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STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

November 9, 2017 - 1:39 p.m. DAY 59  
49 Donovan Street AFTERNOON Session ONLY  
Concord, New Hampshire

{Electronically filed with SEC on 11-27-17}

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

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

Cmsr. Kathryn M. Bailey Public Utilities Comm.  
Dir. Craig Wright, Designee Dept. of Environ. Serv.  
Christopher Way, Designee Dept. of Resources &  
Economic Development  
William Oldenburg, Designee Dept. of Transportation  
Patricia Weathersby Public Member

ALSO PRESENT FOR THE SEC:  
Michael J. Iacopino, Esq., Counsel to the SEC  
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

## I N D E X

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WITNESS: PETER POWELL

EXAMINATION	PAGE
Direct Examination by Mr. Iacopino	4
Cross-examination by Mr. Pappas	12
Cross-examination by Mr. Baker	40
Cross-examination by Mr. Van Houten	45
Cross-examination by Ms. Menard	46
Cross-examination by Ms. Walkley	86

QUESTIONS BY SEC COMMITTEE MEMBERS AND COUNSEL:

Mr. Way	134
Ms. Weathersby	138
Mr. Iacopino	143

WITNESS: PETER SCOTT

Direct Examination by Ms. Pacik	151
Cross-examination by Mr. Pappas	162
Cross-examination by Mr. Needleman	171

QUESTIONS BY SEC COMMITTEE MEMBERS AND COUNSEL:

By Commissioner Bailey	175
Mr. Oldenburg	180
Mr. Way	181

Redirect Examination by Ms. Pacik	187
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1  
2  
3  
4  
5  
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7  
8  
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10  
11  
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13  
14  
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18  
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22  
23  
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I N D E X (cont'd)

EXHIBITS	DESCRIPTION	PAGE
WDB 10	Prefiled Testimony by Peter Powell	5
JT MUNI 130	Prefiled testimony of Peter Scott	152

1  
2  
3  
4  
5  
6  
7  
8  
9  
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11  
12  
13  
14  
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P R O C E E D I N G S

(Hearing resumed at 1:39 p.m.)

\* \* \* \* \*

(WHEREUPON, PETER POWELL was duly sworn  
and cautioned by the Court Reporter.)

CHAIRMAN HONIGBERG: Mr.

Iacopino.

MR. IACOPINO: Thank you.

DIRECT EXAMINATION

BY MR. IACOPINO:

Q. Mr. Powell, would you please tell us your  
full name and your address.

A. Peter W. Powell. My residence address is  
311 Martin Meadow Pond Road, Lancaster, New  
Hampshire.

CHAIRMAN HONIGBERG: Is your  
microphone on?

WITNESS POWELL: It is, but --

BY MR. IACOPINO:

Q. Pull it close, please.

A. Shall I repeat?

Q. No, she's got it.

And I understand that you've been called  
as a witness in this matter by the Dalton,

1 Whitefield, Bethlehem Abutters; is that  
2 correct?

3 A. That is correct.

4 Q. And I understand that you have filed prefiled  
5 direct testimony which has been marked as  
6 DWBA 10; is that correct?

7 A. Yes.

8 Q. Okay. And do you have that testimony in  
9 front of you?

10 A. I do.

11 Q. And if you were asked the questions in that  
12 testimony today, would you give the same  
13 answers today as you gave on December 30th,  
14 2016?

15 A. Yes, I would.

16 Q. And do you adopt that testimony as your  
17 testimony for purposes of our hearing today?

18 A. I do.

19 Q. Are there any corrections you would like to  
20 make to that testimony?

21 A. No.

22 Q. And do you have any changes or additions  
23 based upon anything recent that's occurred  
24 during the course of the proceedings?

1 A. I will supplement that, if I may, with the  
2 process, based on the supplemental testimony  
3 given by Mr. Chalmers in response to mine.

4 Q. Okay. Proceed.

5 A. Okay. Now, is this -- I thought it was going  
6 to be all questions and answers. Should I  
7 just begin speaking?

8 Q. Well, if you have something you'd like to add  
9 to your testimony based upon what Mr.  
10 Chalmers said in his supplemental prefiled  
11 testimony or when he testified on  
12 cross-examination --

13 CHAIRMAN HONIGBERG: Well,  
14 actually, let's find out. Is Counsel for the  
15 Public prepared to question the witness to  
16 elicit this testimony?

17 MR. PAPPAS: Yes, but I don't  
18 intend to use Mr. Chalmers with him. But I am  
19 going to ask questions. In other words, I  
20 don't intend to look at Mr. Chalmers'  
21 supplemental testimony and go off of that. I'm  
22 just going to ask questions that I think relate  
23 to this witness's testimony.

24 CHAIRMAN HONIGBERG: All right.

1           Let's circle back then.  If you have things you  
2           specifically want to respond to things Mr.  
3           Chalmers said, then now would be the time to do  
4           it.

5                               WITNESS POWELL:  I think I will  
6           be asked questions that will draw some of this  
7           out.  But I can, off the cuff, begin to discuss  
8           some of it, if I may.

9  BY MR. IACOPINO:

10 Q.    It would be helpful if you could point to  
11       that portion of Dr. Chalmers' testimony that  
12       you're responding to, to let the Committee  
13       know, and then give us your response.

14 A.    I will direct you to Page 12 where reference  
15       was made --

16 Q.    Which testimony?

17 A.    I'm sorry.  The supplemental testimony by Mr.  
18       Chalmers.

19 Q.    Thank you.

20 A.    On Page 12 of his testimony he was asked a  
21       question relative to a comment by Skip  
22       Sansoucy, who said that retrospective  
23       analyses as a basis for determining value in  
24       a case like this was irrelevant.  And his

1 response was that he did not agree, and he  
2 said that argument makes no sense. And he  
3 went on to discuss the way in which he  
4 approaches these issues, the methodology,  
5 which was also challenged and has been  
6 challenged off and on as I understand it  
7 through the proceeding, and talked about the  
8 various controls and items that he would look  
9 to in order to determine whether or not this  
10 project would have an impact on property,  
11 which is indeed why I'm here.

12 He objected to Skip Sansoucy's comment  
13 because it really shakes at the foundation of  
14 all of his work, his industry and this report  
15 because by looking at property sales that are  
16 in no way related directly to the areas which  
17 I am responsible for representing here, and  
18 which do not take into account either the  
19 introduction of a new right-of-way or drastic  
20 changes in an existing right-of-way, by  
21 failing to find examples which are directly  
22 related to the region and directly related to  
23 the changes that will take place on this  
24 right-of-way, he fails to come up with



1 analysis that can be considered relevant.  
2 And in my prepared testimony, my written  
3 testimony, I went on at a lot of length  
4 talking about the uniqueness of our region,  
5 how people behave as buyers in that  
6 marketplace, what their expectations are, how  
7 they respond to various things, and the  
8 importance overall of the natural resources,  
9 the beauty, the scenery, what can be seen  
10 from the property, what can be seen of the  
11 property when looking at it. The whole  
12 experience there and the whole behavior of  
13 the market is based upon a very unique level  
14 of scenic beauty and attraction, and I guess  
15 it creates in our buyers a high level of  
16 expectation and an attitude where they will  
17 simply not accept when they come there what  
18 they might expect where they live or  
19 someplace where they work. They come there  
20 for different reasons than what they've been  
21 exposed to. And Sondra Brekke addressed that  
22 very directly when she spoke earlier today  
23 about what brought them here from New Jersey,  
24 why they purchased what they purchased and

1           what it meant to them. This is by no means  
2           an out-of-the-ordinary comment. It is an  
3           everyday comment. It is an everyday  
4           experience for me to understand the  
5           uniqueness of the area and the uniqueness of  
6           the appeal and the absolute responsibility we  
7           have to protect and maintain and continue the  
8           level and quality of the environment that we  
9           have up there.

10                        So, this project doesn't exist in the  
11           North Country. There is no tower, no  
12           transmission line equal to what would be  
13           built in that location or elsewhere through  
14           the state. There are no sales, therefore,  
15           that can be directly related to the impact of  
16           that project on that region. And there are  
17           no sales that have taken place elsewhere  
18           along the line to our south that are at all  
19           relevant of existing HVTL lines because they  
20           are not in our region and because even those  
21           lines are --

22                                MR. NEEDLEMAN: Mr. Chair, I'm  
23           going to object at this point. This sounds to  
24           me like just a recitation of things already in

1 his testimony and certainly things that were in  
2 Mr. Chalmers' original report.

3 CHAIRMAN HONIGBERG: Yeah, I  
4 guess the problem with asking for a narrative  
5 like this is you can sort of veer off into  
6 things that are probably beyond what's  
7 appropriate at this stage.

8 The purpose of what we're  
9 doing here, Mr. Powell, at this point, and  
10 you're going to get a lot of questions by a  
11 lot of people following up on this, is if  
12 there are things you feel you need to do to  
13 respond to specific things Mr. Chalmers said  
14 after the last thing you filed. So it's not  
15 to rehash what's in your initial filing or  
16 supplemental filing or any other thing you've  
17 already made, but it's really for new things  
18 at this point.

19 WITNESS POWELL: Yeah. Well, I  
20 think what I'll do is try to be succinct and  
21 then see if things can come out during the  
22 questioning. But the succinct thing is that  
23 behavior is the issue, not comparable analyses,  
24 and that will be expanded upon. The quality of

1 the information that went into his opinions was  
2 very low, and in some cases irrelevant and  
3 misjudged as to their significance and misused.  
4 Therefore, much of what he responded to me and  
5 what he said is simply off base, and I'll  
6 explain that. And it all I'm sure will come  
7 out more succinctly when I try to answer  
8 questions than sit here off the cuff. So  
9 forgive me for that.

10 CHAIRMAN HONIGBERG: All right.  
11 Why don't we set up the questioning then. Mr.  
12 Pappas, looks like you're ready to go.

13 MR. PAPPAS: I am.

14 CROSS-EXAMINATION

15 BY MR. PAPPAS:

16 Q. Good afternoon, Mr. Powell. My name is Tom  
17 Pappas, and I'm Counsel for the Public in  
18 this proceeding, so I'm going to ask you  
19 questions on behalf of Counsel for the  
20 Public.

21 Let me just start very briefly with your  
22 background. I understand that you've been a  
23 realtor in Coos County and Northern Grafton  
24 County for the last 43 years?

1 A. Yes.

2 Q. And do I understand that you focus primarily  
3 on residential properties? Is that right?

4 A. Primarily. But we do a little bit of  
5 everything.

6 Q. A little of everything. Okay.

7 And you are familiar with the various  
8 local real estate markets in those two  
9 counties, Coos County and Northern Grafton  
10 County?

11 A. Yes. Many more intimately than others.

12 Q. Okay. So in your direct testimony you talk  
13 about two distinct markets. You talk about a  
14 village market and a rural market. So I want  
15 to ask you questions about those two markets  
16 that you discuss in your direct testimony.  
17 So let me start with the village markets.

18 Are the village markets geographically  
19 located in or near town centers?

20 A. They are basically the town center.

21 Q. So, for example, would the town center around  
22 Lancaster be considered a village market?

23 A. Yes.

24 Q. And would the same be true, for instance, of

1 the town center around Whitefield or  
2 Bethlehem or Franconia?

3 A. Yes.

4 Q. Are those individual town village markets, in  
5 your opinion, distinct themselves? So, for  
6 instance, would the village market in  
7 Lancaster be different than the village  
8 market, let's say in Bethlehem?

9 A. To a degree. There will be varying degrees  
10 of difference. But generally speaking, they  
11 have the same demographic, the same sorts of  
12 issues in common.

13 Q. Now, you also indicate in your prefiled  
14 testimony that buyers in these village  
15 markets have interests that are defined by  
16 the local economy wages. Do you recall that?

17 A. Their capacity is defined by that, yes.

18 Q. Is that because those buyers tend to work in  
19 those local village markets in those towns?

20 A. They're local people who have local work and  
21 are subject to local income, local wages,  
22 local economy.

23 Q. And do they tend to come from local towns in  
24 which they work and live?

1 A. When they're purchasing property, they  
2 usually are purchasing within the town where  
3 they've already lived or in close proximity.

4 Q. Okay. So let me ask you some questions about  
5 the second market you identified, which is  
6 the rural market. And you state that the  
7 buyers in the rural market have a broader  
8 appeal. Do you recall that?

9 A. Yes.

10 Q. What did you mean by that?

11 A. The market is broader. When you're dealing  
12 with rural property, you're dealing with  
13 amenities that do not exist in town, and  
14 people come from far afield. They may come,  
15 as I said, from Southern New Hampshire, New  
16 England, New York, anywhere in the country,  
17 or on a rare occasion you could say the  
18 world. But the things that bring them to New  
19 Hampshire do not bring them into the village  
20 of Lancaster or Whitefield or Groveton or  
21 Bethlehem. Generally speaking, they are  
22 looking for the amenities that people seek  
23 when they go to that rural environment.

24 Q. So would I be correct in saying that the

1 buyers in this rural market aren't tied to  
2 the local wages or their income working in  
3 town?

4 A. Absolutely not.

5 Q. And would I also be correct in saying that  
6 the buyers in this rural market tend to buy  
7 things like retirement homes, second homes,  
8 country homes, that type of property?

9 A. Yes.

10 Q. Okay.

11 A. Now, I should say that there are those, as I  
12 said in my testimony, who are local, who can  
13 participate in the rural market for one  
14 reason or another. But it's driven largely  
15 by its appeal to the broader market.

16 Q. Okay. Now, you indicated in your direct  
17 testimony that these two markets have  
18 separate values. Do you recall that?

19 A. Yes.

20 Q. Tell me what are the different values, in  
21 your view?

22 A. The capacity of local people to purchase is  
23 by and large limited as compared to people  
24 who are able to buy from other places. When



1           you come from someplace else, you come  
2           because you're successful or successful  
3           enough to make an investment. You may have  
4           equity from a sale that occurred someplace  
5           else. But you come basically north for the  
6           amenities, and in fact, sometimes probably  
7           when you get up to where I am, you expect to  
8           pay a little bit less for a little bit more.  
9           People who are working in the area are less  
10          able to pay what to them would be an  
11          extraordinary price to gather together  
12          additional amenities. So, in town you'll  
13          have a cap of some sort, not artificially.  
14          But you can expect -- you can't expect to get  
15          anywhere near the money for a home in town  
16          that you would if it were out of town, even a  
17          lesser home out of town on land with views  
18          and other amenities.

19        Q.    Okay. Now, is the fact that these buyers in  
20              rural districts aren't tied to the local  
21              wages or the local economy given more  
22              flexibility in terms of where they buy?

23        A.    Yes. They're not tied -- where they come  
24              from, they have homes that are located where

1           they are because of work, family or some  
2           other connection.  When they come north, they  
3           have a free rein to choose whatever they're  
4           looking for, unless they have some prior  
5           experience with a community and they just  
6           adore it in some way and want to be within  
7           that community.  But basically, if they can't  
8           find something that suits them in that  
9           location, they'll go to another, or they'll  
10          go to an entirely different region.

11        Q.    So, in other words, buyers in this rural  
12           market might look at Sugar Hill, Franconia,  
13           Bethlehem.  They may look at several towns in  
14           the general area until they find what they  
15           want?

16        A.    Yes.

17        Q.    Whereas, in your view, buyers in the village  
18           district really are confined to whatever  
19           village they're interested in?

20        A.    That's where they can find what they're  
21           looking for.

22        Q.    So you also indicated in your direct  
23           testimony that there are a number of things  
24           common to both markets, so I just want to ask

1           you a few questions about that.

2                       Now, one of the things you testified  
3           about is that a home's location and its view  
4           are at the core of the home's value. Do you  
5           remember that?

6    A.    Yes.

7    Q.    Now, is that true for both homes in the  
8           village market as well as the rural market?

9    A.    The view rarely is a factor in a village  
10          home. Once in a while you'll have a view,  
11          and that will add something to it, but not as  
12          it would outside with land and that sort of  
13          thing. Two distinct expectations.

14   Q.    Okay. And you also testified that when  
15          you're advising sellers of land, you advise  
16          them to provide the buyer with an opportunity  
17          for views and privacy. Do you recall that?

18   A.    Yes.

19   Q.    And why is that?

20   A.    Because that's what will create interest and  
21          lead to a sale.

22   Q.    So let me ask you some questions about what  
23          you termed a moment ago, and you also  
24          discussed this in your prefiled testimony,

1 about "buyer behavior" and its impact on  
2 value.

3 Now, you testified in your prefiled  
4 testimony about measuring buyer behavior in  
5 terms of Northern Pass's impact on property  
6 values. Do you recall that?

7 A. Yes.

8 Q. Okay. Now, would I be correct in saying that  
9 a buyer's behavior is their decision to  
10 either buy or not buy a property? Is that  
11 what you mean by "buyer behavior"?

12 A. Yes. Whether they will select a property  
13 depends upon whether it meets their desire  
14 for the kind of property they want.

15 Q. But that's what you mean by "buyer behavior"  
16 is essentially they make a decision to buy or  
17 make a decision not to buy.

18 A. Yes, and then from there you get into price  
19 issues and all that sort of thing.

20 Q. Okay. Now, is it your belief that a view of  
21 the Northern Pass transmission line can be a  
22 determining factor for some buyers whether to  
23 buy or not to buy?

24 A. Absolutely.

1 Q. Is it your view that that is the determining  
2 factor for all buyers or just some buyers?

3 A. I would not be able to come up with a  
4 percentage small enough to exclude anybody  
5 who would not be concerned if the Northern  
6 Pass were part of their viewshed.

7 Q. So is it then your view that, for the vast  
8 majority of buyers, if the property they're  
9 looking at has a view of Northern Pass, that  
10 will affect their behavior; in other words,  
11 they'll decide not to buy?

12 A. Correct.

13 Q. In your direct testimony you talked about  
14 this buyer behavior and it reducing the pool  
15 of potential buyers. In other words, you  
16 indicated in your direct testimony that if a  
17 property has a view of Northern Pass or the  
18 proposed Northern Pass Project, that will  
19 reduce the pool of potential buyers to that  
20 property. Do you recall that?

21 A. Yes.

22 Q. Now, is it your view that by the pool being  
23 reduced, that has some effect on the value of  
24 that property?

1 A. Absolutely. And that's in keeping with any  
2 negative influence, external influence on any  
3 property. I can expand on that if you wish.

4 Q. Sure.

5 A. I very often say to people when I'm working  
6 with them to decide how to market and value  
7 their home, that if they have something which  
8 is way out of the ordinary and would  
9 eliminate certain people from the market,  
10 then it will narrow that market, and that can  
11 affect not only the marketing time, but also  
12 the ultimate price. So I often spread arms  
13 and say we start out talking to the world and  
14 then we talk bout Northern New Hampshire and  
15 then Coos County and then the communities we  
16 are in and then various and sundry other  
17 factors unique to their property that may in  
18 some cases indicate that our target for their  
19 property is very narrow indeed. Northern  
20 Pass would even narrow that down to the point  
21 of nothing for many people; whereas, without  
22 it, they'd still have some market, not the  
23 world, but our share of it.

24 And I often think of our market as the

1           experience of driving out of Logan Airport on  
2           a Friday night when you can barely move, and  
3           when you get to New Hampshire you can move a  
4           little easier, and then Manchester and  
5           Concord and Exit 20, Waterville Valley, Loon.  
6           And then you're in the Notch and you look  
7           around and it's you and a few other people.  
8           That's our share, in a sort of a visual way,  
9           of what we compete for, the folks who are  
10          willing to go back north to get what they're  
11          looking for.

12        Q.    Okay.  Now, if there are still some buyers  
13           that would remain in the pool to provide --  
14           to purchase a property that had a view of  
15           Northern Pass, would I be correct in saying  
16           that there's still then some value for that  
17           property?

18        A.    I think in any given case when you have a  
19           negative that is so severe as this, that as I  
20           think I said in my testimony, something to  
21           the effect that eventually price will become  
22           a competing factor, so that at some price,  
23           somebody will be willing to pay something and  
24           take a risk before it's constructed, or who

1 knows what might happen after it's  
2 constructed. But if they need shelter and  
3 the price is right, they'll put up with  
4 things that others might consider not worth  
5 the investment.

6 Q. Would I be correct, putting it a different  
7 way, that in your view, the view of the  
8 Northern Pass Project would reduce the value  
9 of a property, but for a certain segment it  
10 wouldn't reduce it to zero? It's just a  
11 matter of whether the price gets low enough  
12 and then they're willing to buy.

13 A. Right. I have a property I mention in my  
14 testimony of 61 acres on Route 2 across from  
15 Roger's Campground. It's iconic, absolutely  
16 gorgeous view of the mountains. And the  
17 right-of-way goes across the bottom. The  
18 towers would grow exponentially in the mind  
19 of the eye. And that is impossible to sell  
20 right now. I haven't been able to get  
21 anybody to look once the disclosure is made.  
22 And I expect that if this thing were built,  
23 it would impact it dramatically.

24 Q. Can you see that property from that little --



1 across the street from Roger's Campground,  
2 that little lookout area?

3 A. You are basically in the property from that  
4 lookout area.

5 Q. Now, you testified in your prefiled testimony  
6 that if a property is tainted by Northern  
7 Pass, the loss in value to that property due  
8 to Northern Pass can range from 35 to  
9 40 percent and as high as 75 percent for raw  
10 land. Do you recall that?

11 A. Yes. Raw land, yeah, I think I gave an  
12 example of that.

13 Q. Yeah. Now, when you talk about "tainted by  
14 Northern Pass," are you referring to the  
15 impact from view; in other words, the  
16 aesthetic impact, the impact from aesthetics  
17 from the property?

18 A. Yes. It's an emotional thing. Doesn't have  
19 to be rational. It's emotional, and it's how  
20 they view the property and how they feel  
21 about the threat of it.

22 Q. But when you talk about "taint," though, is  
23 enough of it visibility? In other words, if  
24 you can see or will be able to see the

1 Northern Pass Project from the property,  
2 that's the "taint"?

3 A. Yes.

4 Q. Okay.

5 A. Yeah.

6 Q. And am I correct in saying that you base that  
7 opinion on a number of things: You're  
8 experience with buyers, your conversations  
9 with other realtors in northern New  
10 Hampshire, and some of the specific examples  
11 you gave in your prefiled testimony?

12 A. Yes.

13 Q. Do you base it on anything other than those  
14 three things I just listed?

15 A. It's a constant experience to present  
16 properties, to answer questions about whether  
17 Northern Pass is going to affect this, where  
18 is it going to go, will it have any impact on  
19 this if I purchase it. It's a huge  
20 deterrent.

21 Q. Now, other than the view of Northern Pass, in  
22 addition to that, or perhaps separately from  
23 that, but other than that, in your view, does  
24 proximity to the transmission line have any

1 impact on a property's value?

2 A. I think it is not the sole determinant.  
3 Distance is understated entirely by Mr.  
4 Chalmers. I can think of views that go  
5 tremendous distances and still affect  
6 people's willingness to either accept it if  
7 they own it or purchase it if they're  
8 thinking of buying something. But proximity  
9 does obviously create greater discomfort in  
10 many cases. And in some cases it's the  
11 belief of the consuming public that it's a  
12 health concern, or could be a health concern.  
13 So all of those things get rolled up into one  
14 bundle when you're absolutely close to it.

15 Q. Let me ask it this way then: Is it your  
16 opinion that the closer a property is to the  
17 proposed Northern Pass Transmission Line, the  
18 greater impact on value?

19 MR. NEEDLEMAN: Objection, Mr.  
20 Chair, I don't think this was discussed at all  
21 in his testimony, so it sounds like a new  
22 opinion.

23 CHAIRMAN HONIGBERG: Mr. Pappas.

24 MR. PAPPAS: Well, he testified

1           that view was a driving force, and I'm just  
2           trying to drill down, if you will, what other  
3           factors may be relevant to view, whether or not  
4           a view close up versus a view far away. I  
5           think this is all within the realm of what he  
6           testified about the decrease in property value.  
7           And I think clearly proximity is an element of  
8           view, and so I think it's a natural follow-up  
9           to his opinion to flesh out more what his  
10          opinion is.

11                           CHAIRMAN HONIGBERG: Overruled.  
12          You can continue.

13                           MR. PAPPAS: Thank you.

14 BY MR. PAPPAS:

15 Q.     So, frankly, Mr. Powell, I don't remember my  
16         question, so let me try it again.

17                   Is it your view that if a property is  
18         closer to the proposed Northern Pass  
19         Transmission Line, that that will have a  
20         greater impact on its value? I'm trying to  
21         get a sense of proximity, closeness to the  
22         line.

23 A.     It's a very big factor. It is not the sole  
24         factor. I think that's what I want to

1           emphasize in my response, that I think if you  
2           have an otherwise lovely home and this thing  
3           was to land on your doorstep, that it would  
4           be a dramatic and devastating impact. But  
5           the same may be true if you were a mile or  
6           half-mile away. It may be a question of some  
7           degree, but a significant degree. And if you  
8           were next to it, as I said, you begin to  
9           compound the problem with other impacts of  
10          the line or perceived impacts of the line.

11        Q.    Okay. Let me ask it this way: The mention  
12          of "view lots" was in your prefiled  
13          testimony. And would you agree with me that  
14          a view lot is a property that has an  
15          advantageous view of something, whether it's  
16          a mountain range or a nice valley or a nice  
17          river view or something? That's generally  
18          considered what a view lot is?

19        A.    Yes.

20        Q.    I take it you believe that for view lots, if  
21          the advantageous view is now going to have  
22          the Northern Pass Project in it, that's going  
23          to affect value.

24        A.    Yes.

1 Q. And that's going to negatively affect value.

2 A. Correct.

3 Q. Does it make a difference to you how close  
4 that view lot is to the line?

5 A. If it's in the view, it's going to have an  
6 impact.

7 Q. Okay. So, although you indicated earlier  
8 that proximity can have some other factors,  
9 and you mentioned potential health concerns  
10 or health factors, in terms of view,  
11 proximity doesn't make -- isn't the driving  
12 force; it's what you can see. And proximity,  
13 it goes to other factors?

14 A. Referring to Dr. Chalmers?

15 Q. Well, actually, I'm more interested in your  
16 opinion. I'm not tying it to Dr. Chalmers.  
17 I understand what Dr. Chalmers testified  
18 about, and I asked him some questions. But  
19 I'm really interested in your view.

20 A. Visibility is the key factor.

21 Q. Okay. Now, earlier you indicated that New  
22 Hampshire is a unique market with unique  
23 appeal. And you had indicated that different  
24 markets have some distinctions, so let me

1 just follow-up on that a little bit.

2 Do you think that despite -- well,  
3 despite the uniqueness of the New Hampshire  
4 market, and perhaps uniqueness among  
5 individual local markets within Northern New  
6 Hampshire, that view of Northern Pass  
7 transcends that? In other words, does the  
8 view, in your view, have the same impact  
9 across the different markets in New  
10 Hampshire?

11 A. I'm addressing Northern New Hampshire --

12 Q. Northern New Hampshire, yes.

13 A. -- with which I am most familiar?

14 Q. Correct.

15 A. I cannot think of an area where I service  
16 that would not be impacted in the same way  
17 that it would in every other part of the  
18 area.

19 Q. Okay. So the fact that some of the local  
20 markets might have some distinctions, in your  
21 view, that doesn't have an impact on how the  
22 view of the Northern Pass Project affects  
23 property values, in your view.

24 A. No.

1 Q. Now, you also testified that the loss of  
2 value to a property from the Northern Pass  
3 Project can be measured obviously at the sale  
4 of the property by the sales price; correct?

5 A. Yes, it would be.

6 Q. But you also mentioned in your prefiled  
7 testimony that when a property is a change --  
8 and obviously a change in view from no view  
9 of a, you know, high-voltage transmission  
10 line to now a view of a high-voltage  
11 transmission line is a change; correct?

12 A. Correct.

13 Q. And you testified about a loss of value even  
14 though there isn't a sales price. Do you  
15 recall that?

16 A. Yes.

17 Q. What did you mean? Describe for me that loss  
18 of value.

19 A. Well, you heard it from Sondra Brekke, and  
20 you would hear it from across the board. If  
21 you wake up some morning and the things that  
22 you treasured and held dear, the things you  
23 thought would be in your family forever, the  
24 way in which you took pride and pleasure in



1           your place were affected by something that  
2           offended you greatly, then that would rob you  
3           of the peaceful use and enjoyment of your  
4           property. And I think that would be a  
5           tragedy across the board for people who have  
6           no intention of selling, no desire to sell,  
7           but would somehow get less from what they  
8           have than they ever did before.

9    Q.    Now, do you base that -- what do you base  
10          that on?

11   A.    Emotion.

12   Q.    No, no. That may have been a poorly worded  
13          question.

14                 Do you base that on conversations you've  
15          had with buyers, with other realtors, your  
16          experience in selling property? I want to  
17          know what you base that view on.

18   A.    This Committee and all the hearings leading  
19          up to it have heard it constantly, a loud  
20          voice of people who are expressing as though  
21          they were the market, therefore they are  
22          market, exactly how they feel about this  
23          thing and how it would impact them. You  
24          cannot have ears and not hear what's being

1           said and how people feel about it.

2    Q.    Okay.  Now, in your prefiled testimony you  
3           gave a number of examples of properties that  
4           had their value affected by the proposed  
5           Northern Pass Transmission Line.  Are you  
6           aware of any studies that have looked at  
7           that?

8    A.    For those properties?

9    Q.    No, for any just in general.

10   A.    No.  The only studies that I'm aware of are  
11          the things that I've been able to read  
12          something of, the ones before the Committee.

13   Q.    Okay.  Now, you've mentioned in your prefiled  
14          testimony your discussion with somebody at  
15          Peabody & Smith, for instance.  Have you had  
16          other similar discussions with other realtors  
17          in your area?

18   A.    Oh, sure.

19   Q.    And give me an example of somebody specific  
20          and a specific example where they have  
21          relayed to you --

22   A.    Tammy Dubreuil, I mentioned in my -- I don't  
23          by name, but in my written testimony, talked  
24          to me about the difficulty of selling homes

1 in a mobile home park, a very nice one with a  
2 view of the line. The Ramsdell property, she  
3 tried to show, to no avail.

4 Denise Boynton talked to me about two of  
5 the properties that I mentioned in my  
6 testimony regarding a constant rejection of  
7 properties because of the line and the  
8 difficulty of marketing them and the time it  
9 takes to do so.

10 Andy Smith, his whole crew, much larger  
11 than my own, covering Franconia and south,  
12 talked about the inability to sell certain  
13 properties in their market until the decision  
14 to bury a part of it through some portions of  
15 his marketplace again made certain of those  
16 properties viable again because they were not  
17 so threatened. It's a constant conversation  
18 and a common conversation, and people would  
19 just like it to go away.

20 Q. Could you tell us the communities in which  
21 these various realtors sell property, or  
22 attempt to sell property? I want to get a  
23 geographic sense.

24 A. Sure. Same as myself, essentially. Andy

1           Smith goes further south than I do. But the  
2           market area that we all deal with immediately  
3           would be Stratford, Groveton, Stark,  
4           stretching over once in a while over to  
5           Milan, down to Lancaster, Jefferson,  
6           Whitefield, Randolph, Bethlehem, Littleton --  
7           less focus of my market area, but I do  
8           business there on occasion with representing  
9           buyers, not so much with listings. Jump over  
10          across the river a little bit, most of us do  
11          because we're on the border. And then for  
12          certain kinds of properties we may go to  
13          Colebrook or Pittsburg, depending upon the  
14          nature of what we're looking for or what  
15          somebody's asking us to consider selling for  
16          them.

17        Q.    Yeah, let me interrupt you for a minute. But  
18            in terms of the conversations that you  
19            relayed about other brokers dealing with  
20            properties that have an impact by Northern  
21            Pass, are those in the various markets you  
22            just described?

23        A.    Yes.

24        Q.    Finally, let me ask you this: When you list

1 a property, I assume you do some kind of  
2 sales comparison to come up with a proposed  
3 listing price.

4 A. Yes.

5 Q. And if you list a property that is going to  
6 be potentially impacted by Northern Pass and  
7 you have to disclose that, do you still look  
8 for comps to try to get a sales price?

9 A. At this point we understand the inherent  
10 value, the basic core value of a property  
11 based on comps. But we have to speculate and  
12 reveal to the seller the potential  
13 difficulty, or the certain difficulty right  
14 now of being able to market it to a large  
15 part of the market. And depending upon their  
16 situation, we may suggest they hold, defer if  
17 they don't need to.

18 But when you talk to someone about their  
19 property, I think I mentioned I have a bigger  
20 role than just appraising. I have to  
21 understand not what happened yesterday, but  
22 what's going on today and what might be  
23 happening tomorrow, not only with respect to  
24 disclosures but with the dynamics of the

1 marketplace itself. And I have to understand  
2 thoroughly and interview carefully the needs  
3 of my client to understand the needs of the  
4 client. And if the needs of the client  
5 require that the property be sold, then it  
6 has to be made very, very competitive in  
7 order to get any attention at all if factors  
8 external to the property are going to inhibit  
9 our capacity to sell it or to achieve what  
10 might otherwise be a full market value. And  
11 they have to make the decision about whether  
12 they want to offer it now or offer it later  
13 or bite the bullet, whatever their  
14 circumstances dictate.

15 Q. Okay. And if you were going to list a  
16 property because the seller wants to sell  
17 now, and that property potentially is  
18 impacted by Northern Pass and you have to  
19 disclose that, does that affect the price  
20 that you recommend the seller list it at?

21 A. It will. The fact that they want to sell  
22 immediately will impact that price as well.

23 Q. Sure.

24 A. But the fact that it's going to be burdened

1 by Northern Pass would require a deeper  
2 discount in order for us to make it look like  
3 something that somebody else would want to  
4 take the risk and invest in for whatever  
5 purpose.

6 Q. So when you're giving your recommendation to  
7 a seller on the sales price for their  
8 property that might be potentially impacted  
9 by Northern Pass, is it your recommendation  
10 to discount the price because of potential  
11 impact to Northern Pass?

12 A. Yes. I see no alternative; otherwise, you  
13 simply add days to the market and pain to the  
14 process.

15 Q. Thank you, Mr. Powell. I have no other  
16 questions.

17 CHAIRMAN HONIGBERG: Do the Muni  
18 Groups have questions? Ms. Fillmore?

19 MS. FILLMORE: We do not.

20 CHAIRMAN HONIGBERG: Who else is  
21 here? Ms. Boepple, do you have questions?

22 MS. BOEPPLE: No, thank you.

23 CHAIRMAN HONIGBERG: Mr. Baker,  
24 do you? Looks like you do. While Mr. Baker is

1 coming up, off the record.

