) That's what's proposed.
Q It says proposed, right?
A (Kimball) Yes.
Q So you don't know what the final structure is
going to look like, do you?
MR. NEEDLEMAN: Objection. Asked and
answered.
PRESIDING OFFICER HONIGBERG: I'll sustain
that.
MR. JUDGE: Well, she's danced around it a
lot.
PRESIDING OFFICER HONIGBERG: Try it a
different way.

BY MR. JUDGE:

Q  The document that you, that we're looking at here in 2015 does not contain any final information from this Project; isn't that correct?

A  (Kimball) The term proposed here is --

Q  Do you understand the question?

PRESIDING OFFICER HONIGBERG:  Mr. Judge, try not to be rude to the witness.

MR. JUDGE:  I will try.

PRESIDING OFFICER HONIGBERG:  Thank you.

A  (Kimball) Repeat your question, please?

Q  The document that we're looking at that was produced in 2015 which contains proposed information regarding the transmission corridor at McKenna's Purchase does not contain any final information about the location of the structures or the type of structures. Nothing in this document that shows that. Isn't that correct?

A  (Kimball) This document is based on the latest plans that we had at that time and still have to this day for the Project.

Q  Okay. So we're back to confirming that you got
information in 2015 and you have nothing since then.

A (Kimball) For this location.

Q Yes.

A (Kimball) Correct.

Q So another step in the process is the legal framework; is that correct?

A (DeWan) Which process are you referring to?

Q Your process by which you develop your testimony, you developed your opinion in this case. You listed it out. You said the first thing is to do a Project report, and then you said another important step in the process is to understand the legal framework.

A (DeWan) By legal framework here, we mean an answer to the question what are the rules that we have to play by.

Q And to quote exactly from your testimony, you said legal framework as explained to us by counsel; is that correct?

A (DeWan) That's correct.

Q And your conclusion is that based on your extensive analysis that Northern Pass will not have an unreasonable adverse effect on
aesthetics; isn't that correct?

A (DeWan) That is our overall conclusion. That is correct.

Q You concede that Northern Pass will be a highly visible component of the landscape in some sections; is that correct?

A (DeWan) That is written in our final VIA.

Q But it will not create an unreasonable adverse effect on aesthetics.

A (DeWan) That is correct.

Q So am I correct to assume that there will be reasonable adverse effects on aesthetics?

A (DeWan) There will be expected adverse effects in some places. It will be visible in some places and maybe highly visible in some places.

Q I asked you earlier about this standard, and you told me that you were using an objective standard; is that correct?

A (DeWan) We used a professional standard that we have used for many years to develop our Visual Impact Assessment and to evaluate the existing quality of the existing landscape.

Q And your testimony that making a distinction between what's reasonable and what's
unreasonable is objective?

A (DeWan) To determine whether or not a Project is unreasonable, we're using the standards created in the SEC rules that outline very specifically what considerations have to be taken to make a determination as to whether or not there is an unreasonable adverse effect on aesthetics.

MR. JUDGE: Mr. Chairman, could you instruct the witnesses to answer the questions?

PRESIDING OFFICER HONIGBERG: They know they need to answer the questions. Is it your view that that was not responsive to your question?

MR. JUDGE: It is my view.

PRESIDING OFFICER HONIGBERG: Why don't you repeat the question and we'll see. Maybe we'll get a slight variant to the answer this time.

MR. JUDGE: I'll move to strike the answer to that question then.

MR. NEEDLEMAN: Objection.

PRESIDING OFFICER HONIGBERG: That's denied. Do you want to ask the question again, and we'll see if we get a different answer?

MR. JUDGE: Indeed I do.
BY MR. JUDGE:

Q Would you agree with me that making a
distinction between an unreasonable adverse
effect and a reasonable adverse effect is a
subjective decision?

A (DeWan) No. I would not agree with that
statement.

Q How is it objective?

A (DeWan) Well, again, if we could go to the
rules, they have several criteria that one has
to use going down the line, and I don't have
those right in front of me, but if you'd like we
could look at those. And those are the, as we
understand it, the directions to us as the
Applicant and the Committee as a reviewing
agency that you have to follow in making that
determination.

Q So let's talk about one of those rules. You
cite in your testimony, 301.05(a). That's the
SEC rule, and it talks about aesthetics and it
talks about your obligation to describe the
effects of and plans for avoiding, minimizing or
mitigating potential adverse effects of the
proposed facility on aesthetics.
Do you have that rule in mind?

A  (DeWan) Yes.

Q  So that rule, the question of whether it's unreasonable, that's the standard for the Site Evaluation Committee. That's not your standard, is it?

A  (DeWan) They ultimately have to make that determination. That's my understanding.

