

1 **STATE OF NEW HAMPSHIRE**2 **SITE EVALUATION COMMITTEE**3 **November 9, 2017 - 9:04 a.m.** **DAY 59**4 49 Donovan Street
5 Concord, New Hampshire **Morning Session ONLY**6 {*Electronically filed with SEC on 11-27-17*}7 **IN RE: SEC DOCKET NO. 2015-06**
8 **Joint Application of Northern**
9 **Pass Transmission, LLC, and**
10 **Public Service Company of**
11 **New Hampshire d/b/a Eversource**
 Energy for a Certificate
 of Site and Facility.
 (Hearing on the merits)12 **PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:**13 **Chrmn. Martin P. Honigberg** Public Utilities Comm.
 *(Presiding as Presiding Officer)*14 **Cmsr. Kathryn M. Bailey** Public Utilities Comm.
15 **Dir. Craig Wright, Designee** Dept. of Environ. Serv.
16 **Christopher Way, Designee** Dept. of Business &
 Economic Affairs
17 **William Oldenburg, Designee** Dept. of Transportation
18 **Patricia Weathersby** Public Member19 **ALSO PRESENT FOR THE SEC:**20 Michael J. Iacopino, Esq., Counsel for SEC
 (Brennan, Caron, Lenahan & Iacopino)

21 Pamela G. Monroe, SEC Administrator

22 *(No Appearances Taken)*23 **COURT REPORTER: Steven E. Patnaude, LCR No. 052**
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(resumed) **AMMY HEISER**
 DAVID JODOIN

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1 **P R O C E E D I N G**

2 CHAIRMAN HONIGBERG: Good morning,
3 everyone. Day 59. The Deerfield Group has
4 some questions. Ms. Menard, you're going
5 first, I understand.

6 (Continuation of
7 cross-examination of the witness
8 panel of **Stephanie Verdile,**
9 **Ammy Heiser,** and **David Jodoin.**)

10 MS. MENARD: Good morning, neighbors.

11 WITNESS VERDILE: Good morning.

12 WITNESS HEISER: Good morning.

13 WITNESS JODOIN: Good morning.

14 MS. MENARD: Yes. Jeanne Menard, as
15 introduced, from Deerfield.

16 **CROSS-EXAMINATION (resumed)**

17 BY MS. MENARD:

18 Q And, Ms. Heiser, I'd like to start with you,
19 just a couple questions, about the 2004 Natural
20 Resource submission in your supplemental
21 testimony. And this starts -- it's in your
22 attachment. And I think I'll just put a copy
23 up for folks to take a look at. So, this is --
24 this is just the cover page from the Natural

1 Resource chapter.

2 And the question that I have for you is
3 right at the summary, right near the very end,
4 the "Buffer Between Uses" concept. And I was
5 wondering if you could read into the record
6 this sentence that's highlighted.

7 A (Heiser) It says "Buffers Between Uses:
8 Written agreements which relate to the
9 establishment and maintenance of buffer areas
10 between incompatible land uses can be used to
11 ensure that issues related to development and
12 growth do not have a negative impact on the
13 rural and scenic qualities that are valued" --
14 it says "that a valued by the Town." That's an
15 editing mistake, but --

16 Q Thank you. Has the Town ever enacted this
17 agreement?

18 A (Heiser) Being on the Conservation Commission,
19 we might -- I might not always be aware of this
20 being enacted. But I do remember going to a
21 hearing when they were putting in a new
22 restaurant. They were putting in a restaurant
23 in town, right along Route 3, what is known as
24 the "CAV", or the "CAV'ern". And the neighbors

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 were complaining that their parking, when
2 people were pulling in to park, the headlights
3 were a distraction and annoyance to the
4 neighbors. And I believe they went before the
5 Planning Board, and the resolution was to plant
6 a row of coniferous trees, which they did.

7 Q Okay. Thank you. Northern Pass Transmission
8 is suggesting vegetative buffers as possible
9 mitigation in certain locations. Do you think
10 vegetative buffers are an effective method to
11 minimize visual impacts?

12 A (Heiser) Well, the buffers can only go so high,
13 and the towers are going to far, you know,
14 outreach the height of what the vegetative
15 buffers are. They may help to, you know,
16 distract from the lattice-work structures on
17 the bottom, which would be a help.

18 But, certainly, there are going to be
19 these towers. And, in Pembroke, the towers,
20 the average tower height is going to be
21 130 feet, with the highest 145 feet. So, I
22 don't think there's a buffer they can do that
23 is going to minimize that.

24 Q In your -- different topic. In your

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 supplemental testimony, you mentioned that, in
2 2004, Pembroke had 285 acres in conservation.
3 Has this number been updated?

4 A (Heiser) We just finished our Natural Resource
5 chapter for the Master Plan. The Commission
6 ended up having a natural resource inventory
7 done by Rick Van de Poll. And the new number
8 for conservation in Pembroke I believe is
9 534 acres. So, we've been working very hard to
10 increase the amount of land that is permanently
11 protected.

12 Q From an orderly development standpoint, does
13 this fact reflect any trends that you're seeing
14 in Pembroke?

15 A (Heiser) I've had a lot of people that have
16 congratulated us on purchasing properties. And
17 we did a Farm and Ranch Protection Program for
18 the Hillman Farm, and that solicited a lot of
19 positive feedback from Pembroke. Citizens who
20 came to a lot of meetings, they were
21 well-attended, showing their support to the
22 protection of that particular parcel, which was
23 right along the Suncook River. And which we,
24 as a Conservation Commission, have in our

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 criteria rating sheet, the parcels that are
2 along the rivers are our most highly
3 prioritized parcels for protection.

4 Q How does this -- final question. How does this
5 Project affect the conservation value that the
6 Town is trying to preserve?

7 A (Heiser) It's a huge negative impact.
8 Environmentally, there's going to be a lot of
9 wetland disruption, forest deforestation,
10 threats -- huge threats to our water, which is
11 also a huge concern to the Conservation
12 Commission.

13 MS. MENARD: Okay. Thank you. May I
14 ask for a volunteer? I just have a few
15 exhibits, for somebody to run the ELMO for me.

16 Thank you, Pam.

17 ADMIN. MONROE: That would be me.

18 BY MS. MENARD:

19 Q So, some questions for you, Mr. Jodoin. And,
20 in your supplemental testimony, you stated "534
21 Cross Country Road will have a visual impact on
22 the Project" -- "impact of the Project", excuse
23 me. Is that true?

24 A (Jodoin) Correct.

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Q And are you aware that 534 Cross Country Road
2 was a case study property for the Applicants'
3 real estate expert?

4 A (Jodoin) No, I wasn't.

5 Q Let's look at Appendix -- the Exhibit Number 1,
6 this is Appendix 46. This is a case study out
7 of Appendix E, Page 1216. And this is just a
8 cover sheet for this Case Study Number 48. And
9 you can see, in the highlighted section
10 mid-page, that this property is 33 feet from
11 the right-of-way?

12 A (Jodoin) Correct.

13 Q When we take a look at the Counsel for the
14 Public's Exhibit 375, and this is Page 3, this
15 is stamp number 10481 at the bottom. And just
16 for background for you, Mr. Jodoin, this was a
17 list that was generated by the Applicant of all
18 residences within 100 feet of the right-of-way.
19 Do you see the Cross Country Road property on
20 this list?

21 A (Jodoin) No.

22 Q For your benefit, the case study influence is
23 looking at the effect -- the purpose of the
24 case study is just to take a look at the

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 influence of the high-voltage tension line on
2 property values.

3 And, if we look at Page 1223, in the
4 Appraisal Report, it states it a little more
5 clearly, that the purpose of this assignment is
6 to -- for the property that has been appraised
7 to assume that it was not influenced by the
8 presence of the high-voltage tension line. Do
9 you see that?

10 A (Jodoin) I do.

11 Q Okay. Let's take a look at the tax map for 534
12 Cross Country Road. And do you agree that the
13 right-of-way is a prominent locational factor
14 for this property?

15 MR. NEEDLEMAN: Objection, Mr. Chair.
16 The information from Mr. Chalmers' report was
17 included with the original report. The exhibit
18 that she put up was produced in discovery. So,
19 this is all information that was available to
20 Mr. Jodoin, and could have and should have been
21 included in any work he did.

22 CHAIRMAN HONIGBERG: Ms. Menard.

23 MS. MENARD: This is background
24 information for Mr. Jodoin. I'm going to

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 launch into some of the area of expertise,
2 comparable sales, information that he may be
3 familiar with in terms of to support questions
4 regarding his testimony, supplemental
5 testimony.

6 CHAIRMAN HONIGBERG: So, you're
7 representing what you're doing right now is
8 setup for what you really want to know.

9 MS. MENARD: Correct. Correct.

10 CHAIRMAN HONIGBERG: All right. You
11 can continue.

12 MS. MENARD: Thank you.

13 BY MS. MENARD:

14 Q So, are you familiar with the concept of
15 "comparable sales"?

16 A (Jodoin) Yes.

17 Q Does this come up when people file for tax
18 abatements?

19 A (Jodoin) Correct.

20 Q I'd like for you to look at Page 1226. And you
21 can see the subject property on the left, and
22 the heading and the address is the property
23 that you were concerned about in your
24 testimony. And to the right, do you see a

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Comparison Number 1 address?

2 A (Jodoin) Yes, I do.

3 Q And is 536 Cross Country Road, if we want to
4 put the tax map back on for us, thank you. Can
5 you confirm for me whether these properties are
6 right next door to each other?

7 A (Jodoin) They are.

8 Q Thank you. I'd like to clarify one point
9 regarding the tax card submissions in your
10 supplemental testimony. When you were
11 reviewing the Project maps, did you consider
12 the distance of the right-of-way from the
13 house? Or was your opinion just about property
14 value effects, mostly on the change of
15 visibility of the structures?

16 A (Jodoin) Change of visibility on the
17 structures.

18 Q Is it your opinion that a change of visibility
19 due to increased structure heights will affect
20 that property's assessed value?

21 MR. NEEDLEMAN: Objection. It's
22 calling for either elaboration or expansion on
23 testimony he already offered.

24 CHAIRMAN HONIGBERG: Ms. Menard. It

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 sounds like --

2 MS. MENARD: I don't feel --

3 CHAIRMAN HONIGBERG: It's sounds --
4 just let me tell you what it sounds like. It
5 sounds like you are looking for this witness to
6 give some new opinions about things that were
7 not included in his original testimony. And
8 I'm probably going to stop you, if that's what
9 you're trying to do.

10 So, tell me what it is you're trying
11 to do that's not that.

12 MS. MENARD: I would like to
13 determine if Mr. Jodoin -- the reason that he
14 was raising -- he has multiple examples of
15 properties with tax cards, and he was raising
16 the concern about visibility effects on
17 assessments, future assessments for the
18 community. So, I wanted to confirm that
19 statement, because it wasn't clearly stated, in
20 my opinion. So, I'd like to have him clarify
21 that.

22 CHAIRMAN HONIGBERG: You just
23 articulated his argument. Do you think that
24 was -- do you think it was unclear in his

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 testimony?

2 MS. MENARD: Excuse me?

3 CHAIRMAN HONIGBERG: I think you --
4 you were able to understand what he was arguing
5 in his testimony. So, what's unclear?

6 MS. MENARD: Oh. Okay. So, no
7 confirming that fact?

8 CHAIRMAN HONIGBERG: Seems
9 unnecessary. You were able to understand it.

10 MS. MENARD: Understood.

11 CHAIRMAN HONIGBERG: And could, if
12 you wanted to make an argument based on it to
13 us, because we may not know as much as you do
14 about that, but we can probably understand the
15 argument, if you make it.

16 MS. MENARD: Okay. Understood. So,
17 thank you, Mr. Jodoin.

18 WITNESS JODOIN: You're welcome.

19 BY MS. MENARD:

20 Q I have a few questions for you, Ms. Verdile.
21 And these are questions from another
22 intervenor, Mr. Cote, from our group. So, this
23 may read a little bit like a recipe. So, we'll
24 do the best here.

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 So, he's asking for a clarification,
2 yesterday when you were questioned by the
3 Counsel for the Public, there was reference of
4 your protective well radius concerns. And he
5 wondered if you could explain what the
6 protective well radius is?

7 A (Verdile) The protective -- excuse me -- the
8 protective well radius is an area mapped out, I
9 believe it is set by DES. And let me just
10 caveat that with that's not -- not that
11 familiar with it, as far as how it was set up,
12 how it's designed, how far do you go. That
13 would be something for Pembroke Water Works to
14 answer completely.

15 But the wellhead is an area that is mapped
16 off, I believe that ours is a thousand -- is it
17 a thousand feet?

18 A (Heiser) In the Natural Resource chapter, I
19 believe it says the Wellhead Protection Zone is
20 a 1500-foot radius. But it's not necessarily
21 always the same. It depends on, because public
22 water can be a small group, and it can be -- it
23 can serve a larger group. And I think it's
24 dependent on what size group it's serving.

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 A (Verdile) And there are six wells located
2 within that Wellhead Protection Area. So, any
3 activity, any additional activity, construction
4 activity, for however long, poses a huge threat
5 to six wells that serve Pembroke and Concord,
6 in any way, shape, or form, in my opinion.

7 Q And he'd like a follow-up, just in terms of
8 making sure that your concerns have been
9 addressed, to your knowledge?

10 A (Verdile) No.

11 Q I'd like to take a look at your prefiled
12 testimony. And this is from Page 5, Lines 1
13 through 3. And I'll just let you take a look
14 at that.

15 And his questions are, if we -- he'd like
16 us to follow up and take a look at a response
17 of Mr. Varney, when he was being questioned by
18 Mr. Pappas. And he's being asked if he has an
19 opinion "as to whether or not at some point the
20 intensity of use within the right-of-way, was
21 added to the right-of-way, would at some point
22 adversely impact local land use?" And Mr.
23 Varney is saying "No".

24 So, do you think Mr. Varney's final

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 recommendation regarding orderly development
2 reflects the Town's concern?

3 A (Verdile) No, I do not.

4 MS. MENARD: Okay. And I believe
5 this last question has already been discussed
6 yesterday. So, I'm going to complete.

7 CHAIRMAN HONIGBERG: All right. And
8 you dealt with Mr. Cote's questions?

9 MS. MENARD: Yes.

10 CHAIRMAN HONIGBERG: So, I think
11 Mr. Raff. For the panel's benefit, he's way
12 out in the back.

13 MR. RAFF: Good afternoon *[sic]*. My
14 name is Alan Raff. And I represent the
15 International Brotherhood of Electrical
16 Workers. Thank you guys for being here.

17 BY MR. RAFF:

18 Q My question is to Mr. Jodoin. Yesterday
19 morning I got into the hearing a little late.
20 And, when I came in, I noticed that you were
21 meeting with Ms. Menard and your counsel,
22 Attorney Whitley, in the Court Reporter Work
23 Center Room. And that surprised me. And I
24 wanted to know what were you guys discussing

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 with Ms. Menard and Attorney Whitley?

2 MR. WHITLEY: Objection. Relevance.

3 MR. RAFF: Mr. Chair, given the
4 pending motion submitted by the Forest Society
5 on friendly cross-examination and the other
6 issues we've dealt with regarding
7 cross-examination and friendly cross, I think
8 it's relevant to know if they were
9 coordinating.

10 CHAIRMAN HONIGBERG: I'm going to
11 overrule the objection.

12 MR. RAFF: So, --

13 CHAIRMAN HONIGBERG: So, you can
14 answer.

15 WITNESS JODOIN: Can you --

16 CHAIRMAN HONIGBERG: You can answer
17 the question.

18 WITNESS JODOIN: Can you repeat it?

19 MR. RAFF: Yes. No problem.

20 BY MR. RAFF:

21 Q So, Ms. Menard just asked you a series of
22 questions. And I wanted to know, did you
23 discuss any of the topics or questions that Ms.
24 Menard was planning to ask you during her

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 cross-examination?

2 A (Jodoin) Yes.

3 MR. RAFF: Okay. No further
4 questions.

5 CHAIRMAN HONIGBERG: Are there any
6 other intervenors who have questions for the
7 panel? Did we miss anybody?

8 *[No indication given.]*

9 CHAIRMAN HONIGBERG: All right.
10 Mr. Needleman.

11 Mr. Dumville will asking the
12 questions.

13 MR. DUMVILLE: Thank you, Mr. Chair.
14 Good morning.

15 WITNESS VERDILE: Good morning.

16 MR. DUMVILLE: My name is Adam
17 Dumville. And I represent the Applicants. I
18 believe I met most of you at the tech session,
19 except for Mr. Jodoin. Nice to meet you.

20 BY MR. DUMVILLE:

21 Q First off, I want to bring back up Exhibit 3 --
22 or, Applicants Exhibit 391, which is the
23 Applicants' August 25, 2017 letter to the SEC
24 regarding updated permit plans and project maps

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 that he were discussing yesterday.

2 MR. DUMVILLE: Dawn, could we turn to
3 Page 2 please.

4 BY MR. DUMVILLE:

5 Q And Items 2 through 6 are what we were
6 discussing yesterday. Do you understand that
7 all of the requested changes in this letter
8 were made directly as a result of Attorney
9 Whitley requesting them during the Construction
10 panel cross-examination on the morning of Day
11 8?