2 (Discussion off the record)

3 CHAIRMAN HONIGBERG: You may  
4 proceed.

5 MR. BAKER: Thank you, Mr.  
6 Chairman.

7 CROSS-EXAMINATION

8 BY MR. BAKER:

9 Q. Good afternoon, Mr. Powell. Nice to see you  
10 here.

11 A. Good afternoon.

12 Q. I'm going to be very brief. When I had a  
13 chance to cross-examine Mr. Chalmers on  
14 Day 25 of these proceedings -- seems like  
15 years ago, but it was just a few months  
16 ago -- I asked him about the 32 miles of the  
17 project in the far North Country of New  
18 Hampshire where there was no existing  
19 transmission corridor and where a new  
20 transmission corridor was planned to be  
21 built. And specifically on Page 148 of the  
22 Day 25 Afternoon transcript I asked him this  
23 question: "You didn't mean to suggest that  
24 in that 32 miles of North Country where there



1 is no existing corridor, that there would be  
2 an absence of property loss or property  
3 damage by the presence of the new line there,  
4 did you?"

5 And he responded as follows, and I have  
6 that in front of you now on Lines 4 through  
7 16 of Page 149 of that transcript. His  
8 answer was, "Basically the answer would be in  
9 the affirmative there, that that is the  
10 implication, that there is no proximate -- or  
11 there's very scattered residential  
12 development in relationship to that 32 miles.  
13 And in fact, none, I think, within 500 feet,  
14 and certainly none within a 100 feet.  
15 Therefore, based on the analysis that I've  
16 described in my testimony, there wouldn't be  
17 any adverse impact on residential property  
18 values anticipated with that section of the  
19 line, and that's the one section that's not  
20 in an existing corridor." Do you see that?  
21 Do you understand what he was saying?

22 A. I understand what he said.

23 Q. Do you agree with what he said?

24 A. I don't understand why he said it. No, I

1 don't agree.

2 Q. Could you tell us -- well, I'm going to open  
3 it up to you now. Would you give us the  
4 reasons why you disagree with what he said?

5 A. What he's trying to do is stand behind his  
6 study, which is a false construct. It  
7 assumes that only within a certain distance  
8 will you have an impact because of proximity,  
9 visibility and encumbrance. The impact goes  
10 far beyond that, in our region especially.  
11 You do not have to be up against it to feel  
12 the pain of its presence and you will do so  
13 financially and in your own use and enjoyment  
14 of the property. We are a place of  
15 mountains, hillsides, valleys, rivers,  
16 streams, vast vistas of uninterrupted beauty.

17 And I talked to Charlie Jordan the other  
18 day, the editor of The Colebrook Chronicle,  
19 and he recalled for me his first written  
20 lines in October 2010 when he got a call and  
21 learned about this thing. The headline was,  
22 "Are You Kidding?" Who in the world came up  
23 with this idea? Who would put something like  
24 this through an area like ours and mar it in

1           that way? For what purpose? To what good  
2           end? I'm not quoting him there. But the  
3           direct quote was, "Are You Kidding?"

4                     But that would be a devastating impact  
5           on a region. And you've got to understand  
6           and emphasize that the impact of this line in  
7           an area like that, in an area like all of the  
8           North Country, is a property-specific impact  
9           for those who own property who see it. But  
10          it's something that you share with everyone  
11          and the effect on your overall economy in the  
12          various ways in which I referenced in my  
13          testimony, including tourism. And if people  
14          are affected by this thing with a constant  
15          view of it and constant exposure to it, that  
16          incremental exposure builds up and tends to  
17          drive people away where you would encounter  
18          that sort of thing.

19                    And I think one of the members of the  
20          House, in reference to the Northern New  
21          Jersey Turnpike -- we cannot compete with  
22          other regions if we allow ugly objects in a  
23          beautiful landscape that will somehow change  
24          it. We are all going to be impacted by this

1           thing. One business who suffers or fails or  
2           does more poorly than it would otherwise  
3           impacts all of us. It's a tight community, a  
4           small community, a very dispersed population.  
5           We are not divorced, one from the other. We  
6           are all impacted by the same thing. So it  
7           isn't just the people who are going to be  
8           proximate are encumbered by it, it is the  
9           people who are even a distance away and see  
10          it. And it is those who will be impacted  
11          negatively by it and whose businesses may be  
12          affected, as well as their use and enjoyment  
13          of land and recreation and everything else  
14          you can think of. We will all suffer  
15          together, whether we are within 100 feet,  
16          500 feet, 2 miles, or whether it's our friend  
17          who is. There is going to be a broad  
18          community impact if this thing is built.

19                       MR. BAKER: I have no further  
20                       questions.

21                       CHAIRMAN HONIGBERG: Mr. Van  
22                       Houten, are you going to ask questions from  
23                       where you are?

24                       MR. VAN HOUTEN: I'll ask my

1 question from right here.

2 CHAIRMAN HONIGBERG: Can you see  
3 him? He's out there.

4 MR. VAN HOUTEN: I'm over here.

5 CROSS-EXAMINATION

6 BY MR. VAN HOUTEN:

7 Q. We were all looking at my property on the map  
8 a little while ago, and there's some distance  
9 between my --

10 MR. NEEDLEMAN: Mr. Chair, I'm  
11 sorry to interrupt. I thought Mr. Powell was  
12 Mr. Van Houten's expert.

13 CHAIRMAN HONIGBERG: I think  
14 they're just part of the same group. I don't  
15 really know.

16 (Discussion off the record.)

17 CHAIRMAN HONIGBERG: It's not  
18 clear to me, Mr. Van Houten, that it's  
19 appropriate for you to ask questions at this  
20 point because, as I am reminded, Mr. Powell is  
21 an expert for your group. He's not himself a  
22 party to this.

23 MR. VAN HOUTEN: Correct. It  
24 was suggested that I give it a shot. Thank

1           you.

2                                   CHAIRMAN HONIGBERG:   Shot taken.

3                                   Ms. Menard.

4                                   CROSS-EXAMINATION

5   BY MS. MENARD:

6   Q.    Good afternoon, Mr. Powell.

7   A.    Good afternoon.

8   Q.    Jeanne Menard, from Deerfield Abutters, and  
9           my trusty assistant; this is Eric Berglund,  
10          also from Deerfield.

11                So I'd like to start off with questions  
12                about land values, and in particular, just  
13                jumping off the point that Mr. Chalmers was  
14                limited -- his land analysis was limited to  
15                his subdivision studies, and he rendered a  
16                "no price or timing effect impact" conclusion  
17                on lot sales.  And in your -- in his  
18                supplemental testimony he was very critical  
19                of your analysis of Project impacts on land,  
20                and so I wanted to get your opinions on an  
21                important piece of evidence that he uses in  
22                his subdivision study, and that is the "back  
23                land/front land analysis" that we were  
24                talking about earlier today, and also just

1 contrast that with some of the methodology  
2 criticisms that he was applying to your  
3 analysis.

4 So I'd like to just -- I'm just going to  
5 get you very quickly up to speed with -- I  
6 don't know if you've had an opportunity to  
7 look at any of the subdivision studies. So  
8 I've chosen a study from Canterbury. It's  
9 out of your area. And I'm going to give you  
10 a quick overview.

11 So, basically what Mr. Chalmers did was  
12 he took a typical subdivision and he tried to  
13 get different subdivisions from different  
14 parts of the state and he made a collection  
15 of lots.

16 MS. MENARD: And then if you go  
17 to the next page, Eric.

18 BY MS. MENARD:

19 Q. He prepared a table. And he made a note on  
20 this particular table that it was summarizing  
21 eight fair market sales, and those are those  
22 particular lots that he analyzed. And then  
23 also on this chart you can note basically  
24 he's compiled the date and the price and the

1 acreage which was critical to his analysis.  
2 And if you go to his findings page, you can  
3 see that he acknowledges the general absence  
4 of timing and pricing effects evident here.  
5 And he indicates that there is no consistent,  
6 measurable effect of the high-voltage tension  
7 line on the marketability of affected lots.  
8 So it is for this reason, then, that he is  
9 bringing into the discussion about the back  
10 land/front land analysis.

11 MS. MENARD: So can we go back  
12 to the picture of the subdivision, please?

13 BY MS. MENARD:

14 Q. So when you -- if you're looking at land  
15 value and you're doing a pricing analysis for  
16 a potential seller or buyer, how critical is  
17 using only fair market sales?

18 MR. NEEDLEMAN: Objection, Mr.  
19 Chair. This is all material that was in his  
20 original report.

21 CHAIRMAN HONIGBERG: Sounds like  
22 you're asking him to talk about what's in his  
23 report.

24 MS. MENARD: In his --



1 CHAIRMAN HONIGBERG: His  
2 testimony has within it descriptions of what's  
3 important.

4 MS. MENARD: And this is  
5 directly going to go to understanding a  
6 methodology difference.

7 CHAIRMAN HONIGBERG: I'm not  
8 sure I understand.

9 But Mr. Needleman, you want to  
10 say something else?

11 MR. NEEDLEMAN: Yes. Everything  
12 that Ms. Menard just went through is all in Mr.  
13 Chalmers' original report. So anything having  
14 to do with this could have and should have been  
15 covered in the testimony. There's nothing new  
16 here.

17 MS. MENARD: What we didn't know  
18 at the time of writing our testimonies is the  
19 representation that, given the nature of the  
20 work, that they're arm's-length sales, and  
21 anyone reading this report would assume that.  
22 And in a cross-examination fairly recently, he  
23 reaffirmed his position of the importance of an  
24 arm's-length sale. So I want to ask Mr. Powell

1           how difficult this is. This is a problem, and  
2           I need his input.

3                           CHAIRMAN HONIGBERG: I think it  
4           would be helpful in setting this up if you  
5           would describe to us what Mr. Chalmers has said  
6           recently that you're looking for this witness  
7           to respond to, because it's -- there were too  
8           many "he's" in the original questions and  
9           conversations. But I think Mr. Needleman's  
10          position or his objection was based on the  
11          belief that you were talking about Mr.  
12          Chalmers' work generally, back to his original  
13          report or his written, whatever he's done in  
14          writing. It seems like you are asking the  
15          witness to talk about something that's happened  
16          more recently while Mr. Chalmers was  
17          testifying. Am I right about that?

18                           MS. MENARD: I think my problem  
19          is I'm trying to be efficient and bring two  
20          issues together to get to the sale price of  
21          frontage land/back land question, while helping  
22          people understand how Mr. Chalmers got there  
23          himself. And so that's where I think we're  
24          crossing paths here.

1                   So I have two goals: One, to  
2                   ask questions about the sale price of front  
3                   land/back land analysis, which Mr. Chalmers  
4                   stated in his testimony on Page 134 in a  
5                   cross-examination. He said that this is --  
6                   he felt very strongly this was an  
7                   apples-to-apples comparison, okay. So that's  
8                   one goal.

9                   CHAIRMAN HONIGBERG: Okay.

10                  MS. MENARD: And then as we go  
11                  along, I would like to elicit how important  
12                  methodology is to arrive at these conclusions.  
13                  And right now I'm not sure how to separate  
14                  that.

15                  CHAIRMAN HONIGBERG: Well, I'm  
16                  not sure you need to. But if you lay the  
17                  groundwork of the first part, you will then get  
18                  to the second part I think. But I think that  
19                  the key is to start with what Mr. Chalmers said  
20                  in cross-examination on Page 134 to give  
21                  everyone a starting point that makes it  
22                  apparent you're springboarding off of something  
23                  that happened recently that Mr. Chalmers said.  
24                  That will obviate most of what Mr. Needleman

1           would object to. There may be others. I'm not  
2           quite sure. But that initial objection he made  
3           I think will be obviated if you use Mr.  
4           Chalmers' cross-examination testimony as your  
5           starting point.

6                               MS. MENARD: Okay.

7 BY MS. MENARD:

8 Q. Welcome to 50 Donovan Street, Mr. Powell.

9                       I will see if I can locate the testimony  
10           and restart.

11                           MS. MENARD: Thank you for your  
12           help.

13 BY MS. MENARD:

14 Q. So, this is, for the record, Day 24,  
15       July 31st, Page 134, and we are talking about  
16       conclusions for subdivision studies. And he  
17       has -- in response to a question about  
18       frontage land having far greater value and  
19       looking at an assessment that we were  
20       discussing about Deerfield, I asked him if  
21       he -- if he felt that using assessing data  
22       from 2015 falsely diminished the percentage  
23       of back land, and he didn't understand the  
24       point I was trying to make. And we went

1 through an analysis. And basically I was  
2 asking him for an apples-to-apples  
3 comparison, and he disagreed when we got to  
4 the end of the discussion. It's a lengthy  
5 discussion. He basically disagreed that this  
6 was an inappropriate -- he disagreed that his  
7 analysis was inappropriate.

8 So, with that, to understand the  
9 analysis for what we have here in Canterbury,  
10 I was wondering if you could answer a few  
11 questions in which you would undertake if you  
12 were doing a pricing analysis. And one of  
13 the foundations, would you agree, is how  
14 critical is using a fair market sale in  
15 arriving at that analysis?

16 MR. NEEDLEMAN: Mr. Chairman,  
17 I'm sorry. I still have the same objection.  
18 It doesn't seem to me like -- I appreciate what  
19 Ms. Menard is trying to do, but I don't see any  
20 correlation between the Q & A she had during  
21 crossing Mr. Chalmers and this document and why  
22 whatever is being asked regarding this document  
23 could not have been included in Mr. Powell's  
24 prior work.

1 CHAIRMAN HONIGBERG: Ms. Menard.

2 MS. MENARD: The reason it  
3 couldn't be included is because his evidence of  
4 the analysis is totally irrelevant. And we  
5 never would have come up with it on our own for  
6 him to have brought that into a discussion  
7 about marketability of subdivision. So I think  
8 it's completely unfair to have premeditated  
9 conversation about the importance of the one  
10 thread of evidence that Mr. Chalmers has given  
11 to support his no pricing, no market effect  
12 conclusions.

13 CHAIRMAN HONIGBERG: Your goal  
14 is to convince us that Chalmers is wrong, that  
15 Chalmers' analysis has no basis, okay. Why  
16 don't you just ask him if he agrees with what  
17 he said on Page 134 that you were just  
18 referring to. Isn't that ultimately what  
19 you're trying to get to?

20 MS. MENARD: Yes. But I think  
21 it's unfair because I don't think -- this is  
22 standard -- this is what he does every day.  
23 But he's not seen this report, so I think it's  
24 unfair for me to ask him that question when he

1           hasn't had a chance to understand.

2                           CHAIRMAN HONIGBERG:   But you're  
3           looking for him to offer an opinion --

4                           MS. MENARD:    An opinion, yes.

5                           CHAIRMAN HONIGBERG:  -- about  
6           areas he didn't get into.  He said it during  
7           his testimony, during the questioning he was  
8           just going through with Mr. Pappas, that he  
9           focused on the North Country.  That's where he  
10          works.  That's what he knows about.  That's his  
11          knowledge base.  So you're looking for him now,  
12          I think, to get into a discussion about a  
13          subdivision in Canterbury.

14                          MS. MENARD:    He did very  
15          explicitly in his supplemental talk about land  
16          value.  This is a key piece of his supplemental  
17          testimony.  And just because Mr. Chalmers --  
18          and I'm sorry.  I don't mean to argue, but --

19                          CHAIRMAN HONIGBERG:  This is  
20          exactly what you should be doing.

21                          MS. MENARD:    Oh, okay.  You  
22          know, Mr. Chalmers' piece is his subdivision  
23          study.  That's his land platform.  Mr. Powell's  
24          land platform is in his supplemental testimony.

1 And there's common ground here in the  
2 methodology.

3 CHAIRMAN HONIGBERG: Was Mr.  
4 Chalmers' subdivision not part of his  
5 subdivision work -- not part of his original  
6 testimony?

7 MS. MENARD: It was.

8 CHAIRMAN HONIGBERG: So, then,  
9 Mr. Powell had every opportunity to respond to  
10 the methodology flaw, if there was one, in Mr.  
11 Chalmers' work. No?

12 MS. MENARD: He chose not to.  
13 But Mr. Chalmers chose to criticize his  
14 analysis.

15 CHAIRMAN HONIGBERG: And so --

16 MS. MENARD: And it totally  
17 undermines Chalmers' position. It's  
18 contradictory.

19 CHAIRMAN HONIGBERG: So I'll  
20 circle back. Then why don't you ask him what  
21 he thinks about what Chalmers said on Page 134.  
22 He doesn't -- what else does he need to know?

23 MS. MENARD: That's not a fair  
24 question to ask him with no background.



1           Actually, you know what?  Maybe I'll get right  
2           to that, and I'm going to trust that he  
3           understands -- I'm going to trust that he knows  
4           what I am asking.  I'll try to get right to  
5           that.

6                           CHAIRMAN HONIGBERG:  It's funny,  
7           just as you were agreeing with me, I was going  
8           to get ready to let you ask a few more  
9           background questions to get there.  But you've  
10          convinced me.  See if you can get the answer  
11          that you want from him.

12                          MS. MENARD:  Thank you.  We're  
13          going to skip over the arm's-length sale.

14                          Do you have Page 84,  
15          Mr. Berglund?

16  BY MS. MENARD:

17  Q.     So, Mr. Chalmers did some satellite imagery  
18          of properties.  And he concluded that the  
19          excess acreage to the rear of the lot appears  
20          to have little or no utility or value to the  
21          property as a whole.  A property's value  
22          appears to depend on the acre or so devoted  
23          to the home site, with little utility or  
24          value going to the remaining acreage.  Okay?

1           So I would like to put back up the first  
2           Canterbury subdivision. And we're in a  
3           lot-size situation here, about an acre to an  
4           acre and a half. Average lot, 1.3 acres, in  
5           that range. And using his -- what do you  
6           think about his opinion about having a back  
7           land/front land discussion in this  
8           subdivision?

9       A.    In my experience, the amount of land that you  
10       have surrounding your home is important. It  
11       shields you, provides you with some degree of  
12       privacy. The amount of land that you own  
13       makes a difference to the quality, very often  
14       the quality of the site which you occupy. It  
15       can provide protection. It can provide  
16       additional use value. And it gives you a  
17       sense, a grander sense of ownership in some  
18       cases. I have no perspective from my work of  
19       what it may mean to have an acre versus an  
20       acre and a half. But I can tell you that's  
21       not a ton of land. And if somebody took a  
22       half-acre away from me, I would be very upset  
23       about it. Or if they did something to it  
24       that rendered it less useful or less

1 attractive or exposed my view from my home of  
2 something I didn't want to see, then that  
3 would upset me a great deal. And if  
4 somebody, in the case of an existing utility,  
5 put a tower right smack dab outside my  
6 bedroom window, I would be extremely upset  
7 and I would consider that to be an affront to  
8 my rights of ownership. And I can only  
9 imagine that if you are surrounded by just  
10 basically the curtilage around your home, you  
11 have little to defend there. And I think the  
12 back of an acre or two is extremely important  
13 in a parcel of that size, just as I do if  
14 it's 15 or 20 or 40 acres. When you have  
15 greater amounts of land, it all takes on  
16 additional character. It adds to the value  
17 of the place. People up where I am like  
18 larger acreage if they can have it. And it  
19 gives an extra element to your home that  
20 involves you with the woods, the trees, the  
21 management of all that, and the additional  
22 protection it affords.

23 And in the case of David Van Houten, he  
24 has a lot of land out behind his house

1           between where he lives and the power line.  
2           Half of that area behind his house belongs to  
3           someone else. If they cut those trees, they  
4           would expose him to the power line. If he  
5           cut his trees, it would expose him to the  
6           power line. If a microburst, which I have  
7           experienced, came down and blew down a lot of  
8           trees, it would expose him to the power line,  
9           then he would no longer have that shield. In  
10          addition to that, he is restricted from  
11          practicing land management on his property  
12          for fear of exposing his house to the power  
13          land behind. So he cannot utilize, manage or  
14          otherwise take advantage of the trees that  
15          are growing on his land, and he lies there in  
16          threat of exposure.

17                 So, whether it's large or whether it's  
18                 small, whether it's front or whether it's  
19                 back, it always has something to do with the  
20                 ownership of your property and your use and  
21                 enjoyment of it. I can't separate it.

22                 Assessors do all the time. Assessors have  
23                 different roles, different responsibilities.

24          Q.     Thank you. I'd like to get to the

1 apples-to-apples question here with regards  
2 to the chart.

3 MS. MENARD: Can you -- what is  
4 the exhibit number for the record?

5 MR. BERGLUND: Abutter 158A.

6 BY MS. MENARD:

7 Q. So this is the tax record. It's from the  
8 warrant from the Town of Canterbury from  
9 1985. And the lot that I have highlighted  
10 there is Lot 37 in the subdivision. Can you  
11 see during this time period when people would  
12 have been buying into this particular  
13 subdivision -- this is a 1.33-acre lot --  
14 that there is not a breakdown of the front  
15 land, back land?

16 A. I see no such --

17 Q. And I even think we have the tax card from  
18 1996. They still were not in that -- they  
19 weren't thinking about land in that way. You  
20 can see the acreage is not split out the way  
21 that Mr. Chalmers has used in his summary  
22 analysis.

23 Do you have any opinions as to how --  
24 what relevance that piece of information is

1 bringing to the discussion about the timing  
2 of lot sales and the pricing of lot sales?  
3 That's the whole premise of his subdivision  
4 study. What does this -- what does his  
5 analysis of this front/back land bring to  
6 this discussion?

7 MR. NEEDLEMAN: Mr. Chair, I'm  
8 going to object again. This is now plainly  
9 calling for a new opinion that is directly tied  
10 to the work that Mr. Chalmers originally did  
11 and Mr. Powell clearly could have looked at.

12 CHAIRMAN HONIGBERG: Ms. Menard,  
13 this does seem now to no longer be related to  
14 the cross-examination questioning on Page 134.  
15 That's the only thing I can remember about --

16 MS. MENARD: Apples-to-apples  
17 comparison?

18 CHAIRMAN HONIGBERG: But he  
19 chose -- Mr. Powell chose not to do that,  
20 whatever it is you would like him to do now.  
21 He chose not to do that.

22 MS. MENARD: Okay.

23 BY MS. MENARD:

24 Q. Would it have occurred to you to discuss

1 assessment values from 2015 in your analysis  
2 of land values of a subdivision that was --  
3 that had price and sales data from 1985?  
4 Would that have occurred to you to do that?

5 MR. NEEDLEMAN: Same objection.  
6 In what context? I still don't understand the  
7 question.

8 CHAIRMAN HONIGBERG: Well, I'm  
9 going to let him try to answer that.

10 Do you understand the  
11 question?

12 WITNESS POWELL: Well, if she's  
13 asking me whether I would use 2015 data of any  
14 kind to analyze an assessment or a sale that  
15 happened 30 years before, I cannot imagine  
16 doing that.

17 MS. MENARD: Thank you.

18 Do you have, Mr. Berglund,  
19 Page 13 of Mr. Chalmers' supplemental  
20 testimony? Actually I can give you a page  
21 right now.

22 BY MS. MENARD:

23 Q. I'd like to read an answer that Mr. Chalmers  
24 has provided that I think is pretty

1 self-explanatory. "The only practical way in  
2 which high-voltage tension lines effects on  
3 the market" -- excuse me -- "effects on the  
4 value of nearby properties can be studied by  
5 looking at fair market sales of properties  
6 potentially influenced by high-voltage  
7 tension lines and comparing them to the sales  
8 of otherwise similar properties without  
9 high-voltage tension lines influence.  
10 Methodologically" -- yeah, can you help me  
11 out with that one?

12 A. Methodologically.

13 Q. Yeah, thanks. "...that can be done using the  
14 case study approach which relies heavily on  
15 retrospective appraisals to meet the  
16 'otherwise similar property.'"

17 Now, I know Mr. Pappas touched on this a  
18 little bit with you, but I was wondering if  
19 you could -- if you had wanted to -- if you  
20 care to comment specifically about his  
21 analysis here.

22 A. Relative to retrospective studies?

23 Q. Yes.

24 A. Not all HVTL lines are created equal. I



1 don't know of anything in my experience that  
2 is now the same as what could be if this line  
3 were built. Therefore, any study of  
4 something which is not directly the same in  
5 an area, that is different from the one where  
6 I am is false at its core because it is  
7 analyzing something unlike what we would have  
8 to live with if it were built. And I think  
9 Skip Sansoucy said at one point that the only  
10 way you can figure out what might happen is  
11 to let it happen and go back and figure it  
12 out afterwards. We are instead thankfully in  
13 the position of trying to predict what might  
14 happen.

15 And can you use retrospective studies  
16 looking back at information derived  
17 heretofore in areas that are not like those  
18 to be in the experience of experiencing these  
19 lines, nor will they be of the same kind that  
20 he's assessing the impact of? We cannot go  
21 back to those studies and use them to predict  
22 what might happen if this new and larger and  
23 more obnoxious line were to be built. And we  
24 are talking about behavior.

1           And I would like to interject something  
2           because we're talking methodology. And  
3           methodology is at the core of our issue, of  
4           our problem here. We have someone who has  
5           used these old standards of looking back and  
6           making comparisons to try and tell us that  
7           there will be no impact of this line. But  
8           it's irrelevant, as Skip Sansoucy says,  
9           because, as I said, different lines,  
10          different place, different time, not to apply  
11          to us. And low and behold, science is  
12          advancing.

13           And it was only a few weeks ago, a month  
14           and a half, when Richard Thaler was given the  
15           Nobel Prize for Economics because of his  
16           contributions to economic behavioralism. And  
17           he observed that the old standards and models  
18           and theorems of classical economic theory  
19           were no longer relevant; that rational  
20           mankind does not dwell in those classical  
21           methods, but instead, mankind is driven by  
22           psychological prejudices or leanings, and he  
23           acts not on the basis of rational thought,  
24           but on the basis of emotion and often

1           irrationality. And they gave him the Nobel  
2           Prize for that because he contributed to that  
3           science. And now, economists are beginning  
4           to be valued more than as bean counters  
5           because they're affecting public policy  
6           through an understanding of human behavior.  
7           And it's human behavior that drives markets,  
8           not the analyses. We cannot expect that when  
9           the Committee went to look at the North  
10          Country and where these poles may appear, or  
11          when an appraiser from a distant desk looks  
12          at someone else's work can dispassionately  
13          review things as though they were the people  
14          in the marketplace. Not until you have "skin  
15          in the game," not until you bring your cash  
16          or you face the prospect of changing your  
17          financial circumstance by the incurrence of  
18          debt and exchanging what you have and what  
19          you earn for what you want do you begin to  
20          understand how mankind will act when he goes  
21          to another place such as ours and begins to  
22          part with what he has for what he wants.  
23          That is a behavioral issue. And those who  
24          understand behavior begin to understand the

1 impact on the market and even how to  
2 influence the market.

3 Mr. Thaler was rewarded with a prize  
4 because he took it a step further to say that  
5 understanding this behavior allows you to  
6 nudge or incite people to do certain things  
7 which might be in their better interest than  
8 irrationally responding without influence.  
9 So, government and industry tries to apply  
10 that to the good. But he also acknowledged  
11 that you can nudge people to the bad.

12 So, what nudges somebody in the real  
13 estate market? It's a response -- it's an  
14 emotional process. You like what you like.  
15 You don't like what you don't like. I know  
16 what my buyers want. I know what makes them  
17 happy. I know what makes them upset. I know  
18 what they'll turn down and I know what  
19 they'll accept. And I know there's a price  
20 point to everything. Everything has a  
21 certain value based upon all the factors that  
22 are poured in a pot. But I also know that we  
23 are in trouble in marketing our property and  
24 finding satisfied customers if we do

1 something to destroy the very core values  
2 that give us the advantage we have.

3 We are in a tough spot up north. We  
4 have suffered tremendous economic transition.  
5 And I think I referred to this in my  
6 testimony. I do not know why --

7 MR. NEEDLEMAN: Mr. Chair, I  
8 think we're well beyond the question.

9 CHAIRMAN HONIGBERG: Do you  
10 remember the question?

11 WITNESS POWELL: Yes.

12 CHAIRMAN HONIGBERG: What was  
13 the question? What was the question?

14 WITNESS POWELL: It's whether or  
15 not basically his methodology is applicable,  
16 and I'm telling you that it isn't.

17 CHAIRMAN HONIGBERG: Yeah, I  
18 think we got that.

19 Ms. Menard.

20 BY MS. MENARD:

21 Q. On Day 26, in the afternoon, on Page 100, in  
22 a conversation with Mr. Chalmers we were  
23 talking about appraisals and bad comps. And  
24 basically if you pull one out -- I'll read it

1 to you. "There are two appraisals that have  
2 a bad comp... And in both of those cases they  
3 happen to have very good comps for both of  
4 those. You pull that out, doesn't change the  
5 implication of the appraisal."

6 So, in your experience as a realtor, you  
7 work with appraisals as part of your  
8 business; is that true?

9 A. Of course, yes. Consequence of appraisals.

10 Q. Pardon me?

11 A. The consequence of appraisals.

12 Q. So have you ever had an experience where a  
13 two-comp appraisal would be acceptable?

14 A. A two-comp appraisal?

15 Q. Correct.

16 A. No.

17 Q. Do you think -- so this is not a typical,  
18 acceptable standard in the appraisal industry  
19 to be relying on two comps?

20 A. I would think not. And I think it would be  
21 hard not to find more information, even if  
22 you have to go outside the norm in order to  
23 find it and make adjustments. In other  
24 words, there are times in my market area

1           where if we can't find something to look to  
2           for a comparable sale, we may go to Littleton  
3           or Franconia or someplace else, as I alluded  
4           to in my testimony, in order to find a comp  
5           and then adjust it for the difference in  
6           markets. But it's pretty hard not to find a  
7           comp for something. Even when it's tough,  
8           you can do it.

9    Q.    So when an appraiser is doing their job and  
10       looking for comps, do they typically go out  
11       and take pictures of those comps?

12   A.    Typically.

13   Q.    And the reason for doing that is why?

14   A.    Well, I don't know. Good question. I guess  
15       to make a representation of the property to  
16       those who may look at it and maybe even to  
17       show they've been there.

18   Q.    Correct. So if the concern of needing to  
19       pull comps -- if the concern was that  
20       inappropriate comps were in the appraisals  
21       due to, for example, choosing a comp sale  
22       that was located next to a substation when  
23       you have your subject property and you're  
24       trying to find properties that are not

1           influenced by high-voltage tension line or  
2           infrastructure.

3                       So had the appraisers gone out and done  
4           their site visits, as would be typical, would  
5           you agree that we probably wouldn't be in a  
6           situation where they would have to be relying  
7           on two comps?

8    A.    I agree.

9    Q.    In your supplemental testimony, you refer to  
10   some -- you made some comments on the Town of  
11   Lancaster Case Study No. 23, and I'd like to  
12   ask you a few questions about that.

13                      Before we do that, would you agree that  
14   the accuracy of the data that goes into these  
15   case studies drives the reliability of the  
16   case study?

17   A.    Absolutely.

18   Q.    So you have some familiarity with  
19   224 Portland Street?

20   A.    Yes.

21   Q.    And how so?

22   A.    I listed that property back in 2010, I  
23   believe. Had the listing for 18 months.  
24   During the course of that time, our awareness



1 of Northern Pass came to the fore, and we  
2 began to experience the consequence of  
3 disclosure of the existence of Northern Pass  
4 as it may impact that property. And we  
5 continued with our efforts to sell it. The  
6 history of it is that the sellers had  
7 purchased it --

8 MR. NEEDLEMAN: Mr. Chair, I'm  
9 going to object.

10 CHAIRMAN HONIGBERG: I know this  
11 is in his testimony. This is in the prefiled  
12 testimony, this story.

13 MS. MENARD: Right. And I'm --

14 WITNESS POWELL: Not the part  
15 where I'm involved because --

16 CHAIRMAN HONIGBERG: This story  
17 is in your prefiled testimony. I just read it.

18 WITNESS POWELL: Oh, I'm sorry.  
19 My prefiled. I thought you meant Dr. Chalmers.  
20 Sorry.

21 BY MS. MENARD:

22 Q. So my questions have to do with the interview  
23 that was represented in this case study. And  
24 there's representations that were not yours,

1 is that correct, because you were not the  
2 listing broker at the time of this case  
3 study?

4 A. Right. Correct.

5 Q. Have you had an opportunity to review the  
6 transaction interview and --

7 A. I have, and I've spoken to the other agent.

8 Q. And what did she relay to you?

9 A. She just --

10 MR. NEEDLEMAN: Objection. If  
11 this was relevant information, it should have  
12 been included and could have been included.  
13 This is simply adding to the testimony now.

14 CHAIRMAN HONIGBERG: Ms. Menard.

15 MS. MENARD: I think we're going  
16 to have to move on.

17 BY MS. MENARD:

18 Q. Have you -- no, I can't ask that one either.

19 A. Several people have referred to my -- and  
20 forgive me for this because I may be the  
21 dumbest guy on earth, but --

22 Q. Excuse me, Mr. Powell, can you move closer to  
23 the --

24 A. Several people have referred to my

1 "supplemental testimony." I responded to  
2 inquiries. I don't know that I wrote a  
3 supplemental testimony. Am I confusing  
4 myself?

5 Q. Actually, thank you for bringing that up.

6 Mr. Chalmers did have conversation with  
7 you about your analysis of this particular  
8 property. Would you care to comment about  
9 that?

10 A. Yeah. What he did --

11 MR. NEEDLEMAN: Wait. Object.  
12 What are we talking about? When and where was  
13 there a conversation, and what was said?

14 CHAIRMAN HONIGBERG: I think  
15 she's about to ask what was said.

16 What are you referring to?

17 MS. MENARD: In Mr. Chalmers'  
18 supplemental testimony, and let's see if we can  
19 find the reference, I think Mr. Chalmers was  
20 providing a response to Mr. Powell's concern  
21 about project impact on this property.

22 MR. IACOPINO: Mr. Powell,  
23 while she's looking for that, you did not file  
24 supplemental testimony.

1 WITNESS POWELL: No, I did not.

2 MR. IACOPINO: Correct?

3 WITNESS POWELL: Correct.

4 MS. MENARD: No, this is Mr.

5 Chalmers' --

6 (Court Reporter interrupts.)

7 CHAIRMAN HONIGBERG: That's  
8 okay. Mr. Powell, I think we're just trying to  
9 clarify terminology. Mr. Chalmers did file  
10 supplemental testimony. You did not. So I  
11 think people have been referring to his  
12 supplemental, not yours.