Q  Yes. What you're supposed to be determining, according to the rule, is whether there is a potential adverse effect. Isn't that correct?

A  (DeWan) That is correct.

Q  And you created the photo simulations because transmission lines have a potential adverse effect on the aesthetics of private property, isn't that true?

A  (DeWan) We're not dealing with the effects on private property here, as you know. We're dealing with the effects on scenic resources.

Q  So I think this goes back to the legal standards that you were informed of by counsel. RSA 162-H:1, Declaration of Purpose, for the SEC is to determine whether entities have significant impacts on a bunch of things including
aesthetics, and the rule that we just looked at talked about potential adverse effects on aesthetics. It doesn't say anything about scenic resources. Do you agree with me that the question of aesthetics is also applied to private property?

MR. NEEDLEMAN: Objection. Asked and answered, and it calls for legal conclusion.

MR. JUDGE: He stated it in his testimony that he needed to have a legal framework and that his legal framework was provided by counsel.

PRESIDING OFFICER HONIGBERG: Yes.

MR. JUDGE: And I don't believe that what he's talking about is consistent with the law.

PRESIDING OFFICER HONIGBERG: You can ask him what he did and why he did it. If you want to argue with him about what the law requires, that's not really going to be a productive thing. But ask him what he did and why he did it.

BY MR. JUDGE:

Q Did you consider the potential adverse effects on private property in reaching your opinion?
A  No. We did not.

Q  Did you consider the potential adverse effects on McKenna's Purchase in reaching your opinion?

A (DeWan) We provided the information on McKenna's Purchase because that was asked of us as we understand it to produce some information for meetings with the City Council in Concord. And also to show people, the residents, what it would look like. I know there was a lot of concerns about what may happen, what may not happen, the earth berm that was out there, how far away it was going to be and so forth. So in order to provide accurate information and to show people what the effects would be, we decided to go visit the site as we've just discussed and to walk the site with them and then to select a couple of photographs that were representative of the overall visual effect that it would have on the closest condominiums to the power line.

PRESIDING OFFICER HONIGBERG: Mr. DeWan, the question was did you consider the effects on McKenna's Purchase in developing your opinions. I think you just said no.
A (DeWan) I think that's an accurate statement.
Q Thank you, Mr. Chairman. You're a landscape architect. Is that correct?
A (DeWan) Registered in the State of New Hampshire.
Q You're not licensed in New Hampshire?
A I'm not licensed in New Hampshire.
Q And you are also?
A (Kimball) Licensed in the state of Maine.
Q Okay. Hold on for that. Let's talk about illumination. What illumination will there be on the structures that are in the corridor behind McKenna's Purchase. Do you know?
A (DeWan) I believe it has been told to us by the engineers there will be no illuminations of those structures.
Q Are those structures by the Concord Airport?
A (Kimball) They are north of the Concord Airport.
Q Does the FAA require illumination on structures in the area of airports?
A (Kimball) There is a specific area that required illumination. I don't believe the structures behind McKenna's Purchase are included in that section of the transmission line.
Q The statement that you just made that the engineers had told you that there will be no illumination on those, do you have that in writing?

A (Kimball) They provided us with data points of all of the structures that would have lights, and those are located primarily to the east of the airport. McKenna's Purchase is quite a bit to the north.

Q And this document that you're referring to, has that been produced in discovery?

A (Kimball) It wouldn't be something that we produced so we wouldn't have produced it during discovery, but I'm assuming it has been included as part of the work done by the engineers.

MR. JUDGE: Mr. Needleman, is her assumption correct?

MR. NEEDLEMAN: I don't have any idea. We can look.

PRESIDING OFFICER HONIGBERG: Let's find out if that's been produced in discovery.

MR. NEEDLEMAN: That particular document?

PRESIDING OFFICER HONIGBERG: What Ms. Kimball just described. I think a map with data
point or maybe it's data points. Maybe it's not a map. I'm not sure. Ms. Kimball, what exactly were you describing there?

A (Kimball) Data from the engineers that showed the location of the illuminated structures.

PRESIDING OFFICER HONIGBERG: Mr. Needleman, you'll check into that?

MR. NEEDLEMAN: Yes.

MR. JUDGE: I missed that last exchange. No objection to that.

PRESIDING OFFICER HONIGBERG: He's going to look.

MR. JUDGE: Okay. Thank you.

BY MR. JUDGE:

Q Are you familiar with the concept of light pollution?

A (Kimball) Yes, I am.

Q And light pollution is particles in the sky that reflect urban light emissions and it blocks your ability to see the stars. Isn't that correct?

A (DeWan) That is one of the definitions of it. Yes.

Q It's also called sky glow.

A (DeWan) That is what some people determine it to
be, yes.

Q And it affects people, particularly astronomers, right?