12 A (Verdile) Yes.

13 Q And regarding the changes that you said that
14 you couldn't actually locate on the Project
15 maps yesterday, do you recognize that the
16 Applicant has specifically represented in this
17 letter that those changes have, in fact, been
18 made?

19 A (Verdile) They may say they have been changed,
20 but they were negligible amounts to make a
21 difference for me to make any kind of opinion
22 whether or not they're going to be effective or
23 not, or whether they have even been made.

24 Q So, without actually going back and arguing

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 over whether or not the Project maps clearly
2 reflect those changes, which I represent to you
3 that they actually do, if the SEC were to make
4 the changes identified in this letter, Items 2
5 through 6, as conditions of their certificate,
6 if one is issued, would that satisfy some of
7 your concerns?

8 A (Verdile) No.

9 Q And why not?

10 A (Verdile) Because the changes are negligible to
11 the overall impact of the Project.

12 Q Well, at least the changes that Attorney
13 Whitley had asked you to -- or, had asked the
14 Applicants to make, and if those were
15 conditions, would that satisfy those specific
16 six concerns that Attorney Whitley had raised?

17 A (Verdile) No.

18 Q What else would like to see done in terms of
19 specific --

20 A (Verdile) Just because you locate a
21 construction pad a few feet to move it out of
22 Cross Country Road doesn't mean that that
23 construction pad is still going to have
24 detrimental impacts. That's my opinion.

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Q Okay. But we would agree that it wouldn't
2 impact the road?

3 A (Verdile) Correct.

4 Q Okay.

5 A (Verdile) Doesn't mean that there's other
6 impacts associated with that.

7 Q Understood. Yesterday you also discussed the
8 use of roads in town, which were going to be
9 used to access the right-of-way. Do you recall
10 that?

11 A (Verdile) Yes.

12 Q Okay. And we went back through yesterday,
13 after your testimony, and examined Applicants
14 Exhibit 1, Appendix 47, which are the original
15 project maps that Mr. Whitley had showed you.
16 I will represent to you that the only roads
17 identified in Appendix 47 that will be used to
18 access the right-of-way are Sand Road, Route
19 106, Fourth Range Road, Cross Country Road,
20 Fuller Road, North Pembroke Road, Route 28, and
21 Batchelder Road. None of those are Class VI
22 roads, correct?

23 A (Heiser) Yes, they are.

24 Q The portions that are identified on the maps,

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Appendix 47, to access the right-of-way will
2 not be those Class VI roads. Does that change
3 your opinion?

4 A (Heiser) No. Because I know that Sixth Range
5 Road is in no area is not a Class VI road.

6 Q I'm sorry?

7 A (Heiser) That there is -- Sixth Range Road,
8 which is also being used, is a Class VI road.

9 Q I did not just read "Sixth Range Road" on my
10 list.

11 A (Heiser) Oh. Okay. But you said "Fourth
12 Range"?

13 Q I did say "Fourth". But the section that the
14 Applicants intend to use is a Class V road.

15 A (Heiser) You mean at that point, --

16 Q Yes.

17 A (Heiser) -- Fourth Range is a Class --

18 Q Correct, at that point. Would that satisfy any
19 of your concerns about use of Class VI roads?

20 A (Heiser) If the Applicant isn't using the
21 Sixth -- the Range Roads, the Class VI roads, I
22 would feel better, from the environmental
23 standpoint, because those roads are already
24 unstable, and that's my big concern about

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 construction vehicles using those Class VI
2 roads.

3 Q And the cover letter that we just discussed
4 here, that was submitted on August 25, does not
5 mention anything about using additional town
6 roads, does it?

7 A (Heiser) I'm not sure. I don't remember.

8 MR. DUMVILLE: Well, Dawn, can we
9 pull up -- yes, we've got it up.

10 BY MR. DUMVILLE:

11 Q Well, I'll represent to you, so we don't have
12 to read through the entire letter, that it does
13 not mention anything about using additional
14 town roads. So, when you were testifying
15 yesterday and looking at the Project maps, did
16 you simply assume that the Applicants were
17 using new roads, based on this August 25, 2017
18 submission?

19 A (Heiser) The pictures that I saw, the changes
20 that had been made, were the aprons near those
21 roads that were a change. That would lead me
22 to believe that those roads were going to be
23 used. That that was the way that the
24 construction vehicles were going to -- were

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 going to access the right-of-ways.

2 Q But you didn't reach out to the Applicants to
3 discuss this matter, or at least your
4 interpretation of the Project maps, did you?

5 A (Heiser) I did not.

6 A (Verdile) No.

7 Q Okay. And would it surprise you if I told you
8 that there was nothing additional in the
9 Application or the materials submitted in
10 August 2017 that would expand the list of these
11 roads to be used in town?

12 A (Verdile) Yes, it would. As a matter of fact,
13 I would like to have the maps pulled up again
14 and have you explain the changes, if you say
15 that there's no additional access of road.

16 Q Well, I don't have the maps right in front of
17 me. But I will represent again that the
18 changes identified in the letter are the only
19 changes that have been made to the Project
20 maps. And to the extent that you had questions
21 about some of those alterations, you could
22 have, in fact, directed your attorney to reach
23 out to the Project and ask whether or not
24 changes had been made, correct?

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 A (Verdile) Who was this letter sent to?

2 Q It was addressed to the entire Site Evaluation
3 Committee, and served upon your counsel. So,
4 you're aware that this letter was, in fact,
5 filed on August 25, according to the date on
6 the letter, correct?

7 A (Verdile) Yes. I was not aware on August 25th
8 that it was filed. But I'm aware of when it
9 was filed by looking at it.

10 Q And I believe you said yesterday that the
11 Project maps -- or, you had not seen the
12 Project maps until a few days prior to
13 testifying today, correct?

14 A (Verdile) Correct.

15 Q Okay. But they were available as of
16 October 25. And you're aware that some of the
17 members of the Northern Pass Project Team had
18 met with the Town on October 23rd, 2017,
19 correct?

20 A (Heiser) I wasn't at the time.

21 A (Jodoin) Correct.

22 Q Mr. Jodoin, you were present at that meeting,
23 right?

24 A (Jodoin) Correct.

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Q Okay. And these maps were available to you
2 before that meeting, correct?

3 A (Jodoin) I don't remember.

4 Q But you didn't have any specific questions
5 about this letter that were brought up during
6 that meeting, right?

7 A (Jodoin) Correct.

8 Q So, I will represent that the meeting that we
9 had was, in fact, a private meeting, but our --
10 and I won't pull up any notes that we took, but
11 our Project Team did take contemporaneous
12 Project notes. And, Mr. Jodoin, please correct
13 me if I'm wrong, but Mr. Rochon, Ovid Rochon,
14 the Project representative, specifically
15 explained that the Project only plans to use
16 public roads to access the right-of-way, and
17 that the contractor does not intend on using
18 any Class VI roads. Does that surprise you?

19 A (Jodoin) From looking at the maps, it did look
20 like they were going to be using some portions
21 of Class VI roads.

22 Q Okay. But, again, that was not brought up
23 during the meeting based on Mr. Rochon's
24 representation, right?

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 A (Jodoin) Correct.

2 Q And Mr. Rochon also informed the Town at the
3 time that, if there was any damage caused by
4 the contractor, the Applicants would be
5 responsible for restoring the road to
6 pre-construction or better, right?

7 A (Jodoin) Correct. But it was kind of vague as
8 to whether or not whose rules they were looking
9 at when restoring the roads.

10 Q Okay.

11 MR. DUMVILLE: Okay. So, thank you,
12 Dawn. Changing topics for a minute. Pulling
13 up Applicants Exhibit 402 please.

14 BY MR. DUMVILLE:

15 Q And this is for the panel generally, but I'll
16 direct them right now to Ms. Verdile. But, Ms.
17 Verdile, you've been the Town Planner since
18 2012, correct?

19 A (Verdile) Yes. That's correct.

20 Q And I'm assuming you're aware of the outreach
21 efforts that the Applicants have made in the
22 Town of Pembroke, right?

23 A (Verdile) Yes.

24 Q So, I'm pulling up Applicants Exhibit 402,

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1 which is the summary of outreach efforts the
2 Applicant has made in the Town. And, as you
3 can see, the Applicants have held one public
4 house -- one public open house; six public
5 information sessions; we've sent two outreach
6 letters; had a significant amount of meetings;
7 and other correspondence with the Town.

8 Is this summary generally consistent with
9 your knowledge of the outreach the Applicants
10 have had in the Town?

11 A (Verdile) Yes.

12 MR. DUMVILLE: Dawn, could we just
13 put up Page 2 as well please. Thank you.

14 BY MR. DUMVILLE:

15 Q And, so, based on this summary, you're aware
16 that the Applicants have, in fact, attempted to
17 reach out to the Town on numerous occasions,
18 right?

19 A (Verdile) Yes.

20 Q And beginning in March of 2017, the Applicants
21 sent a letter to the Town asking whether the
22 Town would be interested in negotiating a
23 memorandum of understanding, correct?

24 A (Jodoin) That was correct.

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 MR. DUMVILLE: Okay. Dawn, could we
2 just pull up Applicants Exhibit 404 please.

3 BY MR. DUMVILLE:

4 Q And the letter -- I'll represent to you, the
5 letter that we sent to you was dated March 14,
6 2017 asking about the MOU.

7 MR. DUMVILLE: Dawn, can we go to
8 Page 2 please. And highlight Section VI.C.

9 BY MR. DUMVILLE:

10 Q And this says "ForwardNH/Northern Pass was
11 contacted by the Town's Attorney to stop
12 sending letter requesting meetings with the
13 Board of Selectmen." Is that a fair
14 characterization of these -- of this exhibit?

15 MR. WHITLEY: Objection. Relevance.

16 CHAIRMAN HONIGBERG: Mr. Dumville.

17 MR. DUMVILLE: It's just explaining
18 the exact status of the negotiations with the
19 Town, and demonstrating that the Applicants had
20 a continued good faith basis of negotiating,
21 even with regard to receipt of this letter.

22 CHAIRMAN HONIGBERG: Overruled. You
23 can answer.

24 **BY THE WITNESS:**

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 A (Jodoin) The Board of Selectmen have received a
2 lot of information and correspondence from
3 various different people. So, you could say
4 that that statement was correct.

5 MR. DUMVILLE: Okay. And I'll
6 represent for the record that these are Town of
7 Pembroke Board of Selectmen Meeting Minutes
8 from March 20, 2017.

9 BY MR. DUMVILLE:

10 Q Are you aware of the status of the negotiations
11 regarding the Memorandum of Understanding,
12 Mr. Jodoin?

13 A (Jodoin) At this point in time, the Board of
14 Selectmen has not heard back from Northern
15 Pass's representation.

16 Q Okay. So, you are waiting for additional
17 information at this point?

18 A (Jodoin) That's how it was left at the last
19 meeting, yes.

20 Q All right. Okay. So, based on -- going back
21 just for one minute to the Applicants' letter
22 dated August 25, where the Applicants had
23 represented that we had made changes based on
24 Attorney Whitley's recommendations. Would that

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 demonstrate to you, Mr. Jodoin, that the
2 Applicants are, in fact, willing to negotiate
3 with the Town and make specific changes based
4 on Town input?

5 A (Jodoin) I feel that both parties would be
6 willing to sit down.

7 Q Okay. So, you would agree then that the
8 Memorandum of Understanding is a contract
9 between two parties in which both parties must
10 execute for it to be binding, correct?

11 MR. WHITLEY: Objection. Calls for a
12 legal conclusion.

13 CHAIRMAN HONIGBERG: Mr. Dumville, it
14 does.

15 MR. DUMVILLE: Okay. Fair enough.

16 CHAIRMAN HONIGBERG: It sounds like a
17 law school -- first year law school question.

18 MR. DUMVILLE: Okay.

19 BY MR. DUMVILLE:

20 Q So, you would agree, though, that if there were
21 additional conditions that the Town had or
22 wanted to suggest to the Applicants be added to
23 the MOU, you would agree with me that the Town
24 could suggest such changes, right?

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 A (Jodoin) Of course.

2 Q And when you said, or I don't recall who it was
3 on the panel, but somebody said yesterday that
4 they thought the draft Memorandum of
5 Understanding that was circulated was
6 "generally vague" and didn't cover the things
7 that you wanted to have in the MOU. Do you
8 recall that?

9 A (Jodoin) I do.

10 Q Okay. So, did you consider editing the
11 Memorandum of Understanding, the draft
12 Memorandum that was circulated, and sending it
13 back to the Applicants for their consideration?

14 A (Jodoin) I have not.

15 Q And you're still interested, right, in working
16 with the Applicants to reach an agreement?

17 A (Jodoin) The Board of Selectmen would be
18 willing to sit down.

19 MR. DUMVILLE: Okay. So, Dawn, I'd
20 like to call up the Applicants' Pembroke tax
21 letter please. And this is --

22 MS. GAGNON: 400.

23 MR. DUMVILLE: 400? Applicants
24 Exhibit 400 please.

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1 BY MR. DUMVILLE:

2 Q And this is a letter that was sent to
3 Pembroke's Board of Selectmen on February 24,
4 Applicants Exhibit 400. And the Applicants'
5 expert, Dr. Shapiro, had estimated that the
6 first year taxable investment by Northern Pass
7 would be \$34.5 million. Are you aware of that?

8 A (Jodoin) Correct.

9 Q And the Applicants' estimate for the Town of
10 Pembroke would be 848,088, is that right?

11 A (Jodoin) That's what the letter says, correct.

12 MR. DUMVILLE: And on Page 3, Dawn.

13 BY MR. DUMVILLE:

14 Q So, over the 20-year period, the Project is
15 estimated to pay approximately \$14 million to
16 \$15 million in taxes, is that right, according
17 to Dr. Shapiro?

18 A (Jodoin) That would be correct, based on the
19 assessed valuation at that time.

20 MR. DUMVILLE: Okay. And, Dawn,
21 could we pull up the next exhibit please.

22 BY MR. DUMVILLE:

23 Q And I'll represent to you that this is
24 information that we obtained from the Town of

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Pembroke. And, based on the Applicants' first
2 year property tax payments, would you agree
3 that Northern Pass would be the second highest
4 taxpayer in the Town of Pembroke?

5 A (Jodoin) If those values stood, yes.

6 Q Okay. So, one other topic on the -- or
7 expanding topics for one second, going back to
8 the Range Roads. Ms. Heiser, you testified
9 about damage to some of the Range Roads. And I
10 believe your clarification this morning was you
11 were mostly concerned about Class VI roads,
12 correct?

13 A (Heiser) Yes. The Class VI are what we call
14 the "Range Roads".

15 Q So, are the Range Roads only Class VI roads?

16 A (Heiser) When we speak -- I know some Range
17 Roads have been -- there are portions of those
18 roads that were named "Range Roads" that have
19 been opened, --

20 Q Okay.

21 A (Heiser) -- and are now Class V roads.

22 Q So, to the extent that the Applicants are
23 required to use roads generally -- general
24 roads in the Town of Pembroke, if there were

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 specific conditions or restoring the roads to a
2 preference the Town had, would you be willing
3 to discuss those specific conditions with the
4 Applicants?

5 A (Heiser) I have little faith that you're going
6 to be able to preserve the historic and beauty
7 of those Range Roads. That is a big advantage
8 that I believe the Town of Pembroke, I've lived
9 there for 40 years, and so much has been taken
10 away from us. And the Range Roads are very
11 environmentally sensitive area that now has
12 been plagued, and it has been plagued by
13 increased use and abuse of large vehicles. And
14 with construction vehicles making new entryways
15 into those Range Roads, we already have a
16 problem with having, you know, having anybody
17 be able to patrol those roads and to enforce
18 the restrictions that we've placed on them.
19 It's been an ongoing problem. And I just see
20 this as another way that our Range Roads are
21 going to degrade. And we have very highly
22 sensitive environmental areas right there in
23 that Range Road area that is going to be
24 compromised as a result of that.

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Q So, I believe you've testified already that the
2 Range Roads have been degraded over the years,
3 correct?

4 A (Heiser) Yes.

5 Q Right. So, they're in some state of a
6 disrepair at this point, you would say?

7 A (Heiser) Yes. And that's why we feel it's so
8 important to not let it get any worse.

9 Q Right. So, my question to you is that you're
10 aware that the Applicants have agreed to repair
11 any roads to either pre-construction condition
12 or better. So, if there was a specific way or
13 a condition you would like the roads to be
14 restored in, that's something that could be
15 part of an MOU, correct?

16 A (Heiser) So you say.

17 Q Okay. So, you also testified in your testimony
18 about seasonal restrictions of town roads. Are
19 you aware that, if the Town also had particular
20 concerns about seasonal weight restrictions,
21 those could also be incorporated in an MOU?

22 A (Heiser) I would hope that, if the -- if this
23 Project goes through, and I hope it doesn't,
24 but, if it does, I hope that you will take

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 every measure to protect those roads and to do
2 what you can to help, you know, return them to
3 a better condition as...

4 Q Yesterday, Ms. Heiser, you also raised some
5 concerns about expanded use of ATVs. And I
6 believe Attorney Aslin discussed that with you,
7 right?