13 BY MS. MENARD:

14 Q. I apologize for the delay here.

15 A. It's Page 18.

16 Q. Thank you. Page 18. Can you read the  
17 question relating to your discussions  
18 about --

19 A. Well, he basically -- in my testimony, I  
20 referred to his case study. And honestly, I  
21 could pull mine out and see what my  
22 references were. But I basically disagreed  
23 with his conclusion, which was that the line  
24 had no impact, that it did not affect the

1           time on the market or the ultimate price.  
2           And so I have a lot of trouble with his case  
3           study and his reaction to what I had to say  
4           about it, which was much more informed.  
5           And there were several problems with his  
6           case study, one of them being an  
7           understatement of the square footage of the  
8           property which caused his appraiser, his  
9           contract appraiser to go out and look for  
10          smaller homes and draw improper conclusions.  
11          This home does consist of a footprint of  
12          about 1400 square feet. But there is a  
13          largely finished walk-out basement which is  
14          all entirely full-time living space,  
15          including bathroom, bedrooms, family room and  
16          other space. And there is also not mentioned  
17          in the response to my testimony, there is not  
18          mentioned a detached garage which has a  
19          finished apartment of 375 square feet. So  
20          the actual finished living space in this  
21          property and the basis for comparison is over  
22          3,000 feet. And when you begin to look at  
23          comparable sales, he narrowed his sales  
24          search to very few properties that are not

1 very comparable for various reasons and  
2 omitted a number of sales which I put in  
3 leading up to the date of sale and came out  
4 with a half-dozen or eight in those immediate  
5 towns around my market area that were above  
6 300,000 that would be better standards for  
7 adjustment, with more accurate information  
8 than what he chose to do. In fact, his  
9 appraiser said this property which sold for  
10 \$317,500 was actually appraised and worth  
11 \$290,000. I do not understand how an  
12 appraiser can go and look at a property that  
13 was just sold and say that it was worth less  
14 if that's what the market produced for the  
15 sale price. He did it by using the wrong  
16 information, and Mr. Chalmers depended upon  
17 him for that information.

18 There were also misrepresentations about  
19 the interview with the agent who he said told  
20 him that it did not affect the time on the  
21 market, as I recall, and it did not affect --  
22 that the line did not affect value. But he  
23 never interviewed me after I went through 18  
24 months of this. And I can tell you that it

1 affected both.

2 Q. Thank you.

3 A. She also went on to very specifically say how  
4 the buyer may have misinterpreted the  
5 potential for impact by only looking in one  
6 direction along the course of the ownership  
7 of the land and comparing the height above  
8 the potential exposure to power lines, but  
9 neglected to look across the adjoining  
10 property where the view of Mount Washington  
11 can be seen, and with it the field that is  
12 conserved on the adjoining property and  
13 beyond it the existing power line that will  
14 be impacted by tower heights more than two  
15 times what's there right now, as I understand  
16 it. So there is exposure. And when  
17 disclosed, that has turned the market away  
18 from this property over a long period of time  
19 until finally someone convinced themselves  
20 this direction was fine, didn't look at that  
21 direction, and said let's buy it and offered  
22 300, and they ended up at 317,500.

23 Q. Okay.

24 A. I had priced it at --

1                   CHAIRMAN HONIGBERG: Stop, stop.  
2                   There's no pending question right now. You've  
3                   answered the question three different ways I  
4                   think. Ms. Menard will ask you another  
5                   question if she has one.

6 BY MS. MENARD:

7 Q.           There's another question raised also from Mr.  
8           Chalmers' supplemental on Page 14, down at  
9           the bottom of the page. And it basically is  
10          he's asking is it a shortcoming of your  
11          approach that you only analyze properties  
12          that have sold. What about properties that  
13          cannot be sold due to the Project? And I  
14          think you've already weighed in using this  
15          past example, so we'll not bring that up  
16          again.

17                   But in -- I do have a question regarding  
18                   the days on market with a sold property when  
19                   it was clear that Mr. Chalmers was selecting  
20                   properties that were fair market sales. That  
21                   was the purpose, and I think it was achieved,  
22                   that you would not be bringing in, in your  
23                   case studies, a subject property that was not  
24                   a fair market sale. Agreed?



1 A. Yes.

2 Q. So when you're analyzing sold properties and  
3 you're making a determination of days on  
4 market, if you use a days-on-market average  
5 for the town, that average would be -- would  
6 have a collection of fair market and  
7 foreclosure properties, all property types.  
8 Would you agree?

9 Again, we're back to an apples-to-apples  
10 question for you. Do you feel that, given  
11 the nature and the significance and the  
12 importance of this report, do you think that  
13 taking that extra step of diligence would be  
14 the right thing to do, and by not pulling  
15 foreclosed properties out of the  
16 days-on-market average that it could  
17 influence and again diminish impacts?

18 MR. NEEDLEMAN: Objection.  
19 We're back to just general comments on the  
20 original report.

21 CHAIRMAN HONIGBERG: Ms. Menard.

22 MS. MENARD: I understand. Just  
23 a few more questions, more miscellaneous in  
24 nature.

1 BY MS. MENARD:

2 Q. The Applicant has provided a program offer  
3 for properties that may exhibit all the  
4 characteristics of having an impact on value.  
5 And for would-be sellers who may want to  
6 market their property, the Applicant has  
7 offered them a program, a guaranty buy  
8 program that was mentioned earlier today.  
9 One of the components of this program is that  
10 the seller give the Applicant, I'm not sure  
11 if it's Eversource or NPT in this case, but  
12 give them a right of first refusal for 30  
13 days. So I wanted you to comment on whether  
14 that right of first refusal -- how that might  
15 impact the seller's position.

16 A. Anything that can delay the process or  
17 interrupt the process for that period of time  
18 would be an obstruction and could be well  
19 served to "clear the deal," as they say.

20 Q. Okay. My last question is actually a  
21 difficult one for me to ask, and the reason  
22 it's difficult is because I have felt people  
23 not know how to respond to it. And it always  
24 has been a very short conversation, and I

1           feel like we need to get past it and have the  
2           conversation of the reality of the fact that  
3           people have bought properties along a  
4           right-of-way and the responsibility to know  
5           about what might happen in the right-of-way.  
6           And it often comes back to folks, "Well, you  
7           know, didn't you know that the right-of-way  
8           was there when you purchased the property?"  
9           And then the conversation stops.

10                        So do you have any insight about what  
11           you might say, given that reality, I mean,  
12           "buyer beware"? You know, can you offer any  
13           insight?

14    A.    I'd say --

15                                MR. NEEDLEMAN:  Objection.  This  
16           is --

17                                CHAIRMAN HONIGBERG:  Hang on,  
18           Mr. Powell.

19                                MR. NEEDLEMAN:  This is calling  
20           for general testimony.  This is --

21                                MS. MENARD:  This is along this  
22           topic, Mr. Chairman.  But twice now in  
23           cross-examination that question has come back.  
24           It has come out that -- and it's not, you know,

1 we against them. It's "Didn't you know that  
2 the power line was there?" And I want to know  
3 what Mr. Powell -- how he would respond to  
4 that.

5 CHAIRMAN HONIGBERG: I  
6 understand it's a general question. I'm going  
7 to let him answer the question briefly.

8 A. First of all, "buyer beware" is no longer a  
9 part of this industry or anything related to  
10 it. The responsibilities are greater. Mine  
11 are greater. Everybody's are greater. And  
12 there has to be a disclosure of all that is  
13 known and the possibility of what is known.  
14 But when a buyer buys a right-of-way and it's  
15 relatively benign, as your family did, as I  
16 understand from your testimony, back in the  
17 '50s, and then all of a sudden that formerly  
18 benign right-of-way becomes the subject of  
19 something totally non-benign, as would also  
20 be the case with David Van Houten, then it is  
21 no longer the same animal. And did they have  
22 a responsibility when they bought it in 1950,  
23 in your case, to know that someday Northern  
24 Pass would come rolling through? No. There

1 is no responsibility that can be designed to  
2 look that far in the future. Instead, we  
3 have a process such as this that is intended  
4 to help I think that which was not foreseen  
5 and represent the interests of the landowner  
6 and the community and the people who would be  
7 affected by it to see whether it is indeed a  
8 fair intrusion or not. And I think that's  
9 the hope of this whole process is that will  
10 not happen to people who bought something not  
11 knowing the exposure that they had to that  
12 kind of change.

13 Q. Thank you.

14 MS. MENARD: Thank you, Mr.  
15 Chairman.

16 CHAIRMAN HONIGBERG: I don't see  
17 the Pemi River Group here. Did I miss any  
18 intervenors?

19 [No verbal response]

20 CHAIRMAN HONIGBERG: Mr.  
21 Needleman, Ms. Walkley, who's going to be doing  
22 the questioning? Oh, actually, I am reminded  
23 we should probably take a ten-minute break.

24 (Recess was taken at 3:20 p.m.)

1 and the hearing resumed at 3:35 p.m.)

2 CHAIRMAN HONIGBERG: If folks  
3 could take their seats, we will resume  
4 presently.

5 Whenever you're ready, Ms. Walkley.

6 CROSS-EXAMINATION

7 BY MS. WALKLEY:

8 Q. Good afternoon, Mr. Powell, my name is  
9 Rebecca Walkley. I am an attorney for the  
10 Applicants.

11 A. Good afternoon.

12 Q. I wanted to ask you some questions to start  
13 off just about background and the basis for  
14 your testimony. And I apologize if some of  
15 this has already been stated, but it's just  
16 easier for me to ask again.

17 So, the basis for your testimony is that  
18 you're relying on your experience in the  
19 North Country as a real estate agent for 43  
20 years; is that accurate?

21 A. Correct.

22 Q. And you reviewed the abutters properties in  
23 this case and came up with comparable sales  
24 that you've evaluated in the course of

1 preparing your testimony; correct?

2 A. Comparable to what? I gave examples of sales  
3 that I felt demonstrated a reduction in value  
4 as the result of the threat of Northern Pass.

5 Q. Sure. Okay.

6 A. I did not appraise these folks' properties.

7 Q. Okay. Thank you.

8 You did not perform as part of your  
9 analysis in this case a study of literature  
10 or a review of any sort of reports that have  
11 been prepared in this context related to  
12 impacts of transmission lines on property  
13 values; correct?

14 A. Not true. Over the course of seven years I  
15 have reviewed a number of studies, I think  
16 many of which were referenced by Mr.  
17 Chalmers. I did not do an exhaustive  
18 analysis, but whenever I began to look at  
19 something that involved another community in  
20 another state, another country, another  
21 region, nothing to do with the North Country,  
22 nothing to do with the towers as they would  
23 appear in our community. And that's the only  
24 place where a study becomes relevant.

1 Q. Sure. And I also take it that, as part of  
2 your charge in this case, you did not review  
3 Dr. Chalmers' full report and testimony and  
4 critique his full report and testimony; is  
5 that correct?

6 A. I did not.

7 Q. Okay. You have no professional experience  
8 evaluating impacts of transmission lines on  
9 real estate values; correct? That's not your  
10 professional background?

11 A. Correct.

12 Q. And I understand from the technical session  
13 that your degree from Colby College is in  
14 Government; correct?

15 A. It's a B.A. Right.

16 Q. And you're not licensed -- I'm sorry. Did  
17 you have something else?

18 A. It just simply was my major, not a degree.

19 Q. Okay. Thank you.

20 And you're not a licensed appraiser or  
21 an assessor in the state of New Hampshire; is  
22 that correct?

23 A. No. We all had to make a decision decades  
24 ago as to whether we wanted to hang our



1 shingle as a broker or as an appraiser, and I  
2 chose to remain in the sales end of things.

3 Q. Okay. Thank you.

4 A. I did appraisals up to that time for various  
5 reasons.

6 Q. But you're not a licensed appraiser in New  
7 Hampshire.

8 A. No, I'm not, no. They all ask me questions  
9 so they can do their appraisals. Some of  
10 them.

11 Q. In addition to discussing issues relating to  
12 property values in your testimony, you've  
13 also raised -- and this hasn't really been  
14 brought up today -- but you've also raised  
15 other concerns related to tourism, the  
16 economy in general. And I believe you also  
17 discussed aesthetics in your testimony; is  
18 that correct?

19 A. Correct.

20 Q. You're offering those opinions again based on  
21 your experience as a resident of the North  
22 Country and your experience as a real estate  
23 agent in the North Country; correct?

24 A. Yes.

1 Q. You don't have any professional experience or  
2 background in evaluating impacts of  
3 transmission lines on tourism, for example?

4 A. I have read some studies. I have not  
5 prepared reports. So, done studies, no,  
6 because they don't exist, thank God, where I  
7 live and work.

8 Q. Okay. And I'd like to turn to a section of  
9 your prefiled testimony. Page 4 of your  
10 prefiled testimony, in the top full paragraph  
11 you state that natural resources and the  
12 economy which supports our property values  
13 may be threatened no matter how NP may be  
14 constructed. Do you see that sentence?

15 A. Hmm-hmm.

16 Q. So I take it from that sentence that you  
17 oppose the construction of a transmission  
18 line in the North Country, no matter how it's  
19 constructed; correct?

20 A. I would hate to see an expansion of the  
21 existing line, and I would hate to see a new  
22 line brought in from Canada down to  
23 Northumberland. I would oppose that, yes.

24 Q. Okay. So your concern is just about a

1 transmission line in general, not necessarily  
2 this particular configuration that Northern  
3 Pass is proposing --

4 A. Oh, of course --

5 Q. -- in this particular docket.

6 (Court Reporter interrupts.)

7 A. I am opposing that particular configuration  
8 in this particular docket.

9 Q. Sure. But I understand from your statement  
10 that virtually any transmission line would be  
11 a concern for you. Is that what you're  
12 saying there?

13 A. What's the rest of the sentence? We kind of  
14 cut in at the word "proposed."

15 Q. Frankly, I'm not sure.

16 MS. WALKLEY: Dawn, can you turn  
17 to the previous page?

18 A. What page is that?

19 BY MS. WALKLEY:

20 Q. Page 3 of your prefiled testimony.

21 A. "This testimony is intended to explain and  
22 demonstrate how private property has already  
23 been and will continue to be negatively  
24 impacted by NP if constructed as proposed,

1           and how our natural resources and the economy  
2           which supports our property values may be  
3           threatened, no matter how NP may be  
4           constructed."

5    Q.    Correct.  So my assumption from that  
6           statement is that you're both opposing the  
7           Northern Pass as it's being proposed, as well  
8           as any configuration of Northern Pass;  
9           correct?

10   A.   Any conceivable configuration to bring that  
11          amount of power down from that amount of  
12          distance across this amount of land, right.

13   Q.    Thank you.  Turning to Page 7 of your  
14          prefiled testimony, the bottom paragraph.  
15          You can feel free to read it again, but I'll  
16          represent to you that you're discussing  
17          "visual blight" and "buyer behavior" in this  
18          paragraph.

19   A.    Hmm-hmm.

20   Q.    And you state that any power line, not just  
21          HVT lines, present visual blight.  Do you see  
22          that particular statement?

23   A.    You're on Page 7.

24   Q.    Yeah.  And actually, I may have paraphrased

1           your statement. It says "not only by HVT  
2           lines, but by any power line" is your actual  
3           wording.

4    A.    Right.

5    Q.    Do you see the statement there?

6    A.    Yes.

7    Q.    So my understanding again from your statement  
8           here is that any particular buyer -- you're  
9           saying that any particular buyer in any  
10          particular circumstance, whether it be a  
11          distribution line, transmission line, may  
12          have concerns associated with the presence of  
13          that particular type of structure.

14   A.    I said "in many circumstances."

15   Q.    Okay.

16   A.    Any power line, not just a high-voltage line,  
17          but in many circumstances, any power line can  
18          be objectionable. It can be removed. People  
19          pay to remove them all the time. People bury  
20          them to avoid what they consider to be a  
21          visual degradation of their property.  
22          Developers do that all through the state. My  
23          neighbor did it at some expense as it passed  
24          in front of his house.

1 Q. Okay. Thank you.

2 I'd like to ask you some questions about  
3 your methodology and the basis for your  
4 opinions. And again I'd like to look at  
5 Page 4 of your testimony, the second  
6 paragraph from the bottom. And you're  
7 discussing your method for assisting clients  
8 market in assessing market value for their  
9 property. And in this paragraph you note  
10 that comparable sales is just one component  
11 of your analysis. Do you see that statement?

12 A. Yes. I already referenced this today, in  
13 fact.

14 Q. Yeah. So, I take it from that paragraph, as  
15 well from the discussion we just had above,  
16 that you would agree that many factors  
17 influence the value of a particular parcel  
18 and that people may be influenced differently  
19 by different factors.

20 A. Yes.

21 Q. Turning to the bottom of Page 6. And I take  
22 this to be effectively your conclusions, or  
23 your conclusion for your testimony. In bold  
24 print you note, "In my experience, if indeed

1 a property tainted by NP is able to be sold  
2 at all, the loss in value due to NP can range  
3 from 35 or 40 percent to as high as  
4 75 percent." And you attribute the higher  
5 percent to what you call "raw land." Is that  
6 an accurate statement of your conclusion of  
7 your testimony?

8 A. Based on my experience, yeah.

9 Q. And just to reiterate, you didn't review any  
10 literature to come up with those statistics,  
11 that 30 to 45 percent or the 75 percent for  
12 raw land?

13 A. I related that to my experience, and I used a  
14 specific example, which Mr. Chalmers refuted.  
15 And I need to refute his refutation in order  
16 to verify my conclusion, which I'd be happy  
17 to do.

18 Q. Well, we're going to go through your examples  
19 in a little bit, so it may come up. But I  
20 just want to focus again on this statement at  
21 the bottom of Page 6 here.

22 So my understanding from the technical  
23 session is that that range comes from the  
24 examples that you provided in your testimony,

1 the four, depending on how count them, four  
2 or five examples you provide in your  
3 testimony with respect to impacts to property  
4 values; is that right?

5 A. I derived those numbers from the samples that  
6 I chose. But they're reflective of my  
7 experience. They're not the total of my  
8 experience. And they somehow try to bring  
9 into consideration, as I envision the impact  
10 of this project, those properties which  
11 produce zero return because they can't be  
12 sold and are taken off the market. It's  
13 very, very difficult to measure that degree  
14 of loss. I did not say a hundred percent. I  
15 could have for those people who cannot sell.  
16 But I think that's a range that has been  
17 commonly experienced around the region by  
18 people who have had to sell and take the hit  
19 as a result of Northern Pass.

20 Q. In terms of the testimony that you provided  
21 for this Committee here today, the basis for  
22 those, that range that you provided, though,  
23 in terms of quantified data, that's based on  
24 the four or five examples that you provided



1 in your testimony. And I understand that  
2 you're adding additional experiences to your  
3 conclusions --

4 A. It's supported by those four. I won't say  
5 it's -- I think it's more accurate to say  
6 that it's supported by those sales. I chose  
7 them as examples of what I felt was going on  
8 in the marketplace. Andy Smith, down in  
9 Franconia, has publicly said he thought it  
10 was between 25 and 50 --

11 Q. Sure. Mr. Powell, sorry. I just want to get  
12 back to what I am asking about, which is with  
13 respect to this testimony that you provided  
14 for this Committee. You haven't done any  
15 additional reports, prepared any additional  
16 documentation that supports that range other  
17 than providing this Committee with the four  
18 to five examples in your testimony.

19 A. That's correct. That's correct.

20 Q. Thank you.

21 In preparation for your testimony today,  
22 did you meet with anyone or discuss with  
23 anyone your testimony beyond the individuals  
24 in the Whitefield to Bethlehem Group?

1 A. Yes, I spoke with Jeanne Menard.

2 Q. Okay. Did you speak with anyone else  
3 beforehand?

4 A. Dave and my group. I don't think anybody  
5 else, no.

6 Q. When did those discussions take place?

7 A. In the days --

8 MS. MENARD: Objection.

9 CHAIRMAN HONIGBERG: Ms. Menard.

10 MS. MENARD: Yes, I'm wondering  
11 about the relevance of this question in terms  
12 of who Mr. Powell may have spoken with.

13 CHAIRMAN HONIGBERG: Ms.  
14 Walkley.

15 MS. WALKLEY: Well, I think,  
16 first, it relates to the credibility of this  
17 witness; but second off all, and I think we  
18 discussed this earlier, there are pending  
19 motions in this case. It's been an ongoing  
20 issue in this case what constitutes friendly  
21 cross-examination. And I think these questions  
22 are fair to discuss the discussion of that  
23 issue.

24 CHAIRMAN HONIGBERG: Ms. Pacik.

1 MS. PACIK: Thank you, Mr.  
2 Chair. Just to add to the objection, if I  
3 could. First of all, friendly cross has  
4 already been completed by Ms. Menard. But more  
5 importantly, during the first prehearing  
6 conference, we had a discussion with Attorney  
7 Iacopino and the Applicants about the request  
8 for parties to work together and the Common  
9 Interest Doctrine and whether they would be  
10 performing discovery, asking for information  
11 that was exchanged between the parties opposing  
12 this project. And we were told by the  
13 Applicants that they wouldn't be seeking that  
14 type of information. And I think that to the  
15 extent the Deerfield Abutters have worked with  
16 other witnesses in this case, it would fall  
17 under the Common Interest Doctrine.

18 CHAIRMAN HONIGBERG: I think Mr.  
19 Needleman has a different view he'd like to  
20 express.

21 MR. NEEDLEMAN: I most certainly  
22 do. Any discussions that related to those  
23 parties working together to coordinate efforts  
24 so things would be more efficient is

1           dramatically different from parties who are  
2           supposed to be adverse to each other conducting  
3           cross-examination. I think the idea of parties  
4           who are cross-examining each other, working  
5           together to prepare that cross is really  
6           fundamentally inappropriate and totally  
7           unrelated to the Common Interest Doctrine.

8                           CHAIRMAN HONIGBERG: I'm going  
9           to overrule the objection and allow the  
10          question and answer.

11                           Do you remember the question?

12                           WITNESS POWELL: Did I talk with  
13          anyone else?

14 BY MS. WALKLEY:

15 Q. My question was when did those conversations  
16          take place.

17 A. In the days leading up to today. We've  
18          talked in the days leading up to today and  
19          over the past occasionally. Just rarely over  
20          the past several months.

21 Q. And during the course of this, can you just  
22          briefly explain what was discussed during the  
23          course of those discussions?

24 A. Well, just conversation about the

1 proceedings, the process of the proceedings,  
2 what she was doing relative to her analysis  
3 of things, what she thought about my  
4 testimony, that sort of thing. She's been  
5 deeply involved in this. I've been --  
6 because of my business and the rest of life,  
7 and the fact that I'm here pro bono, I've  
8 only been doing this when I could, and I  
9 needed a touchstone to keep in touch. And  
10 it's been not frequent, but occasional. Just  
11 occasional.

12 Q. Okay. Thank you.

13 I'd like to run through the five  
14 examples that you provided in your prefiled  
15 testimony, starting with the Wesson Road  
16 property in Lancaster and the discussion that  
17 begins on Page 9 of your testimony. And my  
18 understanding is that this particular  
19 property is comprised of three separate  
20 parcels; is that right?

21 A. Talking about the land --

22 Q. Yes.

23 A. -- portion. Yes, it is.

24 Q. And you were the listing agent for these

1 properties?

2 A. No, one of my sales associates was the  
3 listing agent.

4 Q. Okay.

5 A. We had conversations with the owner over a  
6 number of years. I spoke with her at times.  
7 Dick spoke with her. He was the one who  
8 finally listed the property, in consultation  
9 with me.

10 Q. But you're familiar with this property and  
11 this listing.

12 A. Reasonably, yeah.

13 Q. Okay. This particular parcel, my  
14 understanding is that the central lot is  
15 pretty much cut in half by the existing PSNH  
16 right-of-way; is that correct?

17 A. It goes across it so that there is -- it goes  
18 across it in a diagonal fashion.

19 Q. And were you aware as well that there are  
20 wetlands located on that central parcel?

21 A. There are some wetlands.

22 Q. So would you agree that a large percentage of  
23 that particular property is not able to be  
24 developed?

1 A. A portion of it would not be able to be  
2 developed. But essentially all of it, as  
3 it's now constituted, could be used in some  
4 fashion for recreation, that sort of thing --

5 Q. Okay.

6 A. -- as a complement to whatever building site  
7 you chose.

8 Q. You stated on Page 9 of your testimony that  
9 you believe this parcel has an overall value  
10 of \$99,000 without Northern Pass; correct?

11 A. When you add up the three separate lots with  
12 the market value that we estimated to be fair  
13 at that time, based on other sales of similar  
14 lots in the area, they added up to that  
15 amount. It is not to say that as a whole  
16 they would be sold for that amount. But  
17 that's why big ones are made into little ones  
18 so that you can get more money per acre. And  
19 that's the nature of lot sales.

20 Q. And you ultimately listed this property for  
21 35 -- or not you, but someone in your  
22 organization listed this for \$35,000 in 2012;  
23 correct?

24 A. Correct.

1 Q. And it was ultimately sold for \$27,500?

2 A. Correct.

3 Q. And you attribute, or you state at the bottom  
4 of Page 9 that there is a 72 percent  
5 reduction, and you attribute that entire loss  
6 to Northern Pass; correct?

7 A. Correct.

8 Q. My understanding from the technical session  
9 was that you had not reviewed, or anyone else  
10 from your company had not reviewed the  
11 parcels with comparable sales at the time you  
12 submitted your testimony for this particular  
13 property; is that correct?

14 A. I don't recall that, no. That I didn't look  
15 at comparable sales? I mean, I know --

16 Q. With respect to this particular property.

17 A. At that time, I knew then -- I mean, I'm  
18 doing this every day -- what properties were  
19 selling for. I knew what the town assessed  
20 it for, which was far higher than I then said  
21 it could be sold for, even without Northern  
22 Pass. So it was with the understanding and  
23 the experience of an everyday participation  
24 in the market, and I can't imagine that I did



1 not also look at comparable sales to  
2 reinforce that.

3 Q. You didn't have an appraisal done for this  
4 property.

5 A. I never have an appraisal done for the  
6 property.

7 Q. Okay. I understand from the technical  
8 session that you felt that the price per acre  
9 of this particular property was very low. Is  
10 that correct?

11 A. As a result of Northern Pass.

12 Q. Okay.

13 A. And the only way to sell it was not to sell  
14 it as individual lots. That would be  
15 impossible. And the center lot in particular  
16 would be impossible. So, in order to sell  
17 the property, that would have to be combined  
18 with another parcel. And the most sensible  
19 way, in view of the difficulty that Northern  
20 Pass would present for each parcel, it was  
21 best to lump them together. As I said, we'd  
22 been talking to this party for a number of  
23 years. They had not wanted to go to market.  
24 It was not an estate sale. It was not a push

1 sale. It was simply that the family had  
2 found that their father's land which they  
3 held dear was not going to be something they  
4 would access and enjoy, so they decided to  
5 sell it. We told them that in the  
6 intervening time this project has been  
7 proposed. We would not be successful in lot  
8 sales. Our recommendation, if they wanted to  
9 unload the property because it's no longer of  
10 use and what value it had would be better  
11 placed elsewhere, invested elsewhere, this is  
12 what should happen. And that was our advice.

13 Q. Just to follow up on something you just said  
14 previously, so your assertion is that the  
15 central parcel would be difficult to sell  
16 solely because of Northern Pass. That's what  
17 you said.

18 A. It would be impossible to sell by itself  
19 because of Northern Pass.

20 Q. Okay. Thank you.

21 I'd like to take a look at Dr. Chalmers'  
22 supplemental testimony, which is Applicant's  
23 Exhibit 104. And I take it you've reviewed  
24 at least portions of this supplemental

1 testimony; correct?

2 A. I have.

3 Q. So I'd just like to turn to the page that  
4 relates to this Wesson Road parcel. And this  
5 is at Bates APP54235.

6 A. Yeah, thank you. Glad you're doing that.

7 Q. I actually just want to focus on the column  
8 that relates to the price per acre of the  
9 sales.

10 A. Right.

11 Q. And looking down this list, would you agree  
12 that the range is from \$862 to \$2,174?

13 A. Correct.

14 Q. And are you -- would you agree or are you  
15 aware that the price per square acre of this  
16 particular property is \$1,205?

17 A. Yes.

18 Q. So you would agree that that's within the  
19 range that I just described.

20 A. It is.

21 Q. You noted during the technical session that  
22 you assumed an arm's-length transaction when  
23 you reached your conclusion about the effects  
24 of this project and the value of the parcel.

1 Do you recall that?

2 A. No. You can clarify what you're getting to.

3 Q. Well, just as a general proposition, it was  
4 discussed with Ms. Menard earlier that it's  
5 important to consider arm's-length  
6 transactions when you're looking at  
7 comparable sales. Would you agree with that  
8 statement?

9 A. Yes, and also each and every property chosen  
10 for comparison intimately.

11 Q. I think you also noted at the technical  
12 session that the buyer's last name in this  
13 case was Ranfos. Is that correct?

14 A. Correct.

15 Q. And I think you're aware, without having to  
16 pull up the document, that your client's name  
17 in this case was also Ranfos.

18 A. Client's case?

19 Q. Your client's name in this case was Ranfos.

20 A. No.

21 Q. It's not?

22 A. No.

23 Q. Okay. We can pull up a document --

24 A. No, there was a trust --

1 Q. -- if that would be helpful.

2 A. A trust sold these lots to Ranfos. A family  
3 by the name of Sly sold the cabin to Ranfos.

4 Q. We can pull up the document if you'd like.  
5 It's Bates APP54237. And unless I'm reading  
6 this incorrectly, it says at the top that the  
7 owner's last name is Ranfos; correct?

8 A. Correct. That's the owner since the  
9 purchase. This tax card does not relate to  
10 the condition of the property prior to their  
11 purchase. It's since their purchase.

12 Q. Okay. Well, let's go then back down to a  
13 second portion of this particular tax card  
14 that deals with the sales information.

15 MS. WALKLEY: If you can just  
16 blow up the sales section, Dawn.

17 BY MS. WALKLEY:

18 Q. And the central sale that's listed for  
19 March 7th, 2013, my understanding is that's  
20 the sale date that you were referencing in  
21 your prefiled testimony; correct?

22 A. That's the sale date.

23 Q. So you would agree that based on this tax  
24 card, this is not a qualified sale; right?

1 A. Absolutely it is. What are you talking  
2 about? What's your point?

3 Q. It states under "Qualified," "No"; correct?

4 A. What does "qualified" mean?

5 Q. Whether or not this is a qualified sale.

6 A. What's a "qualified sale"?

7 Q. It's not an accurate -- can you explain to  
8 me, please, what a "qualified sale" is?

9 A. No, I can't. I'm not familiar with the use  
10 of that word on a tax card. I've never paid  
11 any attention to it --

12 Q. So you've never --

13 A. -- I don't know what it means.

14 (Court Reporter interrupts.)

15 Q. So you've never heard the term "qualified  
16 sale" with respect to a fair comparison to  
17 fair market value. You've never heard that  
18 terminology used.

19 A. Are you -- is this a judgment as to whether  
20 it was an arm's-length transaction? I mean,  
21 this is apparently an opinion expressed by an  
22 assessor and with whom I had no  
23 communication.

24 CHAIRMAN HONIGBERG: Mr. Powell,

1 do you remember the question Ms. Walkley just  
2 asked you?

3 WITNESS POWELL: Whether I know  
4 what a "qualified sale" is.

5 CHAIRMAN HONIGBERG: Actually, I  
6 think she was one question beyond that.

7 Want to repeat the question,  
8 please, Ms. Walkley?

9 BY MS. WALKLEY:

10 Q. I asked, You've never heard the phrase  
11 "qualified sale" used to describe a  
12 transaction, whether or not it constitutes  
13 the equivalent of fair market value?

14 A. Not in the -- I mean, I'm familiar with the  
15 entire subject to discussion, but I've not  
16 associated that with the tax card. And I  
17 don't know that it would be applicable or  
18 accurate or a true reflection of what  
19 happened here. It is not --

20 Q. So you --

21 A. -- except for the influence of Northern Pass,  
22 which is causing --

23 CHAIRMAN HONIGBERG: Whoa, whoa,  
24 whoa, whoa. That sounds like a no, you're not

1 familiar with what she just asked you.

2 WITNESS POWELL: Yeah, I am not  
3 if it means that somehow this is not a sale to  
4 be acknowledged as relevant in some way. I  
5 don't know how this is being used here. I  
6 suggest that it's being used inappropriately.

7 BY MS. WALKLEY:

8 Q. When an assessor is doing -- when you're  
9 assessing a piece of property, would you  
10 agree that you need to look at arm's-length  
11 transaction sales?

12 A. Well, I see a notation here, if I may. "No  
13 MPC. Can sell separately." That is not the  
14 judgment that I had, that it could be sold  
15 separately because of the influence of  
16 Northern Pass. The assessor is not taking  
17 that into account, nor does he particularly  
18 have the responsibility to do so. I did have  
19 that responsibility.

20 Q. Mr. Powell, I understand your position. But  
21 you would agree that based on this tax  
22 information, this has been identified as not  
23 a qualified sale.

24 A. I disagree --



1 Q. I understand you disagree.

2 A. -- with the conclusion.

3 Q. I'm asking, would you agree this document  
4 states this is not a qualified sale?

5 A. Yes, just as I would agree --

6 Q. Thank you.

7 A. Well, I'll keep my mouth shut.

8 Q. I'd like to move on to your second example  
9 which is for 53 Wesson Road, which is on  
10 Page 10 of your prefiled testimony. And I  
11 take it that you represented the seller in  
12 this case, or someone from your office.

13 A. Someone from my office.

14 Q. Thank you.

15 MR. IACOPINO: One moment, Ms.  
16 Walkley. What was the number on that last  
17 exhibit?

18 MS. WALKLEY: It's part of  
19 Dr. Chalmers' supplemental testimony, which is  
20 104.

21 MR. IACOPINO: Thank you.

22 BY MS. WALKLEY:

23 Q. I'd like to again turn to the tax card that's  
24 also been attached to Dr. Chalmers'

1 supplemental testimony for this particular  
2 property, which is Bates APP54245. And I'd  
3 like to focus again on the sales section.

4 A. Right.

5 Q. And I believe that the sale that you  
6 reference in your prefiled testimony took  
7 place in 2015; isn't that correct?

8 A. Correct.

9 Q. So this sales information here that we're  
10 looking at relates to that particular  
11 transaction.

12 A. Correct.

13 Q. And you would agree that, again, under the  
14 column that's marked "Qualified," it states  
15 "No," and it says it's an estate sale;  
16 correct?

17 A. That's what it says.

18 Q. So you would agree, based on this document,  
19 the documentation that's included on the tax  
20 card, this is not a qualified sale.

21 A. That's what the tax assessor labeled it as.  
22 I do not agree.

23 Q. You noted a reduction in value in this case  
24 of about 30 percent; is that correct?

1 A. I think so.

2 Q. And you attribute this entire reduction to  
3 Northern Pass.

4 A. I do.

5 Q. So you don't believe that the fact that this  
6 took place as part of an estate sale or the  
7 fact that it's an unqualified sale had any  
8 bearing on the reduction in that value.

9 A. It did not. Foreclosures, yes. Estate  
10 sales, no. I've negotiated many estate sales  
11 at full value --

12 Q. So it's your --

13 A. -- that has nothing to do with it.

14 Q. So it's your position that an unqualified  
15 sale, an unqualified sale would not result in  
16 any sort of change compared to market value.