A (DeWan) It can.

Q And you were questioned by Attorney Pacik yesterday about Concord Country Club and lights in the distance, and your comment was you'd have to use a binocular in order to pick it out. Do you remember that testimony?

A (DeWan) From that location, I believe we were talking about a distance of about three miles away.

Q And three miles away, would you agree with me that lighting such as what you were describing yesterday would result in light pollution?

A (DeWan) Would not result in light pollution?

Q It would result in light pollution. It would affect the ability of the people in the Concord Country Club to be able to see the night sky. Would you agree with that?

A (DeWan) I can't imagine it would affect the ability of the people in the Concord Country Club at a distance of three miles any more than the existing lights that surround the runways at
Concord Airport and any of the other lights or
lights generally in the City of Concord.

Q Do you know what lights are visible from the
Concord Country Club?

A (DeWan) I do not.

Q Okay. Hang on a second, please.

So Mr. DeWan, you have been to McKenna's
Purchase, right?

A I have been.

Q It's an attractive safe quiet neighborhood?

A (DeWan) It's certainly appeared to be a very
attractive, well-kept neighborhood when I
visited it.

Q Are you familiar with something, a concept
called The Great American Neighborhood?

A (DeWan) Yes. As you know, I wrote a book on the
subject for the Maine State Planning Office.

Q And you are a fellow in the ASLA; is that
correct?

A (DeWan) That's right. I was the first one
designated in the state of Maine.

Q Very good. I applaud you for that. And one of
the reasons that you were made a fellow was your
commitment to the highest ideals of livable
communities; is that correct?
A (DeWan) I don't know where you're read that from, but I. --
Q I read it from the ASLA site.
A American Society of Landscape Architects.
Q Yes. There was a little biography of you in 2011 when you were made a fellow.
A I'll agree that's probably there.
Q Okay. So you were asked a question yesterday by one of the people about whether or not you would want this Project to be in your backyard, and your answer was that's personal question. So I want to ask you a different question. I want your professional opinion as a fellow of ASLA and as the author of The Great American Neighborhood, would this Project have a potential adverse effect in a Great American Neighborhood?
A (DeWan) Well, if you were to use this site as an example.
Q Yes.
A (DeWan) You have, might even consider a prototypical Great American Neighborhood. By that we mean a compact, walkable community, you
would have to ask the question, well, what's the interface between surrounding land uses and the residential units and how will that change with the introduction of this Project. We know that one of the things that they did when they built the Project initially and surrounding land use has changed was to install an earth berm between the big box development on the other side and McKenna's Purchase. There was also landscaping installed. And as you know one of the things that's being considered right now and proposed is to relocate the earth berm to add additional plantings and as you saw in the photographs that you supplied, the vegetation that's out there has done remarkably well since the time that we took the photographs.

And so there's going to be some effect on the edges of the development area, and I think that's true in virtually any development we've ever seen. There's going to be some areas that may have views, that may have situations that people may choose not to buy because they don't like that. But as we know now, there are people that, a few people at McKenna's Purchase that do
have an existing view of the facility. Those are the people I think that we're most concerned about, and we took that walk and we stood on their back decks. We looked out. We anticipated what would change. We supplied the photo simulations. We went back to the middle of the parking lot to actually get a more universal view.

And so getting back to your initial question, can it coexist, I would certainly think so because that's one of the things we like to talk about in the Great American Neighbor is we look at some of these opportunities for walkable neighborhoods and areas that provide a great deal of vitality to the community and the surrounding neighborhoods.

Q My questions seem to go through some sort of time warp between me and you. I didn't ask you that question. I asked you the question would having this transmission corridor behind McKenna's Purchase have potential adverse effect on the people who live there and the property. Yes or no question.

A I thought you were talking about the Great
American Neighborhood dialogue.

Q  That's a fair comment. That was my initial comment. Would it have an effect on the Great American Neighborhood, but let's move on because you kind of changed it to McKenna's Purchase.

A  I asked you if we could use that as a test case.

Q  Yes. So my question is, would having a transmission corridor like this behind McKenna's Purchase where the poles are going to be higher, the lines are going to be higher, the arms are going to be higher, would that have a potential adverse effect on the aesthetics of McKenna's Purchase?

A  (DeWan) It will have some effect in a very limited area. One of the things that we found in driving around is that this is a really well-planted, well-vegetated area. And we kept looking to see where is it going to be visible from. And I think our conclusion was primarily in that first row of units where the end units face out usually at a 45-degree angle to the transmission corridor. In virtually every one of those situations there's plantings right now that provide a reasonable visual screen between...
the corridor and those units.

Q And you're assuming in your answer that the structure is built exactly as you portrayed it in the photo simulation back in 2015. Is that correct?