8 A (Heiser) Yes.

9 Q Okay. And at the tech session, I asked you
10 about whether you'd be willing to discuss
11 signage and posting barriers for the
12 right-of-way and entrance off of Range Roads,
13 correct?

14 A (Heiser) Yes.

15 Q And you're aware that the Applicants have
16 already committed to working with landowners to
17 install gates and barriers where appropriate,
18 correct?

19 A (Heiser) I have heard some. I haven't -- I'm
20 not totally aware of who you've reached out to
21 and who you've talked to about that.

22 Q Okay. So, again, at least as far as the Town
23 is concerned, this is again something else that
24 could be entered into as part of an MOU,

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 correct?

2 A (Heiser) I would -- I would say that that -- if
3 you say that.

4 Q And this was not, Mr. Jodoin, this topic was
5 not brought up at the October 23rd, 2017
6 meeting, correct?

7 A (Jodoin) Correct.

8 Q So, Ms. Verdile, you also raised concerns
9 generally about impacts to local Range Roads
10 and we've discussed the Class VI roads.

11 MR. DUMVILLE: Dawn, could we pull up
12 Applicants Exhibit 397 please. And I believe
13 this was also showed to you on direct exam.
14 397, sorry. The Pembroke Master Plan,
15 Chapter III. Page III-2 please.

16 BY MR. DUMVILLE:

17 Q And in the middle of the page, the Pembroke
18 Master Plan, as a goal and objective, states to
19 "Identify and designate scenic roads", correct?

20 A (Heiser) Yes.

21 Q Okay. And you would agree with me, however,
22 that the Town has not officially designated any
23 scenic roads in the town, correct?

24 A (Heiser) No. I believe Class VI roads are

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 considered "scenic roads", but they have not
2 been designated.

3 Q Okay. There have also been concerns raised
4 generally about aesthetics, correct?

5 A (Heiser) Yes.

6 MR. DUMVILLE: Dawn, could we pull up
7 Applicants Exhibit 399 please. Page VII-4.

8 BY MR. DUMVILLE:

9 Q And another goal in the Town's Master Plan is
10 "To identify the Town's scenic resources, as
11 scenic roads, vistas and other viewsapes."
12 And you would agree that the Town's Master Plan
13 has not specifically identified any scenic
14 resources in the town, is that right?

15 A (Heiser) Our new Natural Resource Inventory
16 lists -- has a listing of scenic roads. So,
17 that is the endeavor of our new Master Plan,
18 the Natural Resource chapter.

19 Q Okay.

20 A (Heiser) We've made those -- we've made those
21 distinctions now.

22 Q Right. And I believe we discussed that Natural
23 Resources Inventory at the tech session,
24 correct?

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 A (Heiser) Yes.

2 Q And that wasn't -- the Natural Resources
3 Inventory that you had referenced, and just
4 referenced again, had not been adopted as of
5 February 1, correct?

6 A (Heiser) It hadn't. But, as of May 1st, it has
7 been.

8 Q As of May 1st, correct. And you're aware that
9 the Applicants' adjudicative proceedings
10 commenced before May 1st, correct?

11 A (Heiser) Yes.

12 Q Okay. Ms. Heiser, a couple other questions
13 relating to environmental issues that you
14 raised in your testimony. You generally raised
15 concerns about water quality, potential for
16 point pollution. Have you had a chance to
17 review the DES Final Permit conditions?

18 A (Heiser) Yes.

19 Q You've reviewed all the Wetlands, the
20 Shorelands, the Water Quality Certificate, and
21 Alteration of Terrain Permits?

22 A (Heiser) I've been cramming for my exam
23 recently, so my head is full of a lot of
24 things. But, yes, I did see all the

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 conditions.

2 Q Okay. Did you review the Final Permit
3 conditions before filing your supplemental
4 testimony on August 17th?

5 A (Heiser) I did not.

6 Q Okay. So, when you filed your supplemental
7 testimony, you were not aware at the time of
8 whether or not any of the DES permit conditions
9 had satisfied some of your concerns, is that
10 right?

11 A (Heiser) I didn't look at it closely enough,
12 so...

13 Q Okay. As you sit here today, after reviewing
14 the Final DES Permit conditions, do you still
15 have concerns?

16 A (Heiser) Huge.

17 Q Okay. Now, what specific concerns do you have
18 about the DES Permit?

19 A (Heiser) My primary concern is the water
20 quality in our town, as I've watched the State
21 of New Hampshire have water issues everywhere
22 where water has been contaminated. It's become
23 increasingly alarming to me. And this Project
24 goes right through that Wellhead Protection

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Area around the Soucook River, which provides
2 public water for Concord and Pembroke, and it's
3 right -- it's almost right within that
4 right-of-way. It's touching it.

5 Q Are the conditions that DES has required the
6 Applicants to follow, such as good housekeeping
7 provisions, spill prevention reporting,
8 developing of the storm water pollution
9 prevention plan, requirement of a construction
10 general permit, are those not satisfactory?

11 A (Heiser) I think any time you're working in
12 such a highly environmentally sensitive area, I
13 really have very little faith that there is
14 going to be no impact. That there won't be a
15 spill, that something won't happen. I mean,
16 the best laid plans often go astray, because
17 some minor accident happens that turns into a
18 major catastrophe when it happens in a very,
19 you know, in the, you know, drift aquifer --
20 stratified drift aquifer zones.

21 Q Are there any additional conditions that you
22 would like to see be added to a permit to
23 protect water quality as you sit here today?

24 A (Heiser) Honestly, avoidance is the only way I

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1 know.

2 Q Okay. And the Town -- you, actually,
3 Ms. Heiser, filed comments with the New
4 Hampshire Department of Environmental Services
5 on the Wetlands application, is that right?

6 A (Heiser) Yes.

7 Q And those were dated "May 13, 2016". Does that
8 sound right?

9 A (Heiser) Sounds about right.

10 Q Okay. And the Applicants actually responded in
11 kind to that letter, correct?

12 A (Heiser) Yes, they did.

13 Q Okay. And DES had your comments, or at least
14 the Town's comments almost a year before they
15 issued their Final Permitting decision, is that
16 right?

17 A (Heiser) If --

18 Q Ten months or so?

19 A (Witness Heiser nodding in the affirmative).

20 Q Okay. So, DES did, in fact, have all of your
21 comments that you made in its possession before
22 making its determination, right?

23 A (Heiser) Yes. I believe I have something dated
24 "March 16th, 2016".

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Q Right. Okay. Just a few last questions here.
2 The only other topic that I wanted to address
3 right now is you raised some concerns,
4 Ms. Heiser, about audio and EMF impacts in your
5 original prefiled testimony dated November 14.
6 Are you aware that the Project's audio and EMF
7 levels are well below any recognized standards?

8 A (Heiser) I understand that's -- I have read
9 that they have made those changes.

10 Q And you're aware that the Department of Energy
11 has, in fact, concluded that there are no
12 specific cause or cause for concern of
13 health-related impacts from the Project's
14 electric and magnetic fields. Are you aware of
15 that?

16 A (Heiser) I'm aware that that's what they say.
17 I don't know if I'm in complete agreement.

18 Q And you're aware that the Department of Energy
19 also concluded that any impacts from noise on
20 the overhead portion would be below EPA
21 established standards, right?

22 A (Heiser) I've read a lot of things. I can't
23 quite --

24 Q And, with regards to construction, the

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1 Department of Energy also concluded that, with
2 implementation of the Applicants' proposed
3 methods, noise levels would also fall below
4 U.S. Department of Transportation guidelines,
5 correct?

6 A (Heiser) If you say so.

7 Q So, does this information completed by the U.S.
8 Department of Energy satisfy any of your
9 concerns?

10 A (Heiser) Some, but certainly not all.

11 Q What concerns haven't been satisfied?

12 A (Heiser) I have a huge concern about being
13 located too near transmission lines of that
14 magnitude.

15 Q Do you have any additional recommendations for
16 conditions on this?

17 A (Heiser) I would assume that burying them would
18 change some of those factors.

19 MR. DUMVILLE: Thank you. No further
20 questions.

21 CHAIRMAN HONIGBERG: Members of the
22 Committee, who has questions for the witness
23 panel?

24 Mr. Oldenburg.

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 MR. OLDENBURG: Thank you, Mr.
2 Chairman. Good morning.

3 WITNESS VERDILE: Good morning.

4 WITNESS HEISER: Good morning.

5 MR. OLDENBURG: My questions are
6 probably going to be a little scattered. My
7 name is Bill Oldenburg. And I work with the
8 Department of Transportation. So, I don't have
9 a very lot of complex questions, but most of
10 them dealt with the Master Plan, and most of
11 them I think are going to be for Ms. Verdile.

12 BY MR. OLDENBURG:

13 Q So, a lot of towns have submitted master plans,
14 and have submitted testimony and have said that
15 their master plans say "no" to this Project.
16 And, as I started to read some of the master
17 plans, I guess it's the nuance of understanding
18 the master plans. You know, it isn't blatant
19 to me that the master plans say "no".

20 So, yesterday I think you basically said,
21 in Pembroke's Master Plan, it's the size and
22 scope of the Project, the tower heights, and
23 also aesthetics, and --

24 A (Verdile) Correct.

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1 Q -- public safety and welfare. So, those are
2 the things that are mentioned in the Master
3 Plan that this Project would violate, I guess.

4 A (Verdile) Correct.

5 Q Correct?

6 A (Verdile) Yes.

7 Q And the Master Plan -- in your experience,
8 master plans are a vision of the future, a
9 listing of what the town wants to do, not
10 really what the town doesn't want to do,
11 correct?

12 A (Verdile) Correct. The master plan is at the
13 top of the food chain for what a town wants to
14 be when they grow up. Okay? So, if you have
15 these visioning sessions, you take a community
16 survey, and you ask the residents "Where do you
17 want development? Where do you want
18 residential? And where do you want this?" And
19 that all comes from the master plan.

20 And then the next phase of a master plan
21 would be to write and create your regulations
22 that address and implement the opinions of the
23 residents of the town.

24 So, when -- Pembroke is extremely

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1 protective of Pembroke Street, maintaining the
2 rural character and the rural quality looks and
3 aesthetics of the town, as an example. They're
4 very protective over that. So, the rural
5 characteristics and aesthetic qualities for the
6 Town of Pembroke range very high in Master Plan
7 survey and community survey results.

8 So, this Project, while, yes, everyone
9 knows there is an existing transmission line
10 through the Town of Pembroke, this transmission
11 line cuts through, it basically dissects the
12 Town of Pembroke, and in the most rural zone.

13 High power transmission lines, yes, they
14 were put in a long time ago. We hope to think
15 that we have come leaps and bounds of what uses
16 are appropriate for what areas. And this type
17 of project proposal is not appropriate for the
18 R3 Zone, which is the majority of the Town of
19 Pembroke. Is it appropriate in C1? Yes. You
20 would think, when you're in a C1
21 Commercial/Industrial Zone, you would see high
22 powered lines and these lattice structures that
23 are 175 feet, 140 feet tall.

24 When you're in the most rural part of

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 town, which is the majority of the town, you
2 don't expect to see that. Yes, the lines are
3 there. They're not as tall as the trees.
4 They're wooden poles.

5 So, those are the differences. That's
6 where Pembroke is coming from, as what they
7 want to maintain their aesthetic qualities and
8 the rural character of their town, which the
9 majority of their town is rural.

10 Q So, one of the things, and as I read through
11 the Master Plan and your testimony, it said,
12 you know, "go look at the survey results".
13 And, so, I'm going through the survey
14 results -- I was going through the survey
15 questions. And, like every other master plan,
16 the questions seem to be "what do you like
17 about the town?"

18 A (Witness Verdile nodding in the affirmative).

19 Q So, the questions sort of naturally gravitate
20 to "I like rural."

21 A (Verdile) Uh-huh.

22 Q "I like the location." You know, "I wouldn't
23 have bought a house there if I didn't like
24 where I am." And there's not a lot of

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 questions based upon "what I don't like", "what
2 I don't want to see in town." So, as a
3 planning document for the future, it's what I
4 want, not necessarily what I don't want.

5 So, and I think, when I saw Mr. Varney's
6 results, his sort of -- he had sort of a
7 spreadsheet of all the different master plans
8 that he went through and read, it's hard to
9 distinguish what parts of it apply to "I don't
10 like the Project" or "I don't mind the
11 Project". Is that a fair assumption?

12 As I read these, I'm trying to say "how do
13 I understand whether this master plan is
14 against the Project or for the Project?" And
15 I'm not grasping the nuances of a master plan.

16 So, is it, like you say, because the town
17 people like the aesthetics, they're not going
18 to like this Project because of the towers?

19 A (Verdile) Because of their -- yes, their
20 established opinion in 2004, and recently, as
21 we're redoing our Master Plan. But, again,
22 it's the rural character of the town that they
23 want to maintain.

24 The Town of Pembroke is the fifth highest

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 or fifth most town with visual -- high visual
2 impacts. Which is information that I've gained
3 from reading and studying all of the materials
4 from this report. That seem, when I first read
5 that, I kind of thought that's kind of
6 interesting. You would think areas more up
7 north would have more visual impacts. But,
8 according to the T.J. Boyle report, Pembroke is
9 fifth in visual impacts.

10 So, I think part of that comes from the
11 layout of the land in Pembroke. It is very
12 rural. You wouldn't think, being in Merrimack
13 County, right next to Concord, how rural
14 Pembroke is. But, again, I'll repeat: The
15 majority of this line is going through the most
16 rural area of town.

17 And, so, the residents of Pembroke have
18 maintained that maintaining their rural
19 character and aesthetics is extremely important
20 to them. They have gone to great lengths to
21 keep Pembroke Street looking the way Pembroke
22 Street looks. That's their choice.

23 So, I would say the meat-and-potatoes of
24 the residents of Pembroke, when it comes to

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 their Master Plan, is that the number one
2 priority for them is to maintain the rural
3 characteristics and the aesthetic qualities of
4 their zones and of their landscapes.

5 Q Okay. And I read in your resumé that you've
6 helped develop master plans before in other
7 communities, not just Pembroke?

8 A (Verdile) Yes.

9 Q And, so, if I read someone else's master plan,
10 that's the type of information I'm looking for,
11 to gain insight --

12 A (Verdile) Correct.

13 Q -- into whether the town would agree or
14 disagree with the Project.

15 A (Verdile) Correct. The City of Laconia would
16 have most, you know, I would guess, and I
17 worked for the City of Laconia 16 years ago,
18 but their Master Plan would be -- goals and
19 objectives could be very different than the
20 Town of Pembroke.

21 Q Uh-huh.

22 A (Verdile) They, you know, maintain lakes,
23 maintain their water quality, maintain Paugus
24 Bay. So, they -- I would -- those goals and

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1 objectives are different for each community.
2 They have different needs, different
3 infrastructure, different populations. So,
4 those goals and objectives for each community
5 would change to what the community identifies
6 with, what's important to them.

7 Q Okay. All right. The last line of question
8 was, I think, Ms. Heiser, yesterday you had
9 mentioned, and I forget who was asking the
10 questions, that you had mentioned about
11 "burying the line", that that -- that would be
12 preferred over what was being proposed.

13 Was that an assumption of burying it in
14 the existing easement or somewhere else?

15 A (Heiser) Some -- well, when reading on this
16 Project, there were other alternatives. And
17 one of them was the 93 corridor, for instance.
18 And, so, that would eliminate the need to dig
19 up in Pembroke any line, because it would be
20 routed in a place that already had utilities.
21 And that, in my mind, is sticking with where
22 the utilities would have the least impacts.
23 And, as the Chairman of the Conservation
24 Commission, my charge is to protect our town's

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 natural resources. And, so, you know, it's the
2 whole avoidance, minimization, mitigation, is
3 how we operate.

4 So, it seems to me that this Project does
5 not need to go through Pembroke. And, so, I
6 flatly am opposed to this project because of
7 that.

8 Q Okay. So, my thought was at some point it
9 can't be on 93. I guess, if it's going to
10 Deerfield, it's got to get off 93 somewhere.
11 And your point is, if it's buried, don't bury
12 it in Pembroke. So, an option of burying it
13 down North Pembroke Road, to get to 28 into
14 Allenstown, or down Route 3, to 28 to
15 Allenstown, isn't -- isn't something you would
16 even consider?

17 A (Heiser) You know, I care about the whole
18 state. And I'm trying to see this Project, I
19 don't just care about Pembroke, I care about
20 this whole state. I love this state. And I
21 don't think this Project suits this state.

22 MR. OLDENBURG: Okay. All right.
23 Thank you very much. That's all I have.

24 CHAIRMAN HONIGBERG: Mr. Wright.

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 DIR. WRIGHT: Good morning, folks.

2 Craig Wright, with DES.

3 WITNESS VERDILE: Good morning.

4 DIR. WRIGHT: I think, Ms. Heiser --

5 Ms. Heiser, I think my questions are for you,

6 but anybody else, please feel free to jump in.

7 BY DIR. WRIGHT:

8 Q Could you just clarify, I thought I heard

9 yesterday that there were -- the right-of-way

10 passes through the Wellhead Protection Area of

11 "three town wells". But this morning I thought

12 I heard "six town wells". What's my confusion?

13 A (Heiser) Three are Concord's, I believe.

14 Q Okay. But they're --

15 A (Heiser) They're in that same general vicinity

16 of the Soucook River.