17 A. This is an incorrect designation. He did no  
18 consulting whatsoever with me or my office  
19 that I'm aware of. He drew that conclusion  
20 himself. And it's necessary for him to do so  
21 I think because he needs to explain why his  
22 assessment was incorrect. I think this is  
23 all --

24 Q. I believe that this document is actually a

1 tax card. This wasn't created by Dr.  
2 Chalmers.

3 A. No, I understand that. But, you know,  
4 assessors have different goals and  
5 responsibilities and needs than the market or  
6 those of us who observe it and work in it.  
7 He is trying to maximize things for the  
8 community. And if he allows this as an  
9 arm's-length transaction, he'll have to  
10 downplay other properties, where in fact the  
11 comparables that were used by Mr. Chalmers,  
12 of which there were two, were both  
13 irrelevant. One was a foreclosure; the other  
14 was a village home, which we discussed  
15 earlier --

16 Q. I think you're past what my question was.

17 A. I'm sure. Sorry.

18 Q. I apologize. I'm just trying to limit the  
19 amount of time we spend here.

20 A. Yeah.

21 Q. I'd like to move on to the third example that  
22 you've provided on Page 10 of your testimony  
23 which we talked about briefly. This is the  
24 224 Portland Street in Lancaster property.

1           And you discussed this briefly with Ms.  
2           Menard, and I had some other questions about  
3           it.

4                       So you initially listed this property in  
5           2010 for \$397,300; correct?

6           A.     Correct.

7           Q.     And the history you've given here is quite  
8           extensive. But just to sort of summarize,  
9           there was a lot of changes to the list price,  
10          and ultimately it was sold for \$317,500 after  
11          it was relisted with RE/MAX; correct?

12          A.     Correct.

13          Q.     In this case, you also note that substantial  
14          improvements were made to the property. And  
15          I think you noted their eventual investment  
16          reportedly approached \$550,000; is that  
17          correct?

18          A.     That's what they told me, yeah.

19          Q.     It's also noted in your testimony that this  
20          property was originally purchased in 2005;  
21          right?

22          A.     I don't know that that's the case.

23          Q.     Well, I'll point you to Page 10 of your  
24          prefiled testimony. It says "Purchased by

1 seller in February 2005 for \$319,500"; right?

2 A. It probably is, yes. Yeah.

3 Q. Would you agree with me that in 2005, the  
4 real estate market was close to at its peak?

5 A. Yes.

6 Q. So you would agree that this parcel -- it's  
7 conceivable that this parcel may have been  
8 overpaid for.

9 A. Not in terms of the time it was purchased  
10 perhaps. But it may have been over-improved.  
11 They spent a lot of money making changes and  
12 additions and a new septic and wells and all  
13 that sort of thing.

14 Q. That was actually going to be my next  
15 question. But okay. Thank you.

16 At the bottom of Page 10 you again  
17 attribute the entire claimed 20 percent loss  
18 in value to NPT. Wholly to NPT; is that  
19 correct?

20 A. Yes.

21 Q. My understanding is that you did not have an  
22 appraisal done for this property.

23 A. No.

24 Q. At the time that you filed your prefilled

1 testimony, you didn't have an appraisal  
2 done --

3 A. No. I had --

4 Q. -- to support your conclusions here?

5 A. No, I don't -- no. No reason to.

6 Q. And I understand from your discussion with  
7 Ms. Menard that you are aware that Dr.  
8 Chalmers, as part of his supplemental  
9 testimony, did have an appraisal done for  
10 this property.

11 A. Hmm.

12 Q. And I would like to pull up one page from  
13 that appraisal. It's at Bates APP24475. And  
14 I wanted to just focus in because I think you  
15 mentioned earlier that Dr. Chalmers may have  
16 gotten the price -- the square footage  
17 incorrect for this property; correct?

18 A. Correct.

19 Q. So if we can just focus in on I think called  
20 living space here, "Living Area."

21 A. Hmm-hmm.

22 Q. And I understand when you're saying the  
23 1400 square feet is listed there. But if you  
24 go across that column there, you would agree

1           that the comparable properties that have been  
2           included in this appraisal are between 3,000  
3           square feet and approximately 2300 square  
4           feet?

5    A.    Right.

6    Q.    So that's well above the 1400 square feet --

7    A.    But it's not well above the actual square  
8           feet of the home. This was incorrect  
9           information.

10   Q.    My understanding from your prior testimony  
11           earlier today is that it was in the ballpark  
12           of 3,000 square feet.

13   A.    Hmm.

14   Q.    So you would agree that that's fairly close  
15           to what the comparable properties are here,  
16           3,000 to 2300 square feet?

17   A.    Actually, it turns out to be 3,075, and it's  
18           higher than any of the comparables.

19   Q.    Okay. Fair enough.

20                   And towards the bottom of that page you  
21           can see obviously that the appraised value  
22           was \$290,000. And I obviously take it that  
23           you disagree with that assessment.

24   A.    Yes. And I don't know how one can do that,



1 but --

2 Q. But again, my understanding is that you  
3 haven't actually completed an appraisal of  
4 this property; correct?

5 A. Completing appraisals as you may have  
6 suggested during your testimony [sic] in the  
7 process of listing and selling homes is not  
8 done until a lender is involved or a buyer  
9 requests one. It's not part of the process  
10 of creating -- determining value and listing  
11 property.

12 Q. Sure. But as part of your testimony before  
13 this Committee, you haven't created or  
14 prepared an appraisal for this property.

15 A. No.

16 Q. I'd like to take a look at another page of  
17 Dr. Chalmers' supplemental testimony, which  
18 is at Bates APP54266. And this is again  
19 showing market data for Lancaster. And you  
20 would agree, looking at this data, that both  
21 the price and price per square foot for this  
22 particular home are quite high compared to  
23 the mean; correct? The bottom section there.

24 A. No. May I please? There's an old saying,

1 "garbage in, garbage out." This means  
2 nothing. If the square footage of the  
3 property should be 3,000-plus and they're  
4 using 1400, that calculation is useless. The  
5 data is incorrect, therefore the conclusion  
6 is incorrect.

7 Q. Mr. Powell, you would agree with me that some  
8 of the properties that are included in this  
9 comparison sheet have building square footage  
10 of up to 3400 square feet; correct?

11 A. Yes.

12 Q. Okay. Thank you. I'd like to --

13 A. Well, actually -- right. Yeah.

14 Q. I'd like to turn to the fourth example that  
15 you provide in your testimony, which is  
16 260 North Road in Lancaster, which starts on  
17 Page 11 of your prefiled testimony. And in  
18 this case you and your office were not the  
19 selling agents; correct?

20 A. Correct.

21 Q. You noted at the technical session that you  
22 also did not speak to the buyer in this case;  
23 is that correct?

24 A. I did not personally, no. I know the buyer.

1 Q. Were you aware at the time that you filed  
2 your testimony that this property was being  
3 sold out of probate?

4 A. I believe I did, yeah. I don't know if it's  
5 out of probate or by the heirs --

6 Q. We can pull it up if you'd like. But it  
7 basically just provides a notation on the tax  
8 card that it's being sold out of probate.  
9 Would you agree with that?

10 A. I don't know. The heirs began this process  
11 in 2009, and I had an agent called out to  
12 look at the property in either '09 or '10.  
13 And Betsy looked at the property and  
14 concluded, if I remember correctly, and I  
15 think I do, that the value at that time,  
16 without the introduction of Northern Pass,  
17 would have been 125 to 130. They listed it  
18 far above that amount, and it was a terrible  
19 mistake to do so. But the history thereafter  
20 is corroborated by --

21 Q. Mr. Powell, I apologize, but I think my  
22 question is just whether or not you're aware  
23 it was being sold out of probate. So I think  
24 you've answered my question.

1 A. Yeah, and I don't know whether that was the  
2 final disposition or whether it was through  
3 probate and sold by heirs. So over that  
4 period of time it's likely that could have  
5 been the case.

6 Q. For purposes of this discussion, if you would  
7 assume that I'm correct that it's being sold  
8 out of the probate, would you agree that  
9 that's not considered a qualified sale?

10 A. No.

11 Q. You would not agree that --

12 A. No.

13 Q. -- that's an unqualified sale?

14 A. I'm sorry, but probate as opposed to  
15 foreclosure does not automatically create a  
16 market disadvantage. The implication that  
17 you have in this is that it does, and it  
18 doesn't. Foreclosure does. The second a  
19 bank owns a property, it's worth less. Not  
20 true with heirs.

21 Q. Mr. Powell, so your position is that a sale  
22 out of probate is a qualified sale?

23 A. It is if all other circumstances are also  
24 qualified.

1 Q. Right. But my understanding is that the  
2 purpose for classifying something as a  
3 "qualified" versus "unqualified" sale is  
4 because you can't know for certainty that  
5 that's an accurate representation of fair  
6 market value because there are other  
7 circumstances at play. So, something like a  
8 sale out of probate would not be considered a  
9 qualified sale; correct?

10 A. Well, I'm not sure that I agree with that  
11 designation, as I've said before. I'm sorry.  
12 But I do not see any reason, except for the  
13 service of some other purpose to indicate  
14 that a probate sale is an unqualified sale.

15 What happened to this property was that  
16 during the course of its offering, they  
17 listed -- they rented it to someone who did  
18 not take very good care of it. It suffered  
19 wear and tear. It was difficult to show.  
20 There were all sorts of things that happened  
21 during the course of this, including as Dr.  
22 Chalmers said, the fact they were chasing a  
23 market. But at one point, at some point  
24 between 2009 or '10 and 2015 -- was that not

1 the sale date finally?

2 Q. 2015.

3 A. The market turned, and it was going up; yet,  
4 this property continued to go down. And the  
5 problem was, in the words of the listing  
6 agent, the impact of everybody who --

7 Q. Mr. Powell --

8 A. -- considered it for Northern Pass --

9 Q. Mr. Powell, I'm sorry. Again, my question  
10 was just about qualified sales and whether or  
11 not a sale out of probate is considered a  
12 qualified sale. And I think you've answered  
13 my question. Thank you.

14 With regard to this property, on Page 11  
15 you note an estimated 45 percent loss for  
16 this particular parcel; correct?

17 A. Hmm-hmm.

18 Q. And you're attributing that entire reduction  
19 to Northern Pass; correct?

20 A. Yes, I am.

21 Q. And you just discussed several different  
22 factors relating to this particular property,  
23 relating to its condition, the fact that they  
24 had rented it out to somebody and they caused

1 damage. And you don't think any of those  
2 things are attributable to this reduction in  
3 value --

4 A. There were other --

5 Q. You think it's solely due to Northern Pass.  
6 That's what your testimony states; correct?

7 A. There were other factors that influenced the  
8 sale. But the reduction from what should  
9 have been to what was, was due to Northern  
10 Pass because that too contributed to the  
11 length of time. It stacked up the numbers of  
12 rejections, the people who even refused to go  
13 through the property because of it. This is  
14 testimony of my office, testimony of the  
15 listing agent. So there were many factors.  
16 But if I start with the figure of 125, which  
17 might have been the value before all of this  
18 additional information came in, then  
19 that's -- because the reason why you get to a  
20 point where you have to lease a property is  
21 because you can't sell the property. And  
22 even though pricing was a problem, Northern  
23 Pass, and the perception of those who called  
24 and inquired about it, according to our

1 office and according to the listing agent,  
2 led to time after time people refusing to  
3 even consider a look.

4 Q. Okay. Thank you, Mr. Powell.

5 One other question on this particular  
6 property. The property was first listed for  
7 sale in 2008; is that right? I think you  
8 actually noted in your testimony it was 2009.  
9 But looking at the tax records, I believe it  
10 was 2008. Would you agree with that?

11 A. Well, that's what's in the tax records now.  
12 For some reason, when I looked at it, the tax  
13 card that I looked at from a number of years  
14 ago, that wasn't in there for information.  
15 Or at least I missed it. But that's what's  
16 in it now.

17 Q. Okay. So you --

18 A. The listing record no longer exists, as far  
19 as I could determine on MLS.

20 Q. And I think you would agree, based on your  
21 testimony, that the effects that you're  
22 claiming with respect to Northern Pass you  
23 started to see around the 2010 time frame;  
24 correct?



1 A. We started to be aware of it around 2010,  
2 which I think is when it was introduced with  
3 some fanfare. I'm not sure.

4 Q. So you would agree that this property was  
5 listed from 2008 to 2010 before Northern Pass  
6 was really even a consideration in the public  
7 eye; correct?

8 A. Yes. And at that point it was simply a  
9 pricing problem.

10 Q. So, again, you're attributing this entire  
11 45 percent loss to Northern Pass. But there  
12 was a two-year span of time in which this  
13 property -- the property value of this  
14 particular parcel was reduced --

15 A. But I'm not --

16 Q. -- and you don't believe that that was an  
17 overall factor attributable to this  
18 45 percent reduction.

19 A. A lot of factors brought it down. Where I  
20 started from my reduction was not from 195  
21 and not 159, 49, 39 or anything else. It was  
22 from that 125 or 129, whatever figure that  
23 Betsy had established, which is what it  
24 should have been in my view. But all of

1           these things, yes, all of them were  
2           influences. But the dramatic one, the one  
3           that kept it from being seen, shown,  
4           considered, was Northern Pass.

5   Q.    Okay. Thank you.

6           I'd just like to turn quickly to your  
7           last example, which I think is somewhat  
8           different than the last four we discussed.  
9           This is the U.S. Route 2 property in  
10          Lancaster, which is discussed on Page 11 of  
11          your prefiled testimony. And you note on  
12          Page 11 that the sellers of this parcel  
13          purchased the property for \$170,000 in 2006;  
14          correct?

15   A.    Correct.

16   Q.    And I believe we talked about this a little  
17          bit earlier. But you would agree, again,  
18          that 2006 was around the peak of the real  
19          estate market; correct?

20   A.    It was just going past, yeah.

21   Q.    So it's conceivable, again, that the current  
22          owners may have overpaid for this particular  
23          parcel; correct?

24   A.    They may have at that time, but not relative

1 to the market. It was not overpaid at that  
2 time. They lost value during ensuing years  
3 and it's been compounded. Now, one measure  
4 of value might be --

5 Q. Mr. Powell, I'm sorry. I just wanted to  
6 limit your answer. My question was a pretty  
7 simple one, I think, about the value of the  
8 property at the time they purchased it. And  
9 I think you've answered my question.

10 A. It was in that fair market value at that  
11 time.

12 Q. Okay. And this property I understand was  
13 listed for \$184,500; is that correct?

14 A. Yes.

15 Q. And my understanding from Googling is that  
16 it's still for sale; correct?

17 A. It is.

18 Q. Again, you have not had an appraisal done for  
19 this particular property.

20 A. No. I would not. It's not -- again, it's  
21 not part of the process.

22 Q. So you have no way of knowing, as you sit  
23 here today, if any impacts, if any, what the  
24 impact will be with this property related to

1 the value; correct?

2 A. I can tell you that I have received a  
3 half-dozen enthusiastic inquiries based on  
4 the presentation of the property. And when I  
5 disclose the existence of Northern Pass, they  
6 do not look. One person was very, very  
7 intimately familiar with it because of their  
8 frequency at the Roger's Campground across  
9 the street. She was horrified to know about  
10 it. She was going to write letters and do  
11 all sorts of stuff. I don't know if she did.  
12 That was someone from New York.

13 But basically, when they'd find out  
14 about Northern Pass, they would not consider  
15 the property. They're not frightened by the  
16 price. They know the location in many cases.  
17 They're attracted by the view and the many  
18 wonderful features of it. It's iconic. It's  
19 just something everybody knows when they're  
20 going through that territory. But nobody is  
21 going to consider it under these  
22 circumstances.

23 Q. So, in comparison to the last four examples  
24 we provided, though, you don't have a sale

1 price to compare to what you're asserting is  
2 fair market value in order to determine  
3 whether or not your range that you provided  
4 in your testimony of 35 to 40 percent is  
5 accurate in terms of this particular  
6 property; correct?

7 A. This is not part of any analysis by me as to  
8 market value. It is not part of any analysis  
9 by me as to the amount of loss. All I'm  
10 telling you is that it's on the market.  
11 That's the price that the sellers finally  
12 decided to put it on for to see what might  
13 happen, as I think I may have said. Nothing  
14 has happened. Nobody wants to consider it.  
15 I'm not saying that that's the current fair  
16 market value, because with the influence of  
17 Northern Pass it isn't. It's just what they  
18 wanted to put it on for. I befriended them.  
19 I did it for them. But nothing's happening.  
20 I'm not using it to say conclusively what the  
21 amount of reduction will be. I can tell you,  
22 though, that if it's built, it won't be much.

23 Q. Thank you.

24 MS. WALKLEY: I have no other

1 questions.

2 CHAIRMAN HONIGBERG: Questions  
3 from the Committee. Mr. Way looks like he's  
4 grabbing the microphone.

5 QUESTIONS BY SUBCOMMITTEE MEMBERS AND SEC COUNSEL:

6 BY MR. WAY:

7 Q. Good afternoon, Mr. Powell.

8 A. Good afternoon.

9 Q. So on that last point, I was a little bit  
10 interested, looking at the Route 2 property,  
11 beautiful piece of property in Lancaster.  
12 When someone approaches you and they say  
13 they're interested, there's a disclosure that  
14 Northern Pass will be going through that area  
15 in the right-of-way; correct?

16 A. Yes.

17 Q. How is that described to them? How do  
18 they -- particularly if it's someone from out  
19 of state and they may have no idea what  
20 Northern Pass is, no idea of the extent, how  
21 is it described? Do you describe it? Do you  
22 have documents? Are there plans? Or is it  
23 simple enough, as I think you seem to  
24 suggest, that it's a very large transmission

1 project, and that's the deal killer right  
2 there?

3 A. It is. But you'd be amazed at how many  
4 people from so many places know about this  
5 project and are forewarned and ask about it.  
6 If somebody doesn't know that this particular  
7 property is involved, I do let them know. I  
8 describe all the wonderful attributes. But  
9 before I would drag somebody from New York,  
10 in one case, or Boston in another, I have to  
11 let them know that when they come, they're  
12 going to see a utility line at the bottom,  
13 which is unoffensive at this time and not  
14 particularly in the way of the most beautiful  
15 part of the property. But it is the location  
16 of what may be the Northern Pass Transmission  
17 Project that you may have read about or know  
18 about. And if they don't know about it, I  
19 tell them briefly what I can tell them about  
20 it. I try to first interest them in the  
21 property, but then disclose it. If I brought  
22 somebody up under false pretences, the first  
23 question would be, "Well, why didn't you tell  
24 me this before you drove me all the way out

1           here?" So I do what's appropriate. It's a  
2           disclosure. It's important.

3       Q.     Thank you.

4                     And the next question I have, as I was  
5           going back to some testimony earlier this  
6           morning from Mr. Ramsdell -- were you here  
7           for that?

8       A.     I was, yeah.

9       Q.     And this isn't necessarily directly in your  
10          wheelhouse, but I'm just interested in your  
11          opinion on the re-valuation that he had, I  
12          think like \$45,000. And I was somewhat  
13          interested that when you have a re-valuation  
14          that takes off an amount like that, that  
15          there's no -- there didn't seem to be any  
16          level of support or written support for that.  
17          Do you know if that's typical?

18      A.     I don't think it's typical for any reduction  
19          to have been done except in Whitefield at  
20          this point. And it may have been done as a  
21          result of solicitation among -- it's a small  
22          town. Somebody may have spoken to the  
23          selectmen or the assessor or someone. It's a  
24          very real concern and a fright for that town.



1 I think I mentioned in my testimony that  
2 there are six ways to get into town on five  
3 roads, and this affects every single one of  
4 them. And there are people who refuse to  
5 look in Whitefield, so --

6 Q. Well, I guess I'm trying to get to the point,  
7 this not being my level or area of expertise.  
8 I remember when I had a re-valuation in my  
9 town and everything was listed and I knew  
10 what either increased or decreased my  
11 property.

12 A. Right.

13 Q. That didn't seem to happen in this case.  
14 That's what I'm trying to find out. In your  
15 opinion and your experience, is that typical?

16 A. No. No, and I wouldn't be able to address  
17 how they arrived at that or what they did. I  
18 don't know if Mr. Ramsdell's been informed.  
19 But neither have I inquired, which I can do,  
20 but I just haven't. So I don't know.

21 Q. All right. Thank you very much.

22 CHAIRMAN HONIGBERG: Ms.  
23 Weathersby.

24 MS. WEATHERSBY: Thank you.

1 MR. IACOPINO: Just two  
2 questions.

3 CHAIRMAN HONIGBERG: Mr.  
4 Iacopino. Oh, I'm sorry. You did, Patty?

5 MS. WEATHERSBY: Yes, I do. I  
6 said "thank you" and I was about to start.

7 QUESTIONS BY MS. WEATHERSBY:

8 Q. Thank you for letting me speak and ask my  
9 questions.

10 Mr. Powell, in your testimony you gave a  
11 range of loss of value that you attribute --  
12 of property value that you attribute to  
13 Northern Pass. Did you prepare any charts or  
14 other documents to help you get to that, or  
15 was that based just on those, the case  
16 studies that you put in your testimony?

17 A. I felt that those particular properties  
18 supported that range.

19 Q. Okay. Thank you. And I'll kind of jump  
20 around a little bit.

21 My understanding of qualified versus  
22 non-qualified properties is that qualified --  
23 that when multiple properties are sold, that  
24 would be a non-qualified transaction. Do you

1           agree with that? And is that what happened  
2           in that Wesson Road --

3       A.   Well, that's a different question, isn't it,  
4           from what I was asking for. And I frankly  
5           don't run into this, obviously. And when I  
6           go to look at properties and evaluate them,  
7           we look at assessments, but we are not bound  
8           or driven or influenced by them. They can be  
9           years old. So when you look at a card, you  
10          look for certain information. Frankly, I  
11          have never been stunned like I was today by  
12          coming across that. But when you sell  
13          several lots together, multiple lot sales,  
14          I'm sure in all cases it would produce a  
15          discount in and of themselves. So if the  
16          implication is that it's not qualified  
17          because they were all sold together, then  
18          yes, as an individual assessment, given that  
19          per-acre amount and multiplying it by the  
20          acreage of each lot, that would result in a  
21          value on each lot that would be inaccurate  
22          because of that discount.

23       Q.   Right. Okay. In your testimony here today,  
24           you said the visibility of the Northern Pass

1 Project is the key factor affecting a  
2 property's marketability and price. I'm  
3 paraphrasing.

4 A. Sure.

5 Q. Do you then believe that properties along the  
6 underground portion of the route that won't  
7 have a view of above-ground towers will also  
8 have their market price affected?

9 A. I think that is not a particular concern of  
10 mine in the same way that the above-ground  
11 lines are. I think in some individual  
12 properties it could have a negative effect.  
13 But overall, no. We had a pipeline go  
14 through Stark and other areas up there, and  
15 there was no human cry. Nobody had fits  
16 about it. It was just done. And there's a  
17 pipeline through Lancaster. I go over it  
18 every day when I go to work. It's not  
19 offensive.

20 Q. Okay. Do you agree with Dr. Chalmers who  
21 testified that single-family owners are the  
22 best indicator of market effects?

23 A. I would say so, in my region.

24 Q. Do you feel that other types of properties

1 other than single-family homes will also be  
2 affected by proximity and views of the  
3 Northern Pass?

4 A. Yes, primarily from the standpoint of  
5 tourism.

6 Q. So you're referring to businesses then?

7 A. Business properties, commercial properties in  
8 some cases, yes.

9 Q. Vacant land?

10 A. Vacant land, yes.

11 Q. Residential condominiums?

12 A. I'm sure.

13 Q. So is there any type of property that you can  
14 think of that perhaps would not be affected?

15 A. An ugly industrial park, a junkyard,  
16 something which is already degraded.

17 Q. But other than that, pretty much anything  
18 used for hotels, campgrounds, places that  
19 people come and stay or live you believe will  
20 be affected.

21 A. Anything associated with the pleasure and  
22 satisfaction and joy of being in that place  
23 would be affected, and therefore the property  
24 that they might use to seek that enjoyment

1 would be affected.

2 Q. The Applicant has offered a Property Value  
3 Guaranty which I think you said you were  
4 somewhat familiar with.

5 A. No, I'm just learning about it today,  
6 actually.

7 Q. Oh, I'm sorry. So they have offered a  
8 Property Value Guaranty Program, that certain  
9 properties that meet certain criteria can, if  
10 they're -- can get some compensation if the  
11 market value is decreased. Some of the  
12 criteria are that -- actually, I'm going to  
13 skip that.

14 One of the criteria is that, to be  
15 compensated under the program, the property  
16 sale -- the person has to sell their property  
17 within five years of the time the Project is  
18 completed.

19 Do you feel as though the market effect  
20 of Northern Pass will have dissipated in five  
21 years, or will it continue on in your  
22 opinion?

23 A. It will continue on.

24 Q. I have nothing further.

1 CHAIRMAN HONIGBERG: Now Mr.  
2 Iacopino.

3 QUESTIONS BY MR. IACOPINO:

4 Q. I just have two questions. The first one is  
5 I was a little confused when you answered Ms.  
6 Walkley about your licensure as a realtor or  
7 appraiser. Have you ever been licensed as a  
8 real estate appraiser?

9 A. No. When I was doing a certain amount of  
10 appraising, there wasn't even a license  
11 available.

12 Q. Okay. And the other question I have is with  
13 respect -- forgetting about Northern Pass for  
14 right now. But with respect to the existing  
15 transmission line and properties that either  
16 there's a right-of-way or they're close to  
17 the right-of-way, what kind of disclosure do  
18 you make to potential sellers?

19 A. About the impacts of the existing line?

20 Q. Right. Before Northern Pass was on your  
21 radar.

22 A. No, if it constitutes a real intrusion and I  
23 feel that it impacts value and it's going to  
24 be an issue for the property, then I'll tell

1           them, just like having a barn in the middle  
2           of collapse or anything else. It's physical  
3           and economic, as I said in my thing. It's an  
4           issue that would need to be factored in some  
5           way.

6    Q.    Would I be right to characterize that as a  
7           subjective determination on your part?

8    A.    I think the entire process is subjective.  
9           And an appraisal in general is an attempt to  
10          put science to subjectivity sometimes and  
11          search for data that helps you through it.

12   Q.    So the answer is yes?

13   A.    Yeah, 43 years of it.

14   Q.    Thank you.

15                           CHAIRMAN HONIGBERG: I just have  
16          one area I want to clarify in one of the  
17          exchanges you had with Ms. Walkley about  
18          properties purchased in 2005 or 2006. I think  
19          she asked you the question did the buyers  
20          overpay. And I want to make sure I understood  
21          what your answer was. I think what you were  
22          saying was, no, they didn't overpay maybe at  
23          the moment they bought it, but the market as it  
24          developed caused the property to lose value.



1           And so when they turned around the next time,  
2           the market was lower than where it was when  
3           they bought it. Is that essentially right?

4   A.    The market declined. But in our area, we got  
5           a little bit of a recovery in 2012, and then  
6           we began on the road to recovery in 2014. So  
7           we're going in the other direction.

8   Q.    Right. But just in terms of your exchange  
9           with Ms. Walkley when the two of you at one  
10          point were talking past each other --

11   A.    Yeah.

12   Q.    -- you were saying, no, they didn't  
13          overpay --

14   A.    Right.

15   Q.    -- they paid the right amount at the time,  
16          but then the market did damage to their  
17          investment.

18   A.    Yes, they'd been impacted by that. Yeah.

19   Q.    Thank you.

20                           CHAIRMAN HONIGBERG: Ms. Menard,  
21           what can I do for you?

22                           MS. MENARD: I was wondering if  
23           I could ask one redirect question regarding  
24           unqualified sales.

1 CHAIRMAN HONIGBERG: Well, this  
2 isn't your witness.

3 MS. MENARD: I realize that, so  
4 that's why I'm asking.

5 CHAIRMAN HONIGBERG: Would there  
6 be an objection if Ms. Menard asked that  
7 question?

8 MR. NEEDLEMAN: There would.

9 CHAIRMAN HONIGBERG: Okay. The  
10 objection procedurally would be correct, Ms.  
11 Menard, and I think I'd be obligated to sustain  
12 it. That said, he's not represented, or he  
13 doesn't have a lawyer here to ask him  
14 questions.

15 So now would be the time when  
16 we would turn to you, Mr. Powell, and say, in  
17 light of the questions that you've been asked  
18 by all the people sitting here today, are  
19 there any questions or answers that you feel  
20 you need to follow up on to clarify, to give  
21 additional information about?

22 WITNESS POWELL: Yes, there are  
23 a couple that come to mind. One has to do with  
24 those lots and Mr. Chalmers' response to my

1           assertions and my testimony. And he supplied  
2           in his --

3                           CHAIRMAN HONIGBERG: Hang on one  
4           sec.

5                           WITNESS POWELL: Okay.

6                           CHAIRMAN HONIGBERG: I think Mr.  
7           Needleman's going to want to object to this.

8                           MR. NEEDLEMAN: I would just  
9           hope that Mr. Powell would tie this to  
10          questions that were asked and not just general  
11          commentary.

12                          CHAIRMAN HONIGBERG: Right.

13                          You understand, Mr. Powell,  
14          we're talking specifically about things that  
15          happened today.

16                          WITNESS POWELL: It relates to  
17          the exchange between -- forgive me --

18                          CHAIRMAN HONIGBERG: Ms.  
19          Walkley?

20                          WITNESS POWELL: -- Ms. Walkley,  
21          yes, and myself.

22                          CHAIRMAN HONIGBERG: Okay. Go  
23          ahead.

24                          WITNESS POWELL: I talk too

1           much, but this is one I didn't squeeze in.  
2                           I just need to say that he  
3           took that sale and went out and looked at  
4           sales that were 10 acres up to 87. The  
5           87-acre sale, which is totally irrelevant,  
6           was actually sold 30 days later in an  
7           arm's-length transaction by me for \$119,000  
8           because the guy who sold it the first time  
9           got gypped and this fellow didn't have an  
10          opportunity to purchase. So information is  
11          information, right. That information of  
12          sales from 10 to 87 acres was totally  
13          erroneous and misused because it is  
14          irrelevant to the fact that even though we  
15          lump together all three lots for the reasons  
16          I discussed, there were still three lots.  
17          And yes, indeed, they were being discounted.  
18          But if you look at sales between 5 and 10  
19          acres around the region during that time  
20          leading up to the date of that sale, you find  
21          that the average per-acre price was \$5,196.  
22          And if you multiply that out, all of those  
23          lots would add up to 118. I didn't use that  
24          information because I don't feel that these

1 particular lots would have sold for that  
2 much. And I put the price on them that I put  
3 on them as what they would sell if they could  
4 be sold individually. But I surmised they  
5 could not be. The appraisal -- or the  
6 assessment for town was even greater than  
7 that, as I recall. And I mention it in my  
8 piece. But basically the number I gave was a  
9 responsible number as the discounted price of  
10 three lots. And if they were individually  
11 assessed as they should have been, the  
12 evidence in the marketplace that I found as  
13 opposed to that which they used was far more  
14 appropriate as the basis for an analysis.

15 The comps that he used,  
16 incidentally, were ridiculous if you looked  
17 at them on a case-by-case basis, which you  
18 have to do when you know the market and  
19 you're intimate with the community and you  
20 know the particular sales that took place.  
21 You've got to look at them. One of them was  
22 over the side of the bank of a highway.  
23 There was a foreclosure sale there. Not only  
24 there, but also in the figures -- I think

1           they gave me two sales for the cabin, if I'm  
2           remembering correctly. One was in town,  
3           which is irrelevant, and the other one was a  
4           foreclosure. I pulled up a series of  
5           comps so --

6                           CHAIRMAN HONIGBERG: Okay.  
7           You're indignant about that.

8                           WITNESS POWELL: Yeah, the  
9           problem is the data.

10                          CHAIRMAN HONIGBERG: Okay.

11                          WITNESS POWELL: And if you  
12           don't get good data, you don't get accurate  
13           results. You need to understand the market and  
14           you need to understand the properties. And  
15           when you're dispassionate and you're removed,  
16           that's impossible from the set of books that  
17           get put on your desk by somebody who himself  
18           did not know or understand what was going on  
19           there. That's pretty important.

20                          CHAIRMAN HONIGBERG: All right.  
21           Any other questions, answers you want to follow  
22           up on?

23                          WITNESS POWELL: We're all  
24           tired. I, too, appreciate everybody's patience

1 and tolerance and commitment to this process,  
2 and I'm thankful for it.

3 CHAIRMAN HONIGBERG: All right.  
4 Thank you, Mr. Powell. You can step down.

5 Let's go off the record for a  
6 minute.

7 (Discussion off the record)

8 CHAIRMAN HONIGBERG: All right.  
9 (WHEREUPON, PETER SCOTT was duly sworn  
10 and cautioned by the Court Reporter.)

11 CHAIRMAN HONIGBERG: Ms. Pacik.

12 DIRECT EXAMINATION

13 BY MS. PACIK:

14 Q. Good afternoon, Mr. Scott. Could you please  
15 state your full name and title for the  
16 record, please.

17 A. Peter Scott. I'm the Vice-President and  
18 General Counsel of Sabbow & Company, Inc.

19 Q. Could you very briefly just describe your  
20 role for Sabbow in reviewing the proposed  
21 project.

22 A. I reviewed the plans that were presented to  
23 me, or a small subset of them, with our  
24 engineering people and with our logistics

1 people. Does that answer your question?

2 Q. Sure. Okay. And I've given you Joint Muni  
3 Exhibit 130, which is your prefiled testimony  
4 dated November 15th, 2016. Do you have that  
5 exhibit in front of you?

6 A. I do.

7 Q. And with respect to that prefiled testimony,  
8 do you have any corrections to it that you  
9 would like to make today?

10 A. No, I do not.

11 Q. With respect to your prefiled testimony, do  
12 you adopt all of that testimony and swear to  
13 it today?

14 A. I do.

15 Q. Since the filing of your prefiled testimony  
16 on November 15th, 2017, which was  
17 approximately a year ago, have you had  
18 communications with Northern Pass  
19 representatives to address the construction  
20 concerns that you raised?

21 A. Yes, I've had several.

22 Q. And were some of the communications between  
23 November 15th and April 15th?

24 A. The earliest ones may have been. But the



1 most recent ones certainly were not.

2 Q. Well, as of April 15th, 2017, were the  
3 concerns you raised resolved?

4 A. No.

5 Q. And since April 15th, 2017, have you  
6 continued in your communications?

7 A. Yes, we have.

8 Q. Would you generally describe what those  
9 communications have been since April?

10 A. Primarily they've been exchanging plans. We  
11 gave Northern Pass plans, as we read their  
12 plans and how it would affect both storage  
13 and travel within our property. And they  
14 have sent us plans detailing, the most recent  
15 one, how they would propose to alleviate some  
16 of the problems we thought we would  
17 encounter. There's also been a draft of a  
18 Memorandum of Understanding that was sent to  
19 us.