A (DeWan) As we've said before, we used best information to provide McKenna's Purchase with an illustration of what we felt it was going to look like in that time period.

Q And I've asked you several times now whether or not it will be a potential adverse effect, and you have agreed with we that that will be an effect. Let me ask you straight out. Will the effect be adverse?

A (DeWan) Well, as you know, in our evaluation we don't do an evaluation of adverse or unreasonable adverse on specific properties or specific viewpoints. We do an evaluation generally of high, medium or low and I don't believe we did that in this situation because it is not a scenic resource.

Q I'm asking you, sir, as a professional landscape architect, a fellow of that organization, and you, ma'am, as a professional landscape
architect, your opinion about whether or not a transmission corridor would have potential adverse effect on aesthetics of a condominium association like McKenna's Purchase.

A (DeWan) I guess I would repeat my generalized statement, but as well also to add if we were to do that, we would have to go there, revisit it and do an entire analysis like we've done for all of the other scenic resources that we've done. We haven't done a Visual Impact Assessment on McKenna's Purchase.

Q So you're willing to testify that there will be an effect, but you're not willing to -- do you think it's going to be a beneficial effect?

A (DeWan) Well, if you think about McKenna's Purchase, again, let's just assume for the moment that McKenna's Purchase was a scenic resource. It's an area. Remember, we've talked about points, lines and areas. So it's a square area, several acres in size. And so if we were to do an assessment like that, we would take into account the fact that yes, there's going to be some edge conditions where it's going to be highly visible, some that's going to be
moderately visible. The majority of it is probably going to be have virtually no visibility.

So if we were to do this, we would analyze where it was going to be visible from and the effect that it may have, but then do an assessment of the overall McKenna's Purchase. We have not done that so we cannot give you an answer as to whether or not it's going to have what you call an adverse effect.

Q Do you understand that a condominium association all the owners own an undivided interest in it, that they all are affected by what happens on the border?

A (DeWan) From a legal standpoint, yes, that's my understanding.

Q And you're sticking with -- in answering my question you assumed that McKenna's Purchase was a scenic resource. I'd like you not to assume that.

A (DeWan) Okay. I'd like you to assume for the purpose of my question that my understanding of the law is correct and that aesthetics have an application to private property. So based on
your background, both of you, and your
experience, and your having gone to McKenna's
Purchase, would you agree with me that a
transmission corridor that runs along the side
of a condominium association has a potential
adverse effect on the aesthetics of that
property?

MR. NEEDLEMAN: Objection. Asked and
answered.

PRESIDING OFFICER HONIGBERG: You can
answer again.

A (DeWan) I will grant you there's going to be an
effect. But, A, we have not done a evaluation.
We've done one site visit. It would not be
professional for us to render an opinion without
doing a complete Visual Impact Assessment using
the methodology that we've outlined in our
report.

Q Do you have any answer to that question?

A (Kimball) I agree with Mr. DeWan.

Q No further questions.

PRESIDING OFFICER HONIGBERG: All right. I
believe Ms. Lee is going to be next. Why don't
we take five minutes and allow her time to get
set up and others to take whatever break they might need.

And Mr. Needleman, you're looking for an answer to the question that Mr. Judge asked?

MR. NEEDLEMAN: I believe I have an answer. Someone will correct me if I'm wrong. The precise document that Ms. Kimball referred to I don't believe was produced, but there is information that was produced and information that is in the record about exactly which of the structures are required to be lit by the FAA, and I can provide that. It was all produced.

PRESIDING OFFICER HONIGBERG: Okay.

MR. NEEDLEMAN: Applicant's Exhibit 93, page 49, and then the FAA memo that contains the information about lighting structures was provided on March 24th, 2017, as part of the supplementing of the record on ShareFile.

PRESIDING OFFICER HONIGBERG: Thank you.

(Recess taken 2:43 - 2:50 p.m.)

PRESIDING OFFICER HONIGBERG: Ms. Lee, you may proceed.

CROSS-EXAMINATION

BY MS. LEE:
Okay. Thank you. Hi, Panel for Aesthetics. My name is Mary Lee. I live in Northfield. And I did have a look at your Visual Assessment for a property that's very close to where I live in Northfield. And I have before you the map that shows my street, Fiddlers Choice Road, that's connected to the property that you actually used in your Visual Assessment simulation on Oak Hill Road.

I'll show you on the map relative to Oak Hill where I am. This little trapezoid here is my property. It's number 7405. And to approach this very unique property, this light yellow circle is my house. You have to go through the trees, the tree line, and this sandy area is actually my, as I learned from a fellow from Montana it's called a -- I call it a dirt path, but he said it was a two -- what was it? Two-laner or something like that? Which means it's hardly passable by one car. So this is a foot path that's all dirt and sand.