17 Q Okay. Are they actually in Concord or are they

18 in Pembroke?

19 A (Heiser) They're on the line. I couldn't say.

20 A (Verdile) Yes.

21 Q Okay. So, there are six -- oh, so, there are

22 six wells within the Wellhead Protection Area?

23 A (Heiser) Yes. I believe they're in Pembroke,

24 actually.

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1 Q Okay. Are your concerns primarily related to
2 the construction of the line, or also operation
3 and maintenance of the line?

4 A (Heiser) All of the above.

5 Q All of the above.

6 A (Heiser) Because I'm worried about
7 contamination, and I've been very heightened to
8 that with what's happened in a lot of other
9 towns that had their water destroyed.

10 We have on our Board Brian Mrazik, who
11 used to be the head of USGS. And he's very
12 soft-spoken, he doesn't get highly volatile
13 about anything. But his major concerns, had he
14 has stated it numerous times in our meetings,
15 are "we have to protect our aquifers." When
16 you start digging and doing -- having things
17 that are potentially contaminating to our
18 aquifers, it's very dangerous. Because, once
19 an aquifer is contaminated, you can't
20 uncontaminate it. There's nothing you can do
21 to mitigate that.

22 So, his big thing, and I've been blessed
23 to be on the committee with him, he's taught me
24 a lot about -- well, I mean, he's a Ph.D in

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1 Hydrology. And he's very adamant that
2 protecting our aquifers, protecting our wells,
3 are very important to the wellbeing of
4 Pembroke's water.

5 Q Okay. Just one general last area of questions.
6 Now, the existing right-of-way goes through the
7 Wellhead Protection Area, is that correct?

8 A (Heiser) Yes.

9 Q Have there been any incidents you're aware of
10 where there have been spills or things like
11 that within the right-of-way as a result of
12 either operation or maintenance of the lines?

13 A (Verdile) Not that I'm aware of. That would
14 most likely be going to the Pembroke Water
15 Works.

16 DIR. WRIGHT: Okay. Thank you.

17 CHAIRMAN HONIGBERG: Ms. Weathersby.

18 MS. WEATHERSBY: Good morning.

19 WITNESS VERDILE: Good morning.

20 WITNESS HEISER: Good morning.

21 MS. WEATHERSBY: I'm Patricia
22 Weathersby. I'm a public member on the SEC.
23 Just a couple of follow-up questions.

24 BY MS. WEATHERSBY:

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 Q Did I hear you say this morning that the Master
2 Plan was amended this past May, and, as part of
3 that, there was a designation of scenic roads
4 and resources?

5 A (Heiser) Yes. In May -- last year Rick Van de
6 Poll did our Natural Resource Inventory. The
7 Conservation Commission paid him to do or
8 update our -- or, to have a natural inventory.
9 And part of, when we hired him, was to do a
10 Natural Resource chapter. So, my question to
11 the Town was that that chapter was sitting
12 there, and because the Master Plan, as a whole,
13 hadn't been started yet, I thought "here we
14 have this valuable information, and we have
15 Town boards that need information when they're
16 making decisions." So, I requested the Board
17 of Selectmen, I said "do we have to wait to
18 adopt the Natural Resource chapter till the
19 whole Master Plan is completed?" And they said
20 "No, you don't."

21 So, at the May 1st meeting, the Board of
22 Selectmen adopted the Natural Resource chapter.

23 Q Now, was this past May, 2017?

24 A (Heiser) Yes. May 1st, 2017.

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1 Q And that now designates the Range Roads as
2 "scenic roads"?

3 A (Heiser) I don't think it designates them.
4 But, in our Master Plan, again, we're trying to
5 look to the future, it named -- there is a
6 graph towards the end of that new Natural
7 Resource, and it talks about the scenic roads
8 in Pembroke. And it suggests that we designate
9 those scenic reads.

10 Q Okay. Then, a quick question for Mr. Jodoin.
11 I actually was trying to understand the issue
12 concerning the depreciation adjustment you
13 referred to for the transmission line that
14 presently goes through town. I think you
15 indicated that the current tax cards take into
16 consideration this depreciation adjustment
17 between 5 and 50 percent.

18 Is that -- when you say "depreciation
19 adjustment", is that an abatement? Was that
20 done through an abatement process? Or was that
21 something the Town took upon themselves? Or
22 how did -- is it really a "depreciation
23 adjustment"? And how did it come about?

24 A (Jodoin) We contract with an assessor to go

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 through the townwide property values. They
2 make those calculations based on the location,
3 the style of the property, the height of the
4 towers. It's not through an abatement process.
5 It's just strictly a reduction in value on the
6 property.

7 Q And that's something the town assessor did for
8 the Project, --

9 A (Jodoin) Correct.

10 Q -- for the existing --

11 A (Jodoin) For the existing rights-of-way,
12 correct, and easements.

13 Q Okay. And was it your testimony that that
14 depreciation adjustment with the Northern Pass
15 line built will then be a greater amount for
16 those properties?

17 A (Jodoin) In my opinion, you could see some
18 larger amounts, yes.

19 Q And, in your opinion, will there be additional
20 properties affected or is it all the same
21 properties that are presently --

22 A (Jodoin) From what I have reviewed, it looked
23 as though it's just the properties that were
24 listed in my document.

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1 Q And do you have figures, and you said "5 to 50
2 percent adjustment" has been made. Do you have
3 a range for what the adjustment will be if
4 Northern Pass is built?

5 A (Jodoin) I don't at this time. Like I said,
6 those are all handled by the contracted
7 assessors. I don't put values on properties.
8 I only deal with the abatement aspects.

9 MS. WEATHERSBY: Okay. Thank you.
10 Nothing further.

11 CHAIRMAN HONIGBERG: Mr. Way.

12 MR. WAY: Good morning.

13 WITNESS VERDILE: Good morning.

14 MR. WAY: Just one question for
15 Mr. Jodoin.

16 BY MR. WAY:

17 Q So, I'm clear on the MOU that we talked about
18 earlier. You said it's in the hands of the
19 Applicant to come back to the community?

20 A (Jodoin) There were -- excuse me -- there were
21 various different questions that were
22 unanswered that the Selectmen posed to them.
23 And the last stage was that the individual on
24 Northern Pass was going to go back, they took

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1 down notes, they were going to back go and
2 revisit that, and then make a response back to
3 the Town. I have not seen that response as of
4 yet, nor has the Board of Selectmen.

5 Q All right. So, as a result of that meeting,
6 there was a clear understanding that the
7 Applicant was going to answer these questions
8 and then get back in touch with the Board?

9 A (Jodoin) Correct.

10 MR. WAY: Thank you.

11 CHAIRMAN HONIGBERG: All right. I
12 think that's it for questions from the
13 Subcommittee.

14 Mr. Whitley, do you have redirect for
15 the panel?

16 MR. WHITLEY: Good morning.

17 WITNESS VERDILE: Good morning.

18 WITNESS HEISER: Good morning.

19 MR. WHITLEY: Just a couple things to
20 follow up on.

21 **REDIRECT EXAMINATION**

22 BY MR. WHITLEY:

23 Q I'm going to start with the Wellhead Protection
24 Area, which there have been quite a few

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 questions about. So, let me put this up on the
2 ELMO.

3 MR. WHITLEY: Dawn, can I have the
4 ELMO please?

5 Can you guys see it on the screen
6 there?

7 WITNESS VERDILE: Yes.

8 WITNESS HEISER: Yes.

9 MR. WHITLEY: And for the record,
10 it's Bates stamped Joint Muni 006438.

11 BY MR. WHITLEY:

12 Q And there were some questions on this, and I
13 believe there was testimony yesterday from
14 Ms. Verdile about what designated the wells on
15 this map. And I understand that you'd like to
16 just correct what you said yesterday about what
17 designated the wells. So, could you do that
18 please?

19 A (Verdile) Yes. Without having the legend in
20 front of me, I incorrectly said that I believe
21 that the wells were the "triangles". We asked
22 for further clarification from the Pembroke
23 Water Works Department to identify the wells
24 within the wellhead protection radii. And

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 those wells are what look like little blue
2 mines. There's three there, three. And the
3 Concord/Pembroke line is the Soucook River.
4 So, you can see where those wells are located
5 in relation to where they're in Pembroke and
6 where they're in Concord.

7 Q And, as part of that clarification, did you
8 understand what the triangles represented?

9 A (Verdile) Those were, I believe, potential
10 hazard sites --

11 Q Okay. Thank you.

12 A (Verdile) -- located within the radii.

13 Q With that clarification in mind, do you have --
14 do you still have concerns about the Project's
15 potential impact in the Wellhead Protection
16 Area? And this for you, Ms. Verdile, or you,
17 Ms. Heiser.

18 A (Verdile) Yes. They still remain absolutely
19 very high concerns.

20 Q And before I get to you, Ms. Heiser, why is
21 that, Ms. Verdile?

22 A (Verdile) Because, first of all, knowing that
23 there's -- for clarification, that there are
24 six wells within that radii, and the location

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1 to half of those wells are so close to the
2 existing line. The things that exist, you
3 know, we can't do anything about it now.
4 Adding to that is very dangerous. Ask the
5 people in Merrimack how they're doing with
6 their wells, and things that were done a long
7 time ago, didn't know at the time that those
8 things could contaminate wells. But Pembroke's
9 water comes out of the faucet relatively pure.
10 There is very, very minimal treatment that
11 Pembroke does to the water supply in town. And
12 I think adding any type of potential hazard, to
13 something as vital as that is to the City of
14 Concord and to the Town of Pembroke, is not
15 responsible.

16 Q And, Ms. Heiser, do you have anything that
17 you'd like to add regarding your concerns based
18 on the clarification of what's a well on that
19 map?

20 A (Heiser) Yes. Now that I know, they were --
21 when I called the Town to ask where the wells
22 were, they told me they couldn't release that
23 information, because somebody could possibly
24 contaminate the well. So, when I realized --

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1 they were closer than I had even realized they
2 were to the existing right-of-way. And this
3 causes me great concern, because of the risk of
4 contamination.

5 Q And the wells in question that you're saying
6 are close to the existing right-of-way, is
7 it -- hold on.

8 A (Heiser) Yes. Those are right there. No
9 avoiding that.

10 Q Okay. And just for clarification, the existing
11 corridor is just adjacent to those wells that I
12 just pointed out, correct? Is that your
13 understanding of the map?

14 A (Heiser) That's my understanding.

15 A (Verdile) That is correct.

16 MR. IACOPINO: Mr. Whitley, I know
17 you gave us a Bates number on this. But what
18 exhibit is this a portion of, do you know?

19 MR. WHITLEY: I'll have to go and
20 look, then I can tell you.

21 [NOTE: Reference Exhibit Jt. Muni 148]

22 MR. IACOPINO: Okay. Thank you.

23 BY MR. WHITLEY:

24 Q Mr. Jodoin, the other day Mr. Aslin was asking

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 you questions about your opinion about any
2 revenues that the Town may receive being offset
3 by I believe your testimony was "abatement
4 requests from neighboring property owners", and
5 also the Project filing for abatements, and the
6 Town having to expend money to support its own
7 assessment levels. And he asked you if you've
8 done any sort of analysis to arrive at any
9 figure of what that might be. Do you recall
10 that conversation?

11 A (Jodoin) I do.

12 Q And even though your answer was that you didn't
13 have an exact figure that you could provide, as
14 a general sense, though, your opinion remains
15 the same, is that true?

16 A (Jodoin) Correct.

17 Q Okay. And I don't think you finished your
18 answer in explaining what the concern was with
19 Northern Pass seeking abatements in town.
20 Could you finish that answer please.

21 A (Jodoin) Sure. While I'm not a certified
22 assessor, I've been through well over 20
23 townwide revaluations or statistical updates.
24 So, I've seen my fair share of abatement

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1 requests. When I compiled the information for
2 my documents, there was well over 20 properties
3 that would be affected by this Project. Of
4 those 20 projects -- 20 plus, roughly 17 of
5 those parcels would see a drastic increase in
6 the height of the tower from what it currently
7 exists to what it will become. That will
8 definitely impact the view, which will, in
9 turn, generate, I'm sure, multiple abatement
10 requests before the Board of Selectmen through
11 our assessing process.

12 And we've seen or heard the amount of
13 money that we could potentially get from
14 Northern Pass on this Project. But I would
15 submit that, in all probability, the amount of
16 money that we're going to get, we will spend
17 through the abatement process or through the
18 continued litigation with Eversource on the
19 values of the properties.

20 MR. WHITLEY: Dawn, could you switch
21 me to my computer please.

22 BY MR. WHITLEY:

23 Q Thank you, Mr. Jodoin. I've got on the screen
24 here the estimated first year's tax revenues to

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 the Town of Pembroke. And this is from Ms.
2 Shapiro's initial report.

3 MR. WHITLEY: And I'm going to state
4 the cite for the record here. It's Applicants
5 Exhibit 1. It's Appendix 44. Then, it's
6 Appendix A, and it's Page 17.

7 BY MR. WHITLEY:

8 Q And you see I've highlighted there the Town of
9 Pembroke, at the bottom. Do you see that on
10 the screen there?

11 A (Jodoin) I do.

12 Q So, I know that -- I'm not going to ask you to
13 arrive at any figure. But, just roughly, based
14 on the estimated first year's tax payments, and
15 the fact that you've just stated that this
16 money would be reduced, can you estimate how
17 much the Town might see, in terms of net
18 revenue?

19 A (Jodoin) That's difficult to say. I could
20 actually say it could go the other way --

21 MR. NEEDLEMAN: Mr. Chair.

22 **CONTINUED BY THE WITNESS:**

23 A (Jodoin) -- and we could lose money.

24 CHAIRMAN HONIGBERG: Hang on. Hang

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 on. Mr. Needleman?

2 MR. NEEDLEMAN: Sounds like this is
3 now calling for new opinions. It's not
4 clarifying things that were raised on direct.

5 CHAIRMAN HONIGBERG: Yes. What is
6 this tied to, Mr. Whitley?

7 MR. WHITLEY: The witness just
8 answered about his opinion regarding offsetting
9 revenue. And I just wanted to have him provide
10 an explanation of that.

11 CHAIRMAN HONIGBERG: Well, that's a
12 different question. What testimony from
13 cross-examination is this related to?

14 MR. WHITLEY: Mr. Aslin the other day
15 was asking him about the calculation that he
16 did when he stated that there was going to be
17 an offset to any revenue that the Project may
18 create in town.

19 CHAIRMAN HONIGBERG: And, so, this
20 is -- you're representing this is an
21 explanation of that?

22 MR. WHITLEY: Correct.

23 CHAIRMAN HONIGBERG: Mr. Needleman.

24 MR. NEEDLEMAN: Well, I think his

[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 testimony at the time Mr. Aslin asked that was
2 he "didn't do any analysis".

3 CHAIRMAN HONIGBERG: Mr. Whitley.

4 MR. WHITLEY: And I'm not suggesting
5 otherwise. I'm asking him -- he just said, in
6 a general sense, his testimony remains the
7 same. And I'm just giving him a little more
8 hard information to use for his kind of general
9 approach.

10 CHAIRMAN HONIGBERG: All right. I'm
11 going to let you go, but not much further than
12 this.

13 MR. WHITLEY: Understood.

14 BY MR. WHITLEY:

15 Q I believe you answered the question,
16 Mr. Jodoin, unless there was something else you
17 wanted to add?

18 A (Jodoin) Not at all.

19 Q Okay. Mr. Dumville was asking the panel about
20 the August 25th letter that I asked you
21 questions about yesterday. And I just wanted
22 to have you respond. When the three of you see
23 aprons on a design plan, what do you interpret
24 those to show?

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1 A (Verdile) Construction entrance and access for
2 vehicles.

3 A (Heiser) Exactly.

4 Q And, in terms of taking Northern Pass's
5 overtures to resolve these issues at face
6 value, would it be helpful if the design plans
7 were consistent with the other statements they
8 have made about which roads they're going to
9 use and how they're going to access the
10 corridor?

11 A (Heiser) Yes.

12 A (Verdile) Yes.

13 A (Jodoin) Yes.

14 Q Okay. And, lastly, --

15 MR. WHITLEY: Dawn, could I have the
16 ELMO please.

17 BY MR. WHITLEY:

18 Q Mr. Dumville put up Northern Pass's kind of
19 summary of communications with the Town. And
20 then he also put up some town meeting minutes,
21 I believe, which discussed the Town it appeared
22 to be stopping communications with the Project.
23 And I just wanted to put up an email exchange
24 between Town Counsel and Northern Pass's

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[WITNESS PANEL: Verdile|Heiser|Jodoin]

1 counsel, which I'm going to ask you to comment
2 on here.

3 So, this is an email exchange March 20th,
4 2017. You see at the bottom of the page is the
5 beginning of the response from Mr. Needleman to
6 me. And I'll turn it over now. And at the top
7 of the page, and what I've underlined there,
8 could one of you read that please, the top
9 underline?

10 A (Heiser) "That said, we appreciate and respect
11 the concerns you've raised. If your clients
12 would prefer that we communicate only through
13 you regarding anything having to do with
14 negotiating stipulations, we will certainly
15 honor that preference."

16 Q Thank you. So, to the extent that it was
17 suggested that the Town "cut off communications
18 with Northern Pass" over negotiating any sort
19 of an MOU, would you agree that that's not
20 really accurate?