20 Q. Okay. So in terms of the most recent plan  
21 that you received from Northern Pass, if the  
22 Project was built as it is currently shown on  
23 that particular plan, would you be satisfied  
24 with at least the concerns you raised in your

1 testimony about being able to continue to use  
2 and access the various areas of your  
3 property?

4 A. Yes. The property that we have is -- I don't  
5 know if it's clear from the material that's  
6 in front of the Committee, but the  
7 right-of-way basically bisects our property.  
8 And we need to get from the construction area  
9 to the storage area, obviously, and from the  
10 maintenance area to other parts of our  
11 property. If that travel is cut off, we  
12 can't really do business without going out on  
13 public streets, a very circuitous route. And  
14 the most recent plan that has been filed --  
15 not filed, but given to us, addresses those I  
16 would say satisfactorily. I'm not excited  
17 about them, but they're satisfactory.

18 Q. Okay. Now, one of the concerns you raised in  
19 your original prefiled testimony was the use  
20 of guy wires on poles and the fact that it  
21 would take up additional square footage that  
22 would interfere with access roads. Has  
23 Northern Pass, in their recent communications  
24 with you, told you that the proposal does not

1 use -- does not involve the use of guy wires?

2 A. Yes, they have told us that. I believe that  
3 there are going to be two sets of structures  
4 that would continue to have guy wires. One  
5 is the small, relative distribution line that  
6 will continue to have guy wires, and the  
7 other one is there's an existing set of poles  
8 that will not be moved that have guy wires.  
9 And I assume those guy wires will remain if  
10 the poles remain.

11 Q. Okay. So, now, in terms of the plan that you  
12 recently received from Northern Pass, do you  
13 have any concerns that the Project can  
14 actually be built as it's shown on the plan  
15 that you received?

16 A. It's been our concern for a long period of  
17 time that the soil that we have on our  
18 property is very sandy. And we are not  
19 entirely -- we're not engineers of the sort  
20 of structural engineers. We make concrete  
21 products. So we have engineers who are used  
22 to making concrete products. We don't build  
23 tall structures. But if there are no guy  
24 wires on a tall structure, then the

1           footing -- the base has to be responsible for  
2           keeping it from tipping over.  If you don't  
3           have guy wires that are forcing or protecting  
4           the pole from toppling in one way, then that  
5           base has to be deep enough and wide enough in  
6           order to counterbalance the forces that pull  
7           it over.

8                        I don't know if it's clear to the  
9           Committee from the materials that are in  
10          front of you, but we're at a corner.  We're  
11          not on a straight line.  On the straight  
12          line, the forces of the two wires going out  
13          counterbalance each other, and there's really  
14          not that much problem with the structures  
15          falling over.  But if you're on a corner, the  
16          forces tend to pull it in that third  
17          direction, or a different direction away from  
18          the two wires that are coming in, and so you  
19          need guy wires going the other way in order  
20          to counterbalance that.  But here, there are  
21          no guy wires, so there has to be -- it's all  
22          in the base.  And if the base is sandy -- if  
23          the soil is sandy, it's not going to provide  
24          as much support, we don't think, as -- there

1 we go -- we're not as confident as Northern  
2 Pass is that it will work.

3 Q. So I just put on the screen the site plan.  
4 Wow, it just got zoomed in a little too  
5 close, but we're going to zoom out for a  
6 moment. And this is the site plan for your  
7 parcel which was recently provided as  
8 Applicant's Exhibit 201. And I'll represent  
9 to you that this is still the original  
10 configuration that was proposed by Northern  
11 Pass for the pole locations for your site,  
12 which I understand you've received updated  
13 plans.

14 But at least to describe the concerns  
15 that you just referenced about the corner and  
16 the angle of those poles and the ability for  
17 those poles to be constructed without guy  
18 wires, looking at least at like the 3132  
19 line, is one of your concerns the distance  
20 between 3132-150 and 3132-151 and the angle  
21 that will then occur?

22 A. Thirty-one... okay. The distance -- yes.  
23 Well, the angle that's between the two, the  
24 major ones creating the angle there creates

1 forces going in a different direction, going  
2 more or less splitting that angle. The  
3 problem is that the next pole for the new  
4 construction is quite a bit further down than  
5 the other ones are. You can see it. On mine  
6 it looks like the yellow one is now across a  
7 little beaver bond; whereas, the poles for  
8 the other ones line up. You can see the blue  
9 line has a purple pole on our property; the  
10 gray line has a white pole on our property;  
11 the dotted line has a green pole on our  
12 property, but the yellow line does not have  
13 one on our property. Now, we're not -- trust  
14 me, we're not looking to get more poles on  
15 here. But what that means is the longer the  
16 stretch, the more the pole -- at least I've  
17 got to believe that because there's more  
18 weight, there's got to be more tension in the  
19 line. So it's going to be putting force on  
20 that pole, pulling it over, which means the  
21 base has to be sturdier, deeper, wider.

22 Q. Okay. So in terms of the new plans that have  
23 been submitted to you, before you would feel  
24 comfortable signing off on them, what type of

1           plan would you want to see to confirm that  
2           Northern Pass can actually build a project as  
3           they're proposing?

4    A.    I guess I want to see an engineering plan  
5           following some soil sampling, testing, test  
6           pits.

7    Q.    Are you aware of whether any soil sampling  
8           has been conducted on your particular  
9           property yet?

10   A.    I would have assumed they would have asked.  
11          And they haven't asked, so...

12   Q.    Okay. Now, you had previously indicated that  
13          Northern Pass sent you a Memorandum of  
14          Understanding to address the new plans. At  
15          this point have you signed that?

16   A.    No, we have not.

17   Q.    Why not?

18   A.    It really didn't promise us anything. In  
19          other words, it didn't make any firm  
20          commitments. It was a document that  
21          suggested they would exercise best efforts to  
22          do what was reasonable, which I would have  
23          thought they would have done anyway, and so  
24          we didn't sign it. We're in discussions with

1 Northern Pass. And if they present us a  
2 document that satisfies our concerns, then  
3 we'd be happy to sign it. But to date we  
4 haven't got one.

5 Q. So if you were to sign something, you'd want  
6 a firm commitment that they will construct  
7 the Project per the new plans that you've  
8 been looking at?

9 A. Those plans or some other plans that met our  
10 needs, yes.

11 Q. Okay. In terms of the concerns that you've  
12 raised, not only about the location of the  
13 poles on your property, but interruptions to  
14 your business, has Northern Pass over the  
15 last few months during your recent  
16 communications offered any solutions to  
17 impacts to your business during construction?

18 A. During construction? No. We've mentioned it  
19 off hand, but we're more concerned first with  
20 the long term. And the short term just seems  
21 less immediate, but no less concerning. I  
22 don't know how long it's going to take. I  
23 don't know when it's going to get started. I  
24 mean, we're a construction business. We do



1 construction. We service our construction  
2 customers in the summer, so we'd prefer it to  
3 be in the winter. I assume everybody would  
4 prefer it to be in the winter when we could  
5 pretty much handle it. But if it took a  
6 month out of the summer, we'd be pretty much  
7 in trouble.

8 Q. Okay. So, before the Site Evaluation  
9 Committee, if they were to approve this  
10 project, before the approval would you want  
11 at least your construction impact concerns to  
12 be fully addressed?

13 A. Oh, absolutely.

14 Q. Okay. Now, there's been discussion by  
15 Northern Pass representatives that they have  
16 a program where they could potentially make  
17 payment to businesses to address financial  
18 repercussions resulting from construction  
19 impacts. Have you to date received any  
20 communications from Northern Pass regarding  
21 this business claim form?

22 A. No.

23 Q. And to the extent that you were to get  
24 reimbursement for lost profits during

1 construction, would that address your  
2 concerns?

3 A. If the construction didn't shut us down, it  
4 might. If it shut us down and we couldn't do  
5 any deliveries, of course we'd be losing  
6 profit. But we may also be losing customers,  
7 and that might be something we couldn't  
8 easily recover from and would have sort of  
9 external, long-term -- I'm not saying we  
10 couldn't be compensated for that. But it's  
11 probably not the sort of direct compensation  
12 that people would be looking at.

13 Q. Okay. Thank you.

14 MS. PACIK: I have no further  
15 questions. We can pass the witness on.

16 CHAIRMAN HONIGBERG: Mr. Pappas.

17 CROSS-EXAMINATION

18 BY MR. PAPPAS:

19 Q. Good afternoon, Mr. Scott. My name's Tom  
20 Pappas. I represent Counsel for the Public  
21 in this matter. I just have a few questions.

22 In your prefiled testimony, you describe  
23 some inconsistencies between the Applicant's  
24 project maps and the existing conditions out

1 in the field. Do you recall that?

2 A. Yes, I do.

3 Q. And did I hear you correctly that -- or am I  
4 correct that the latest project maps which  
5 are on the screen now that show your  
6 company's location, they do not address the  
7 inconsistencies that you raised? Or do they?

8 A. To be honest with you, the inconsistencies  
9 only concerned the level of attention, from  
10 our position, the level of attention they  
11 paid to our property and were really not an  
12 ongoing concern. We're far more concerned  
13 with how they're actually going to build it  
14 in the future. So we have not been paying  
15 much attention to any errors that may or may  
16 not exist. I mean, I assume people can, you  
17 know, look on our property and verify or not  
18 whether it's accurate. But again, it's going  
19 forward that we care about.

20 Q. So, sitting here today, your company's no  
21 longer concerned with inconsistencies on the  
22 plans that we have in front of us?

23 A. Only to the extent that it suggests a lower  
24 level of attention to detail than we would

1           like.

2       Q.    Okay.  You mentioned earlier the guy wires  
3           and lack of guy wires that you are concerned  
4           about.  I take it that Northern Pass hasn't  
5           provided you with any engineering analysis to  
6           date about whether or not that structure  
7           requires guy wires.

8       A.    That is correct.  We're not looking for guy  
9           wires.  Guy wires are a pain in the neck for  
10          us, and they're a pain in the neck I assume  
11          for Northern Pass, too.

12      Q.    Okay.  And I take it that Northern Pass  
13           hasn't provided you with any engineering  
14           analysis to satisfy you that that corner  
15           structure can be constructed without guy  
16           wires to your company's satisfaction.

17      A.    They have assured me that it can, but --

18      Q.    They haven't provided you with the  
19           engineering analysis.

20      A.    That's correct.

21      Q.    Has your company retained a structural  
22           engineer to review what Northern Pass has  
23           proposed to date?

24      A.    No, they haven't.

1 Q. Do you intend to?

2 A. No.

3 Q. Do you intend to rely on in-house abilities  
4 to eventually analyze what Northern Pass  
5 provides to you to determine whether you're  
6 satisfied?

7 A. We're sort of more the "proof is in the  
8 pudding." If they give us something that  
9 they say they will build to this  
10 specification, we're not going to ask them,  
11 "How deep are you going to go, and what are  
12 you going to do if you hit bedrock in the  
13 process?" But if you tell us that it's going  
14 to be here and, you know, we're going to put  
15 our bollards here to protect it, that's what  
16 we care about. We just want to make sure  
17 that they've crossed their Ts and dotted  
18 their Is so they'll actually do that.

19 Q. Now, you also testified that, although it's  
20 not your immediate concern, you still have  
21 concerns about impacts during construction;  
22 is that right?

23 A. That is correct.

24 Q. And I understand you're in ongoing

1 discussions with Northern Pass about that?

2 A. We have not progressed to that point. I  
3 believe at one point they did give us a plan  
4 that shows areas impacted during  
5 construction, and it pretty well cuts our  
6 property in half. So we'll have to figure it  
7 out at some point. But the primary one has  
8 been the access, the two-way access through  
9 the site upon completion.

10 Q. What's on the screen now is a page from the  
11 Alteration of Terrain Permit Plan submitted  
12 by the Applicant as Exhibit 200 or 199 or  
13 201, one of those three. This is the page  
14 dealing with your company. Do you recognize  
15 that?

16 A. I recognize our company. I'm not familiar  
17 with this plan.

18 Q. If you look at that plan, do you see the red  
19 lines that go within the right-of-way?

20 A. Yes.

21 Q. Those are proposed access roads within the  
22 right-of-way in order to construct the towers  
23 that you see.

24 A. So these are their temporary roads or maybe

1 permanent roads. I guess we can ask them,  
2 but --

3 Q. These are roads they intend to use to  
4 construct the towers.

5 A. To construct. Okay.

6 Q. And I'm told this is Exhibit 200.

7 So, looking at those roads used to  
8 construct, does that interfere with the  
9 operation of your company?

10 A. Well, looking at this, it looks like the  
11 yellow area is the construction area, and the  
12 plan that we were given shows a similar area  
13 there. And yes, during construction we will  
14 not be able to get the -- we will not be able  
15 to drive trucks between the area which is on  
16 my right, I assume it's on everybody else's  
17 right, that has below it our maintenance  
18 building and our office building, and the  
19 building on the left, which is our  
20 construction, our plant, our manufacturing  
21 facility.

22 Q. So, to summarize, if the roads shown on this  
23 plan, the temporary roads for construction  
24 are used, it will interfere with the

1 operation of your company.

2 A. Yes.

3 Q. Okay. So that's something that you -- is  
4 that something that your company intends to  
5 discuss with Northern Pass?

6 A. Oh, absolutely.

7 Q. Okay. And is that something that you hope to  
8 include in any MOU, if you eventually sign  
9 one?

10 A. Oh, yes.

11 Q. But as you sit here today, that's still an  
12 open issue.

13 A. Yes.

14 Q. As you sit here today, do you have any  
15 concerns about permanent impacts to the  
16 operation of your company from the  
17 construction of Northern Pass?

18 A. Yes, the long-term impacts. But you can see  
19 from this exhibit you've got up here that  
20 there are currently two roads, if you will,  
21 going across that sort of yellow blocked  
22 area. We had worried that under the original  
23 plans one of those would be eliminated, and  
24 that's what we are discussing with Northern



1 Pass right now is maintaining the two roads.  
2 And their most recent proposal keeps two  
3 roads meeting that need.

4 Now, the long-term impacts, if the area  
5 that we can't use is bigger, that's a problem  
6 for us. Because you can see, I think sort of  
7 here, that we store a lot of product in our  
8 yard. Less yard means less storage. But  
9 other than that, we also make use of Wi-Fi.  
10 I'm not quite sure how that impact is going  
11 to be on our property, but there are wires  
12 there already.

13 Q. So, sitting here today, your company has  
14 outstanding concerns about permanent impacts  
15 that have not been fully addressed to your  
16 company's satisfaction.

17 A. Yes.

18 Q. Okay. And finally, you had mentioned in your  
19 direct testimony some additional plans that  
20 Northern Pass has shown to your company. Do  
21 you recall that?

22 A. That's correct.

23 Q. Are they in the form -- well, describe them  
24 for me. Are they in the form of construction

1 plans or --

2 A. Well, yes. I mean, they're in the form of  
3 plot plans, really, conceptual, if you will.  
4 They aren't telling anybody how they're going  
5 to build these things, how deep the footings  
6 are going to go. But yes, they are.

7 Q. Are they as detailed as what's on the screen  
8 now, part of Applicant's 200?

9 A. Yes, they're at least as detailed as that.

10 Q. Do you recall approximately when you received  
11 the latest plans?

12 A. Within the last week or two.

13 Q. Do you know if those plans call for the same  
14 number of structures?

15 A. I believe they do.

16 Q. And do you know if they also call for  
17 relocating the current structures as depicted  
18 on the plans in front of you?

19 A. They're different from the plans that are  
20 here. The pole for the distribution, for  
21 example, has been moved to allow greater  
22 access for one of the roads. I'm sure there  
23 are other changes as well.

24 Q. Thank you, Mr. Scott. I have no other

1 questions.

2 A. Thank you.

3 CHAIRMAN HONIGBERG: Who else  
4 has questions for Mr. Scott? I see lots of  
5 shaking heads among the intervenors.

6 All right. Mr. Needleman.

7 CROSS-EXAMINATION

8 BY MR. NEEDLEMAN:

9 Q. Hi, Mr. Scott. I'm Barry Needleman. I  
10 represent the Applicants in this matter. I  
11 just have a couple of questions for you.

12 MR. NEEDLEMAN: Dawn, if you  
13 could put the agreement up.

14 BY MR. NEEDLEMAN:

15 Q. You mentioned a couple of minutes ago efforts  
16 between your company and the Applicant to  
17 work on a Memorandum of Understanding. Do  
18 you recall that?

19 A. Yes.

20 Q. Now, your business, I believe, started  
21 operating on the site around 1990. Is that  
22 generally correct?

23 A. That is correct.

24 Q. And the transmission lines that ran through

1           that area predated your business locating  
2           there.

3       A.    That is correct.

4       Q.    And PSNH had an easement on the site at the  
5           time you located there to operate the lines;  
6           is that correct?

7       A.    That's correct.

8       Q.    So at the time that you located on the site,  
9           your company and PSNH entered into a Joint  
10          Use Agreement; is that right?

11      A.    Yeah.  It's ten years after, but yes.

12      Q.    Have you ever looked at that agreement?  Are  
13          you generally familiar with it?

14      A.    I've looked at it, yes.

15      Q.    Okay.  I've put it up on the screen here, and  
16          I want to just quickly refer to that  
17          agreement.

18                So this is the document that governs the  
19          relationship between your company and PSNH;  
20          is that right?

21      A.    That's one of them, yes.

22      Q.    And Paragraph 4 of this document requires  
23          both parties to cooperate with each other in  
24          good faith to resolve any issues regarding

1 the use of the land; is that right?

2 A. Yes.

3 Q. And do you understand that Eversource, in its  
4 operation of the lines on the easement, is  
5 subject to certain regulatory requirements?

6 A. I would assume they are, yes.

7 Q. And when you signed this agreement -- and I  
8 mean your company -- you agreed that you  
9 would operate your business consistent with  
10 the requirements of the Joint Use Agreement;  
11 is that fair to say?

12 A. Well, the document does speak for itself.  
13 And it was before my time, but yes.

14 Q. And you mentioned a few minutes ago, and I  
15 think you mentioned in your testimony as  
16 well, that the new line would bisect your  
17 site; is that right?

18 A. Well, the current lines do. So, yes.

19 Q. That was my question. The current  
20 transmission and distribution lines also do  
21 as well; right?

22 A. Yes.

23 Q. Okay. Also in your prefiled testimony, I  
24 think on Page 5, you mentioned a concern you

1 had about these lines potentially adding an  
2 additional burden to the easement. Do you  
3 recall that?

4 A. Yes.

5 Q. It's correct, though, that there's no  
6 language in the easement document for this  
7 area that puts any limitation on the number  
8 of lines that can be constructed there; isn't  
9 that right?

10 A. That is correct.

11 Q. And the Joint Use Agreement also speaks to  
12 this in Paragraph 2. And when PSNH entered  
13 into it, they specifically said that it  
14 doesn't waive any of their easement rights;  
15 is that correct?

16 A. That is correct.

17 Q. Is it fair to say that even though you still  
18 have continuing issues that you would like to  
19 have addressed and worked out, that you  
20 believe the Company has been operating in  
21 good faith up to this point to try to hear  
22 your issues and address those concerns?

23 A. To address our concerns with the location of  
24 the poles and our use, yes, absolutely.

1 Q. Okay.

2 MR. NEEDLEMAN: Thank you.

3 CHAIRMAN HONIGBERG: Okay. Any  
4 members of the Committee have questions for  
5 Mr. Scott? Commissioner Bailey does.

6 CMSR. BAILEY: Dawn, could you  
7 put the ELMO back on, please?

8 QUESTIONS BY SUBCOMMITTEE MEMBERS AND SEC COUNSEL:

9 BY COMMISSIONER BAILEY:

10 Q. Good evening.

11 A. Good evening. Is it evening already?

12 Q. I'm Kate Bailey from the Public Utilities  
13 Commission.

14 I'm trying to understand on this map  
15 exactly which parcels are your properties.  
16 So I assume the one at the corner, 8212, is  
17 yours; is that right?

18 A. Well, if we zoom out a little bit I can tell  
19 you exactly where our properties are. I'm  
20 not familiar with the numbering there.

21 Q. Okay.

22 A. But we own the entire corner. It used to be  
23 two parcels of land. The original one was on  
24 Industrial Park Drive, and that's where we

1 started. And then the one that is on  
2 Regional Drive we acquired maybe ten years  
3 later.

4 Q. So the one on Industrial Park Drive, do you  
5 see the number that's circled that says  
6 "8211"?

7 A. Yeah, that's probably ours.

8 Q. That's probably where your manufacturing  
9 plant is?

10 A. If that's a building, yes. This is... I  
11 think it's E.D. Swett is the next one over.  
12 E.D. Swett is the name of the company that  
13 owns property next to us. One moment,  
14 please.

15 (Witness reviews document.)

16 A. Well, I've seen better pictures, but yes,  
17 that looks like our manufacturing building,  
18 8211.

19 Q. And then if you move --

20 A. And then 8212 would be our other property on  
21 Regional Drive.

22 Q. All right. So most of your property is  
23 encumbered by the right-of-way; is that  
24 right?



1 A. Yes.

2 Q. And do you know what the structures are  
3 proposed to be on your property, Northern  
4 Pass structures?

5 A. Well, what we've been told, yeah, they're  
6 going to be tall, metal structures.

7 Q. Lattice towers?

8 A. Yeah, I believe so. I mean, I guess we don't  
9 really care what they look like. I mean, I  
10 know that's a little different from most  
11 people.

12 Q. No, that's not what I'm asking about. I'm  
13 asking you how much space they're going to  
14 take up on your property because there's two  
15 different kinds of towers. There's a  
16 monopole which has a smaller footprint and  
17 then a lattice tower which has a bigger  
18 footprint.

19 A. I'd love to ask Tom Getz to give me a hand  
20 here, but I believe we were told that the  
21 diameter of the footing would be about  
22 eight feet. So whether that's the breadth of  
23 the base of the tower or not, I don't know.  
24 All we care about is how big the footing is.

1 Q. I'm guessing that's going to be a monopole so  
2 it will take up less space.

3 A. Yeah.

4 Q. Okay. So the blue line with the purple  
5 squares, that's there today. And the new  
6 Northern Pass line is going to be almost in  
7 the location where the existing line that  
8 they're going to move is today, right, the  
9 yellow?

10 A. Yeah, the yellow line is the -- well, the  
11 P145 I believe is a new, taller, more  
12 powerful line.

13 Q. Right.

14 A. And the top line there is the existing one I  
15 believe that at this point is not being  
16 moved.

17 Q. Right. So are there guy wires on the top  
18 line being 182 --

19 A. You know, in my direct testimony I said I  
20 thought they were. Now I'm sort of backing  
21 off on that. I couldn't swear to it. I  
22 believe there are, but that's a part of the  
23 property that we don't really use to store  
24 stuff. It's kind of out of the way. The

1 access road is approximately where the yellow  
2 line is. And so that's a part that the guy  
3 wires would be closer to Industrial Park  
4 Drive, and they would take an area that was  
5 pretty much inaccessible anyway to us and not  
6 of concern.

7 Q. Are there guy wires on the existing 115 line  
8 that's going to be moved?

9 A. 115...

10 Q. Those are the white squares that have the Xs  
11 in them.

12 A. The existing ones are both the same. To be  
13 honest with you, I couldn't tell you. I  
14 didn't really think about that coming in  
15 today because that's going to be moved and  
16 going to a monopole. So I don't really...  
17 I'm not really concerned.

18 Q. Okay. Thank you. That's all I have.

19 A. And just to follow up on that, the  
20 distribution line, which is the furthest one  
21 down, will continue to have guy wires. But  
22 again, it's going to be at the base of the  
23 other pole, so it's not an additional concern  
24 for us.

1 Q. And that's not changing?

2 A. That's not changing. Well, the pole location  
3 is changing, but the fact that there are guy  
4 wires there is not changing.

5 Q. The distribution wires?

6 A. Distribution pole is being moved.

7 Q. It is or is not?

8 A. Is.

9 Q. Okay. Thank you.

10 CHAIRMAN HONIGBERG: Mr.  
11 Oldenburg.

12 QUESTIONS BY MR. OLDENBURG:

13 Q. Good evening.

14 A. Good evening.

15 Q. It's late, I'm tired, and curiosity's got the  
16 best of me. Do you know if in the  
17 manufacturing process of your products you  
18 use fly ash?

19 A. We do when it's available. We're now using  
20 slag, which is a different thing, but same  
21 idea. It helps in the curing process. We do  
22 use fly ash, yes.

23 Q. So have you ever had complaints of using fly  
24 ash? Because driving by, I notice you make,

1           like, infiltration basins, catch basins. You  
2           make things that retain and release water.  
3           Have you ever heard of any concerns about fly  
4           ash leaching like heavy metals into  
5           groundwater or anything?

6    A.    I'm not aware of that. That's all I can say  
7           is I'm not aware of it.

8    Q.    All right. Thank you.

9                           MR. OLDENBURG: That's all.

10                          CHAIRMAN HONIGBERG: Mr. Way.

11    QUESTIONS BY MR. WAY:

12    Q.    Good evening. Has Eversource given you an  
13           idea of lead time for your operations before  
14           construction begins?

15    A.    You mean how much notice they'd give us?

16    Q.    Right.

17    A.    They may have. I wasn't worried that they  
18           wouldn't give us adequate notice. I would  
19           assume we'd have a long discussion about  
20           timing and length. But they have not made a  
21           specific commitment, if that's your question.

22    Q.    That wasn't put into the draft MOU?

23    A.    No.

24    Q.    Something that might be put into the draft

1           MOU?

2    A.    Yeah.  I mean, like I say, we've been  
3           focusing mostly on what the final one is  
4           going to look like.  But yeah, in an MOU we  
5           will uncover some of that.

6    Q.    As I walk by your business because my office  
7           isn't too far from you, you're not making  
8           widgets; you're making very large products.

9    A.    Very large.

10   Q.    And so I'm just trying to think.  I know  
11          you're thinking long term, but I'm also  
12          thinking in the short term.  Everything seems  
13          to be very well organized for such large  
14          product.  Where is it going to go?  Will you  
15          be able to keep it all on site?  Will you  
16          have to move to other sites?  How will that  
17          work?

18   A.    You mean during --

19   Q.    During construction.

20   A.    During construction?  I guess it depends on  
21          how long construction is going to take.  We  
22          have to move a certain amount of product,  
23          obviously, out of the way.  You know, so  
24          that's going to take some -- if it's done,

1 well, say at the beginning of winter -- we go  
2 in cycles. We're a construction company. So  
3 towards the end of summer, beginning of  
4 winter, we've sort of depleted supplies of  
5 where we are, of what we need, of what we  
6 have on hand. And then during the winter we  
7 build it back up again. So if you came in  
8 April, our yard would be full. But if you  
9 come in November, our yard is not so full.  
10 So, to a certain extent it would depend on  
11 when they come.

12 Q. And are you getting a sense from them that  
13 they're willing to complement your sell cycle  
14 and build when it's most opportune for your  
15 company?

16 A. We really haven't gotten that far yet. I  
17 think the comment, which was a reasonable  
18 comment, was "Everybody wants us to come in  
19 winter." So...

20 Q. Good point. The guy wires discussion. One  
21 of the -- for my understanding, the removal  
22 of the guy wires -- and I know you were  
23 saying you're not lobbying for more guy  
24 wires. Do you get the sense they were not

1 included or removed more to appease you or  
2 because it was just an engineering decision?

3 A. I would guess, and it's only a guess, that it  
4 was an engineering decision. If you've got a  
5 structure that's over 100 feet tall, a guy  
6 wire at any useful angle is going to be way  
7 out there. So I've got to believe that once  
8 you get up to a certain level that the guy  
9 wires are not really a feasible solution.  
10 But I'm not an engineer.

11 Q. And then I think you even mentioned about the  
12 impact to the public roads. Is that being a  
13 consideration for them, for Eversource, as  
14 they're designing this?

15 A. You mean our impacts to roads that we have to  
16 move --

17 Q. Right, your large vehicles.

18 A. Yeah. It's slightly more complicated than  
19 just, yeah, we have to move from one side to  
20 the other. We have manufacturing on this  
21 plan, we'll say on the left, and a parking  
22 and storage facility on the right. We  
23 load -- we take the trucks in the evening,  
24 load them all up and then move them to the



1 storage facility or the parking area, if you  
2 will, on the right. And right now we have  
3 yard people to do that. They are not  
4 licensed commercial drivers, but they can do  
5 it on our property if they don't go off into  
6 the streets. If we have to go the long way  
7 "around Robin Hood's barn" in order to get  
8 back to where we park the vehicles, then we  
9 have to have CDL drivers there to do it. And  
10 they don't really like to work at night.  
11 They work pretty hard during the day. We  
12 have multiple shifts.

13 So it's a logistical nightmare that's  
14 going to impact the city roads because there  
15 are access roads on Industrial Park Drive  
16 just to the left as we're looking at this  
17 map. The left of our facility there's an  
18 access point. And we would drive from there  
19 all the way to Regional Drive, down Regional  
20 Drive, and then approximately where the 8212  
21 is circled is our entrance to the parking  
22 lot. So you can see how...

23 Q. But the turn ratio is doable for the trucks?

24 A. I assume so. I mean, they don't have trouble

1 going onto Regional Drive. They don't really  
2 have much occasion to go onto Industrial Park  
3 Drive, but we do get deliveries for the  
4 manufacturing from trucks, sand trucks, dump  
5 trucks. So I assume that's not a problem on  
6 Industrial Park Drive.

7 Q. And the next discussion point for the MOU,  
8 when do you see that coming?

9 A. Well, the sooner, the better. I talked to  
10 Northern Pass either this week or late last  
11 week, and they wanted to continue talks.  
12 Didn't think they'd be able to do it before  
13 the testimony today. So I'm --

14 Q. It's an active discussion.

15 A. Active discussion, yes.

16 Q. One last question. In terms of your product,  
17 is there any opportunities for your product  
18 in this project --

19 A. Yes.

20 Q. -- or your labor?

21 A. Yes. We make trench for -- or we have in the  
22 past made trench for Public Service. I  
23 assume that we are certainly capable of  
24 making trench for the buried portion of the

1 Project. I've sort of assumed they want to  
2 keep us in business because they're going to  
3 need us. But we haven't used that as  
4 leverage yet.

5 Q. Maybe there's discussions there.

6 MR. WAY: Thank you.

7 CHAIRMAN HONIGBERG: Anything  
8 else from members of the Committee?

9 [No verbal response]

10 Ms. Pacik, do you have any  
11 redirect?

12 MS. PACIK: Yes, just very  
13 brief. Thank you.

14 REDIRECT EXAMINATION

15 BY MS. PACIK:

16 Q. Mr. Scott, I want to clarify a couple things  
17 that came up during the questions asked of  
18 you.

19 In terms of your concerns about  
20 temporary construction impacts, Mr. Pappas  
21 asked you about access roads and whether the  
22 access roads were what was leading your  
23 concerns about your ability to continue using  
24 this project -- your property during

1 construction. And it's not necessarily just  
2 the access roads, but actually the location  
3 of the construction pads that have you  
4 concerned that it's going to block your  
5 ability to get your trucks from one end of  
6 the property to the other; is that correct?

7 A. Yeah. We've been -- there's been an area  
8 blocked out that basically we've been told we  
9 won't be able to use. I don't think that's  
10 an issue. I mean, it's an issue for us  
11 obviously, but I don't think it's a factual  
12 issue about which there's any dispute.

13 Q. So currently it's undisputed that you're not  
14 going to get your trucks from one end of the  
15 property to the other during construction if  
16 modifications are not made; correct?

17 A. That is correct.

18 Q. And in terms of the construction impacts,  
19 obviously an MOU is ideal to address how to  
20 resolve those issues. But if you cannot  
21 agree, what is your opinion on whether the  
22 Project should be approved?

23 A. Well, I'd like assurances before the  
24 Project's approved. I mean, you know, we

1 want to know what's going on. We just can't  
2 kind of live in uncertainty.

3 Q. Okay. In terms of the permanent construction  
4 concerns that you've raised, I think you had  
5 referenced in response to Attorney Pappas's  
6 question that some of your concerns dealt  
7 with the impacts of your ability to store  
8 product. And you mentioned Wi-Fi. But I  
9 want to clarify that if the poles are not  
10 relocated as they're currently shown on the  
11 proposed site plan submitted to the Site  
12 Evaluation Committee, you would have poles  
13 basically cutting off all of your ability to  
14 use your access roads; is that right?

15 A. If there are no changes to the plans, my  
16 understanding is that, yes, they would  
17 interfere. No, they wouldn't -- you're  
18 talking about permanent now, not temporary.

19 Q. Permanent, yeah.

20 A. Permanent, they leave us one. They cut off  
21 the other one.

22 Q. And one, is that sufficient for you to  
23 conduct your business?

24 A. Not really. We don't have a lot of space to

1 store trucks or turn them around in the yard.  
2 We have a circuit that we go. And, you know,  
3 trucks will go in one road, pick up their  
4 stuff, turn around and come back through the  
5 other road. And we have seven or eight  
6 trucks, so...

7 Q. And you mentioned also that you were not  
8 going to hire a structural engineer to  
9 confirm that these new plans could actually  
10 be built. And is that because you'd want  
11 engineered plans to be submitted by Northern  
12 Pass to you first?

13 A. Well, yes. We have no plans. I think the  
14 question was do we have plans to, and at this  
15 point we do not have plans to hire a  
16 structural engineer. Yeah, if we had  
17 concerns with an engineered drawings that was  
18 stamped and ready to go with stuff, you know,  
19 with details of how it would be constructed,  
20 and if we had concerns at that time, then  
21 perhaps we would. But we're not going to  
22 tell Northern Pass how to build their  
23 structures. We just want to make sure they  
24 put their structures in a place that doesn't

1           interfere with our business.

2       Q.    So you want to see engineered plans,  
3           basically.

4       A.    Yes.

5       Q.    Okay. Now, you were asked about the fact  
6           that you already have poles and wires going  
7           through your yard. And I'm not asking you to  
8           render a legal opinion, but you are -- is it  
9           your opinion that the easement cannot  
10          overburden the property to the extent that  
11          you can't access all areas of it with your  
12          trucks?

13      A.    Well, at some point, I mean, they can't put  
14          50 structures up there. I think that would  
15          be a clear overburdening. So at some point  
16          they can't just willy nilly do anything they  
17          want.

18      Q.    And would that include cutting off access  
19          from one end of your property to the other?

20      A.    Oh, I think if they effectively built a wall,  
21          then that would be beyond what they could do.

22      Q.    And the current plan that you see on the  
23          overhead, which is their proposed plan, is  
24          that effectively building a wall?

1 A. Well, we're not working off the proposed plan  
2 anymore. But what it does is it --

3 Q. Let me back up. Sorry. Just to be clear,  
4 their original plan that they provided to  
5 you, would that effectively build a wall?