And if you follow this out, this sandy area is part of my driveway, you're approaching it through the trees here. And then this purple
spot where there's a remaining existing
structure is right about where my mailbox is.
Now, if I stand here to collect my mail, and I
walk down Fiddlers Choice Road here, you'll come
to the end of my street. And do you see Oak
Hill Road? You had one property on your
simulation revised version, Oak Hill Road, and
you showed a particular viewpoint of a couple of
monopole, weathered steel monopoles in your
simulation. So if you go from Oak Hill Road
where you did visit my neighborhood, did you
actually visit Fiddlers Choice Road at any time
at all?
A (DeWan) I do not believe we did.
Q Okay. I'm on the Canterbury line so if you took
a right on Oak Hill Road you would approach the
Oak Hill property that you actually took photos
of for your simulation revised version.

But since you're in the neighborhood you
might as well come back down my street here on
Fiddlers Choice, and you'll see I'm surrounded,
it's referred to in your simulation as a
residential rural neighborhood, and it's mostly
farmland. I'm close to the Merrimack River. I
could walk to it in half an hour.

PRESIDING OFFICER HONIGBERG: Ms. Lee, what is your question?

Q Well, my first question was you didn't visit my neighborhood?

PRESIDING OFFICER HONIGBERG: We got that part. They didn't visit your neighborhood. What's the next question?

Q Did you survey part of the Merrimack going through Canterbury or how did you reach the Merrimack in this neighborhood?

I'll show you on the map where the Merrimack is. Is the Merrimack on your left that light yellow stream?

A (DeWan) Yes. We see it there.

Q How did you approach the Merrimack River to do your photo?

A (Kimball) Which photo are you referring to?

Q The one, the segment where you had several views of the Merrimack River.

A (Kimball) In our report?

Q Yes.

A (Kimball) I believe that the -- just going to it now in our report. I believe that the location
that we focused our analysis on was the crossing of the Merrimack River.

Q The crossing by which route?

A (Kimball) Let me get to it here. Is it 104?

Route 3.

Q Route 3, right. Over here. If you, you're looking here, going north from my house, you're traversing here Route 3. And I've traversed from Concord to Route 3, and you can see it as you head toward West Franklin. So you didn't really visit my real neighborhood as far as walking up any of the banks along the power line cut; is that correct?

A (DeWan) We concentrated on looking at recognized scenic resources.

Q All right.

A (DeWan) So yours was a residential neighborhood.

Q Right.

A (DeWan) And did not meet the criteria for a scenic resource under the terms of the rules.

Q Okay. And do you visit if it's purely designated by, say, the town as a conservation zone or if it's designated as part of the care of the Upper Merrimack River Local Advisory
Committee? We have a couple of rivers that are protected. Do you visit the rivers that are protected only?

A (Kimball) We visited the Merrimack River in that area. Is there a specific river that you're referencing?

Q No. Just the Merrimack.

A (Kimball) Okay.

Q And I'm showing you this because it's not only in the conservation zone designated by my town, and I testified at, I believe it was a Construction Panel about construction in a conservation zone, and not only is it a conservation zone, but in the property tax map for Northfield, it's also designated as a Groundwater Protection District. So if you're looking at the aerial view, you'll see it's mostly trees. And it's been described in one of the maps I looked at, and I don't know if it was your map, it was rated as isolated. In another description I know you called it a residential rural area when you rated the place that's up on Oak Hill Road, and it's a similar residential rural area.
Now, I want to show you a very bad photograph next. I took it myself. I took this picture, and I kind of zoomed it up. I took it with a very small flip phone camera. Do you know what that is?

A (DeWan) I remember those. Years ago.

Q Anyway. This is from my kitchen window. This is what I would call my buffer screen. It's about 100 feet from the north, it's 100 feet on the northeast corner of my house to my well area. If this was a better picture, I'm standing here in front of the kitchen sink. This is my buffer zone. And it screens out the power lines, and if I look at it at a certain time of day, early morning, sometimes at dusk, sometimes on a very bright day I can actually see the wooden pole H-Frames that are out in the corridor.

So behind this set of buffer trees, vegetation, this is going to be the approach to my yard and my kitchen window. The proposed 115 kV line is going to be relocated closer to my yard, closer to my well area. I had the engineers from Burns McDonnell visit me, and we
staked, again, the area that would most likely
be cut and trimmed and cleared. I was explained
to, I was explained --

PRESIDING OFFICER HONIGBERG: Ms. Lee.

What is the question associated with the
picture?

Q Okay. This is a screen that I have today out my
kitchen window.

A (DeWan) Is all this on your property right now?

Q Excuse me?

A (DeWan) Is all of these on your trees on your
property or part of them within the
right-of-way?