21 A (Heiser) I would agree.

22 A (Verdile) Yes. That's not accurate.

23 A (Heiser) It's not accurate.

24 MR. WHITLEY: Okay. That's all I

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1 have. Thank you very much.

2 CHAIRMAN HONIGBERG: All right.

3 Thank you. I think we're done with this panel.

4 WITNESS VERDILE: Thank you.

5 CHAIRMAN HONIGBERG: You're excused.

6 WITNESS HEISER: Thank you.

7 CHAIRMAN HONIGBERG: Why don't we
8 take a ten-minute break and let the next panel
9 get set up.

10 *(Recess taken at 10:24 a.m.*
11 *and the hearing resumed at*
12 *10:39 a.m.)*

13 CHAIRMAN HONIGBERG: All right.
14 We're going to go back on the record. We have
15 a witness panel in place. Before you swear
16 them in, Mr. Patnaude, I want to let people
17 know we're going to break for lunch right
18 around noon, shortly thereafter. Commissioner
19 Bailey and I have a hearing back at the PUC we
20 have to do.

21 Off the record.

22 *[Brief off-the-record discussion*
23 *ensued.]*

24 CHAIRMAN HONIGBERG: So, Mr. Patnaude

1 would you please swear the panel in.

2 (Whereupon **Clare Lupton, Elmer**
3 **(Neil) Lupton, David Van Houten,**
4 **James Ramsdell, Sondra Brekke,**
5 and **Bruce Brekke** were duly sworn
6 by the Court Reporter.)

7 **CLARE LUPTON, SWORN**

8 **ELMER (NEIL) LUPTON, SWORN**

9 **DAVID VAN HOUTEN, SWORN**

10 **JAMES RAMSDELL, SWORN**

11 **SONDRA BREKKE, SWORN**

12 **BRUCE BREKKE, SWORN**

13 **DIRECT EXAMINATION**

14 BY MR. IACOPINO:

15 Q Good morning, ladies and gentlemen. I'm going
16 to ask each to identify yourself. We'll start
17 with Ms. Lupton, sitting to my far left of your
18 table, and go up the table please.

19 Would you please identify yourself by
20 telling us your name and your address.

21 A (C. Lupton) My name is Clare Lupton -- whoops,
22 sorry. My name is Clare Lupton, and the
23 address is 75 Newell Lane, in Whitefield.

24 A (E. Lupton) Elmer Lupton, 75 Newell Lane,

1 Whitefield.

2 A (Van Houten) David Van Houten, 649 Cherry
3 Valley Road, Bethlehem.

4 A (Ramsdell) Jim Ramsdell, 1049 Whitefield Road,
5 Dalton.

6 A (S. Brekke) Sondra Brekke, 99 Ramble On Road,
7 in Whitefield.

8 A (B. Brekke) Bruce Brekke, 99 Ramble On Road,
9 Whitefield.

10 Q And it's my understanding that each of you have
11 filed either individual or joint prefiled
12 testimony in this case. So, what I'm going to
13 do is, again, I'm going to start with
14 Ms. Lupton and Mr. Lupton, because they filed
15 jointly, and I'm going to get them to adopt
16 their testimony. And then I'll go up the table
17 in the order that you are seated.

18 First of all, Mr. and Mrs. Lupton, did you
19 file your testimony jointly?

20 A (E. Lupton) We did.

21 Q And did you file testimony that has been marked
22 as "DWBA 9", and entitled "Pre-Trial Testimony
23 of Clare and Elmer Lupton"?

24 A (E. Lupton) I don't have the documentation, the

[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 number that you list, but we did file prefiled
2 testimony.

3 Q And did you also file supplemental prefiled
4 testimony, which I have marked as "DWBA 13"?

5 A (C. Lupton) Again, we don't have the number,
6 but we assume the testimony we filed agrees
7 with that number.

8 Q Okay. So, --

9 A (E. Lupton) And in addition, we submitted
10 responses to the questions given by counsel for
11 the Applicant.

12 Q Okay. And you don't -- do you not have copies
13 of your testimony with you?

14 A (C. Lupton) We have copies.

15 Q Okay. And with respect to both your prefiled
16 testimony and your supplemental testimony, do
17 you swear to that and adopt that as your
18 testimony today?

19 A (C. Lupton) Yes.

20 A (E. Lupton) We do.

21 Q And if you were asked the same questions that
22 are contained in those two documents, would you
23 answer those questions the same way today?

24 A (C. Lupton) Yes.

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[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 A (E. Lupton) We would.

2 Q Okay. Are there any corrections you have to
3 any portions of those, either your prefiled
4 testimony or your supplement testimony?

5 A (E. Lupton) I don't believe so.

6 Q Okay. Mr. Van Houten, I have you as having
7 filed prefiled testimony, which has been marked
8 as "DWBA 8". I believe it was filed in
9 November of 2016. Do you recall filing that
10 testimony?

11 A (Van Houten) I do.

12 Q And if you were asked the same questions in
13 that document here today, would you give the
14 same answers?

15 A (Van Houten) Most likely.

16 Q And do you swear to and adopt the testimony
17 that's contained there for our hearing today?

18 A (Van Houten) Yes.

19 Q Do you have any corrections to your prefiled
20 testimony?

21 A (Van Houten) Not that I know of.

22 Q Okay. Mr. Ramsdell, I have marked prefiled
23 testimony as "DWBA 11" from you. And I don't
24 have any supplemental prefiled testimony. Am I

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1 correct in that?

2 A (Ramsdell) That's right.

3 Q Okay. And if you were to be asked the same
4 questions that were asked in that prefiled
5 testimony here today, would you give the same
6 answers?

7 A (Ramsdell) Yes, I would.

8 Q And do you swear to and adopt that testimony as
9 your testimony for the purposes of this
10 hearing?

11 A (Ramsdell) I do.

12 Q Do you have any corrections to make to that
13 testimony?

14 A (Ramsdell) I will have some updating to our
15 situation. But it doesn't -- I don't think
16 it's a correction. It would just be some
17 updated information to my daughter's health.

18 Q Thank you. And we will get to that when I'm
19 finished --

20 A (Ramsdell) All right. That's fine.

21 Q -- with the panel and getting their testimony
22 in.

23 A (Ramsdell) Yes.

24 Q Okay. Mr. and Mrs. Brekke, did you file joint

1 testimony?

2 A (B. Brekke) Yes, we did.

3 Q Okay. And I have it listed as "DWBA 7" as your
4 joint prefiled testimony, and "DWBA 14" as your
5 joint supplemental prefiled testimony. Is that
6 consistent with what you have?

7 A (B. Brekke) Yes, it is.

8 Q And if you were to be asked the questions
9 contained in those two testimonies here today,
10 would you give the same answers?

11 A (B. Brekke) To the best of our abilities, yes.

12 A (S. Brekke) Yes.

13 Q And do you swear to and adopt that testimony
14 for the purposes of our hearing?

15 A (B. Brekke) Yes.

16 Q Did you have any corrections to make to either
17 your prefiled or your supplemental testimony?

18 A (B. Brekke) No, we don't.

19 Q Okay. All right. The next question I'm going
20 to ask goes to each of you. And it is, given
21 what's occurred in the course of the hearings
22 here today, not today, but over the course of
23 the 59 days that we've had the hearings, do you
24 have any additional information to offer in

1 addition to your testimony?

2 And I'm going to start at the left end of
3 the table again with Mr. and Mrs. Lupton. Do
4 you have anything that you would add to your
5 direct testimony based upon anything that
6 you've learned during the course of the
7 proceedings that have gone on?

8 A (E. Lupton) As I mentioned, we supplied
9 additional information based upon questions
10 that were asked us by the Applicant.

11 Q You mean during the technical sessions?

12 A (E. Lupton) Yes.

13 Q Okay. You understand that if you wish to --
14 have you submitted those as exhibits, I should
15 ask?

16 A (E. Lupton) I, frankly, don't know. If not, it
17 was our intention to do so. But whether we did
18 or not, I don't know. Did we? So, I don't
19 know.

20 Q Well, you may be asked some of those same
21 questions here today, just so that you're
22 aware. Okay.

23 A (E. Lupton) We'll be very happy to respond.

24 Q Mr. Van Houten, any additions to your testimony

1 based upon what's occurred during the course of
2 the proceedings?

3 A (Van Houten) No thank you.

4 Q Mr. Ramsdell, the same question.

5 A (Ramsdell) No.

6 Q Mr. and Mrs. Brekke?

7 A (B. Brekke) No.

8 MR. IACOPINO: They're available for
9 cross-examination.

10 CHAIRMAN HONIGBERG: Mr. Aslin.

11 MS. MERRIGAN: Dawn, could I have the
12 system please.

13 MR. ASLIN: Good morning.

14 WITNESS S. BREKKE: Good morning.

15 MR. ASLIN: My name is Chris Aslin.

16 I have been designated as Counsel for the
17 Public in these proceedings. And I'm going to
18 ask a few questions.

19 **CROSS-EXAMINATION**

20 BY MR. ASLIN:

21 Q What I'd like to do is orient the Committee to
22 your various properties and how they are
23 situated along the Project. And I think it
24 will make sense to start, do it one-by-one, and

[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 I'm going to try and start in the northernmost
2 or uppermost part of the Project and work my
3 way down. So, I believe that that means that,
4 Mr. Ramsdell, you're first up.

5 MR. ASLIN: And, so, Dawn if you
6 could -- oh, I'm sorry. Sandy, if you could
7 put up APP67887 please.

8 BY MR. ASLIN:

9 Q And in a minute you should get an image on the
10 screen. Let me know when it appears.

11 A (S. Brekke) Okay.

12 Q Mr. Ramsdell, are you able to see that okay?

13 A (Ramsdell) Yes.

14 Q All right. Thank you. You reside at 1049
15 Whitefield Road, in Dalton, is that correct?

16 A (Ramsdell) That is correct.

17 Q And are you able to identify your property on
18 this map, which is part of the Applicants
19 Exhibit 201, the Project maps? I believe it's
20 on the right-hand side of the page, near the
21 word "Dalton".

22 A (Ramsdell) That's right. That's correct.

23 Q Is your property the property that is the first
24 one to the right of the Project line, on the --

[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 I won't use directions, because the maps are
2 not oriented north, but below Route 142?

3 A (Ramsdell) Yes. I'm right -- I'm adjacent to
4 the existing right-of-way. And it's on the
5 Dalton -- on the Dalton side of the
6 right-of-way.

7 Q And do you see where it says "DC-619",
8 indicating one of the proposed towers?

9 A (Ramsdell) Yes.

10 Q Is that right -- essentially, the label right
11 next to your driveway?

12 A (Ramsdell) That's right.

13 Q Okay. So, that's your property. And if I
14 understand the geography here, your -- well, do
15 you understand that the orange line shown on
16 this map is the proposed new transmission line,
17 the DC line?

18 A (Ramsdell) Yes. Yes.

19 Q And that the red squares are the proposed
20 structures on that line?

21 A (Ramsdell) Yes.

22 Q Okay.

23 A (Ramsdell) I do, yes.

24 Q Yes. You can move the microphone over, if it's

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1 easier.

2 And, so, if I understand correctly, the
3 existing power line is shown here with the
4 purple squares. So, you see the right-of-way
5 that's passing by your property. And there are
6 purple squares indicating existing structures?

7 A (Ramsdell) Yes.

8 Q Okay. And, so, the new proposed line will be
9 closer to your property than the existing line?

10 A (Ramsdell) That's right.

11 Q And I believe -- and, so, I believe the towers
12 that are closest -- proposed towers that are
13 closest to your property, those are marked
14 "DC-618" to "620". And if you see here on this
15 part of the plans, on the left-hand side,
16 there's structure numbers. And are you able to
17 locate those three structures, DC-618 to 620?

18 A (Ramsdell) Yes. I see those.

19 Q And those are -- the proposed structure heights
20 are 75 to 95 feet for those three?

21 A (Ramsdell) That's right.

22 Q Okay. And do you see, in the right-hand column
23 there, that the cross section is "C1-2" for
24 those structures?

[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 A (Ramsdell) Yes.

2 Q And, so, if you look across the page, in the
3 middle set of pictures on the right-hand side,
4 do you see where it says segment "C1-2"?

5 A (Ramsdell) Yes.

6 Q And do you understand then that the DC
7 structures that are indicated in that segment
8 will be this lattice structures?

9 A (Ramsdell) Yes.

10 Q Okay. And that's what's going to go up along
11 the right-of-way near your property?

12 A (Ramsdell) Yes.

13 Q Okay. Now, you should be seeing a different
14 set of the project maps. This is part of the
15 Alteration of Terrain Project maps. And are
16 you able to identify your property on this map?

17 A (Ramsdell) Yes. I see it.

18 Q And it's on the left-hand side of the map, just
19 below the transmission line corridor?

20 A (Ramsdell) Yes.

21 Q Okay. Do you see in just along Route 142, the
22 red lines that are indicated within the
23 power -- the transmission corridor?

24 A (Ramsdell) Yes.

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[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 Q And do you understand that those are access
2 roads leading up to aprons coming onto Route
3 142?

4 A (Ramsdell) Yes.

5 Q And do you have an understanding of what those
6 access roads will be used for during the
7 Project construction?

8 A (Ramsdell) I don't.

9 Q Okay. Well, I'll represent that those are
10 access points for construction vehicles that
11 will be used for construction of the new
12 structures and other aspects of the Project.
13 Do you accept that as true?

14 A (Ramsdell) Sure.

15 Q And, so, do you have any understanding, based
16 on what's been presented in this proceeding so
17 far, about the number of vehicles that will be
18 coming in and out of this access point?

19 A (Ramsdell) No.

20 Q Okay. Would you assume that it's not an
21 insignificant number?

22 A (Ramsdell) Yes. It's probably worse than I
23 realize.

24 Q In your testimony, you've raised a few

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1 different concerns. One of which is with the
2 property value impacts. And you've testified
3 that you have attempted to sell your house back
4 in the 2010 to 2012 time period, correct?

5 A (Ramsdell) That's right.

6 Q But you were unsuccessful. And you've
7 indicated in your testimony that you believe
8 that at least a part of that lack of success
9 was due to the disclosure of the potential
10 Northern Pass Project?

11 A (Ramsdell) That's correct.

12 Q And do you have any specific information that
13 supports that conclusion, that it was the
14 Northern Pass Project that was causing you to
15 have difficulty selling your house?

16 A (Ramsdell) It was the feedback from the realtor
17 then, that was -- they required a disclosure
18 statement in the listing. And, so, they --
19 even when they did the appraisal, they said
20 that it would affect the sale price of the
21 house, that that would be an issue. And then I
22 have the market really reporting that they,
23 from the time it was listed, and different
24 people would look at it, and the feedback was

1 generally the same that, if it wasn't for the
2 potential project going through, that they
3 would make an offer.

4 Most of the feedback, the people liked the
5 house and the property, but they were just
6 afraid of the unknown. Not knowing what it
7 would be like, what it would look like, they
8 wouldn't make an offer. So, there was never an
9 offer on the house.

10 Q Okay. And, so, this was feedback you received
11 from your realtor relating to you reasons that
12 potential buyers had given for not making an
13 offer?

14 A (Ramsdell) That is correct.

15 Q Okay. Thank you. You also state in your
16 testimony that the town did a reevaluation or a
17 reassessment of properties.

18 A (Ramsdell) They did.

19 Q And that your home value dropped by \$45,000 and
20 change. Is it your position that that drop was
21 related specifically to the proposed Project?

22 A (Ramsdell) Partially.

23 Q Okay.

24 A (Ramsdell) I questioned them. And it looked

1 like everybody's values went down in the
2 reevaluation. But they said that properties
3 that were in that vicinity of the Project, that
4 that had a greater impact that they took into
5 consideration.

6 Q And the "they" that you're talking about is the
7 town assessor?

8 A (Ramsdell) Yes.

9 Q Okay. Thank you. And you've also testified
10 that you had some communications with the
11 Project personnel, specifically with
12 Mr. Wagner, about the potential views from your
13 property. And that the statement was that "you
14 would not have a view of the proposed towers",
15 is that correct? Do I understand that
16 correctly?

17 A (Ramsdell) Right. Yes. I had actually called
18 Mr. Wagner, somebody gave me his name that had
19 sold property in the Colebrook area. And, so,
20 I called him in and he came and brought me maps
21 and pictures, and said that I had a nice buffer
22 of trees, pine trees, which I wouldn't be
23 affected by the view at all, was his position.

24 So, I have a friend that's a forester.

1 And I asked him, I said "so, how tall do pine
2 trees get in our area?" He said "60 feet is
3 about the max." So, I -- I didn't measure my
4 trees, but that was the feedback I got. That a
5 typical pine tree is 60 feet, and that the
6 towers would be well over that.

7 Q And are the pine trees that Mr. Wagner was
8 speaking of the ones on the side of your
9 property, between your home and the power line?

10 A (Ramsdell) That's right.

11 Q Today, do you have a view from your property of
12 any of the existing structures?

13 A (Ramsdell) Not beside me. I do when they cross
14 the road. When they cross 142, then I can see
15 them --

16 Q And you --

17 A (Ramsdell) -- as they go up the hill. But
18 not -- not a lot. Beside me, no.

19 Q Okay. So, looking at this map, to the right of
20 142, is that where you're indicating you can
21 see some structures?