6 A. Oh, that would build a wall that would cover  
7 about 90 percent of the thing. They would  
8 allow us one access road. That was fairly  
9 early on it was determined --

10 Q. And you had indicated that that one access  
11 road would not be sufficient for your needs;  
12 is that right?

13 A. That is correct.

14 MS. PACIK: Okay. I have no  
15 further questions. Thank you.

16 CHAIRMAN HONIGBERG: All right.  
17 Thank you, Mr. Scott. I think we're done.

18 I also think we're done for  
19 the day and the week. So the next time we're  
20 together will be a week from today, next  
21 Thursday.

22 MS. MONROE: No.

23 CHAIRMAN HONIGBERG: No?

24 MS. MONROE: Oh, today's



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Thursday.

CHAIRMAN HONIGBERG: Yes, Pam,  
today is Thursday.

So we'll adjourn.

(Whereupon the Day 59 Afternoon  
Session was adjourned at 5:35  
p.m., with the Day 60 hearing to resume  
on November 16, 2017  
commencing at 9:00 a.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed  
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Susan J. Robidas, LCR/RPR  
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	<b>41:2;48:3</b>	<b>67:20</b>	<b>adopt (2)</b>	<b>agent (10)</b>
<b>\$</b>	<b>absolute (1)</b>	<b>active (2)</b>	5:16;152:12	74:7;78:19;86:19;
<b>\$1,205 (1)</b>	10:6	186:14,15	<b>adore (1)</b>	89:23;101:24;102:3;
107:16	<b>Absolutely (10)</b>	<b>acts (1)</b>	18:6	123:11;126:6;
<b>\$119,000 (1)</b>	16:4;20:24;22:1;	66:23	<b>advancing (1)</b>	127:15;128:1
148:7	24:15;27:14;72:17;	<b>actual (3)</b>	66:12	<b>agents (1)</b>
<b>\$170,000 (1)</b>	110:1;161:13;168:6;	77:20;93:2;120:7	<b>advantage (2)</b>	122:19
130:13	174:24	<b>actually (26)</b>	60:14;69:2	<b>ago (10)</b>
<b>\$184,500 (1)</b>	<b>Abutter (1)</b>	6:14;30:15;57:1;	<b>advantageous (2)</b>	19:23;40:15,16;
131:13	61:5	63:20;75:5;78:10;	29:15,21	45:8;66:13;88:24;
<b>\$2,174 (1)</b>	<b>Abutters (4)</b>	82:20;85:22;92:24;	<b>adverse (2)</b>	128:14;152:17;
107:12	5:1;46:8;86:22;	107:7;111:5;115:24;	41:17;100:2	171:15;173:14
<b>\$27,500 (1)</b>	99:15	118:14;120:17;	<b>advice (1)</b>	<b>agree (40)</b>
104:1	<b>accept (3)</b>	121:3;122:13;128:8;	106:12	8:1;29:13;41:23;
<b>\$290,000 (2)</b>	9:17;27:6;68:19	142:6,12;148:6;	<b>advise (1)</b>	42:1;53:13;72:5,8,
78:11;120:22	<b>acceptable (2)</b>	155:14;159:2;	19:15	13;81:8;94:16;
<b>\$317,500 (2)</b>	70:13,18	163:13;165:18;	<b>advising (1)</b>	102:22;107:11,14,18;
78:10;117:10	<b>access (18)</b>	188:2;190:9	19:15	108:7;109:23;
<b>\$319,500 (1)</b>	106:4;154:2,22;	<b>add (6)</b>	<b>aesthetic (1)</b>	112:10,21;113:3,5;
118:1	166:8,8,21;170:22;	6:8;19:11;39:13;	25:16	114:13,18,22;118:3,
<b>\$35,000 (1)</b>	179:1;185:15,18;	99:2;103:11;148:23	<b>aesthetics (2)</b>	6;119:24;120:14;
103:22	187:21,22;188:2;	<b>added (1)</b>	25:16;89:17	121:20;122:7;123:9;
<b>\$397,300 (1)</b>	189:14;191:11,18;	103:14	<b>affect (12)</b>	124:8,11;125:10;
117:5	192:8,10	<b>adding (3)</b>	21:10;22:11;26:17;	128:10,20;129:4;
<b>\$45,000 (1)</b>	<b>according (2)</b>	74:13;97:2;174:1	27:5;29:23;30:1;	130:17;139:1;
136:12	127:24;128:1	<b>addition (3)</b>	38:19;76:24;78:20,	140:20;188:21
<b>\$5,196 (1)</b>	<b>account (2)</b>	26:22;60:10;89:11	21,22;153:12	<b>Agreed (2)</b>
148:21	8:18;112:17	<b>additional (13)</b>	<b>affected (13)</b>	80:24;173:8
<b>\$550,000 (1)</b>	72:14	17:12;58:16;59:16,	33:1;34:4;43:14;	<b>agreeing (1)</b>
117:16	<b>accurate (10)</b>	21;97:2,15,15;	44:12;48:7;79:1;	57:7
<b>\$862 (1)</b>	78:7;86:20;95:6;	127:18;146:21;	85:7;140:8;141:2,14,	<b>agreement (7)</b>
107:12	97:5;110:7;111:18;	154:21;169:19;	20,23;142:1	171:13;172:10,12,
<b>\$99,000 (1)</b>	125:5;133:5;150:12;	174:2;179:23	<b>affecting (2)</b>	17;173:7,10;174:11
103:10	163:18	<b>additions (2)</b>	67:5;140:1	<b>agrees (1)</b>
	<b>achieve (1)</b>	5:22;118:12	<b>affects (2)</b>	54:16
	38:9	<b>address (11)</b>	31:22;137:3	<b>ahead (1)</b>
	<b>achieved (1)</b>	4:12,13;137:16;	<b>affirmative (1)</b>	147:23
	80:21	152:19;159:14;	41:9	<b>Airport (1)</b>
	<b>acknowledged (2)</b>	161:17;162:1;163:6;	<b>affords (1)</b>	23:1
	68:10;112:4	174:22,23;188:19	59:22	<b>alleviate (1)</b>
	<b>acknowledges (1)</b>	<b>addressed (4)</b>	<b>affront (1)</b>	153:15
	48:3	9:21;161:12;	59:7	<b>allow (4)</b>
	<b>acquired (1)</b>	169:15;174:19	<b>afield (1)</b>	43:22;100:9;
	176:2	<b>addresses (1)</b>	15:14	170:21;192:8
	<b>acre (10)</b>	154:15	<b>afternoon (14)</b>	<b>allows (2)</b>
	57:22;58:3,4,19,	<b>addressing (1)</b>	12:16;40:9,11,22;	68:5;116:8
	20;59:12;103:18;	31:11	46:6,7;69:21;86:8,	<b>alluded (1)</b>
	105:8;107:8,15	<b>adds (1)</b>	11;134:7,8;151:14;	71:3
	<b>acreage (6)</b>	59:16	162:19;193:5	<b>almost (1)</b>
	48:1;57:19,24;	<b>adequate (1)</b>	<b>afterwards (1)</b>	178:6
	59:18;61:20;139:20	181:18	65:12	<b>along (6)</b>
	<b>acres (6)</b>	<b>adjoining (2)</b>	<b>again (28)</b>	10:18;51:11;79:6;
	24:14;58:4;59:14;	79:9,12	28:16;35:15,16;	83:3,21;140:5
	148:4,12,19	<b>adjourn (1)</b>	62:8;80:16;81:9,17;	<b>Alteration (1)</b>
	<b>across (16)</b>	193:4	86:16;89:20;92:15;	166:11
	24:14,17;25:1;	<b>adjourned (1)</b>	93:7;94:4;95:20;	<b>alternative (1)</b>
	31:9;32:20;33:5;	193:6	113:23;114:3,13;	39:12
	36:10;79:9;92:12;	<b>adjust (1)</b>	118:16;121:2,18;	<b>although (2)</b>
	102:17,18;119:24;	71:5	126:9;129:10;	30:7;165:19
	132:8;139:12;158:6;	<b>adjustment (1)</b>	130:17,21;131:18,20;	<b>always (2)</b>
	168:21	78:7	163:18;179:22;183:7	60:19;82:23
	<b>act (1)</b>	<b>adjustments (1)</b>	<b>against (2)</b>	<b>amazed (1)</b>
		70:23	42:11;84:1	135:3

<p><b>amenities (5)</b> 15:13,22;17:6,12,18</p> <p><b>among (3)</b> 31:4;136:21;171:5</p> <p><b>amount (16)</b> 58:9,12;92:11,11,12;103:15,16;116:19;123:18;133:9,21;136:14;139:19;143:9;145:15;182:22</p> <p><b>amounts (1)</b> 59:15</p> <p><b>analyses (3)</b> 7:23;11:23;67:8</p> <p><b>analysis (33)</b> 9:1;41:15;46:14,19,23;47:3;48:1,10,15;51:3;53:1,7,9,12,15;54:4,15;56:14;61:22;62:5;63:1;64:21;75:7;87:9,18;94:11;101:2;133:7,8;149:14;164:5,14,19</p> <p><b>analyze (3)</b> 63:14;80:11;165:4</p> <p><b>analyzed (1)</b> 47:22</p> <p><b>analyzing (2)</b> 65:7;81:2</p> <p><b>Andy (3)</b> 35:10,24;97:8</p> <p><b>angle (6)</b> 157:16,20,23,24;158:2;184:6</p> <p><b>animal (1)</b> 84:21</p> <p><b>answered (5)</b> 80:3;123:24;126:12;131:9;143:5</p> <p><b>anticipated (1)</b> 41:18</p> <p><b>anymore (1)</b> 192:2</p> <p><b>apartment (1)</b> 77:19</p> <p><b>apologize (4)</b> 76:14;86:14;116:18;123:21</p> <p><b>APP24475 (1)</b> 119:13</p> <p><b>APP54235 (1)</b> 107:5</p> <p><b>APP54237 (1)</b> 109:5</p> <p><b>APP54245 (1)</b> 114:2</p> <p><b>APP54266 (1)</b> 121:18</p> <p><b>apparent (1)</b> 51:22</p> <p><b>apparently (1)</b></p>	<p>110:21</p> <p><b>appeal (4)</b> 10:6;15:8;16:15;30:23</p> <p><b>appear (2)</b> 67:10;87:23</p> <p><b>appears (2)</b> 57:19,22</p> <p><b>appease (1)</b> 184:1</p> <p><b>apples-to-apples (5)</b> 51:7;53:2;61:1;62:16;81:9</p> <p><b>applicable (2)</b> 69:15;111:17</p> <p><b>Applicant (6)</b> 82:2,6,10;142:2;166:12;171:16</p> <p><b>Applicants (4)</b> 86:10;99:7,13;171:10</p> <p><b>Applicant's (4)</b> 106:22;157:8;162:23;170:8</p> <p><b>apply (2)</b> 66:10;68:9</p> <p><b>applying (1)</b> 47:2</p> <p><b>appraisal (16)</b> 70:5,13,14,18;105:3,5;118:22;119:1,9,13;120:2;121:3,14;131:18;144:9;149:5</p> <p><b>appraisals (10)</b> 64:15;69:23;70:1,7,9,11;71:20;89:4,9;121:5</p> <p><b>appraise (1)</b> 87:6</p> <p><b>appraised (2)</b> 78:10;120:21</p> <p><b>appraiser (11)</b> 67:11;71:9;77:8,9;78:9,12;88:20;89:1,6;143:7,8</p> <p><b>appraisers (1)</b> 72:3</p> <p><b>appraising (2)</b> 37:20;143:10</p> <p><b>appreciate (2)</b> 53:18;150:24</p> <p><b>approach (2)</b> 64:14;80:11</p> <p><b>approached (1)</b> 117:16</p> <p><b>approaches (2)</b> 8:4;134:12</p> <p><b>appropriate (4)</b> 11:7;45:19;136:1;149:14</p> <p><b>approval (1)</b> 161:10</p>	<p><b>approve (1)</b> 161:9</p> <p><b>approved (2)</b> 188:22,24</p> <p><b>approximately (5)</b> 120:3;152:17;170:10;179:1;185:20</p> <p><b>April (5)</b> 152:23;153:2,5,9;183:8</p> <p><b>area (38)</b> 10:5;17:9;18:14;25:2,4;31:15,18;34:17;36:2,7;42:24;43:7,7;47:9;60:2;65:5;70:24;78:5;103:14;119:20;134:14;137:7;144:16;145:4;154:8;9,10;167:11,11,12,15;168:22;169:4;172:1;174:7;179:4;185:1;188:7</p> <p><b>areas (7)</b> 8:16;55:6;65:17;140:14;154:2;166:4;191:11</p> <p><b>argue (1)</b> 55:18</p> <p><b>argument (1)</b> 8:2</p> <p><b>arms (1)</b> 22:12</p> <p><b>arm's-length (9)</b> 49:20,24;57:13;107:22;108:5;110:20;112:10;116:9;148:7</p> <p><b>around (16)</b> 13:21;14:1;23:7;59:10;78:5;96:17;128:23;129:1;130:18;138:20;145:1;148:19;171:21;185:7;190:1,4</p> <p><b>arrive (1)</b> 51:12</p> <p><b>arrived (1)</b> 137:17</p> <p><b>arriving (1)</b> 53:15</p> <p><b>artificially (1)</b> 17:13</p> <p><b>ash (4)</b> 180:18,22,24;181:4</p> <p><b>asserting (1)</b> 133:1</p> <p><b>assertion (1)</b> 106:14</p> <p><b>assertions (1)</b> 147:1</p>	<p><b>assessed (2)</b> 104:19;149:11</p> <p><b>assessing (4)</b> 52:21;65:20;94:8;112:9</p> <p><b>assessment (7)</b> 52:19;63:1,14;115:22;120:23;139:18;149:6</p> <p><b>assessments (1)</b> 139:7</p> <p><b>assessor (6)</b> 88:21;110:22;112:8,16;114:21;136:23</p> <p><b>Assessors (3)</b> 60:22,22;116:4</p> <p><b>assistant (1)</b> 46:9</p> <p><b>assisting (1)</b> 94:7</p> <p><b>associated (3)</b> 93:12;111:16;141:21</p> <p><b>associates (1)</b> 102:2</p> <p><b>assume (14)</b> 37:1;49:21;124:7;155:9;161:3;163:16;164:10;167:16;173:6;175:16;181:19;185:24;186:5,23</p> <p><b>assumed (3)</b> 107:22;159:10;187:1</p> <p><b>assumes (1)</b> 42:7</p> <p><b>assumption (1)</b> 92:5</p> <p><b>assurances (1)</b> 188:23</p> <p><b>assured (1)</b> 164:17</p> <p><b>attached (1)</b> 113:24</p> <p><b>attempt (2)</b> 35:22;144:9</p> <p><b>attention (6)</b> 38:7;110:11;163:9,10,15,24</p> <p><b>attitude (1)</b> 9:16</p> <p><b>attorney (3)</b> 86:9;99:6;189:5</p> <p><b>attracted (1)</b> 132:17</p> <p><b>attraction (1)</b> 9:14</p> <p><b>attractive (1)</b> 59:1</p> <p><b>attributable (2)</b> 127:2;129:17</p>	<p><b>attribute (7)</b> 95:4;104:3,5;115:2;118:17;138:11,12</p> <p><b>attributes (1)</b> 135:8</p> <p><b>attributing (2)</b> 126:18;129:10</p> <p><b>automatically (1)</b> 124:15</p> <p><b>avail (1)</b> 35:3</p> <p><b>available (2)</b> 143:11;180:19</p> <p><b>Average (5)</b> 58:4;81:4,5,16;148:21</p> <p><b>avoid (1)</b> 93:20</p> <p><b>aware (13)</b> 34:6,10;102:19;107:15;108:15;115:19;119:7;123:1,22;129:1;159:7;181:6,7</p> <p><b>awareness (1)</b> 72:24</p> <p><b>away (8)</b> 28:4;29:6;35:19;43:17;44:9;58:22;79:17;156:17</p>
<b>B</b>				
<p><b>BA (1)</b> 88:15</p> <p><b>back (31)</b> 7:1;23:10;46:22;48:9,11;50:12;52:23;56:20;58:1,6;59:12;60:19;61:15;65:11,16,21;66:5;72:22;81:9,19;83:6,23;84:16;97:12;109:12;136:5;175:7;183:7;185:8;190:4;192:3</p> <p><b>background (6)</b> 12:22;56:24;57:9;86:13;88:10;90:2</p> <p><b>backing (1)</b> 178:20</p> <p><b>bad (3)</b> 68:11;69:23;70:2</p> <p><b>Bailey (4)</b> 175:5,6,9,12</p> <p><b>Baker (5)</b> 39:23,24;40:5,8;44:19</p> <p><b>ballpark (1)</b> 120:11</p> <p><b>bank (2)</b> 124:19;149:22</p> <p><b>barely (1)</b></p>				

23:2 <b>barn (2)</b> 144:1;185:7 <b>Barry (1)</b> 171:9 <b>base (15)</b> 12:5;26:6,13;33:9, 9,14,17;55:11;156:1, 5,22,22;158:21; 177:23;179:22 <b>based (18)</b> 5:23;6:2,9;9:13; 37:11;41:15;50:10; 68:21;89:20;95:8; 96:23;103:13; 109:23;112:21; 114:18;128:20; 132:3;138:15 <b>basement (1)</b> 77:13 <b>basic (1)</b> 37:10 <b>basically (22)</b> 13:20;17:5;18:7; 25:3;41:8;47:11,23; 53:1,5;59:10;69:15, 24;76:19,22;80:9; 123:7;132:13;149:8; 154:7;188:8;189:13; 191:3 <b>basins (2)</b> 181:1,1 <b>basis (11)</b> 7:23;54:15;66:23, 24;77:21;86:13,17; 94:3;96:21;149:14, 17 <b>Bates (5)</b> 107:5;109:5;114:2; 119:13;121:18 <b>bathroom (1)</b> 77:15 <b>bean (1)</b> 67:4 <b>bearing (1)</b> 115:8 <b>beautiful (3)</b> 43:23;134:11; 135:14 <b>beauty (3)</b> 9:9,14;42:16 <b>beaver (1)</b> 158:7 <b>become (1)</b> 23:21 <b>becomes (2)</b> 84:18;87:24 <b>bedrock (1)</b> 165:12 <b>bedroom (1)</b> 59:6 <b>bedrooms (1)</b> 77:15	<b>beforehand (1)</b> 98:3 <b>befriended (1)</b> 133:18 <b>began (4)</b> 73:2;87:18;123:10; 145:6 <b>begin (6)</b> 6:7;7:7;29:8;67:19, 24;77:22 <b>beginning (3)</b> 67:3;183:1,3 <b>begins (3)</b> 67:21;101:17; 181:14 <b>behalf (1)</b> 12:19 <b>behave (1)</b> 9:5 <b>behavior (15)</b> 9:12;11:23;20:1,4, 9,11,15;21:10,14; 65:24;67:6,7,24; 68:5;92:17 <b>behavioral (1)</b> 67:23 <b>behavioralism (1)</b> 66:16 <b>behind (4)</b> 42:5;59:24;60:2,13 <b>behold (1)</b> 66:11 <b>belief (3)</b> 20:20;27:11;50:11 <b>belongs (1)</b> 60:2 <b>below (1)</b> 167:17 <b>benign (2)</b> 84:15,18 <b>Berglund (4)</b> 46:9;57:15;61:5; 63:18 <b>best (4)</b> 105:21;140:22; 159:21;180:16 <b>Bethlehem (7)</b> 5:1;14:2,8;15:21; 18:13;36:6;97:24 <b>Betsy (2)</b> 123:13;129:23 <b>better (5)</b> 68:7;78:6;106:10; 176:16;186:9 <b>beware (2)</b> 83:12;84:8 <b>beyond (7)</b> 11:6;42:10;69:8; 79:13;97:23;111:6; 191:21 <b>big (3)</b> 28:23;103:17; 177:24	<b>bigger (3)</b> 37:19;169:5; 177:17 <b>bisect (1)</b> 173:16 <b>bisects (1)</b> 154:7 <b>bit (13)</b> 13:4;17:8,8;31:1; 36:10;64:18;95:19; 130:17;134:9; 138:20;145:5;158:4; 175:18 <b>bite (1)</b> 38:13 <b>blew (1)</b> 60:7 <b>blight (2)</b> 92:17,21 <b>block (1)</b> 188:4 <b>blocked (2)</b> 168:21;188:8 <b>blow (1)</b> 109:16 <b>blue (2)</b> 158:8;178:4 <b>board (2)</b> 32:20;33:5 <b>Boepple (2)</b> 39:21,22 <b>bold (1)</b> 94:23 <b>bollards (1)</b> 165:15 <b>bond (1)</b> 158:7 <b>bono (1)</b> 101:7 <b>books (1)</b> 150:16 <b>border (1)</b> 36:11 <b>Boston (1)</b> 135:10 <b>both (11)</b> 18:24;19:7;70:2,3; 79:1;92:6;116:12; 121:20;153:12; 172:23;179:12 <b>bottom (11)</b> 24:17;80:9;92:14; 94:6,21;95:21;104:3; 118:16;120:20; 121:23;135:12 <b>bought (5)</b> 83:3;84:22;85:10; 144:23;145:3 <b>bound (1)</b> 139:7 <b>bout (1)</b> 22:14 <b>Boynton (1)</b>	35:4 <b>breadth (1)</b> 177:22 <b>break (1)</b> 85:23 <b>breakdown (1)</b> 61:14 <b>Brekke (2)</b> 9:21;32:19 <b>brief (2)</b> 40:12;187:13 <b>briefly (7)</b> 12:21;84:7;100:22; 116:23;117:1; 135:19;151:19 <b>bring (8)</b> 15:18,19;50:19; 62:5;67:15;80:15; 92:10;96:8 <b>bringing (4)</b> 48:9;62:1;75:5; 80:22 <b>broad (1)</b> 44:17 <b>broader (3)</b> 15:7,11;16:15 <b>broker (2)</b> 74:2;89:1 <b>brokers (1)</b> 36:19 <b>brought (6)</b> 9:23;54:6;89:14; 90:22;129:19;135:21 <b>build (10)</b> 155:22;159:2; 163:13;165:9;170:5; 183:7,14;190:22; 192:5,6 <b>building (8)</b> 103:6;122:9; 167:18,18,19;176:10, 17;191:24 <b>builds (1)</b> 43:16 <b>built (12)</b> 10:13;24:22;40:21; 44:18;65:3,8,23; 133:22;153:22; 155:14;190:10; 191:20 <b>bullet (1)</b> 38:13 <b>bundle (1)</b> 27:14 <b>burden (1)</b> 174:2 <b>burdened (1)</b> 38:24 <b>buried (1)</b> 186:24 <b>bury (2)</b> 35:14;93:19 <b>business (17)</b>	36:8;44:1;70:8; 101:6;141:7;154:12; 160:14,17,24;161:21; 171:20;172:1;173:9; 182:6;187:2;189:23; 191:1 <b>businesses (3)</b> 44:11;141:6; 161:17 <b>buy (13)</b> 16:6,24;17:22; 20:10,10,16,17,23, 23;21:11;24:12; 79:21;82:7 <b>buyer (17)</b> 19:16;20:1,4,11, 15:21:14;48:16;79:4; 83:12;84:8,14;92:17; 93:8,9;121:8;122:22, 24 <b>buyers (22)</b> 9:5,15;14:14,18; 15:7;16:1,6;17:19; 18:11,17;20:22;21:2, 2,8,15,19;23:12;26:8; 33:15;36:9;68:16; 144:19 <b>buyer's (2)</b> 20:9;108:12 <b>buying (2)</b> 27:8;61:12 <b>buys (1)</b> 84:14
<b>C</b>				
				<b>cabin (2)</b> 109:3;150:1 <b>calculation (1)</b> 122:4 <b>call (4)</b> 42:20;95:5;170:13, 16 <b>called (4)</b> 4:23;119:19; 123:11;127:23 <b>calling (2)</b> 62:9;83:19 <b>came (8)</b> 42:22;60:7;73:1; 78:3;86:23;127:18; 183:7;187:17 <b>Campground (3)</b> 24:15;25:1;132:8 <b>campgrounds (1)</b> 141:18 <b>can (101)</b> 7:7;9:1,9,10;10:15; 11:5,21;16:12;17:14; 18:20;20:21;22:3,10; 23:2,3;24:24;25:8, 24;27:4;28:12;30:8, 12;32:3;44:14;45:2;

<p>47:23;48:2,11;52:9;                      57:10;58:15,15,20;                      59:8,18;61:3,10,20;                      62:15;63:20;64:4,10,                      13;65:10,15;67:12;                      68:11;71:8;74:22;                      75:18;76:16;78:12,                      24;79:11;82:16;                      83:12;85:1;89:9;                      91:16;92:15;93:17,                      18;95:2,100:21;                      103:18;108:2,23;                      109:4,15;110:7;                      112:13;119:19;                      120:21,24;123:6;                      132:2;133:21;                      135:19;137:19;                      139:8;141:13;142:9,                      10;145:21;151:4;                      155:13;158:5,8;                      159:2;162:15;                      163:16;164:15,17;                      167:1;168:18;169:6;                      174:8;175:18;181:6;                      185:4,22</p> <p><b>Canada (1)</b>                      90:22</p> <p><b>Canterbury (5)</b>                      47:8;53:9;55:13;                      58:2;61:8</p> <p><b>cap (1)</b>                      17:13</p> <p><b>capable (1)</b>                      186:23</p> <p><b>capacity (3)</b>                      14:17;16:22;38:9</p> <p><b>card (12)</b>                      61:17;109:9,13,24;                      110:10;111:16;                      113:23;114:20;                      116:1;123:8;128:13;                      139:9</p> <p><b>care (7)</b>                      64:20;75:8;125:18;                      163:19;165:16;                      177:9,24</p> <p><b>carefully (1)</b>                      38:2</p> <p><b>case (37)</b>                      7:24;23:18;59:4,                      23;64:14;72:11,15,                      16;73:23;74:2;76:20;                      77:2,6;80:23;82:11;                      84:20,23;86:23;87:9;                      88:2;98:19,20;99:16;                      108:13,17,18,19;                      113:12;114:23;                      117:13,22;122:18,22;                      124:5;135:10;                      137:13;138:15</p> <p><b>case-by-case (1)</b>                      149:17</p> <p><b>cases (9)</b></p>	<p>12:2;22:18;27:10,                      10;58:18;70:2;                      132:16;139:14;141:8</p> <p><b>cash (1)</b>                      67:15</p> <p><b>catch (1)</b>                      181:1</p> <p><b>caused (3)</b>                      77:8;126:24;                      144:24</p> <p><b>causing (1)</b>                      111:22</p> <p><b>cautioned (2)</b>                      4:5;151:10</p> <p><b>CDL (1)</b>                      185:9</p> <p><b>center (4)</b>                      13:20,21;14:1;                      105:15</p> <p><b>centers (1)</b>                      13:19</p> <p><b>central (4)</b>                      102:14,20;106:15;                      109:18</p> <p><b>certain (17)</b>                      22:9;24:9;35:12,                      15;36:12;37:13;42:7;                      68:6,21;139:10;                      142:8,9;143:9;173:5;                      182:22;183:10;184:8</p> <p><b>certainly (5)</b>                      11:1;41:14;99:21;                      153:1;186:23</p> <p><b>certainty (1)</b>                      125:4</p> <p><b>Chair (8)</b>                      10:22;27:20;45:10;                      48:19;62:7;69:7;                      73:8;99:2</p> <p><b>CHAIRMAN (92)</b>                      4:6,16;6:13,24;                      11:3;12:10;27:23;                      28:11;39:17,20,23;                      40:3,6;44:21;45:2,13,                      17;46:2;48:21;49:1,                      7;50:3;51:9,15;                      53:16;54:1,13;55:2,5,                      19;56:3,8,15,19;57:6;                      62:12,18;63:8;69:9,                      12,17;73:10,16;                      74:14;75:14;76:7;                      80:1;81:21;83:17,22;                      84:5;85:15,16,20;                      86:2;98:9,13,24;                      99:18;100:8;110:24;                      111:5,23;134:2;                      137:22;138:3;143:1;                      144:15;145:20;                      146:1,5,9;147:3,6,12,                      18,22;150:6,10,20;                      151:3,8,11;162:16;                      171:3;175:3;180:10;                      181:10;187:7;</p>	<p>192:16,23;193:2</p> <p><b>challenged (2)</b>                      8:5,6</p> <p><b>Chalmers (44)</b>                      6:3,10,18;7:3,18;                      11:13;27:4;30:14,16,                      17;40:13;46:13;                      47:11;50:5,16,22;                      51:3,19,23;53:21;                      54:10,14;55:17;                      56:13,21;57:17;                      61:21;62:10;63:23;                      69:22;73:19;75:6,19;                      76:9;78:16;80:19;                      87:17;95:14;116:2,                      11;119:8,15;125:22;                      140:20</p> <p><b>Chalmers' (21)</b>                      6:20;7:11;11:2;                      49:13;50:12;52:4;                      54:15;55:22;56:4,11,                      17;63:19;75:17;76:5;                      80:8;88:3;106:21;                      113:19,24;121:17;                      146:24</p> <p><b>chance (2)</b>                      40:13;55:1</p> <p><b>change (7)</b>                      32:7,8,11;43:23;                      70:4;85:12;115:16</p> <p><b>changes (7)</b>                      5:22;8:20,23;                      117:9;118:11;                      170:23;189:15</p> <p><b>changing (5)</b>                      67:16;180:1,2,3,4</p> <p><b>character (1)</b>                      59:16</p> <p><b>characteristics (1)</b>                      82:4</p> <p><b>characterize (1)</b>                      144:6</p> <p><b>charge (1)</b>                      88:2</p> <p><b>Charlie (1)</b>                      42:17</p> <p><b>chart (2)</b>                      47:23;61:2</p> <p><b>charts (1)</b>                      138:13</p> <p><b>chasing (1)</b>                      125:22</p> <p><b>choose (1)</b>                      18:3</p> <p><b>choosing (1)</b>                      71:21</p> <p><b>chose (10)</b>                      56:12,13;62:19,19,                      21;78:8;89:2;96:6;                      97:6;103:7</p> <p><b>chosen (2)</b>                      47:8;108:9</p> <p><b>Chronicle (1)</b></p>	<p>42:18</p> <p><b>circle (2)</b>                      7:1;56:20</p> <p><b>circled (2)</b>                      176:5;185:21</p> <p><b>circuit (1)</b>                      190:2</p> <p><b>circuitous (1)</b>                      154:13</p> <p><b>circumstance (2)</b>                      67:17;93:10</p> <p><b>circumstances (6)</b>                      38:14;93:14,17;                      124:23;125:7;132:22</p> <p><b>city (1)</b>                      185:14</p> <p><b>claim (1)</b>                      161:21</p> <p><b>claimed (1)</b>                      118:17</p> <p><b>claiming (1)</b>                      128:22</p> <p><b>clarify (6)</b>                      76:9;108:2;144:16;                      146:20;187:16;189:9</p> <p><b>classical (2)</b>                      66:18,20</p> <p><b>classifying (1)</b>                      125:2</p> <p><b>clear (7)</b>                      45:18;80:19;82:19;                      154:5;156:8;191:15;                      192:3</p> <p><b>clearly (2)</b>                      28:7;62:11</p> <p><b>client (3)</b>                      38:3,4,4</p> <p><b>clients (1)</b>                      94:7</p> <p><b>client's (3)</b>                      108:16,18,19</p> <p><b>close (9)</b>                      4:20;15:3;27:14;                      28:4;30:3;118:4;                      120:14;143:16;157:5</p> <p><b>closeness (1)</b>                      28:21</p> <p><b>closer (4)</b>                      27:16;28:18;74:22;                      179:3</p> <p><b>CMSR (1)</b>                      175:6</p> <p><b>Colby (1)</b>                      88:13</p> <p><b>Colebrook (2)</b>                      36:13;42:18</p> <p><b>collapse (1)</b>                      144:2</p> <p><b>collection (2)</b>                      47:14;81:6</p> <p><b>College (1)</b>                      88:13</p> <p><b>column (3)</b></p>	<p>107:7;114:14;                      119:24</p> <p><b>combined (1)</b>                      105:17</p> <p><b>comfortable (1)</b>                      158:24</p> <p><b>coming (5)</b>                      40:1;139:12;                      156:18;179:14;186:8</p> <p><b>commencing (1)</b>                      193:9</p> <p><b>comment (9)</b>                      7:21;8:12;10:2,3;                      64:20;75:8;82:13;                      183:17,18</p> <p><b>commentary (1)</b>                      147:11</p> <p><b>comments (2)</b>                      72:10;81:19</p> <p><b>commercial (2)</b>                      141:7;185:4</p> <p><b>Commission (1)</b>                      175:13</p> <p><b>Commissioner (2)</b>                      175:5,9</p> <p><b>commitment (3)</b>                      151:1;160:6;                      181:21</p> <p><b>commitments (1)</b>                      159:20</p> <p><b>Committee (15)</b>                      7:12;33:18;34:12;                      67:9;96:21;97:14,17;                      121:13;134:3;154:6;                      156:9;161:9;175:4;                      187:8;189:12</p> <p><b>common (7)</b>                      14:12;18:24;35:18;                      56:1;99:8,17;100:7</p> <p><b>commonly (1)</b>                      96:17</p> <p><b>communication (1)</b>                      110:23</p> <p><b>communications (7)</b>                      152:18,22;153:6,9;                      154:23;160:16;                      161:20</p> <p><b>communities (2)</b>                      22:15;35:20</p> <p><b>community (10)</b>                      18:5,7;44:3,4,18;                      85:6;87:19,23;116:8;                      149:19</p> <p><b>comp (4)</b>                      70:2;71:4,7,21</p> <p><b>company (19)</b>                      104:10;151:18;                      164:21;166:14,16;                      167:9;168:1,4,16;                      169:13,20;171:16;                      172:9,19;173:8;                      174:20;176:12;                      183:2,15</p>
---	--	--	---	---