Q It's within the right-of-way, but I have a very
unique sharing with, the easement is within the
former PSNH clearing of the right-of-way
corridor. It's also, this property is unique in
that it's shared with an abutting landowner who
lives in Charlestown, Massachusetts. My
driveway --

PRESIDING OFFICER HONIGBERG: Wait, wait,
wait. What's the question?

Q It's shared property so --

PRESIDING OFFICER HONIGBERG: What is the
question you have for them?

Q The question is if and when this Project is approved, there's a proposal to cut my buffer, and it's going to come, it's going to make it less private, and because of the unique nature of my driveway, it's also a buffer against wind and snow to the point that, I've been here 36 winters now. And if it snows a certain kind of snow, and it blows right back after the plow leaves, I don't have any buffer. So as far as your work, the buffer that is in place right now, you understand and you're aware that private properties will have their buffers cut and cleared and trimmed.

PRESIDING OFFICER HONIGBERG: And the question is?

Q Are you aware of this?

A (DeWan) I am aware there will be some removal of vegetation within the corridor in certain locations.

Q I believe that --

A (DeWan) I don't know the specifics of your individual situation.

Q Right. I understand from the previous questions
that you're not dealing with individual
properties, individual private properties unless
they're considered or rated as a --
A (DeWan) Scenic resource.
Q A unique scenic resource.
A (DeWan) Yes.
Q But we share a lot of the same issues as far as
use of screening and buffer and vegetation. So
my question to you, I have a list of questions
now I've shown you the pictures.
A (DeWan) Are all the trees going to be removed?
Q As I understand it, they're going to clear 20 to
25 feet from the edge of the right-of-way toward
my yard and my well, and that means that I have
30 feet of trees and vegetation between the
house, I mean, excuse me, between the edge of
the clearing and the well. So it's pretty darn
close.
A (DeWan) So 30 feet of trees would remain then.
Q Yes. I will have a slight buffer. And I'm
going to go to my questions, Dawn. Should I
just -- can I look at my questions?
MS. GAGNON: Yes.
Q Excuse me, Dawn. Can you make my screen small
again? I found it. Thank you. Okay. Are you ready?

A (DeWan) Ready. Yes.

Q I have some questions. All right. You've seen the overview of the map, and you've seen the kitchen window screening. My first question is if the trees and vegetation are cut for clearing that's proposed to accommodate the 115 kV poles, what kind of native trees or plants or what you call noncapable, and I believe noncapable refers to not capable of reaching a certain height?

A (DeWan) That is correct. Yes.

Q According to the peripheral zone of the power line edge. Is that what that means?

A Generally, it means that the trees are, small trees or shrubs doesn't achieve a height greater than 15 feet or so.

Q Okay. That's different information than I got.

A (DeWan) Excuse me. That's the standard we use when we worked with another power project in the state of Maine.

Q Okay. So it's 15 feet you would say noncapable because it won't exceed the 15 feet.

A (DeWan) When we're planting underneath a power
line, yes. You don't want to go too far close to the power line.

Q All right. And you're talking about underneath the power line directly under the wires.

A (DeWan) That's correct.

Q Okay. But not in what I understand to be the peripheral zone?

A (DeWan) That may be different. Again, we have not done any research or any investigations or any plans dealing with your type of situation.

Q Okay. So you're not dealing with buffer and screening?

A (DeWan) Not for private properties. I know it has been addressed by Mr. Bowes when he appeared before this Committee, and he said that, and I'm reading from this testimony, this Project will during construction phase look to replace vegetative screening and working with landowners. So there is a commitment on the part of the Applicant to work with people like yourselves who have situations that you feel may require some additional reinforcement in the vegetation that's left out there to achieve screening or privacy or whatever the concern may
Okay. My concerns are not only for aesthetics. I look at that scene every day, and I back out to my mailbox, quarter of a mile, and both sides are, I'm embraced by trees on both sides along the driveway. As you can see, as you saw from the overhead map, there's trees everywhere. Some of those on the west side to accommodate the relocated will be cut and trimmed.

PRESIDING OFFICER HONIGBERG: I'm sorry, Ms. Lee. I've lost the question again. What is it you want to know from these witnesses?

Q My question is if this Project is permitted, and the trees or vegetation are cut for clearing that it's proposed for the relocated poles, what kind of native trees or plants that are called not capable do you recommend to create a good buffer between private property and my not having to look at the weathering steel monopoles outside my window?

A (DeWan) Well, obviously, I can't address that because we have not been asked to do that level of work. I would only relate to our experience in another Project and in other Projects. If we
got involved in this, and we have not been asked
to do that, we would go to the property, assess
what the problem is, hear the concerns of your
landowner. In your case you want to see a
variety of different things, native species and
so forth. Then to develop a planting plan that
would meet the specific requirements for
buffering, privacy and so forth.