22 A (Ramsdell) That's right.

23 Q But not to the left on the page?

24 A (Ramsdell) That's right. Not next to me.

1 Q Okay. And is it your -- so, you've stated in
2 your testimony that Mr. Wagner indicated that
3 you "would not be able to see towers". What is
4 your opinion about whether you will or will not
5 be able to see the new structures?

6 A (Ramsdell) I think I would see them. And I
7 watch, when I'm traveling, whenever I see
8 towers, I always pay attention to the towers in
9 reference to the trees. And the towers
10 generally are significantly higher than the
11 treeline.

12 But it appeared there would be one right
13 next to me, and the heights that they're
14 showing now must have changed. Because, at the
15 time, it was taller, the towers were taller.
16 Is it 110?

17 MR. ASLIN: So, if you want to flip
18 back to APP67886.

19 BY MR. ASLIN:

20 Q And I'll represent to you, Mr. Ramsdell, these
21 are the most recent Project maps that were
22 submitted in August of this year.

23 A (Ramsdell) Right.

24 Q So, they may be a little different from what

1 you had previously --

2 A (Ramsdell) Right.

3 Q Yes. Thank you. So, you were just indicating
4 that you thought that the heights may have gone
5 down a little bit?

6 A (Ramsdell) They may have.

7 Q It looks to me like the only tower that's above
8 the 100 feet is DC-621, which, if I understand,
9 is a little farther away, going to the right of
10 142, is that part of the page we're looking at.

11 A (Ramsdell) Okay.

12 Q In your testimony, you state that your house is
13 "approximately 100 feet from the existing power
14 lines"?

15 A (Ramsdell) That's right.

16 Q Is that a measurement you've actually -- that
17 you've taken or is it just an estimate?

18 A (Ramsdell) Just passing it off.

19 Q Okay.

20 A (Ramsdell) Just pacing it.

21 Q And that's from the edge of your home itself,
22 not your property line?

23 A (Ramsdell) Yes. From the edge of my home.

24 Q And when you say "from the existing power

1 lines", is that pacing off to the actual
2 structures?

3 A (Ramsdell) Yes.

4 Q Okay. And we talked about earlier that the new
5 line is proposed to be somewhat closer to your
6 home, is that correct?

7 A (Ramsdell) That's right. That's what I was
8 told. That what was there would be moving
9 toward Whitefield, and the new towers would be
10 close, closest to me.

11 Q So, is it your understanding that your home
12 will be less than 100 feet from the new
13 proposed structures?

14 A (Ramsdell) That was my guess.

15 Q Okay. And do you have an understanding of
16 whether there will be tree clearing within that
17 area, between the existing power lines and your
18 home?

19 A (Ramsdell) I haven't been told. But, looking
20 at what's there, it doesn't look like there's
21 room for what's being proposed, without
22 removing some of those trees that are the
23 buffer at this point.

24 Q Okay. But do you have any understanding of

1 whether there will remain a buffer after the
2 Project?

3 A (Ramsdell) I don't.

4 Q Okay. And are you aware of the Applicants'
5 proposal to compensate property owners who meet
6 certain criteria for their property's proximity
7 to the power lines for property value
8 deductions?

9 A (Ramsdell) No one has told me that.

10 Q Okay. So, you haven't been approached or
11 looked at any of those materials at this point?

12 A (Ramsdell) When Mr. Wagner came, I asked. I
13 asked if they would be interested in buying the
14 property, because it being so close, and that I
15 already was unsuccessful in selling. And he
16 said -- he said that they had bought properties
17 that they thought were being affected. But he
18 didn't think mine was going to be impacted by
19 it. That was his -- when he stated his
20 position that he didn't think I would see the
21 towers next to over the trees that were there.

22 Q Okay. Thank you very much, Mr. Ramsdell.

23 So, moving down the line a bit, I think
24 the next property is the Brekkes.

1 MR. ASLIN: So, Sandy, if you could
2 go to APP67893 please.

3 BY MR. ASLIN:

4 Q So, Mr. and Mrs. Brekke, are you able to
5 identify your property on this map, which is
6 part of Applicants Exhibit 201?

7 A (B. Brekke) Yes. It's labeled "2614". Which
8 is actually a subdivided property.

9 Q Okay. That's what I was going to ask. So,
10 2614 is the rectangular property, with a kind
11 of panhandle off to the right?

12 A (B. Brekke) Right. That extends to that
13 cul-de-sac to the right.

14 Q Okay. So, it's both the panhandled-shaped
15 parcel with the numbers included, and also the
16 one to the right?

17 A (B. Brekke) Also the one to the right, where
18 that yellow dot is, that's where the house is.

19 Q Okay.

20 A (B. Brekke) And the adjacent lot that goes to
21 the cul-de-sac is also ours.

22 Q Okay. So, you own all three of those parcels
23 that are shown on this map?

24 A (B. Brekke) Yes. It's actually three parcels.

1 Q Thank you. And do you see in the upper
2 right-hand corner the road, Forest Lake Road?

3 A (B. Brekke) Oh, yes. Uh-huh.

4 Q Is that the access point for Ramble On Road?
5 Does it connect to --

6 A (B. Brekke) No. The access point isn't shown
7 here. The access point, if you look at the
8 cul-de-sac and extend that to the right edge of
9 the page, it's, in general, that direction.
10 And then it intersects Forest Lake Road --

11 Q Okay.

12 A (B. Brekke) -- about a quarter of a mile down
13 off the page here.

14 Q Thank you. And, so, in regard to the location
15 of your property in relation to the proposed
16 line, you see on the map the orange line
17 indicating the proposed new line and
18 structures?

19 A (B. Brekke) Yes.

20 Q The DC line. And the red squares indicating
21 new structures?

22 A (B. Brekke) Yes.

23 Q And, in this case, again, those are moving
24 somewhat closer to your property from the

1 existing line?

2 A (B. Brekke) Yes. It's located approximately in
3 the center of the right-of-way.

4 Q Okay. And, so, your property is relatively
5 close to the right-of-way, but your home is
6 more than 100 feet away from the right-of-way,
7 is that correct?

8 A (B. Brekke) Yes, it is.

9 MR. ASLIN: Sandy, could you go to
10 APP 67499 please. Okay.

11 BY MR. ASLIN:

12 Q Yes. Okay. So, this is another set of maps.
13 This is the AOT plan set. And, again, is this
14 your property on the bottom right corner of
15 the -- or, right of center?

16 A (B. Brekke) Yes. It's actually all along the
17 bottom.

18 Q Right. Correct.

19 A (B. Brekke) And not all of it.

20 Q Correct. But that's your home that's right of
21 center in the bottom of the page?

22 A (B. Brekke) Correct.

23 Q Okay. And then, as we discussed a minute ago,
24 this is Ramble On Road, connecting into Forest

1 Lake Road?

2 A (B. Brekke) That's correct.

3 Q And, so, that's how you access your property?

4 A (B. Brekke) Yes.

5 Q And do you see at the right-of-way crossing of
6 Forest Lake Road the two aprons, with the red
7 lines indicating access roads coming onto the
8 road?

9 A (B. Brekke) Yes.

10 Q And do you have any understanding of number of
11 vehicles, construction vehicles that will be
12 using that access point?

13 A (B. Brekke) Not in exact numbers. But, given
14 the magnitude of the Project that would be
15 undertaken there, it would be a very large
16 number.

17 Q Okay.

18 A (B. Brekke) For a long time.

19 Q Thank you. In your testimony, one of your
20 primary concerns is the impact to your views,
21 is that correct?

22 A (S. Brekke) Yes.

23 A (B. Brekke) Yes.

24 Q And you included a number of photographs in

1 your direct testimony, and also some of which
2 include a representation of what the proposed
3 towers may look like, is that correct?

4 A (S. Brekke) Yes.

5 Q And I wanted to ask you a couple questions
6 about how you came up with those images.

7 MR. ASLIN: But, before, let's put
8 one on the screen. Sandy, could go to their
9 direct testimony, which is Exhibit 7, and it's
10 Exhibit G.

11 BY MR. ASLIN:

12 Q Okay. So, do you recognize this as part of
13 your direct testimony?

14 A (S. Brekke) Yes.

15 A (B. Brekke) Yes.

16 Q And this is a photo, as I understand it, from
17 the back yard of your home, looking out towards
18 the Project right-of-way?

19 A (S. Brekke) Yes.

20 Q And then you've added to this a representation
21 of what the proposed towers may look like?

22 A (B. Brekke) That's correct.

23 Q Okay. And did you create this image?

24 A (B. Brekke) Yes, I did.

1 Q Okay. And how did you come up with the scaling
2 to represent the heights of those towers?

3 A (B. Brekke) The scaling was based on -- well,
4 let's put it this way. This is a
5 representation. So, I'm not claiming that the
6 scaling is accurate. But, based on what's
7 there now, which are 40-foot wooden structures,
8 I placed these towers where those existing
9 towers are based on the information that was
10 provided on the map that we just left. Okay.
11 And I was able to predict the approximate
12 location of the towers and representing their
13 heights.

14 Q Okay. Thank you. So, this is, if I understand
15 your testimony, this is -- you're not claiming
16 this to be a photosimulation, but just a
17 representative view of what it may look like?

18 A (B. Brekke) It's going to look something very
19 close to this. There will be things there that
20 aren't there now that will be visible.

21 Q Fair enough.

22 MR. ASLIN: Sandy, could you go back
23 to Exhibit E?

24 BY MR. ASLIN:

1 Q And, Mr. Brekke, you had just mentioned that
2 the existing structures there in this part of
3 -- in this viewshed from your property, is this
4 a photo of those existing structures?

5 A (B. Brekke) That's correct. These are the
6 existing wooden structures. You can see the
7 letter *pi*-shaped wooden structures. And there
8 are five in this photo that correspond to that
9 Google map representation that we looked at
10 earlier. And I was able to identify these by
11 fieldwork, I walked out there and could
12 determine which ones were which. And from this
13 angle, you can see that they look like they're
14 very close together, when actually they're
15 spaced probably several hundred feet apart from
16 each other.

17 Q Okay. And you said a minute ago I believe
18 those are approximately 40-foot tall
19 structures?

20 A (B. Brekke) Yes.

21 Q And that the proposed structures -- and the
22 proposed structures, which you've identified
23 here, range from 75 to 90 feet, is that
24 correct?

1 A (B. Brekke) I think that's right. Those are
2 also the DC numbers that are assigned to each
3 one of the structures.

4 Q Okay. Thank you. And I believe in your
5 testimony you indicated that one of the reasons
6 you bought this property was for its views, is
7 that correct?

8 A (B. Brekke) Yes.

9 Q Okay. And I presume that it's your position
10 that this introduction of new structures into
11 your views will reduce the value of the
12 property?

13 A (B. Brekke) Yes.

14 Q In your supplemental testimony, you reference a
15 section of the Project that's a little distant
16 from you, in Whitefield, where there are lower
17 tower heights?

18 A (B. Brekke) That's correct.

19 Q And I believe, if I found the right location,
20 it's APP67879. And in your supplemental
21 testimony, you indicated the tower numbers.
22 We'll get there in a second. Yes. Thank you.

23 And you indicated the towers "DC-587"
24 through "DC-589". Do you see those on this

1 map?

2 A (B. Brekke) No, I don't see it. This says
3 "577".

4 Q You're correct. You're right. I think I've
5 gone to the wrong place. So, that would be
6 farther down the Project line.

7 MR. ASLIN: So, if you could go two
8 pages forward.

9 WITNESS B. BREKKE: Okay. That's the
10 correct area.

11 BY MR. ASLIN:

12 Q Okay. And your testimony, as I understand it,
13 is that, in this location the Applicant was
14 able to reduce educe the tower structure
15 heights to roughly 70 feet?

16 A (B. Brekke) Sixty feet.

17 Q Sixty to seventy feet. Sixty feet.

18 A (B. Brekke) Yes. And if you go up to the
19 corresponding tower height diagram that goes
20 with this slide, I think this is -- this is
21 Sheet 3. So, if you can just go up to Sheet 2
22 on this. Yes. Now, you'll see the numbers
23 that you mentioned. The structure heights are
24 at 60 feet.

1 Q And is it your testimony that this is an
2 indication that the structures near your home
3 could also be lowered to roughly 60 feet?

4 A (B. Brekke) That's my assumption. I don't see
5 why they couldn't be.

6 Q Have you had any discussions with the Applicant
7 about the possibility of lowering structure
8 heights near your home?

9 A (B. Brekke) No, we haven't.

10 Q Okay. And, so, then I assume you haven't had
11 any discussions about the engineering for the
12 section by your home, what constraints may or
13 may not exist?

14 A (B. Brekke) No.

15 Q Okay.

16 A (B. Brekke) We haven't.

17 Q Okay. Thank you, Mr. and Mrs. Brekke.

18 A (B. Brekke) Thank you.

19 Q I believe the Luptons are the next step as we
20 move down the line here. You're fairly close
21 to the Brekkes, is that correct?

22 A (E. Lupton) Yes.

23 MR. ASLIN: If you could go, Sandy,
24 to APP67895 please.

1 BY MR. ASLIN:

2 Q Okay. Mr. and Mrs. Lupe -- Lupton, sorry, do
3 you recognize this portion of the Project maps
4 as being in the vicinity of your property?

5 A (E. Lupton) I believe so.

6 Q And I wasn't certain whether your property was
7 actually shown on this map. But, as I
8 understand it, Newell Road comes in off of
9 Forest Lake Road, just below the page here, and
10 ends at the top or in the region of Forest
11 Lake, is that correct?

12 A (E. Lupton) That is correct. However, the
13 property along the right side of Forest Lake
14 Road shown here is also our property.

15 Q Okay. Thank you. That helps clarify. So, it
16 is labeled "2634" on the map?

17 A (E. Lupton) I believe that's correct.

18 Q And, so, that property stretches all the way
19 from the edge of the right-of-way, or rather it
20 looks like a portion of it along Forest Lake
21 Road crosses the right-of-way, is that correct?

22 A (E. Lupton) Yes. And I was of the impression
23 that much more of this was -- much more of the
24 right-of-way was actually on our property.

1 Q Okay.

2 A (E. Lupton) But, yes. At least as shown here,
3 the property goes directly -- the line goes
4 directly over property that we own.

5 Q Okay. And then the bulk of your property is
6 shown below the right-of-way here, and your
7 home is perhaps just off the page or at the
8 very bottom corner?

9 A (E. Lupton) There's about half of a yellow dot
10 at the bottom of 2634, bottom right. And
11 that's probably where our property is -- where
12 our home is.

13 Q Okay. Thank you very much.

14 MR. ASLIN: Then, if you go to
15 APP67500 please.

16 BY MR. ASLIN:

17 Q And, so, we were actually just looking at this
18 a minute ago with the Brekkes. But is Newell
19 Road just to the bottom, below the page here,
20 going off to the right-hand side of Forest Lake
21 Road?

22 A (E. Lupton) That's correct.

23 Q And that's your access point from Forest Lake
24 Road to your home?

1 A (E. Lupton) Yes, sir.

2 Q And again, this -- you can see where the map
3 indicates access points for the right-of-way
4 onto Forest Lake Road in red?

5 A (E. Lupton) I do.

6 Q And I'll ask you the same question that I asked
7 the Brekkes. Do you have any understanding at
8 this point of the number of construction
9 vehicles that may be coming in and out of that
10 access point?

11 A (E. Lupton) The understanding has become much
12 clearer as a result of these discussions.

13 Q And by "much clearer", can you elaborate on
14 what you mean?

15 A (E. Lupton) I have a feeling there's going to
16 be a lot of traffic.

17 Q Okay. But you don't know of a specific kind of
18 estimate of numbers?

19 A (E. Lupton) I have no specific estimates.

20 Q Thank you. In your testimony, you raise
21 concerns about noise from the right-of-way, is
22 that correct?

23 A (E. Lupton) Yes.

24 Q And I believe you state that "sounds from the

1 property would be audible from our property and
2 might be audible from our house". So, when you
3 say "audible from your property", are you
4 referring to the section of your property that
5 is actually underneath the right-of-way?

6 A (E. Lupton) Yes.

7 Q And you believe you may be able to hear it from
8 your house?

9 A (E. Lupton) Correct.

10 Q Do you have an approximation of how far your
11 house is from the right-of-way?

12 A (E. Lupton) I estimate about a third of a mile.

13 Q Okay. You've also indicated in your testimony
14 that you have a concern about vandalism and
15 terrorism?

16 A (E. Lupton) Yes, sir.

17 Q Is there a specific basis for that concern with
18 regard to this Project or is it just a general
19 concern about electrical infrastructure?

20 A (E. Lupton) It's the concern about the
21 electrical infrastructure, tied in with the
22 extremely easy access that the particular
23 elements of the property that we'd be connected
24 with would have from Forest Lake Road. In our

1 supplemental testimony, we showed some photos.
2 And, for example, if you look -- it's on the
3 other chart, but one of the towers is
4 approximately 20 feet or so to the north side,
5 that would be to the left of Forest Lake Road.
6 Another tower approximately 400 feet to the
7 right, and another tower approximately
8 800 feet.