<p><b>company's (4)</b> 163:6,20;164:16; 169:16</p> <p><b>comparable (13)</b> 11:23;71:2;77:23; 78:1;86:23;87:2; 94:10;104:11,15; 105:1;108:7;120:1, 15</p> <p><b>comparables (2)</b> 116:11;120:18</p> <p><b>compare (1)</b> 133:1</p> <p><b>compared (3)</b> 16:23;115:16; 121:22</p> <p><b>comparing (2)</b> 64:7;79:7</p> <p><b>comparison (9)</b> 37:2;51:7;53:3; 62:17;77:21;108:10; 110:16;122:9;132:23</p> <p><b>comparisons (1)</b> 66:6</p> <p><b>compensated (2)</b> 142:15;162:10</p> <p><b>compensation (2)</b> 142:10;162:11</p> <p><b>compete (2)</b> 23:9;43:21</p> <p><b>competing (1)</b> 23:22</p> <p><b>competitive (1)</b> 38:6</p> <p><b>compiled (1)</b> 47:24</p> <p><b>complaints (1)</b> 180:23</p> <p><b>complement (2)</b> 103:6;183:13</p> <p><b>completed (3)</b> 99:4;121:3;142:18</p> <p><b>completely (1)</b> 54:8</p> <p><b>Completing (1)</b> 121:5</p> <p><b>completion (1)</b> 166:9</p> <p><b>complicated (1)</b> 184:18</p> <p><b>component (1)</b> 94:10</p> <p><b>components (1)</b> 82:9</p> <p><b>compound (1)</b> 29:9</p> <p><b>compounded (1)</b> 131:3</p> <p><b>comprised (1)</b> 101:19</p> <p><b>comps (12)</b> 37:8,11;69:23; 70:3,19;71:10,11,19,</p>	<p>20;72:7;149:15; 150:5</p> <p><b>conceivable (3)</b> 92:10;118:7; 130:21</p> <p><b>conceptual (1)</b> 170:3</p> <p><b>concern (15)</b> 27:12,12;71:18,19; 75:20;90:24;91:11; 136:24;140:9; 155:16;163:12; 165:20;173:24; 179:6,23</p> <p><b>concerned (8)</b> 21:5;160:19;163:9, 12,21;164:3;179:17; 188:4</p> <p><b>concerning (1)</b> 160:21</p> <p><b>concerns (26)</b> 30:9;89:15;93:12; 152:20;153:3,24; 154:18;155:13; 157:14,19;160:2,11; 161:11;162:2; 165:21;168:15; 169:14;174:22,23; 181:3;187:19,23; 189:4,6;190:17,20</p> <p><b>concluded (2)</b> 57:18;123:14</p> <p><b>conclusion (9)</b> 46:16;76:23;94:23; 95:6,16;107:23; 113:2;115:19;122:5</p> <p><b>conclusions (7)</b> 51:12;52:16;54:12; 77:10;94:22;97:3; 119:4</p> <p><b>conclusively (1)</b> 133:20</p> <p><b>Concord (1)</b> 23:5</p> <p><b>concrete (2)</b> 155:20,22</p> <p><b>condition (2)</b> 109:10;126:23</p> <p><b>conditions (1)</b> 162:24</p> <p><b>condominiums (1)</b> 141:11</p> <p><b>conduct (1)</b> 189:23</p> <p><b>conducted (1)</b> 159:8</p> <p><b>conducting (1)</b> 100:2</p> <p><b>conference (1)</b> 99:6</p> <p><b>confident (1)</b> 157:1</p> <p><b>configuration (5)</b></p>	<p>91:2,7;92:8,10; 157:10</p> <p><b>confined (1)</b> 18:18</p> <p><b>confirm (2)</b> 159:1;190:9</p> <p><b>confused (1)</b> 143:5</p> <p><b>confusing (1)</b> 75:3</p> <p><b>connection (1)</b> 18:2</p> <p><b>Consequence (3)</b> 70:9,11;73:2</p> <p><b>conserved (1)</b> 79:12</p> <p><b>consider (9)</b> 24:4;36:15;59:7; 93:20;108:5;128:3; 132:14,21;133:14</p> <p><b>consideration (3)</b> 96:9;129:6;184:13</p> <p><b>considered (8)</b> 9:1;13:22;29:18; 124:9;125:8;126:8, 11;130:4</p> <p><b>consist (1)</b> 77:11</p> <p><b>consistent (2)</b> 48:5;173:9</p> <p><b>constant (5)</b> 26:15;35:6,17; 43:14,15</p> <p><b>constantly (1)</b> 33:19</p> <p><b>constituted (1)</b> 103:3</p> <p><b>constitutes (3)</b> 98:20;111:12; 143:22</p> <p><b>construct (6)</b> 42:6;160:6;166:22; 167:4,5,8</p> <p><b>constructed (10)</b> 23:24;24:2;90:14, 19;91:24;92:4; 157:17;164:15; 174:8;190:19</p> <p><b>construction (32)</b> 90:17;152:19; 154:8;158:4;160:17, 18,24;161:1,1,11,18; 162:1,3;165:21; 166:5;167:11,13,20, 23;168:17;169:24; 181:14;182:19,20,21; 183:2;187:20;188:1, 3,15,18;189:3</p> <p><b>consultation (1)</b> 102:8</p> <p><b>consulting (1)</b> 115:18</p> <p><b>consuming (1)</b></p>	<p>27:11</p> <p><b>context (2)</b> 63:6;87:11</p> <p><b>continue (11)</b> 10:7;28:12;91:23; 142:21,23;154:1; 155:4,6;179:21; 186:11;187:23</p> <p><b>continued (3)</b> 73:5;126:4;153:6</p> <p><b>continuing (1)</b> 174:18</p> <p><b>contract (1)</b> 77:9</p> <p><b>contradictory (1)</b> 56:18</p> <p><b>contrast (1)</b> 47:1</p> <p><b>contributed (2)</b> 67:2;127:10</p> <p><b>contributions (1)</b> 66:16</p> <p><b>controls (1)</b> 8:8</p> <p><b>conversation (10)</b> 35:17,18;54:9; 69:22;75:6,13;82:24; 83:2,9;100:24</p> <p><b>conversations (6)</b> 26:8;33:14;36:18; 50:9;100:15;102:5</p> <p><b>convince (1)</b> 54:14</p> <p><b>convinced (2)</b> 57:10;79:19</p> <p><b>cooperate (1)</b> 172:23</p> <p><b>coordinate (1)</b> 99:23</p> <p><b>Coos (3)</b> 12:23;13:9;22:15</p> <p><b>core (5)</b> 19:4;37:10;65:6; 66:3;69:1</p> <p><b>corner (6)</b> 156:10,15;157:15; 164:14;175:16,22</p> <p><b>corrections (2)</b> 5:19;152:8</p> <p><b>correctly (3)</b> 123:14;150:2; 163:3</p> <p><b>correlation (1)</b> 53:20</p> <p><b>corridor (4)</b> 40:19,20;41:1,20</p> <p><b>corroborated (1)</b> 123:20</p> <p><b>Counsel (7)</b> 6:14;12:17,19; 134:5;151:18; 162:20;175:8</p> <p><b>count (1)</b></p>	<p>96:1</p> <p><b>counterbalance (3)</b> 156:6,13,20</p> <p><b>counters (1)</b> 67:4</p> <p><b>counties (1)</b> 13:9</p> <p><b>Country (14)</b> 10:11;15:16;16:8; 40:17,24;43:8;55:9; 67:10;86:19;87:20, 21;89:22,23;90:18</p> <p><b>County (5)</b> 12:23,24;13:9,10; 22:15</p> <p><b>couple (4)</b> 146:23;171:11,15; 187:16</p> <p><b>course (12)</b> 5:24;70:9;72:24; 79:6;86:24;87:14; 91:4;100:21,23; 125:16,21;162:5</p> <p><b>Court (5)</b> 4:5;76:6;91:6; 110:14;151:10</p> <p><b>cover (1)</b> 192:6</p> <p><b>covered (1)</b> 49:15</p> <p><b>covering (1)</b> 35:11</p> <p><b>create (3)</b> 19:20;27:9;124:15</p> <p><b>created (3)</b> 64:24;116:1; 121:13</p> <p><b>creates (2)</b> 9:15;157:24</p> <p><b>creating (2)</b> 121:10;157:24</p> <p><b>credibility (1)</b> 98:16</p> <p><b>crew (1)</b> 35:10</p> <p><b>criteria (3)</b> 142:9,12,14</p> <p><b>critical (4)</b> 46:18;48:1,16; 53:14</p> <p><b>criticisms (1)</b> 47:2</p> <p><b>criticize (1)</b> 56:13</p> <p><b>critique (1)</b> 88:4</p> <p><b>cross (2)</b> 99:3;100:5</p> <p><b>crossed (1)</b> 165:17</p> <p><b>cross-examination (16)</b> 6:12;12:14;40:7; 45:5;46:4;49:22;</p>
---	---	--	--	---

51:5,20;52:4;62:14; 83:23;86:6;98:21; 100:3;162:17;171:7 <b>cross-examine (1)</b> 40:13 <b>cross-examining (1)</b> 100:4 <b>crossing (2)</b> 50:24;53:21 <b>cry (1)</b> 140:15 <b>cuff (2)</b> 7:7;12:8 <b>curing (1)</b> 180:21 <b>curiosity's (1)</b> 180:15 <b>current (6)</b> 130:21;133:15; 170:17;173:18,19; 191:22 <b>currently (4)</b> 153:22;168:20; 188:13;189:10 <b>curtilage (1)</b> 59:10 <b>customers (3)</b> 68:24;161:2;162:6 <b>cut (6)</b> 60:3,5;91:14; 102:15;154:11; 189:20 <b>cuts (1)</b> 166:5 <b>cutting (2)</b> 189:13;191:18 <b>cycle (1)</b> 183:13 <b>cycles (1)</b> 183:2	<b>David (2)</b> 59:23;84:20 <b>Dawn (4)</b> 91:16;109:16; 171:12;175:6 <b>Day (12)</b> 40:14,22;42:18; 52:14;54:22;69:21; 104:18;140:18; 185:11;192:19; 193:5,7 <b>days (8)</b> 39:13;80:18;81:3; 82:13;98:7;100:17, 18;148:6 <b>days-on-market (2)</b> 81:4,16 <b>deal (4)</b> 36:2;59:3;82:19; 135:1 <b>dealing (4)</b> 15:11,12;36:19; 166:14 <b>deals (1)</b> 109:14 <b>dealt (1)</b> 189:6 <b>dear (2)</b> 32:22;106:3 <b>debt (1)</b> 67:18 <b>decades (1)</b> 88:23 <b>December (1)</b> 5:13 <b>decide (2)</b> 21:11;22:6 <b>decided (2)</b> 106:4;133:12 <b>decision (8)</b> 20:9,16,17;35:13; 38:11;88:23;184:2,4 <b>declined (1)</b> 145:4 <b>decrease (1)</b> 28:6 <b>decreased (2)</b> 137:10;142:11 <b>deep (3)</b> 156:5;165:11; 170:5 <b>deeper (2)</b> 39:1;158:21 <b>deeply (1)</b> 101:5 <b>Deerfield (4)</b> 46:8,10;52:20; 99:15 <b>defend (1)</b> 59:11 <b>defer (1)</b> 37:16 <b>defined (2)</b>	14:15,17 <b>degradation (1)</b> 93:21 <b>degraded (1)</b> 141:16 <b>degree (7)</b> 14:9;29:7,7;58:11; 88:13,18;96:13 <b>degrees (1)</b> 14:9 <b>delay (2)</b> 76:14;82:16 <b>deliveries (2)</b> 162:5;186:3 <b>demographic (1)</b> 14:11 <b>demonstrate (1)</b> 91:22 <b>demonstrated (1)</b> 87:3 <b>Denise (1)</b> 35:4 <b>depend (2)</b> 57:22;183:10 <b>depended (1)</b> 78:16 <b>depending (3)</b> 36:13;37:15;96:1 <b>depends (2)</b> 20:13;182:20 <b>depicted (1)</b> 170:17 <b>depleted (1)</b> 183:4 <b>derived (2)</b> 65:16;96:5 <b>Describe (10)</b> 32:17;50:5;111:11; 134:21;135:8; 151:19;153:8; 157:14;162:22; 169:23 <b>described (5)</b> 36:22;41:16; 107:19;134:17,21 <b>descriptions (1)</b> 49:2 <b>designation (2)</b> 115:17;125:11 <b>designed (1)</b> 85:1 <b>designing (1)</b> 184:14 <b>desire (2)</b> 20:13;33:6 <b>desk (2)</b> 67:11;150:17 <b>despite (2)</b> 31:2,3 <b>destroy (1)</b> 69:1 <b>detached (1)</b> 77:18	<b>detail (1)</b> 163:24 <b>detailed (2)</b> 170:7,9 <b>detailing (1)</b> 153:14 <b>details (1)</b> 190:19 <b>determinant (1)</b> 27:2 <b>determination (2)</b> 81:3;144:7 <b>determine (4)</b> 8:9;128:19;133:2; 165:5 <b>determined (1)</b> 192:9 <b>determining (4)</b> 7:23;20:22;21:1; 121:10 <b>deterrent (1)</b> 26:20 <b>devastating (2)</b> 29:4;43:4 <b>developed (3)</b> 102:24;103:2; 144:24 <b>Developers (1)</b> 93:22 <b>development (1)</b> 41:12 <b>devoted (1)</b> 57:22 <b>diagonal (1)</b> 102:18 <b>diameter (1)</b> 177:21 <b>Dick (1)</b> 102:7 <b>dictate (1)</b> 38:14 <b>difference (5)</b> 14:10;30:3;49:6; 58:13;71:5 <b>different (29)</b> 9:20;14:7;16:20; 18:10;24:6;30:23; 31:9;47:13,13;60:23, 23;65:5;66:9,10,10; 80:3;94:19;99:19; 100:1;116:4;126:21; 130:8;139:3;156:17; 158:1;170:19; 177:10,15;180:20 <b>differently (1)</b> 94:18 <b>difficult (6)</b> 50:1;82:21,22; 96:13;106:15;125:19 <b>difficulty (5)</b> 34:24;35:8;37:13, 13;105:19 <b>diligence (1)</b>	81:13 <b>diminish (1)</b> 81:17 <b>diminished (1)</b> 52:22 <b>DIRECT (14)</b> 4:9;5:5;7:14;13:12, 16;16:16;18:22; 21:13,16;43:3; 151:12;162:11; 169:19;178:19 <b>direction (7)</b> 79:6,20,21;145:7; 156:17,17;158:1 <b>directly (9)</b> 8:16,21,22;9:22; 10:15;49:5;62:9; 65:4;136:9 <b>disadvantage (1)</b> 124:16 <b>disagree (4)</b> 42:4;112:24;113:1; 120:23 <b>disagreed (4)</b> 53:3,5,6;76:22 <b>disclose (4)</b> 37:7;38:19;132:5; 135:21 <b>disclosed (1)</b> 79:17 <b>disclosure (6)</b> 24:21;73:3;84:12; 134:13;136:2;143:17 <b>disclosures (1)</b> 37:24 <b>discomfort (1)</b> 27:9 <b>discount (4)</b> 39:2,10;139:15,22 <b>discounted (2)</b> 148:17;149:9 <b>discovery (1)</b> 99:10 <b>discuss (7)</b> 7:7;8:3;13:16; 62:24;97:22;98:22; 168:5 <b>discussed (12)</b> 19:24;27:20;89:17; 98:18;100:22;108:4; 116:14;117:1; 126:21;130:8,10; 148:16 <b>discussing (5)</b> 52:20;89:11;92:16; 94:7;168:24 <b>discussion (25)</b> 34:14;40:2;45:16; 48:9;53:4,5;54:6; 55:12;58:7;62:1,6; 94:15;98:22;99:6; 101:16;111:15; 119:6;124:6;151:7;
<b>D</b>				
<b>dab (1)</b> 59:5 <b>Dalton (1)</b> 4:24 <b>damage (3)</b> 41:3;127:1;145:16 <b>data (11)</b> 52:21;63:3,13; 72:14;96:23;121:19, 20;122:5;144:11; 150:9,12 <b>date (10)</b> 47:24;78:3;109:20, 22;126:1;148:20; 160:3;161:19;164:6, 23 <b>dated (1)</b> 152:4 <b>Dave (1)</b> 98:4				



<p>161:14;181:19;                  183:20;186:7,14,15  <b>discussions (8)</b>                  34:16;76:17;98:6;                  99:22;100:23;                  159:24;166:1;187:5  <b>dispassionate (1)</b>                  150:15  <b>dispassionately (1)</b>                  67:12  <b>dispersed (1)</b>                  44:4  <b>disposition (1)</b>                  124:2  <b>dispute (1)</b>                  188:12  <b>dissipated (1)</b>                  142:20  <b>Distance (7)</b>                  27:3;42:7;44:9;                  45:8;92:12;157:19,                  22  <b>distances (1)</b>                  27:5  <b>distant (1)</b>                  67:11  <b>distinct (3)</b>                  13:13;14:5;19:13  <b>distinctions (2)</b>                  30:24;31:20  <b>distribution (7)</b>                  93:11;155:5;                  170:20;173:20;                  179:20;180:5,6  <b>district (1)</b>                  18:18  <b>districts (1)</b>                  17:20  <b>divorced (1)</b>                  44:5  <b>doable (1)</b>                  185:23  <b>docket (2)</b>                  91:5,8  <b>Doctrine (3)</b>                  99:9,17;100:7  <b>document (15)</b>                  53:21,22;108:16,                  23;109:4;113:3;                  114:18;115:24;                  159:20;160:2;                  172:18,22;173:12;                  174:6;176:15  <b>documentation (2)</b>                  97:16;114:19  <b>documents (2)</b>                  134:22;138:14  <b>done (19)</b>                  50:13;64:13;72:3;                  90:5;97:14;105:3,5;                  118:22;119:2,9;                  121:8;131:18;                  136:19,20;140:16;</p>	<p>159:23;182:24;                  192:17,18  <b>Donovan (1)</b>                  52:8  <b>doorstep (1)</b>                  29:3  <b>dotted (2)</b>                  158:11;165:17  <b>down (20)</b>                  22:20;28:2;36:5;                  60:7,7;68:18;80:8;                  90:22;92:11;97:8;                  107:11;109:12;                  126:4;129:19;151:4;                  158:4;162:3,4;                  179:21;185:19  <b>downplay (1)</b>                  116:10  <b>Dr (15)</b>                  7:11;30:14,16,17;                  73:19;88:3;106:21;                  113:19,24;116:1;                  119:7,15;121:17;                  125:21;140:20  <b>draft (3)</b>                  153:17;181:22,24  <b>drag (1)</b>                  135:9  <b>dramatic (2)</b>                  29:4;130:2  <b>dramatically (2)</b>                  24:23;100:1  <b>drastic (1)</b>                  8:19  <b>draw (2)</b>                  7:6;77:10  <b>drawings (1)</b>                  190:17  <b>drew (1)</b>                  115:19  <b>drill (1)</b>                  28:2  <b>drive (14)</b>                  43:17;167:15;                  175:24;176:2,4,21;                  179:4;185:15,18,19,                  20;186:1,3,6  <b>driven (3)</b>                  16:14;66:21;139:8  <b>drivers (2)</b>                  185:4,9  <b>drives (2)</b>                  67:7;72:15  <b>driving (4)</b>                  23:1;28:1;30:11;                  180:24  <b>drove (1)</b>                  135:24  <b>Dubreuil (1)</b>                  34:22  <b>due (6)</b>                  25:7;71:21;80:13;                  95:2;127:5,9</p>	<p><b>duly (2)</b>                  4:4;151:9  <b>dumbest (1)</b>                  74:21  <b>dump (1)</b>                  186:4  <b>during (31)</b>                  5:24;11:21;53:20;                  55:6,7;61:11;72:24;                  99:5;100:21,22;                  107:21;121:6;                  125:16,21;131:2;                  148:19;160:15,17,18;                  161:24;165:21;                  166:4;167:13;                  182:18,19,20;183:6;                  185:11;187:17,24;                  188:15  <b>DWBA (1)</b>                  5:6  <b>dwelt (1)</b>                  66:20  <b>dynamics (1)</b>                  37:24</p>	<p><b>editor (1)</b>                  42:18  <b>effect (8)</b>                  21:23;23:21;43:11;                  46:16;48:6;54:11;                  140:12;142:19  <b>effectively (4)</b>                  94:22;191:20,24;                  192:5  <b>effects (6)</b>                  48:4;64:2,3;                  107:23;128:21;                  140:22  <b>efficient (2)</b>                  50:19;99:24  <b>efforts (4)</b>                  73:5;99:23;159:21;                  171:15  <b>eight (4)</b>                  47:21;78:4;177:22;                  190:5  <b>either (8)</b>                  8:18;20:10;27:6;                  74:18;123:12;                  137:10;143:15;                  186:10  <b>element (2)</b>                  28:7;59:19  <b>elicit (2)</b>                  6:16;51:11  <b>eliminate (1)</b>                  22:9  <b>eliminated (1)</b>                  168:23  <b>ELMO (1)</b>                  175:7  <b>else (18)</b>                  17:1,5;39:3,20;                  44:13;49:10;56:22;                  60:3;71:3;88:17;                  98:2,5;100:13;104:9;                  129:21;144:2;171:3;                  187:8  <b>else's (2)</b>                  67:12;167:16  <b>elsewhere (4)</b>                  10:13,17;106:11,                  11  <b>Emotion (2)</b>                  33:11;66:24  <b>emotional (3)</b>                  25:18,19;68:14  <b>emphasize (2)</b>                  29:1;43:6  <b>encounter (2)</b>                  43:17;153:17  <b>encumbered (2)</b>                  44:8;176:23  <b>encumbrance (1)</b>                  42:9  <b>end (7)</b>                  43:2;53:4;89:2;                  183:3;188:5,14;</p>	<p>191:19  <b>ended (1)</b>                  79:22  <b>engineer (4)</b>                  164:22;184:10;                  190:8,16  <b>engineered (3)</b>                  190:11,17;191:2  <b>engineering (7)</b>                  151:24;159:4;                  164:5,13,19;184:2,4  <b>engineers (3)</b>                  155:19,20,21  <b>England (1)</b>                  15:16  <b>enjoy (1)</b>                  106:4  <b>enjoyment (5)</b>                  33:3;42:13;44:12;                  60:21;141:24  <b>enough (8)</b>                  17:3;21:4;24:11;                  25:23;120:19;                  134:23;156:5,5  <b>ensuing (1)</b>                  131:2  <b>entered (2)</b>                  172:9;174:12  <b>enthusiastic (1)</b>                  132:3  <b>entire (8)</b>                  104:5;111:15;                  115:2;118:17;                  126:18;129:10;                  144:8;175:22  <b>entirely (4)</b>                  18:10;27:3;77:14;                  155:19  <b>entrance (1)</b>                  185:21  <b>environment (2)</b>                  10:8;15:23  <b>envision (1)</b>                  96:9  <b>equal (2)</b>                  10:12;64:24  <b>equity (1)</b>                  17:4  <b>equivalent (1)</b>                  111:13  <b>Eric (2)</b>                  46:9;47:17  <b>erroneous (1)</b>                  148:13  <b>errors (1)</b>                  163:15  <b>especially (1)</b>                  42:10  <b>essentially (4)</b>                  20:16;35:24;103:2;                  145:3  <b>established (1)</b>                  129:23</p>
		<b>E</b>		
		<p><b>earlier (13)</b>                  9:22;30:7,21;                  46:24;82:8;98:18;                  108:4;116:15;                  119:15;120:11;                  130:17;136:5;164:2  <b>earliest (1)</b>                  152:24  <b>early (1)</b>                  192:9  <b>earn (1)</b>                  67:19  <b>ears (1)</b>                  33:24  <b>earth (1)</b>                  74:21  <b>easement (6)</b>                  172:4;173:4;174:2,                  6,14;191:9  <b>easier (2)</b>                  23:4;86:16  <b>easily (1)</b>                  162:8  <b>economic (4)</b>                  66:16,18;69:4;                  144:3  <b>Economics (1)</b>                  66:15  <b>economists (1)</b>                  67:3  <b>economy (7)</b>                  14:16,22;17:21;                  43:11;89:16;90:12;                  92:1  <b>ED (2)</b>                  176:11,12</p>		

<p><b>estate (13)</b>                  13:8;68:13;86:19;                  88:9;89:22;105:24;                  114:15;115:6,9,10;                  118:4;130:19;143:8</p> <p><b>estimated (2)</b>                  103:12;126:15</p> <p><b>evaluate (1)</b>                  139:6</p> <p><b>evaluated (1)</b>                  86:24</p> <p><b>evaluating (2)</b>                  88:8;90:2</p> <p><b>Evaluation (2)</b>                  161:8;189:12</p> <p><b>even (20)</b>                  10:20;17:16;22:20;                  32:13;44:9;61:17;                  68:1;70:21;71:7,16;                  104:21;127:12,22;                  128:3;129:6;143:10;                  148:14;149:6;                  174:17;184:11</p> <p><b>evening (7)</b>                  175:10,11,11;                  180:13,14;181:12;                  184:23</p> <p><b>eventual (1)</b>                  117:15</p> <p><b>eventually (3)</b>                  23:21;165:4;168:8</p> <p><b>Eversource (4)</b>                  82:11;173:3;                  181:12;184:13</p> <p><b>everybody (5)</b>                  126:6;132:19;                  161:3;167:16;183:18</p> <p><b>Everybody's (2)</b>                  84:11;150:24</p> <p><b>everyday (3)</b>                  10:3,3;104:23</p> <p><b>everyone (2)</b>                  43:10;51:21</p> <p><b>evidence (4)</b>                  46:21;54:3,10;                  149:12</p> <p><b>evident (1)</b>                  48:4</p> <p><b>exactly (4)</b>                  33:22;55:20;                  175:15,19</p> <p><b>EXAMINATION (3)</b>                  4:9;151:12;187:14</p> <p><b>example (13)</b>                  13:21;25:12;34:19,                  20;71:21;80:15;90:3;                  95:14;113:8;116:21;                  122:14;130:7;170:21</p> <p><b>examples (12)</b>                  8:21;26:10;34:3;                  87:2;95:18,24;96:2,                  24;97:7,18;101:14;                  132:23</p>	<p><b>except (3)</b>                  111:21;125:12;                  136:19</p> <p><b>excess (1)</b>                  57:19</p> <p><b>exchange (2)</b>                  145:8;147:17</p> <p><b>exchanged (1)</b>                  99:11</p> <p><b>exchanges (1)</b>                  144:17</p> <p><b>exchanging (2)</b>                  67:18;153:10</p> <p><b>excited (1)</b>                  154:16</p> <p><b>exclude (1)</b>                  21:4</p> <p><b>excuse (2)</b>                  64:3;74:22</p> <p><b>exercise (1)</b>                  159:21</p> <p><b>exhaustive (1)</b>                  87:17</p> <p><b>exhibit (10)</b>                  61:4;82:3;106:23;                  113:17;152:3,5;                  157:8;166:12;167:6;                  168:19</p> <p><b>exist (4)</b>                  10:10;15:13;90:6;                  163:16</p> <p><b>existence (2)</b>                  73:3;132:5</p> <p><b>existing (17)</b>                  8:20;10:19;40:18;                  41:1,20;59:4;79:13;                  90:21;102:15;                  143:14,19;155:7;                  162:24;178:7,14;                  179:7,12</p> <p><b>exists (1)</b>                  128:18</p> <p><b>Exit (1)</b>                  23:5</p> <p><b>expand (1)</b>                  22:3</p> <p><b>expanded (1)</b>                  11:24</p> <p><b>expansion (1)</b>                  90:20</p> <p><b>expect (6)</b>                  9:18;17:7,14,14;                  24:22;67:8</p> <p><b>expectation (1)</b>                  9:16</p> <p><b>expectations (2)</b>                  9:6;19:13</p> <p><b>expense (1)</b>                  93:23</p> <p><b>experience (25)</b>                  9:12;10:4;18:5;                  23:1;26:8,15;33:16;                  58:9;65:1,18;70:6,</p>	<p>12;73:2;86:18;88:7;                  89:21,22;90:1;94:24;                  95:8,13;96:7,8;                  104:23;137:15</p> <p><b>experienced (2)</b>                  60:7;96:17</p> <p><b>experiences (1)</b>                  97:2</p> <p><b>experiencing (1)</b>                  65:18</p> <p><b>expert (2)</b>                  45:12,21</p> <p><b>expertise (1)</b>                  137:7</p> <p><b>explain (5)</b>                  12:6;91:21;100:22;                  110:7;115:21</p> <p><b>explicitly (1)</b>                  55:15</p> <p><b>exponentially (1)</b>                  24:18</p> <p><b>expose (3)</b>                  60:4,5,8</p> <p><b>exposed (2)</b>                  9:21;59:1</p> <p><b>exposing (1)</b>                  60:12</p> <p><b>exposure (6)</b>                  43:15,16;60:16;                  79:8,16;85:11</p> <p><b>express (1)</b>                  99:20</p> <p><b>expressed (1)</b>                  110:21</p> <p><b>expressing (1)</b>                  33:20</p> <p><b>extensive (1)</b>                  117:8</p> <p><b>extent (6)</b>                  99:15;134:20;                  161:23;163:23;                  183:10;191:10</p> <p><b>external (3)</b>                  22:2;38:8;162:9</p> <p><b>extra (2)</b>                  59:19;81:13</p> <p><b>extraordinary (1)</b>                  17:11</p> <p><b>extremely (2)</b>                  59:6,12</p> <p><b>eye (2)</b>                  24:19;129:7</p>	<p>83:2;94:13;101:7;                  115:5,7;116:10;                  125:22;126:23;                  148:14;154:20;                  180:3;191:5</p> <p><b>factor (9)</b>                  19:9;20:22;21:2;                  23:22;28:23,24;                  30:20;129:17;140:1</p> <p><b>factored (1)</b>                  144:4</p> <p><b>factors (13)</b>                  22:17;28:3;30:8,                  10,13;38:7;68:21;                  94:16,19;126:22;                  127:7,15;129:19</p> <p><b>factual (1)</b>                  188:11</p> <p><b>failing (1)</b>                  8:21</p> <p><b>fails (2)</b>                  8:24;44:1</p> <p><b>fair (21)</b>                  47:21;48:17;53:14;                  56:23;64:5;80:20,24;                  81:6;85:8;98:22;                  103:12;110:16,17;                  111:13;120:19;                  125:5;131:10;133:2,                  15;173:11;174:17</p> <p><b>fairly (3)</b>                  49:22;120:14;                  192:8</p> <p><b>faith (2)</b>                  172:24;174:21</p> <p><b>fall (1)</b>                  99:16</p> <p><b>falling (1)</b>                  156:15</p> <p><b>false (3)</b>                  42:6;65:6;135:22</p> <p><b>falsely (1)</b>                  52:22</p> <p><b>familiar (11)</b>                  13:7;31:13;102:10;                  110:9;111:14;112:1;                  132:7;142:4;166:16;                  172:13;175:20</p> <p><b>familiarity (1)</b>                  72:18</p> <p><b>family (6)</b>                  18:1;32:23;77:15;                  84:15;106:1;109:2</p> <p><b>fanfare (1)</b>                  129:3</p> <p><b>far (13)</b>                  15:14;28:4;40:17;                  42:10;52:18;85:2;                  104:20;123:18;                  128:18;149:13;                  163:12;182:7;183:16</p> <p><b>fashion (2)</b>                  102:18;103:4</p>	<p><b>father's (1)</b>                  106:2</p> <p><b>fear (1)</b>                  60:12</p> <p><b>feasible (1)</b>                  184:9</p> <p><b>features (1)</b>                  132:18</p> <p><b>February (1)</b>                  118:1</p> <p><b>feel (14)</b>                  11:12;25:20;33:22;                  34:1;42:11;81:10;                  83:1;92:15;140:24;                  142:19;143:23;                  146:19;148:24;                  158:23</p> <p><b>feet (17)</b>                  41:13,14;44:15,16;                  77:12,19,22;119:23;                  120:3,4,6,8,12,16;                  122:10;177:22;184:5</p> <p><b>fellow (1)</b>                  148:9</p> <p><b>felt (7)</b>                  51:6;52:21;82:22;                  87:3;97:7;105:8;                  138:17</p> <p><b>few (12)</b>                  19:1;23:7;40:15;                  53:10;57:8;66:13;                  72:12;77:24;81:23;                  160:15;162:21;                  173:14</p> <p><b>field (2)</b>                  79:11;163:1</p> <p><b>figure (5)</b>                  65:10,11;127:16;                  129:22;166:6</p> <p><b>figures (1)</b>                  149:24</p> <p><b>file (2)</b>                  75:23;76:9</p> <p><b>filed (6)</b>                  5:4;11:14;118:24;                  123:1;154:14,15</p> <p><b>filing (3)</b>                  11:15,16;152:15</p> <p><b>Fillmore (2)</b>                  39:18,19</p> <p><b>final (2)</b>                  124:2;182:3</p> <p><b>Finally (6)</b>                  36:24;79:19;102:8;                  126:1;133:11;169:18</p> <p><b>financial (2)</b>                  67:17;161:17</p> <p><b>financially (1)</b>                  42:13</p> <p><b>find (15)</b>                  6:14;8:21;18:8,14,                  20;70:21,23;71:1,4,6,                  24;75:19;132:13;</p>
		<b>F</b>		
		<p><b>face (1)</b>                  67:16</p> <p><b>facility (4)</b>                  167:21;184:22;                  185:1,17</p> <p><b>fact (19)</b>                  17:6,19;31:19;                  38:21,24;41:13;78:8;</p>		