So, again, that's the Project we would take
in the past. I don't know how the Applicant
will approach this in the future, but I know
that in our testimony we've heard from Mr. Bowes
that they intend to be very sensitive people in
your situation.

Q  So you're saying by being sensitive they mean to
replace my screening and to accommodate the wind
buffering and to please my eyes aesthetically?

A  (DeWan) Again, I'm reading from his testimony.
It's not going to be replacement in kind, but we
will provide vegetative screening.

Q  And your part as the consultant for aesthetics
had no requirement or no direction to provide
for private property screening or advice on
that?
(DeWan) Not at this time in the process. Usually, again, my experience in other situations is that you deal with the macro issues first. And then once Projects are under construction, then you start looking at individual issues and deal with those on a case by case basis.

Q But you have no experience in New Hampshire. Or with Eversource.

A (DeWan) I've had experience in New Hampshire in the past. Most of my experience has been in similar situations in the state of Maine.

Q All right. So it's all Maine experience. But we're part of a New England sisterhood.

A (DeWan) I think we share the same environmental concerns.

Q All right.

A (DeWan) And issues.

Q Thank you. And do you recognize particular trees or plantings that are hearty or fast-growing or particularly useful for wind breaks and buffering for weather?

A (DeWan) I know that as part of the work that we did for the MPRP project, the Maine Power
Reliability Project, we prepared a detailed list of plant material that may be used to address just those situations. And then once it comes time to looking at specific applications, then we'll select from those lists. We know that some plants do well in wetland, some plants will do well in urban situations. Some do well in windy situations. But without seeing your situation, we certainly couldn't make any recommendations right now.

Q Right now. Will you be required to recommend in the future for this Project if it goes through?

A (DeWan) Again, we have not been given any assignment to do any work like this in the future. I know that, again, from Mr. Bowes's testimony, it's the intent of the Applicant to do, to work with people like yourself.

Q Um-hum. Okay. Thank you. Is there, from your 30 years experience or more, what must the buffer of plantings be to ensure a very thick and screening effect, aesthetically pleasing as well?

A There's a very site specific question. I would hesitate to give an answer because that demands
that you need to know what is it you're screening on the other side, why are you screening. Are you screening it for visual purposes or noise purposes or glare from headlights purposes. So it really depends. And some, I know some Planning Boards require double rows of pine trees. That's enough. And some places it may require more than that. Some places may require less than that.

Q So there's no set standard unless you actually have somebody, say, who is a landscape architect or perhaps an arborist?

A (DeWan) Perhaps an arborist, yes. I think that's the reference that was made in Mr. Bowes's testimony.

Q Do you interpret that as we would only have the services of an arborist to make those determinations as to the type of buffer screening, what kind of vegetation, looking at the sandy soil, what would be best suited for riverine, very sandy soil?

A (DeWan) My understanding is that at this point Mr. Bowes's statement were based on a concept of how to deal with situations like yourself. The
fact that he's made reference to a trained professional, in this case an arborist, says that there's a commitment to bring somebody out there that knows what they're doing that would be able to look at things like what type of soil you have, what sort of weather conditions might you expect, what sort of plants are growing in the vicinity, and then to select plant materials that are going to be suitable for your specific application.

Q All right. In your role as a consultant witness, do you actually work with arborists for Eversource? Do you have some kind of --

A (DeWan) We have not worked with arborists at Eversource at this point. We have in other situations with other utility companies.

Q Okay. Thank you. Do you consider weathering steel monopoles ideal or suitable aesthetically for residential use in landscape design of communities in rural residentials or that type of neighborhood as mine would be?

A (DeWan) I would say weathering steel monopoles are very suitable in many locations. Again, I can't give you a universal yes or no answer,
and, again, we're not dealing with residential neighborhoods at this point.

Q You mean even though you've been all over the state doing view assessments for the SEC statutes, you wouldn't consider that along the way you look at a lot of private property, and they would be scarred by a whole row of monopoles. I mean, I would be looking, last time I gave testimony, I was at my mailbox, and if I just turn my back, I would count ten poles I could see without my glasses. And if I were to go to the corner of my property and look down toward the Merrimack River, I can see ten poles again.

PRESIDING OFFICER HONIGBERG: Let me stop you, Ms. Lee. What's the question for the witnesses?

Q The question is along your planning all over New Hampshire, doing the view assessments and doing the simulations, have you considered that it's not a good idea to put those monopoles for the length of miles that the NPT proposes is a good idea, do you think?

A (DeWan) Is that the question? Is it a good
idea?

Q Well, I'll rephrase my question. Do you consider weathering steel monopoles ideal or suitable aesthetically for residential use in landscape design of communities that are rural in nature?