9 If you need those photos, I've got a flash
10 drive here we them.

11 Q We have them. I'm trying to pull them up.

12 A (E. Lupton) Okay. So, it's that relatively
13 easy access, combined with the general concern
14 of terrorism. And I was asked about this in
15 the technical session, and have been able to
16 identify I believe at least five incidents of
17 power line terrorism and vandal -- terrorism,
18 actually, within the last three or four years.
19 So, it's not just a "can it happen", it has
20 been happening. And two of those were in the
21 U.S., one was in the San Jose area, I believe,
22 and the other was in Arkansas, in a rural area.

23 Q Okay. And is it your position that the Project
24 will change the risk? I mean, you've pointed

1 out and you've shown in your photos that the
2 access to existing power lines and structures
3 is quite easy from this location. Is it your
4 opinion that the Northern Pass Project will
5 increase the risk in some way of terrorism in
6 this location?

7 A (E. Lupton) I would believe that, because the
8 amount of power that it will be carrying is
9 much greater. And, again, just one person's
10 opinion, the fact that this is delivering power
11 into the Connecticut and New Jersey area would
12 give somebody that wanted to make a major
13 disruption to those major population centers a
14 very easy way to do it 20 feet off of Forest
15 Lake Road.

16 Q Okay. Thank you, Mr. Lupton. There's also, in
17 your testimony, your direct testimony, you make
18 a statement that "Although the current lines
19 were installed a number of years ago, we
20 understand that oral promises and commitments
21 were made not to disturb the general character
22 of the property." And, "For example...not to
23 erect towers taller than the surrounding
24 trees".

1 Can you give us an indication of where you
2 reached that -- from whom you've reached that
3 understanding of these oral promises?

4 A (E. Lupton) The towers here in the right-of-way
5 was put through in the 1950s, from what I
6 understand. And I guess the best way to put
7 this is, it's a North Country legend that these
8 promises were made. But I doubt if anybody is
9 around now to whom the properties -- to whom
10 those promises would have been made. There
11 were several chains of ownership transfer, at
12 least one of which I believe was either a
13 foreclosure or a puzzled inheritance. So, I do
14 not have any specific documented information
15 other than that's the understanding, but I have
16 no proof of it.

17 Q Okay. Thank you. All right. I think, Mr. Van
18 Houten, you're up, all the way down into
19 Bethlehem.

20 MR. ASLIN: Sandy, could you go to
21 APP67903 please.

22 BY MR. ASLIN:

23 Q Okay. So, Mr. Van Houten, are you able to
24 identify your property on this map?

[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 A (Van Houten) Yes. It's coming in from the top
2 right, you proceed to the left, to the first
3 yellow dot, that's my house. And that is the
4 parcel that is the lot the house is on. We
5 also own the parcel immediately to the right of
6 that, and the one just below, which is numbered
7 "3126".

8 Q Okay. Thank you. So, your home is the yellow
9 dot, and then you own two additional parcels?

10 A (Van Houten) Correct.

11 Q And just off of the screen, to the top of the
12 page, is Cherry Hill -- or, Cherry Valley Road,
13 is that correct?

14 A (Van Houten) That's right.

15 Q Okay. And I think you can actually see a
16 little edge of it, just in the top right-hand
17 corner, it's not labeled, but there's a black
18 line.

19 A (Van Houten) There you go.

20 Q And is it your understanding that this section
21 of the Project will be lattice towers or
22 monopoles? We could flip back, if we need to.

23 A (Van Houten) Looks like they're monopoles at
24 this point.

{SEC 2015-06}[Day 59/Morning Session ONLY]{11-09-17}

1 Q Okay. And you've indicated in your testimony
2 that you're concerned with property value
3 impacts and also with construction impacts, is
4 that correct?

5 A (Van Houten) That's correct.

6 Q And one of the areas that you're concerned
7 about is the lack of information about
8 laydown -- the location of laydown areas and
9 staging areas, is that right?

10 A (Van Houten) I am concerned about that, yes.

11 Q Since you filed your testimony back, well, I
12 guess it's been a year now almost, have you --
13 have your concerns about the locations of
14 laydown areas and staging areas been alleviated
15 in any way?

16 A (Van Houten) No, I think they have probably
17 gotten worse as I've looked into the Project
18 more.

19 Q Are you aware today of where laydown areas or
20 staging areas are proposed for this area?

21 A (Van Houten) No.

22 Q Okay. You also raised in your testimony
23 concerns about access roads to this section of
24 the Project. And I believe we've heard

1 testimony from various witnesses about this
2 section being a fairly long stretch, from Route
3 302 over towards the Ammonoosuc River.

4 A (Van Houten) Right.

5 Q With the primary access -- or, the only access
6 that the Project is indicating is from Route
7 302, correct?

8 A (Van Houten) That's right.

9 Q But you have concerns that there may be other
10 access points that are under consideration?

11 A (Van Houten) I would think so, if I were
12 building this Project, and I had one access
13 point for four miles' worth of towers. I don't
14 know how many towers it is. It's something
15 like 30, though. And, in order to build it in
16 an efficient way, I would think that more than
17 one access point would be sensible. Which
18 would involve reaching out to landowners who
19 have property that connects the corridor with
20 secondary roads, and seeing if maybe you could
21 make a deal with them about a road and a
22 staging area, for example, to access it in
23 order to build in a convenient way.

24 Q In the last year, since your testimony was

1 filed, have you gained any additional
2 information about potential new access roads or
3 is it still just a concern that you have?

4 A (Van Houten) No specific information. Some
5 unsettling incidents, but nothing.

6 Q Okay. You also have raised a concern about
7 Transition Station Number 5, which is down the
8 road from you, on Route 302, correct?

9 A (Van Houten) Right.

10 Q And we heard some testimony yesterday, I don't
11 know if you were here. Were you here
12 yesterday?

13 A (Van Houten) I was not here.

14 Q Okay. Well, I will represent that there has
15 been some testimony raising a question about
16 whether Transition Station Number 5 may be
17 moved back away from Route 302.

18 A (Van Houten) Right.

19 Q If that were to happen, would that change your
20 opinion or address any of your concerns
21 regarding the location of that transition
22 station?

23 A (Van Houten) Repeat that please.

24 Q Sure. If the transition station were moved

1 away from Route 302, farther back from the
2 road, which I guess would be closer towards
3 your property, would that change your concerns
4 in any way about the transition station's
5 impacts?

6 A (Van Houten) I suppose it might not be as
7 imposing to those driving by on 302. But there
8 are other visual impacts we know nothing about.
9 There are abutters who may be affected, who
10 didn't think they were going to be affected.
11 So, it is down the road from me. My primary
12 interaction with it would be driving by through
13 Route 302. So, it would probably be less
14 intrusive.

15 Q Okay. Thank you. In general, for the whole
16 panel, you've raised a number of concerns about
17 the Project. And I'd like to ask if each of
18 you could address what communications you've
19 had with the Applicants, either that you've
20 initiated or that the Applicants have
21 initiated, to discuss any concerns you have or
22 any potential mitigation of those concerns?
23 So, if we can start over with the Luptons.

24 A (E. Lupton) To my best knowledge, there's been

1 no communication between ourselves and the
2 Applicants. In the technical session, that
3 question was asked. And I mentioned that we
4 had received no -- no communication. We were
5 asked "would we be willing to do so?" And I
6 said "We'd be more than happy to." But, since
7 that technical session, there still has been no
8 communication between ourselves and the
9 Applicants directly.

10 Q Thank you. Mr. Van Houten?

11 A (Van Houten) It's a little complicated, because
12 I purchased the piece of property, which is
13 crossed by the power line, after the
14 Application was submitted. So, the previous
15 owner may have gotten some communications that
16 they normally would send. They were not passed
17 on to me. So, I did reach out and ask them to
18 please visit and show me what they were
19 planning to do on my land.

20 And, in July of 2016 -- June of 2016,
21 three representatives from Northern Pass came.
22 They could not tell me precisely where they
23 were going to put any structures. They did say
24 they would be coming in from Route 302. And I

1 think that was it.

2 Q Any subsequent discussions since June or July
3 of 2016?

4 A (Van Houten) Not with anyone from the Project,
5 other than questioning here, no.

6 Q Okay. Thank you. Mr. Ramsdell?

7 A (Ramsdell) The only communication that I have
8 had was the one that I initiated with
9 Mr. Wagner. And that's been -- it's been two
10 or three years since that took place. And he
11 came out, and there was a lady with him, I
12 don't remember her name. But they came out and
13 brought me maps and discussed -- showed where
14 my property was. And that's when we talked
15 about the towers and the heights. And that was
16 what I based it off of. But that was the only
17 communication that I've had. Nothing further
18 than that.

19 Q Okay. Thank you very much. And Mr. and
20 Mrs. Brekke?

21 A (B. Brekke) We had no discussions with the
22 Applicant on the Project. In I believe it was
23 2014, and shortly after that, we received
24 letters in the mail that, for the most part, we

1 ignored.

2 Q Okay. And what was the nature of those
3 letters?

4 A (B. Brekke) It was probably described as a
5 "reach out" letter. They were offering to
6 discuss, since we were abutting property
7 owners, they offered to discuss the Project.
8 And which, like I said, we ignored it. It was
9 because, frankly, I was suspicious and
10 distrustful, because my fear was I had
11 something they wanted, and I didn't want to
12 give any clue or any access to what we had.

13 Q Okay. And subsequent to those -- you said
14 those are in the 2014 time frame?

15 A (B. Brekke) Yes. That's correct.

16 Q Subsequent to those letters, any other
17 communications?

18 A (B. Brekke) No.

19 Q Okay. Thank you.

20 A (S. Brekke) Can I just say, --

21 Q Oh, yes.

22 A (S. Brekke) -- along with the lines of these
23 letters, I saw the letters. But at the time
24 there was a lot of talk of Northern Pass

1 wanting to buy people's properties. And
2 there's no way we wanted to sell our property.
3 So, I just kind of said "I don't want to sell
4 the property, and I don't want to hear them
5 asking me to, try to talk me into selling my
6 property.

7 MR. ASLIN: Okay. Thank you, Mrs.
8 Brekke. I have no further questions, Mr.
9 Chairman.

10 CHAIRMAN HONIGBERG: Mr. Whitley,
11 anyone from your group, Ms. Pacik or Ms.
12 Fillmore?

13 You're indicating, by shaking your
14 heads, that you have no questions, correct?

15 MR. WHITLEY: Correct, Mr. Chair. No
16 questions.

17 CHAIRMAN HONIGBERG: Is Ms. Saffo
18 here? I don't think I see her.

19 ADMIN. MONROE: No. She's not coming
20 today.

21 CHAIRMAN HONIGBERG: Ms. Boepple, do
22 you have questions?

23 MS. BOEPPLE: No questions. Thank
24 you.

1 CHAIRMAN HONIGBERG: Mr. Baker?

2 MR. BAKER: No questions. Thank you.

3 CHAIRMAN HONIGBERG: Anyone else from
4 the North Country groups?

5 *[No verbal response.]*

6 CHAIRMAN HONIGBERG: How about the
7 Deerfield groups? Ms. Menard, do you have
8 questions?

9 MS. MENARD: Two.

10 CHAIRMAN HONIGBERG: You say "two".
11 Let's see how many you actually have.

12 *[Laughter.]*

13 MS. MENARD: Good morning, folks.

14 *(Multiple witnesses indicating*
15 *"good morning".)*

16 MS. MENARD: Jeanne Menard, from
17 Deerfield Abutting Group. And most of my
18 questions have been answered this morning, but
19 I do have two follow-up.

20 BY MS. MENARD:

21 Q One for Mr. Van Houten. Town assessors today
22 typically assign a frontage land value, as well
23 as a backland value for acreage for the
24 property tax records. And when I was

1 questioning Mr. Chalmers about this, he stated,
2 on Page 135, and I'm going to read from the
3 transcript, this is just from Line 4.

4 July 31st was the date.

5 And, again, this is the value -- the
6 question was in relationship to the value of
7 excess acreage. In fact, the question, "you
8 state that excess acreage adds little or no
9 value to the property as a whole, correct?"
10 And he says "Yes. That's what I infer from the
11 data, particularly the assessment data."

12 And, so, my question for you is, what is
13 your response to that sort of analysis of the
14 value of your land?

15 A (Van Houten) So, he's saying that the backland
16 has no value, essentially?

17 Q Correct. He was -- and maybe I'm not giving
18 you enough information to put it in a context
19 of this -- this wasn't strictly an "assessing"
20 conversation. This was a question that was
21 framed coming from his analysis of the
22 subdivision studies. And, so, just I want to
23 ask you a general question about the value of
24 your backland and your use of your backland,

1 and --

2 A (Van Houten) Okay. Well, it does have
3 tremendous value to me, because I do spend an
4 awful lot of time outdoors on that land. I
5 enjoy looking at and learning about wildlife,
6 and sharing what I've learned with my friends
7 and their kids. And, so, we're out there a
8 fair amount. So, that is a value. I get
9 exercise there.

10 It is a woodlot, which could, down the
11 road, enable us to stay in our house a little
12 longer, if we need some money and we need to
13 have it logged.

14 And just put yourself in the position of
15 someone who's going to buy a home. The reason
16 why we have added to our property over the last
17 12 years is that we had a house on 10 acres of
18 land, and we had the opportunity to turn that
19 into a house on 60 acres of land. Any person
20 buying a home is going to know the difference.

21 Q Okay. Thank you. And, now, one question for
22 Mr. and Mrs. Brekke. Do you recall -- well, in
23 your testimony, in your supplemental testimony,
24 you specifically mentioned, you went into some

1 discussion about the visual assessment of your
2 property, and the visual assessment done by the
3 Applicant on your property. And I notice that
4 you also had property value concerns.

5 Do you recall, when you purchased your
6 property, whether or not you were looking
7 specifically for a view property or were you --
8 tell us a little bit about what you were
9 thinking when you were making that purchase?
10 When you were a buyer making a purchase?

11 A (S. Brekke) Yes. When we were -- decided to
12 move up to New Hampshire from New Jersey, we
13 were looking for a property that we wanted at
14 least 20 acres, and we did want a view, we
15 wanted quiet, you know, away from the highways
16 and away from the hustle and bustle. Being
17 that we lived in New Jersey for 36 years, and
18 saw towers everywhere we went, there was tons
19 of traffic and all that kind of thing. So, we
20 came up here to retire in a nice, quiet
21 lifestyle.

22 We did find this property. And in all
23 truth, I looked at the house, just because I
24 thought it looked kind of weird. But, when I

1 walked around the side of the porch and saw the
2 views, I told my daughter who was with me "this
3 is the house I want to buy." It was a nice
4 house, but the views really sold me on it.

5 There were no indication -- I mean, you
6 can see the five towers that we showed in the
7 pictures, you can see the tops of them in the
8 wintertime when there's no leaves or anything
9 on the trees. But, during the whole summer,
10 you don't even know there's towers anywhere
11 there. And, as you can see through some of the
12 pictures, the views of the mountains. We can
13 see the Mountain View Grand from the upstairs
14 bedroom windows. It is a spectacular view.

15 Yes. That is the reason that we picked
16 this particular property, after looking at
17 about 30 properties around the Whitefield area.

18 MS. MENARD: Okay. Thank you.

19 CHAIRMAN HONIGBERG: Is anyone from
20 the Pemi River Group here? I don't see them.

21 *[No verbal response.]*

22 CHAIRMAN HONIGBERG: Any other
23 intervenors that I missed?

24 *[No verbal response.]*

1 CHAIRMAN HONIGBERG: Ms. Walkley,
2 you're going to be doing the questioning?

3 MS. WALKLEY: Yes. Good morning. My
4 name is Rebecca Walkley. And I'm an attorney
5 from the Applicants. I just have a couple of
6 questions for mostly the Luptons.

7 BY MS. WALKLEY:

8 Q Mr. and Mrs. Lupton, you stated in your
9 prefiled testimony, on Page 3, that there were
10 no efforts made by the Project to contact you.
11 And my understanding from your response to
12 Attorney Aslin's questions is that's still your
13 position today?

14 A (E. Lupton) To my best knowledge, that's
15 accurate.

16 Q Okay.

17 MS. WALKLEY: Dawn, can we pull up
18 Applicants Exhibit 409 please.

19 BY MS. WALKLEY:

20 Q And this is a letter, I'll represent to you
21 because there's actually not a header on it,
22 provided to you by Northern Pass. And it's
23 dated "September 22nd, 2011". And I understand
24 that this address is not your property in

1 Whitefield. But, from your testimony, I also
2 understand that that is your mailing address,
3 correct?

4 A (E. Lupton) That's correct.

5 Q And in the second full paragraph of this
6 document, it states that the Project is
7 "available and willing to meet with you to
8 discuss the Project". Do you see that
9 statement there?

10 A (E. Lupton) I do.

11 Q And were you aware, and I think this was
12 actually discussed in response to some of
13 Attorney Aslin's questions, that Mr. Van
14 Houten, Mr. and Mrs. Ramsdell, as well as the
15 Whites who are not here today, have all
16 requested site visits with the Project, and
17 those site visits actually did take place.
18 Were you aware of that?

19 A (E. Lupton) I was not aware of that.

20 Q So, just looking at the language from this
21 letter, you would agree that, if you were
22 interested in pursuing a site visit, that that
23 was something you were able to do?