A (DeWan) I think as we've testified before this group, we took a look at the overall Project, we identified where scenic areas were and publicly accessible places, and we made the decision working with the Applicant and the engineering teams about where to locate weathering steel monopoles relative to sensitive scenic resources. We're talking about publicly accessible. We did not specifically talk about private residential neighborhoods like yourself.

Q Right.

A (DeWan) So we have not done a analysis to the effect that you're asking, I believe.

Q Right, but I think, I can bring the statute out about how they consider what is able to be rated by you. According to your system. I think a reasonable woman would look at a whole row of those monopoles, and I've seen a couple of
examples. At the Steeplegate Mall one of the approaches has steel monopoles, and the first time I saw it was there, I believe. It's stunning. It's shocking in scale.

PRESIDING OFFICER HONIGBERG: Ms. Lee. Stop. Stop. Stop. Ms. Lee. Stop. Stop. This is not a time for you to continue to tell stories and testify. Do you have any other requests for this Panel?

MS. LEE: Yes, I do.

PRESIDING OFFICER HONIGBERG: Please ask your questions.

BY MS. LEE:

Q Thank you. So do you consider that monopoles would be suitable for rural residences even though you weren't rating them as part of your work? Do you consider along the way to all of these scenes that you assessed and you reviewed that they're suitable for residences and private property?

A (DeWan) I believe I've answered that question already.

PRESIDING OFFICER HONIGBERG: And the general answer in a couple of words would be?
A (DeWan) Our review has looked at publicly accessible scenic resources. We did not look at rural residential neighborhoods or areas.

Q All right. Thank you. Is it possible to minimize or mitigate the view of weathering steel monopoles with enough buffer to consider it aesthetically designed landscaping? Is that possible?

A (DeWan) Again, we'll have to go back to some personal experience that we've had in other situations where people did not like the views of a particular structure near to their homes. And again, working with, on private property, people have allowed us to do plantings on their yards so that from particular prime views of inside their house, we're able to plant groups of vegetation in such a way that would be close enough to their homes so that the new trees would block the views of structures.

Q Did you do this for a utility?

A (Carbonneau) Central Maine Power Company is part of the MPRP Project. We've also worked in similar capacities for Bangor Hydroelectric Company in northern Maine.
Okay. Thank you. Do you agree that a property owner who has lived with wooden monopoles and wooden H-Frames and wooden 3 hole structures might consider that weathering steel monopoles and H-Frames would be unenjoyable and unexpected aesthetically?

A (DeWan) I would certainly agree that's a possibility.

Q Thank you. Do you agree that a property owner may consider the use of industrial designed weathering steel monopoles and H-Frames unacceptable for residential property?

A (DeWan) Sounds very similar to the last question, but I would say that's, again, a possibility.

Q It's a possibility that it might not be suitable for --

A (DeWan) No. That people may not, they may not appreciate the view of those two types of structures.

Q All right. Especially if you've lived for a while with the wooden ones. And do you agree that avoidance might be the only way to get an aesthetically pleasing design?
(DeWan) No. I do not.

Q Okay. Thank you.

PRESIDING OFFICER HONIGBERG: Is that it, Ms. Lee?

MS. LEE: Yes. Thank you.

PRESIDING OFFICER HONIGBERG: That's going to end the questioning for today, and we'll break, but before we do, Mr. Roth, this is your last day with us, correct?

MR. ROTH: Sadly, yes.

PRESIDING OFFICER HONIGBERG: Well, for those who don't know Mr. Roth's history with the SEC, he has regularly appeared as Counsel for the Public before the SEC. One of my predecessors has been around, I don't see him right now, but many of us have had the opportunity to have Mr. Roth appear in front of us. He is a zealous advocate for the State's citizens in that role. It is not an accident that the Attorneys General, dating back to early in his tenure at the Attorney General's office have asked him to perform this role which is not an easy one. He is put in between some very powerful interests on all sides and is often
viewed by everyone in the room as hostile to their interests when, in fact, it's probably not true, and he is doing a very important job that New Hampshire law requires him to do, and he does it quite well, with a lot of vigor and a lot of energy and a lot of honor, frankly.

So on behalf of the Site Evaluation Committee, myself personally and my predecessors who have occupied the chairs, we want to thank you for your years of service as Counsel for the Public and wish you luck as you move on to another position within the State.

MR. ROTH: Thank you.

PRESIDING OFFICER HONIGBERG: And the record will reflect that there was a large ovation for Mr. Roth.

Thank you all. We'll adjourn for the day and see you all on Friday.

(Hearing recessed at 3:24 p.m.)
CERTIFICATE

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Dated at West Lebanon, New Hampshire, this 17th day of September, 2017.

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Cynthia Foster, LCR