24 A (E. Lupton) As I mentioned in the technical

1 session, I had indicated that we had not been
2 contacted, and we would be happy to be
3 contacted. So, do I believe that a letter of
4 this sort was sent? Yes. Was the effort made
5 to pursue a contact with us subsequent to my
6 comments in the technical session? I don't
7 believe it was.

8 Q Okay. So, just based on the statement that
9 you've just said, would I be correct in saying
10 that you're interested in meeting with the
11 Project to discuss your concerns?

12 A (E. Lupton) I'd use the term "willing".

13 Q Okay. We might be able to talk about that
14 afterwards.

15 One other question I just wanted to ask in
16 response to Attorney Aslin's questions. Mr.
17 and Mrs. Brekke, you stated that you "ignored
18 the letters that were sent by the Project", is
19 that correct?

20 A (B. Brekke) Yes. That's correct.

21 Q So, I take it from your statement that you have
22 no interest in meeting to discuss with the
23 Project your concerns or your property?

24 A (B. Brekke) Let's say we're willing, yes.

1 Q Okay. Again, maybe that's something we can
2 talk about afterwards.

3 A (B. Brekke) Okay.

4 MS. WALKLEY: Thank you. I have no
5 other questions.

6 WITNESS B. BREKKE: Thank you.

7 CHAIRMAN HONIGBERG: Do members of
8 the Committee have questions for the panel?
9 Anyone?

10 CMSR. BAILEY: I just have one.

11 CHAIRMAN HONIGBERG: Commissioner
12 Bailey.

13 CMSR. BAILEY: Could Counsel for the
14 Public pull up the map of Mr. Van Houten's
15 property? That was the last one that you had
16 up, in Bethlehem. Would that be possible? I
17 couldn't tell where your property was, and I
18 want you to tell me again.

19 WITNESS VAN HOUTEN: Oh, sorry.

20 CMSR. BAILEY: Yes. That's it.

21 BY CMSR. BAILEY:

22 Q So, is that the map that your property is
23 located on?

24 A (Van Houten) That's correct.

[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 Q Can you turn your microphone on?

2 A (Van Houten) It is correct. And you'll see
3 there are very few yellow dots there, which
4 represent houses. The one in the top right, it
5 appears to be in a field, with some buildings.

6 Q Okay.

7 A (Van Houten) That's it.

8 Q And is that the property that -- that's not the
9 property that the power line goes -- that the
10 right-of-way goes through, is it?

11 A (Van Houten) No. But you see the property it
12 sits on, to the bottom right corner of that, it
13 connects a little bit with number 3126, which
14 is crossed by the corridor. Do you see that?

15 Q Is that the second one from the left, adjacent
16 to the right-of-way?

17 A (Van Houten) As you're coming along the
18 corridor, from the right-hand side, yes, the
19 second one. And that's -- that piece of
20 property is 44 acres. It goes across the
21 corridor. You see way down below there, that's
22 still that same lot.

23 Q Okay. All right. And is that the piece of
24 property that you say you bought after the

{SEC 2015-06}[Day 59/Morning Session ONLY]{11-09-17}

1 Application was filed?

2 A (Van Houten) That's correct.

3 Q Was it discounted?

4 A (Van Houten) It was backland. We moved into
5 our home there, we built it in 2005. In 2006,
6 after looking at the map around, I thought
7 "Wow, that would be a good piece of property to
8 own, if we could get it." Mostly to protect
9 that area from development. You'll see all
10 that wetland in there. It's a great wildlife
11 area.

12 So, in 2006, we made our first offer. And
13 January 2016, we finally got a response, after
14 some back-and-forth from the owner, who had
15 decided to sell. So, we then proceeded with
16 the transaction.

17 Q Did you pay more for the big piece of property
18 than you paid for the property that your house
19 is on?

20 A (Van Houten) No. The property that the house
21 was on was purchased for 28,000 in 1994. The
22 44 acres was purchased for 20,000 in 2016. It
23 was landlocked. So, there are very -- you can
24 see only those little strip lots next to us

1 were other points of access. If someone owned
2 one of those, and wanted to buy that, they
3 could have connected that to the road. But,
4 standing alone, it is a piece of woodland and
5 wetland.

6 Q And power line?

7 A (Van Houten) And there's a power line going
8 across it. And there was a power line going
9 across it when I bought it.

10 Q Okay. Your testimony says that you're worried
11 that your property value is going to decrease
12 as a result of the Project.

13 A (Van Houten) Correct.

14 Q Are you talking about the piece -- the piece of
15 property that the right-of-way goes through or
16 the piece of property the house is on?

17 A (Van Houten) Well, it is essentially all one
18 piece of property. And if I were showing
19 someone a home on 60 acres, I would walk them
20 through it. And when they get to that
21 corridor, it will be considerably different if
22 the 90-foot towers are there.

23 CMSR. BAILEY: Okay. Thank you.

24 CHAIRMAN HONIGBERG: Mr. Way.

1 MR. WAY: Good morning.

2 WITNESS S. BREKKE: Good morning.

3 BY MR. WAY:

4 Q Mr. Ramsdell, I just wanted some clarification
5 on your testimony, and then looking at your
6 prefiled.

7 When you had a revaluation, that was a
8 \$45,000 decrease in your value. You met with
9 the Town Assessor, and they said that part of
10 that decrease, a part, was attributed to the
11 Northern Pass or the prospect of the Northern
12 Pass?

13 A (Ramsdell) That's right.

14 Q And do you know whether other neighbors, just
15 in your awareness, did they experience a
16 similar decrease?

17 A (Ramsdell) I had spoke with the neighbors, and
18 they all had a decrease as well. So, our
19 direct neighborhood, there's one, two, three,
20 four, four or five houses in that neighborhood
21 that all dropped significantly in their
22 assessed value.

23 Q And when you look at the town as a whole, and
24 you may not know this, that proportionally that

1 now was an impact from the Northern Pass being
2 a prospect?

3 A (Ramsdell) I don't know that. I don't know for
4 the whole town.

5 Q And was there anything in writing where it gave
6 you the breakdown of your revaluation where it
7 mentioned the Northern Pass being an issue?

8 A (Ramsdell) No.

9 MR. WAY: All right. Thank you.

10 CHAIRMAN HONIGBERG: Ms. Weathersby.

11 MS. WEATHERSBY: Sure. A follow-up
12 question for Mr. Ramsdell, also about your
13 neighborhood.

14 WITNESS RAMSDELL: Uh-huh.

15 BY MS. WEATHERSBY:

16 Q When we were looking at the Project map, I
17 noticed the neighbor directly across the street
18 from you, their home is practically at the edge
19 of the right-of-way, and they had a structure
20 in the back that looks like it was in the
21 right-of-way, with a tower basically within a
22 minute distance.

23 A (Ramsdell) Uh-huh.

24 Q Have you had any -- or, the crane pad, I guess,

1 for the structure. Have you had any
2 conversations with that neighbor? Have they
3 expressed concerns or positions or -- they're
4 just -- it's awfully close. And I'm wondering
5 what you might know about that property?

6 A (Ramsdell) It is, yes. I had tried to
7 encourage them to be involved in our group and
8 what we were doing. And they're older, retired
9 couple. She's had some health problems. They
10 didn't want to get involved. They seem to
11 think that it was probably going to happen, and
12 they just weren't going to make a difference in
13 taking a position. So, they're just kind of
14 quiet, keep-to-themselves folks that -- so, I'm
15 not sure what else their reasoning was for not
16 getting involved with it.

17 They don't have a treeline between them
18 and what's there now. They're next to the
19 right-of-way, and the towers are taller next to
20 them as they cross the road. So, it will be
21 even worse for them, so...

22 Q And do you happen to know if that's one of the
23 properties that the Northern Pass affiliate has
24 offered to purchase?

1 A (Ramsdell) Not that I know of.

2 Q Okay.

3 A (Ramsdell) Not that I know of. I don't know if
4 they have contacted them or not. They didn't
5 say that they have had any correspondence.

6 MS. WEATHERSBY: Thank you. Nothing
7 further.

8 CHAIRMAN HONIGBERG: Mr. Oldenburg.

9 MR. OLDENBURG: It's actually a
10 follow-up question.

11 BY MR. OLDENBURG:

12 Q And I think -- I think my question is just
13 about the same thing that Ms. Weathersby just
14 asked. Was have -- and I think it's more
15 toward Mr. Ramsdell's property. Have you heard
16 of the Northern Pass Guarantee Program? And I
17 don't think it applies to anybody else, but it
18 might apply to you.

19 A (Ramsdell) No.

20 Q It's a program, if your property is encumbered
21 by the easement, and within a hundred -- a
22 hundred feet of the right-of-way boundary, that
23 any, I will paraphrase, you have to read the
24 whole document, any economic loss of sale of

1 your property, that Northern Pass would make up
2 the difference. There's very few properties
3 that apply. But you haven't heard of it, and
4 you don't know if your property applies to
5 that?

6 A (Ramsdell) I haven't heard of it. I know I
7 have -- there is a little easement at the
8 bottom corner of my -- of that right-of-way
9 that is in the deed. And it's -- when the map
10 was up, it's down where it looked like they
11 would be parking vehicles and having access
12 roads, it's in that little corner next to the
13 142. But I didn't know that they were making
14 that offer.

15 I mean, I had reached out to them to see
16 if they would have interest, because we had
17 wanted to sell, and they said that it wasn't --
18 their opinion was that we weren't impacted by
19 what was going to happen. And we should be --
20 we should be -- rest assured, we were going to
21 be okay. That there wasn't going to be any
22 visual impact or any problem for us, and that
23 our trees were going to protect us. But it's
24 not a real deep barrier of trees. That

1 treeline is maybe 30 feet, 20 or 30 feet wide.

2 Q Okay. Like I said, I don't know if it applies
3 or not. But I just wanted to see if you had
4 heard of that program or not.

5 A (Ramsdell) What was the name of it then?

6 Q It's the "Northern Pass Transmission Guarantee
7 Program".

8 A (Ramsdell) "Guarantee", okay.

9 MR. OLDENBURG: Thank you. That's
10 all the questions I have.

11 CHAIRMAN HONIGBERG: Mr. Iacopino.

12 MR. IACOPINO: Thank you.

13 BY MR. IACOPINO:

14 Q Mr. Ramsdell, in your efforts to sell your
15 property, did you have a realtor market your
16 property for you?

17 A (Ramsdell) I did.

18 Q And who was that?

19 A (Ramsdell) It was Peabody Smith.

20 Q And where are they located?

21 A (Ramsdell) They're in Franconia and Littleton.
22 The Littleton agency handled my property.

23 MR. IACOPINO: Thank you. No further
24 questions.

1 CHAIRMAN HONIGBERG: I don't think
2 the panel has any other questions -- I mean,
3 the Committee has any other questions for you.
4 But you're not represented by counsel here.
5 So, if there's something in the questions that
6 were asked of you today, and the answers you
7 gave, that you feel you need to follow up on or
8 give any additional information, now is the
9 time for you to do so.

10 Is there anybody who feels the need?
11 It looks like Mr. Lupton, Ms. Brekke.

12 WITNESS E. LUPTON: Yes, Mr. Chair.
13 Just before we break, I'd like to express our
14 thanks to the members of the panel for the time
15 and effort that you all put in, because this
16 has got to be a major undertaking. And your
17 thoughtfulness and thoroughness is very, very
18 much appreciated.

19 CHAIRMAN HONIGBERG: Thank you for
20 the comment, Mr. Lupton. We appreciate your
21 recognition of that.

22 Anyone have anything they want to
23 add? Ms. Brekke.

24 WITNESS S. BREKKE: Yes. I just

1 wanted to say, aside from all of our testimony,
2 it's been -- a lot has been property values,
3 but I would also like to point out that, if the
4 Project goes through as planned with the towers
5 that we're going to be able to see from our
6 house, it's going to be, when I'm looking out
7 of 90 percent of the windows in my house, when
8 I'm out on my deck trying to enjoy the outside,
9 mow the lawn or going out to the garden, I'm
10 going to see these towers that I specifically
11 moved away from, to get away from. And I just
12 need that -- I need to say that.

13 I just, you know, we moved up here to
14 not see towers, and now you're going to impact
15 my quality of life if it goes through the way
16 it's planned.

17 Thank you.

18 CHAIRMAN HONIGBERG: Anyone else?

19 WITNESS E. LUPTON: Yes.

20 CHAIRMAN HONIGBERG: Yes,
21 Mr. Ramsdell. Mr. Ramsdell, then we'll circle
22 back to you, Mr. Lupton.

23 WITNESS RAMSDELL: Yes. I'd just
24 like to update, my prefiled testimony was

1 November 14th last year. And, at the time, we
2 were at Dartmouth. I have a special needs
3 daughter, 44, that has always lived at home.
4 And she had an accident. She fell out of bed,
5 broke her C5 in her neck. And, at this time, a
6 year ago, we were in Dartmouth. She was in ICU
7 for weeks. And she was in hospitals and rehabs
8 for seven months. She came home May 1st. My
9 wife stayed with her the whole time that she
10 was in the hospitals. And she's paralyzed from
11 the diaphragm down. And my wife and her came
12 home May 1st. So, they have been home six
13 months.

14 And since then, I've had to do all
15 kinds of home modifications to make the house
16 handicap-accessible; ramps and driveways and
17 getting access to the upstairs. It's a
18 three-story house. So, I've even looked into
19 elevators, which is an expensive thing.

20 So, I guess the update is, I'm
21 putting a lot of money into this house that I
22 really would have liked to sell. And I would
23 have liked to retire a year ago and go back
24 south, if I could sell the house. But, at this

1 point, I'm putting money in a house I can't
2 sell.

3 And our life is -- the new normal is
4 I just keep working as long as I have to. And
5 my wife and I's focus is to care for our
6 daughter. As long as she's alive, we'll do
7 that and keep her at home. And we're making
8 the best of the situation with her.

9 And, so, everything with the Northern
10 Pass Project has really become out in the
11 distance in our lives. It was front and
12 center, and it's now secondary, but it still --
13 it impacts us significantly.

14 CHAIRMAN HONIGBERG: We're all sorry
15 for your situation, Mr. Ramsdell.

16 Mr. Lupton.

17 WITNESS E. LUPTON: Yes. After that,
18 just a couple of very minor things.

19 Number one, I believe you indicated
20 that the opportunity would be there for us to
21 take the responses that we made to the
22 technical session and have those entered into
23 the record.

24 And second, is the part of the

1 concern about vandalism, in addition to just
2 the whole question about vandalism on the
3 Project, is, as noted, the power lines would go
4 directly across property, which we own. And
5 I'm uncertain about what our personal situation
6 would be should something happen on our
7 property as a result of vandalism or actions
8 with the vandals and so on and so forth. So,
9 this is just a bit of an expansion of the
10 reason why we have that concern.

11 CHAIRMAN HONIGBERG: Ms. Walkley,
12 Mr. Needleman, is there -- would there be an
13 objection to Mr. Lupton's discovery responses
14 being made part of the record? Without knowing
15 what's in them and their volume, it's a little
16 hard for any of us, I think, to know what to
17 say.

18 MR. NEEDLEMAN: I honestly can't
19 recall those responses. So, I can't
20 necessarily say at this point. But, generally
21 speaking, no.

22 CHAIRMAN HONIGBERG: I guess what I'm
23 going to do is ask Mr. Lupton to confer with
24 Mr. Needleman and Ms. Walkley, and perhaps Mr.

[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 Pappas, to coordinate what next steps might be
2 appropriate for those responses, okay?

3 WITNESS E. LUPTON: Thank you.

4 CHAIRMAN HONIGBERG: All right. Is
5 that it? Is there anyone else?

6 Mr. Brekke.

7 WITNESS B. BREKKE: Thank you, Mr.
8 Chairman. I just would like to stress that the
9 "photo simulations", in quotes, that I
10 concocted, represent that the -- even though we
11 are abutters to the existing right-of-way and
12 the proposed route, our house is tilted such
13 that the proposed towers would be directly
14 across the view that we have now of the
15 Kilkenny Range, Mount Prospect, and Mount
16 Cabot. So, it would be in direct line of every
17 time we looked out the rear of our house, which
18 I think, as my wife stressed and pointed out,
19 would just be a terrible impact on our
20 lifestyle.

21 Thank you.

22 CHAIRMAN HONIGBERG: All right. I
23 think we are done with this panel. We thank
24 you for coming.

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[PANEL: C&E Lupton|Van Houten|Ramsdell|S&B Brekke]

1 We'll take our lunch break now. And
2 we'll try to be back by 1:15. If we can, that
3 would be great. It may be closer to 1:30.

4 (Lunch recess taken at 12:04
5 p.m. and concludes the **Day 59**
6 **Morning Session.** The hearing
7 continues under separate cover
8 in the transcript noted as
9 **Day 59 Afternoon Session ONLY.**)

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C E R T I F I C A T E

I, **Steven. E. Patnaude**, a Licensed Shorthand Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; 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.

Steven E. Patnaude, LCR
Licensed Court Reporter
N.H. LCR No. 52
(RSA 310-A:173)

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1	14th [1] 143/1	2011 [1] 128/23
100 feet... [4] 94/8	1500-foot [1] 15/20	2012 [2] 28/18 89/4
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