<p>137:14;148:20  <b>finding (1)</b>                  68:24  <b>findings (1)</b>                  48:2  <b>fine (1)</b>                  79:20  <b>finished (3)</b>                  77:13,19,20  <b>firm (2)</b>                  159:19;160:6  <b>first (16)</b>                  42:19;51:17;58:1;                  82:12,14;84:8;98:16;                  99:3,5;128:6;135:20,                  22;143:4;148:8;                  160:19;190:12  <b>fits (1)</b>                  140:15  <b>five (7)</b>                  96:2,24;97:18;                  101:13;137:2;                  142:17,20  <b>flaw (1)</b>                  56:10  <b>flesh (1)</b>                  28:9  <b>flexibility (1)</b>                  17:22  <b>fly (4)</b>                  180:18,22,23;                  181:3  <b>focus (7)</b>                  13:2;36:7;95:20;                  107:7;114:3;119:14,                  19  <b>focused (1)</b>                  55:9  <b>focusing (1)</b>                  182:3  <b>folks (3)</b>                  23:9;83:6;86:2  <b>folks' (1)</b>                  87:6  <b>follow (4)</b>                  106:13;146:20;                  150:21;179:19  <b>following (2)</b>                  11:11;159:5  <b>follows (1)</b>                  41:5  <b>follow-up (2)</b>                  28:8;31:1  <b>foot (1)</b>                  121:21  <b>footage (5)</b>                  77:7;119:16;122:2,                  9;154:21  <b>footing (3)</b>                  156:1;177:21,24  <b>footings (1)</b>                  170:5  <b>footprint (3)</b></p>	<p>77:11;177:16,18  <b>force (3)</b>                  28:1;30:12;158:19  <b>forces (4)</b>                  156:6,12,16;158:1  <b>forcing (1)</b>                  156:3  <b>fore (1)</b>                  73:1  <b>foreclosed (1)</b>                  81:15  <b>foreclosure (6)</b>                  81:7;116:13;                  124:15,18;149:23;                  150:4  <b>Foreclosures (1)</b>                  115:9  <b>foreseen (1)</b>                  85:4  <b>forever (1)</b>                  32:23  <b>forewarned (1)</b>                  135:5  <b>forgetting (1)</b>                  143:13  <b>forgive (3)</b>                  12:9;74:20;147:17  <b>form (4)</b>                  161:21;169:23,24;                  170:2  <b>formerly (1)</b>                  84:17  <b>forward (1)</b>                  163:19  <b>found (2)</b>                  106:2;149:12  <b>foundation (1)</b>                  8:13  <b>foundations (1)</b>                  53:13  <b>four (7)</b>                  96:1,1,24;97:4,17;                  130:8;132:23  <b>fourth (1)</b>                  122:14  <b>frame (1)</b>                  128:23  <b>Franconia (5)</b>                  14:2;18:12;35:11;                  71:3;97:9  <b>frankly (4)</b>                  28:15;91:15;139:4,                  10  <b>free (2)</b>                  18:3;92:15  <b>frequency (1)</b>                  132:8  <b>frequent (1)</b>                  101:10  <b>Friday (1)</b>                  23:2  <b>friend (1)</b>                  44:16</p>	<p><b>friendly (2)</b>                  98:20;99:3  <b>fright (1)</b>                  136:24  <b>frightened (1)</b>                  132:15  <b>front (11)</b>                  5:9;41:6;51:2;                  60:18;61:14;93:24;                  152:5;154:6;156:10;                  163:22;170:18  <b>front/back (1)</b>                  62:5  <b>frontage (2)</b>                  50:21;52:18  <b>full (9)</b>                  4:12;38:10;88:3,4;                  90:10;115:11;                  151:15;183:8,9  <b>full-time (1)</b>                  77:14  <b>fully (2)</b>                  161:12;169:15  <b>fundamentally (1)</b>                  100:6  <b>funny (1)</b>                  57:6  <b>further (7)</b>                  36:1;44:19;68:4;                  142:24;158:4;                  162:14;192:15  <b>furthest (1)</b>                  179:20  <b>future (2)</b>                  85:2;163:14</p>	<p>13:18  <b>gets (1)</b>                  24:11  <b>Getz (1)</b>                  177:19  <b>given (14)</b>                  6:3;17:21;23:18;                  49:19;54:10;66:14;                  81:10;83:11;117:7;                  139:18;152:2;                  154:15;167:12;                  181:12  <b>gives (2)</b>                  58:16;59:19  <b>giving (1)</b>                  39:6  <b>Glad (1)</b>                  107:6  <b>goal (2)</b>                  51:8;54:13  <b>goals (2)</b>                  51:1;116:4  <b>God (1)</b>                  90:6  <b>goes (8)</b>                  24:17;30:13;36:1;                  42:9;67:20;72:14;                  102:17,17  <b>Good (25)</b>                  12:16;40:9,11;                  43:1;46:6,7;68:10;                  70:3;71:14;86:8,11;                  125:18;134:7,8;                  150:12;151:14;                  162:19;172:24;                  174:21;175:10,11;                  180:13,14;181:12;                  183:20  <b>Googling (1)</b>                  131:15  <b>gorgeous (1)</b>                  24:16  <b>government (2)</b>                  68:9;88:14  <b>governs (1)</b>                  172:18  <b>grabbing (1)</b>                  134:4  <b>Grafton (2)</b>                  12:23;13:9  <b>grander (1)</b>                  58:17  <b>gray (1)</b>                  158:10  <b>great (1)</b>                  59:3  <b>greater (10)</b>                  27:9,18;28:20;                  52:18;59:15;84:10,                  11,11;149:6;170:21  <b>greatly (1)</b>                  33:2  <b>green (1)</b></p>	<p>158:11  <b>ground (1)</b>                  56:1  <b>groundwater (1)</b>                  181:5  <b>groundwork (1)</b>                  51:17  <b>group (5)</b>                  45:14,21;85:17;                  97:24;98:4  <b>Groups (1)</b>                  39:18  <b>Groveton (2)</b>                  15:20;36:3  <b>grow (1)</b>                  24:18  <b>growing (1)</b>                  60:15  <b>guaranty (3)</b>                  82:7;142:3,8  <b>guess (10)</b>                  9:14;11:4;71:14;                  137:6;159:4;167:1;                  177:8;182:20;184:3,                  3  <b>guessing (1)</b>                  178:1  <b>guy (29)</b>                  74:21;148:8;                  154:20;155:1,4,6,8,9,                  23;156:3,19,21;                  157:17;164:2,3,7,8,9,                  15;178:17;179:2,7,                  21;180:3;183:20,22,                  23;184:5,8  <b>gypped (1)</b>                  148:9</p>
		<b>G</b>		<b>H</b>
		<p><b>game (1)</b>                  67:15  <b>garage (1)</b>                  77:18  <b>garbage (2)</b>                  122:1,1  <b>gather (1)</b>                  17:11  <b>gave (10)</b>                  5:13;25:11;26:11;                  34:3;67:1;87:2;                  138:10;149:8;150:1;                  153:11  <b>general (12)</b>                  18:14;34:9;48:3;                  81:19;83:20;84:6;                  89:16;91:1;108:3;                  144:9;147:10;151:18  <b>generally (7)</b>                  14:10;15:21;29:17;                  50:12;153:8;171:22;                  172:13  <b>geographic (1)</b>                  35:23  <b>geographically (1)</b></p>	<p><b>half (6)</b>                  58:4,20;60:2;                  66:14;102:15;166:6  <b>half-acre (1)</b>                  58:22  <b>half-dozen (2)</b>                  78:4;132:3  <b>half-mile (1)</b>                  29:6  <b>Hampshire (15)</b>                  4:15;15:15,19;                  22:14;23:3;26:10;                  30:22;31:3,6,10,11,                  12;40:18;88:21;89:7  <b>hand (3)</b>                  160:19;177:19;                  183:6  <b>handle (1)</b>                  161:5  <b>Hang (3)</b>                  83:17;88:24;147:3  <b>happen (11)</b>                  24:1;65:10,11,14,</p>	

22:70:3;83:5;85:10; 106:12;133:13; 137:13 <b>happened (10)</b> 37:21;50:15;51:23; 63:15;111:19; 125:15,20;133:14; 139:1;147:15 <b>happening (2)</b> 37:23;133:19 <b>happy (3)</b> 68:17;95:16;160:3 <b>hard (3)</b> 70:21;71:6;185:11 <b>hate (2)</b> 90:20,21 <b>headline (1)</b> 42:21 <b>heads (1)</b> 171:5 <b>health (4)</b> 27:12,12;30:9,10 <b>hear (4)</b> 32:20;33:24;163:3; 174:21 <b>heard (6)</b> 32:19;33:19; 110:15,17;111:10; 181:3 <b>Hearing (4)</b> 4:2;5:17;86:1; 193:7 <b>hearings (1)</b> 33:18 <b>heavily (1)</b> 64:14 <b>heavy (1)</b> 181:4 <b>height (1)</b> 79:7 <b>heights (1)</b> 79:14 <b>heirs (4)</b> 123:5,10;124:3,20 <b>held (2)</b> 32:22;106:3 <b>help (4)</b> 52:12;64:10;85:4; 138:14 <b>helpful (3)</b> 7:10;50:4;109:1 <b>helping (1)</b> 50:21 <b>helps (2)</b> 144:11;180:21 <b>heretofore (1)</b> 65:17 <b>Hi (1)</b> 171:9 <b>high (4)</b> 9:15;25:9;95:3; 121:22 <b>higher (3)</b>	95:4;104:20; 120:18 <b>highlighted (1)</b> 61:9 <b>high-voltage (8)</b> 32:9,10;48:6;64:2, 6,9;72:1;93:16 <b>highway (1)</b> 149:22 <b>Hill (1)</b> 18:12 <b>hillsides (1)</b> 42:15 <b>himself (4)</b> 45:21;50:23; 115:20;150:17 <b>hire (2)</b> 190:8,15 <b>history (3)</b> 73:6;117:7;123:19 <b>hit (2)</b> 96:18;165:12 <b>Hmm (2)</b> 119:11;120:13 <b>Hmm-hmm (4)</b> 90:15;92:19; 119:21;126:17 <b>hold (1)</b> 37:16 <b>home (15)</b> 17:15,17;19:10; 22:7;29:2;35:1; 57:23;58:10;59:1,10, 19;77:11;116:14; 120:8;121:22 <b>homes (9)</b> 16:7,7,8;17:24; 19:7;34:24;77:10; 121:7;141:1 <b>home's (2)</b> 19:3,4 <b>honest (2)</b> 163:8;179:13 <b>honestly (1)</b> 76:20 <b>HONIGBERG (88)</b> 4:6,16;6:13,24; 11:3;12:10;27:23; 28:11;39:17,20,23; 40:3;44:21;45:2,13, 17;46:2;48:21;49:1, 7;50:3;51:9,15;54:1, 13;55:2,5,19;56:3,8, 15,19;57:6;62:12,18; 63:8;69:9,12,17; 73:10,16;74:14; 75:14;76:7;80:1; 81:21;83:17;84:5; 85:16,20;86:2;98:9, 13,24;99:18;100:8; 110:24;111:5,23; 134:2;137:22;138:3; 143:1;144:15;	145:20;146:1,5,9; 147:3,6,12,18,22; 150:6,10,20;151:3,8, 11;162:16;171:3; 175:3;180:10; 181:10;187:7; 192:16,23;193:2 <b>Hood's (1)</b> 185:7 <b>hope (3)</b> 85:9;147:9;168:7 <b>horrified (1)</b> 132:9 <b>hotels (1)</b> 141:18 <b>House (5)</b> 43:20;59:24;60:2, 12;93:24 <b>Houten (8)</b> 44:22,24;45:4,6,18, 23;59:23;84:20 <b>Houten's (1)</b> 45:12 <b>huge (1)</b> 26:19 <b>human (3)</b> 67:6,7;140:15 <b>hundred (1)</b> 96:14 <b>HVT (2)</b> 92:21;93:1 <b>HVTL (2)</b> 10:19;64:24 <p style="text-align: center;"><b>I</b></p> <b>Iacopino (14)</b> 4:7,8,10,19;7:9; 75:22;76:2;99:7; 113:15,21;138:1,4; 143:2,3 <b>iconic (2)</b> 24:15;132:18 <b>idea (6)</b> 42:23;100:3; 134:19,20;180:21; 181:13 <b>ideal (1)</b> 188:19 <b>identified (2)</b> 15:5;112:22 <b>imagery (1)</b> 57:17 <b>imagine (3)</b> 59:9;63:15;104:24 <b>immediate (3)</b> 78:4;160:21; 165:20 <b>immediately (2)</b> 36:2;38:22 <b>impact (44)</b> 8:10;10:15;20:1,5; 24:23;25:15,16,16;	26:18;27:1,18;28:20; 29:4;30:6;31:8,21; 33:23;36:20;38:22; 39:11;41:17;42:8,9; 43:4,6,8;44:18; 46:16;65:20;66:7; 68:1;73:4;75:21; 76:24;79:5;82:4,15; 96:9;126:6;131:24; 161:11;169:10; 184:12;185:14 <b>impacted (11)</b> 31:16;37:6;38:18; 39:8;43:24;44:6,10; 79:14;91:24;145:18; 166:4 <b>impacts (23)</b> 29:9,10;44:3; 46:19;81:17;87:12; 88:8;90:2;96:3; 131:23;143:19,23; 160:17;161:19; 165:21;168:15,18; 169:4,14;184:15; 187:20;188:18;189:7 <b>implication (4)</b> 41:10;70:5;124:16; 139:16 <b>importance (4)</b> 9:8;49:23;54:9; 81:12 <b>important (8)</b> 46:21;49:3;51:11; 58:10;59:12;108:5; 136:2;150:19 <b>importantly (1)</b> 99:5 <b>impossible (5)</b> 24:19;105:15,16; 106:18;150:16 <b>improper (1)</b> 77:10 <b>improvements (1)</b> 117:14 <b>inability (1)</b> 35:12 <b>inaccessible (1)</b> 179:5 <b>inaccurate (1)</b> 139:21 <b>inappropriate (4)</b> 53:6,7;71:20;100:6 <b>inappropriately (1)</b> 112:6 <b>Inc (1)</b> 151:18 <b>incidentally (1)</b> 149:16 <b>incite (1)</b> 68:6 <b>include (2)</b> 168:8;191:18 <b>included (8)</b>	53:23;54:3;74:12, 12;114:19;120:2; 122:8;184:1 <b>including (3)</b> 43:13;77:15; 125:21 <b>income (2)</b> 14:21;16:2 <b>inconsistencies (4)</b> 162:23;163:7,8,21 <b>incorrect (6)</b> 115:17,22;119:17; 120:8;122:5,6 <b>incorrectly (1)</b> 109:6 <b>increased (1)</b> 137:10 <b>incremental (1)</b> 43:16 <b>incurrence (1)</b> 67:17 <b>indeed (5)</b> 8:11;22:19;85:7; 94:24;148:17 <b>indicate (3)</b> 14:13;22:18; 125:13 <b>indicated (8)</b> 16:16;18:22;21:16; 30:7,21,23;159:12; 192:10 <b>indicates (1)</b> 48:5 <b>indicator (1)</b> 140:22 <b>indignant (1)</b> 150:7 <b>individual (5)</b> 14:4;31:5;105:14; 139:18;140:11 <b>individually (2)</b> 149:4,10 <b>individuals (1)</b> 97:23 <b>industrial (7)</b> 141:15;175:24; 176:4;179:3;185:15; 186:2,6 <b>industry (4)</b> 8:14;68:9;70:18; 84:9 <b>infiltration (1)</b> 181:1 <b>influence (10)</b> 22:2,2;64:9;68:2,8; 81:17;94:17;111:21; 112:15;133:16 <b>influenced (5)</b> 64:6;72:1;94:18; 127:7;139:8 <b>influences (1)</b> 130:2 <b>information (22)</b>
--	--	---	--	---

12:1;61:24;65:16; 70:21;74:11;78:7,16, 17;99:10,14;109:14; 112:22;114:9;120:9; 127:18;128:14; 139:10;146:21; 148:10,11,11,24	<b>intervenors (2)</b> 85:18;171:5	<b>Jeanne (2)</b> 46:8;98:1	132:19	<b>lawyer (1)</b> 146:13
<b>interview (4)</b> 38:2;73:22;74:6; 78:19	<b>interviewed (1)</b> 78:23	<b>Jefferson (1)</b> 36:5	<b>L</b>	<b>lay (1)</b> 51:16
<b>informed (2)</b> 77:4;137:18	<b>intimate (1)</b> 149:19	<b>Jersey (2)</b> 9:23;43:21	<b>labeled (1)</b> 114:21	<b>leaching (1)</b> 181:4
<b>infrastructure (1)</b> 72:2	<b>intimately (3)</b> 13:11;108:10; 132:7	<b>job (1)</b> 71:9	<b>labor (1)</b> 186:20	<b>lead (2)</b> 19:21;181:13
<b>inherent (1)</b> 37:9	<b>into (23)</b> 8:18;11:5;12:1; 15:19;20:18;27:13; 48:9;54:6;55:6,12; 61:12;72:14;96:9; 103:17;112:17; 137:2;139:5;172:9; 174:13;181:4,22,24; 185:5	<b>Joint (4)</b> 152:2;172:9; 173:10;174:11	<b>lack (1)</b> 164:3	<b>leading (6)</b> 33:18;78:3;100:17, 18;148:20;187:22
<b>inhibit (1)</b> 38:8	<b>intrusion (2)</b> 85:8;143:22	<b>Jordan (1)</b> 42:17	<b>Lancaster (13)</b> 4:14;13:22;14:7; 15:20;36:5;72:11; 101:16;116:24; 121:19;122:16; 130:10;134:11; 140:17	<b>leanings (1)</b> 66:22
<b>in-house (1)</b> 165:3	<b>invest (1)</b> 39:4	<b>joy (1)</b> 141:22	<b>land (44)</b> 17:17;19:12,15; 25:10,11;29:3;44:13; 46:12,14,19,23; 48:10,14;50:21;51:3; 52:18,23;55:15,23, 24;58:7,9,12,21; 59:15,24;60:11,13, 15;61:15,15,19;62:5; 63:2;79:7,92:12; 95:5,12;101:21; 106:2;141:9,10; 173:1;175:23	<b>learned (1)</b> 42:21
<b>initial (2)</b> 11:15;52:2	<b>invested (1)</b> 106:11	<b>judgment (2)</b> 110:19;112:14	<b>land/back (2)</b> 50:21;51:3	<b>learning (1)</b> 142:5
<b>initially (1)</b> 117:4	<b>investment (4)</b> 17:3;24:5;117:15; 145:17	<b>July (1)</b> 52:15	<b>land/front (3)</b> 46:23;48:10;58:7	<b>lease (1)</b> 127:20
<b>input (1)</b> 50:2	<b>involve (1)</b> 155:1	<b>Jump (2)</b> 36:9;138:19	<b>landowner (1)</b> 85:5	<b>least (8)</b> 106:24;128:15; 153:24;157:14,18; 158:16;161:11;170:9
<b>inquired (2)</b> 127:24;137:19	<b>involved (5)</b> 73:15;87:19;101:5; 121:8;135:7	<b>jumping (1)</b> 46:13	<b>landscape (1)</b> 43:23	<b>leave (1)</b> 189:20
<b>inquiries (2)</b> 75:2;132:3	<b>involves (1)</b> 59:20	<b>junkyard (1)</b> 141:15	<b>language (1)</b> 174:6	<b>led (1)</b> 128:2
<b>insight (2)</b> 83:10,13	<b>irrationality (1)</b> 67:1	<b>K</b>	<b>large (9)</b> 16:23;37:14;60:17; 102:22;134:24; 182:8,9,13;184:17	<b>left (4)</b> 167:19;184:21; 185:16,17
<b>instance (3)</b> 13:24;14:6;34:15	<b>irrationally (1)</b> 68:8	<b>Kate (1)</b> 175:12	<b>largely (2)</b> 16:14;77:13	<b>legal (1)</b> 191:8
<b>instead (3)</b> 65:12;66:21;85:2	<b>irrelevant (8)</b> 7:24;12:2;54:4; 66:8;116:13;148:5, 14;150:3	<b>keep (4)</b> 101:9;113:7; 182:15;187:2	<b>larger (3)</b> 35:10;59:18;65:22	<b>lender (1)</b> 121:8
<b>intend (5)</b> 6:18,20;165:1,3; 167:3	<b>issue (11)</b> 11:23;66:3;67:23; 98:20,23;143:24; 144:4;168:12; 188:10,10,12	<b>keeping (2)</b> 22:1;156:2	<b>last (14)</b> 11:14;12:24;82:20; 108:12;109:7; 113:16;130:7,8; 132:23;134:9; 160:15;170:12; 186:10,16	<b>length (3)</b> 9:3;127:11;181:20
<b>intended (2)</b> 85:3;91:21	<b>issues (9)</b> 8:4;14:12;20:19; 50:20;89:11;172:24; 174:18,22;188:20	<b>keeps (1)</b> 169:2	<b>late (2)</b> 180:15;186:10	<b>lengthy (1)</b> 53:4
<b>intends (1)</b> 168:4	<b>items (1)</b> 8:8	<b>kept (1)</b> 130:3	<b>later (3)</b> 38:12;148:6;176:3	<b>less (14)</b> 17:8,9;33:7;36:7; 58:24,24;78:13; 124:19;158:2; 160:21,21;169:8,8; 178:2
<b>intention (1)</b> 33:6	<b>J</b>	<b>key (4)</b> 30:20;51:19;55:16; 140:1	<b>latest (2)</b> 163:4;170:11	<b>lesser (1)</b> 17:17
<b>interest (6)</b> 19:20;68:7;99:9, 17;100:7;135:20		<b>Kidding (2)</b> 42:22;43:3	<b>Lattice (2)</b> 177:7,17	<b>letters (1)</b> 132:10
<b>interested (7)</b> 18:19;30:15,19; 134:10,13;136:10,13		<b>killer (1)</b> 135:1		<b>letting (1)</b> 138:8
<b>interests (2)</b> 14:15;85:5		<b>kind (10)</b> 20:14;37:1;63:14; 65:19;85:12;91:13; 138:19;143:17; 178:24;189:2		<b>level (9)</b> 9:13,15;10:8; 136:16;137:7;163:9, 10,24;184:8
<b>interfere (5)</b> 154:22;167:8,24; 189:17;191:1		<b>kinds (2)</b> 36:12;177:15		<b>leverage (1)</b> 187:4
<b>interject (1)</b> 66:1		<b>knew (3)</b> 104:17,19;137:9		<b>license (1)</b> 143:10
<b>interrupt (3)</b> 36:17;45:11;82:17		<b>knowing (2)</b> 85:11;131:22		<b>licensed (5)</b> 88:16,20;89:6; 143:7;185:4
<b>interruptions (1)</b> 160:13		<b>knowledge (1)</b> 55:11		<b>licensure (1)</b> 143:6
<b>interrupts (3)</b> 76:6;91:6;110:14		<b>known (2)</b> 84:13,13		
<b>intervening (1)</b> 106:6		<b>knows (4)</b> 24:1;55:10;57:3;		

<p><b>lies (1)</b> 60:15</p> <p><b>life (1)</b> 101:6</p> <p><b>light (1)</b> 146:17</p> <p><b>likely (1)</b> 124:4</p> <p><b>limit (2)</b> 116:18;131:6</p> <p><b>limitation (1)</b> 174:7</p> <p><b>limited (3)</b> 16:23;46:14,14</p> <p><b>line (67)</b> 10:12,18;20:21; 26:24;27:17;28:19, 22;29:10,10;30:4; 32:10,11;34:5;35:2; 7;41:3,19;43:6;48:7; 60:1,4,6,8;65:2,23; 66:7;72:1;76:23; 78:22;79:13;84:2; 90:18,21,22;91:1,10; 92:20;93:2,11,11,16, 16,17;135:12;143:15, 19;155:5;156:11,12; 157:19;158:8,9,10, 11,12,19;173:16; 178:4,6,7,10,12,14, 18;179:2,7,20</p> <p><b>lines (25)</b> 10:19,21;41:6; 42:20;64:2,7,9,24; 65:19;66:9;79:8; 87:12;88:8;90:3; 92:21;93:2;140:11; 166:19;171:24; 172:5;173:4,18,20; 174:1,8</p> <p><b>list (6)</b> 36:24;37:5;38:15, 20;107:11;117:9</p> <p><b>listed (14)</b> 26:14;72:22;102:8; 103:20,22;109:18; 117:4;119:23; 123:17;125:17; 128:6;129:5;131:13; 137:9</p> <p><b>listing (12)</b> 37:3;72:23;74:2; 101:24;102:3,11; 121:7,10;126:5; 127:15;128:1,18</p> <p><b>listings (1)</b> 36:9</p> <p><b>literature (2)</b> 87:9;95:10</p> <p><b>little (25)</b> 13:4,6;17:8,8;23:4; 24:24;25:2;31:1; 36:10;45:8;57:20,23;</p>	<p>59:11;64:18;95:19; 103:17;130:16; 134:9;138:20;143:5; 145:5;157:4;158:7; 175:18;177:10</p> <p><b>Littleton (2)</b> 36:6;71:2</p> <p><b>live (6)</b> 9:18;14:24;65:8; 90:7;141:19;189:2</p> <p><b>lived (1)</b> 15:3</p> <p><b>lives (1)</b> 60:1</p> <p><b>living (4)</b> 77:14,20;119:20, 20</p> <p><b>load (2)</b> 184:23,24</p> <p><b>lobbying (1)</b> 183:23</p> <p><b>local (16)</b> 13:8;14:16,19,20, 20,21,21,22,23;16:2, 12,22;17:20,21;31:5, 19</p> <p><b>locate (1)</b> 52:9</p> <p><b>located (6)</b> 13:19;17:24;71:22; 102:20;172:5,8</p> <p><b>locating (1)</b> 172:1</p> <p><b>location (11)</b> 10:13;18:9;19:3; 132:16;135:15; 160:12;163:6; 174:23;178:7;180:2; 188:2</p> <p><b>locations (1)</b> 157:11</p> <p><b>Logan (1)</b> 23:1</p> <p><b>logistical (1)</b> 185:13</p> <p><b>logistics (1)</b> 151:24</p> <p><b>long (8)</b> 79:18;155:16; 160:20,22;181:19; 182:11,21;185:6</p> <p><b>longer (9)</b> 60:9;62:13;66:19; 84:8,21;106:9; 128:18;158:15; 163:21</p> <p><b>long-term (3)</b> 162:9;168:18; 169:4</p> <p><b>look (39)</b> 6:20;8:8;18:12,13; 23:6;24:21;37:7; 39:2;47:7;67:9;71:1,</p>	<p>16;77:9,22;78:12; 79:9,20;85:2;87:18; 94:4;104:14;105:1; 106:21;112:10; 121:16;123:12; 128:3;132:6;137:5; 139:6,7,9,10;148:18; 149:21;163:17; 166:18;177:9;182:4</p> <p><b>looked (9)</b> 34:6;62:11;123:13; 128:12,13;148:3; 149:16;172:12,14</p> <p><b>looking (34)</b> 8:15;9:11;15:22; 18:4,21;21:9;23:11; 36:14;45:7;48:14; 50:6;52:19;55:3,11; 64:5;65:16;66:5; 71:10;75:23;79:5; 107:11;108:6; 114:10;121:20; 128:9;134:10; 157:18;158:14; 160:8;162:12;164:8; 167:7,10;185:16</p> <p><b>lookout (2)</b> 25:2,4</p> <p><b>looks (7)</b> 12:12;39:24;67:11; 134:3;158:6;167:10; 176:17</p> <p><b>Loon (1)</b> 23:5</p> <p><b>lose (1)</b> 144:24</p> <p><b>losing (2)</b> 162:5,6</p> <p><b>loss (13)</b> 25:7;32:1,13,17; 41:2;95:2;96:14; 104:5;118:17; 126:15;129:11; 133:9;138:11</p> <p><b>lost (2)</b> 131:2;161:24</p> <p><b>lot (30)</b> 9:3;11:10,11; 29:14,18;30:4;46:17; 57:19;58:4;59:24; 60:7;61:9,10,13;62:2, 2;77:2;102:14; 103:19;105:15; 106:7;117:9;118:11; 129:19;139:13,20,21; 169:7;185:22;189:24</p> <p><b>lots (17)</b> 29:12,20;47:15,22; 48:7;103:11,14; 105:14;109:2; 139:13;146:24; 148:15,16,23;149:1, 10;171:4</p>	<p><b>lot-size (1)</b> 58:3</p> <p><b>loud (1)</b> 33:19</p> <p><b>love (1)</b> 177:19</p> <p><b>lovely (1)</b> 29:2</p> <p><b>low (4)</b> 12:2;24:11;66:11; 105:9</p> <p><b>lower (2)</b> 145:2;163:23</p> <p><b>lump (2)</b> 105:21;148:15</p>	<p><b>market (87)</b> 9:13;13:14,14,22; 14:6,8;15:5,6,7,11; 16:1,6,13,15;18:12; 19:8,8;22:6,9,10,22, 24;30:22;31:4;33:21, 22;35:13;36:2,7; 37:14,15;38:10; 39:13;47:21;48:17; 53:14;54:11;64:3,5; 68:1,2,13;70:24; 77:1;78:5,14,21; 79:17;80:18,20,24; 81:4,6;82:6;94:8,8; 96:12;103:12; 104:24;105:23; 110:17;111:13; 115:16;116:5;118:4; 121:19;124:16; 125:6,23;126:3; 130:19;131:1,10; 133:2,8,10,16;140:8, 22;142:11,19; 144:23;145:2,4,16; 149:18;150:13</p> <p><b>marketability (3)</b> 48:7;54:7;140:2</p> <p><b>marketing (3)</b> 22:11;35:8;68:23</p> <p><b>marketplace (6)</b> 9:6;35:15;38:1; 67:14;97:8;149:12</p> <p><b>markets (17)</b> 13:8,13,15,17,18; 14:4,15,19;16:17; 18:24;30:24;31:5,9, 20;36:21;67:7;71:6</p> <p><b>Martin (1)</b> 4:14</p> <p><b>material (2)</b> 48:19;154:5</p> <p><b>materials (1)</b> 156:9</p> <p><b>matter (7)</b> 4:24;24:11;90:13, 18;92:3;162:21; 171:10</p> <p><b>maximize (1)</b> 116:7</p> <p><b>may (52)</b> 6:1;7:8;15:14; 17:3;18:13;22:17; 28:3;29:5,6;33:12; 36:12;37:16;40:3; 44:11;52:1;58:19; 67:10;71:2,16;73:4; 74:20;79:4;82:3,5; 90:13,13;92:2,3,24; 93:11;94:18;95:19; 98:12;112:12;118:7, 10;119:15;121:5,24; 130:22,24;133:13; 134:19;135:16,17;</p>
--	---	--	--	--

**M**

**maintain (1)**

10:7

**maintaining (1)**

169:1

**maintenance (2)**

154:10;167:17

**major (2)**

88:18;157:24

**majority (1)**

21:8

**makes (5)**

8:2;51:21;58:13;

68:16,17

**making (7)**

66:6;81:3;118:11;

155:22;182:7,8;

186:24

**manage (1)**

60:13

**management (2)**

59:21;60:11

**Manchester (1)**

23:4

**mankind (3)**

66:20,21;67:20

**manufacturing (6)**

167:20;176:8,17;

180:17;184:20;186:4

**Many (14)**

13:11;22:21;27:10;

50:8;87:16;93:14,17;

94:16;115:10;

127:15;132:16,17;

135:3,4

**map (3)**

45:7;175:14;

185:17

**maps (2)**

162:24;163:4

**mar (1)**

42:24

**March (1)**

109:19

**marked (2)**

5:5;114:14

<p>136:20,22;152:24;                  162:6;163:15,15;                  181:17  <b>Maybe (6)</b>                  57:1;71:16;144:22;                  166:24;176:2;187:5  <b>Meadow (1)</b>                  4:14  <b>mean (28)</b>                  15:10;20:11,15;                  32:17;40:23;55:18;                  58:19;83:11;104:15,                  17;110:4,20;111:14;                  121:23;160:24;                  163:16;170:2;173:8;                  177:8,9;181:15;                  182:2,18;184:15;                  185:24;188:10,24;                  191:13  <b>means (7)</b>                  10:1;110:13;112:3;                  122:1;158:15,20;                  169:8  <b>meant (2)</b>                  10:1;73:19  <b>measurable (1)</b>                  48:6  <b>measure (2)</b>                  96:13;131:3  <b>measured (1)</b>                  32:3  <b>measuring (1)</b>                  20:4  <b>meet (3)</b>                  64:15;97:22;142:9  <b>meeting (1)</b>                  169:3  <b>meets (1)</b>                  20:13  <b>members (5)</b>                  43:19;134:5;175:4,                  8;187:8  <b>Memorandum (3)</b>                  153:18;159:13;                  171:17  <b>Menard (68)</b>                  46:3,5,8;47:16,18;                  48:11,13,24;49:4,12,                  17;50:18;51:10;52:6,                  7,11,13;53:19;54:1,2,                  20;55:4,14,21;56:7,                  12,16,23;57:12,16;                  61:3,6;62:12,16,22,                  23;63:17,22;69:19,                  20;73:13,21;74:14,                  15,17;75:17;76:4,13;                  80:4,6;81:21,22;                  82:1,83:21;85:14;                  98:1,8,9,10;99:4;                  108:4;117:2;119:7;                  145:20,22;146:3,6,11  <b>mention (3)</b>                  24:13;29:11;149:7</p>	<p><b>mentioned (21)</b>                  30:9;32:6;34:13,                  22;35:5;37:19;77:16,                  18;82:8;119:15;                  137:1;160:18;164:2;                  169:18;171:15;                  173:14,15,24;184:11;                  189:8;190:7  <b>met (1)</b>                  160:9  <b>metal (1)</b>                  177:6  <b>metals (1)</b>                  181:4  <b>method (1)</b>                  94:7  <b>Methodologically (2)</b>                  64:10,12  <b>methodology (10)</b>                  8:4;47:1;49:6;                  51:12;56:2,10;66:2,                  3;69:15;94:3  <b>methods (1)</b>                  66:21  <b>microburst (1)</b>                  60:6  <b>microphone (2)</b>                  4:17;134:4  <b>middle (1)</b>                  144:1  <b>might (22)</b>                  9:18;18:12;24:1,4;                  31:20;37:22;38:10;                  39:8;65:10,13,22;                  68:7;82:14;83:5,11;                  127:17;131:4;                  133:12;141:24;                  162:4,7;181:24  <b>Milan (1)</b>                  36:5  <b>mile (1)</b>                  29:5  <b>miles (4)</b>                  40:16,24;41:12;                  44:16  <b>mind (2)</b>                  24:18;146:23  <b>mine (5)</b>                  6:3;76:21;84:10;                  140:10;158:5  <b>minute (2)</b>                  36:17;151:6  <b>minutes (2)</b>                  171:15;173:14  <b>miscellaneous (1)</b>                  81:23  <b>misinterpreted (1)</b>                  79:4  <b>misjudged (1)</b>                  12:3  <b>misrepresentations (1)</b>                  78:18  <b>miss (1)</b></p>	<p>85:17  <b>missed (1)</b>                  128:15  <b>mistake (1)</b>                  123:19  <b>misused (2)</b>                  12:3;148:13  <b>MLS (1)</b>                  128:19  <b>mobile (1)</b>                  35:1  <b>models (1)</b>                  66:17  <b>modifications (1)</b>                  188:16  <b>moment (5)</b>                  19:23;113:15;                  144:23;157:6;176:13  <b>money (3)</b>                  17:15;103:18;                  118:11  <b>monopole (3)</b>                  177:16;178:1;                  179:16  <b>MONROE (2)</b>                  192:22,24  <b>month (2)</b>                  66:13;161:6  <b>months (5)</b>                  40:15;72:23;78:24;                  100:20;160:15  <b>more (34)</b>                  12:7;13:11;17:8,                  21;28:9;30:15;44:2;                  50:16;57:8;65:23;                  67:4;70:21;77:4;                  78:7;79:14;81:23,23;                  97:5;99:4,24;103:18;                  149:13;158:2,14,16,                  17,18;160:19;                  163:12;165:7;                  178:11;183:23;                  184:1,18  <b>morning (2)</b>                  32:21;136:6  <b>most (14)</b>                  31:13;36:10;51:24;                  99:21;105:18;                  135:14;153:1,14,20;                  154:14;169:2;                  176:22;177:10;                  183:14  <b>mostly (1)</b>                  182:3  <b>motions (1)</b>                  98:19  <b>MOU (6)</b>                  168:8;181:22;                  182:1,4;186:7;                  188:19  <b>Mount (1)</b>                  79:10  <b>mountain (1)</b></p>	<p>29:16  <b>mountains (2)</b>                  24:16;42:15  <b>mouth (1)</b>                  113:7  <b>move (13)</b>                  23:2,3;74:16,22;                  113:8;116:21;                  176:19;178:8;                  182:16,22;184:16,19,                  24  <b>moved (6)</b>                  155:8;170:21;                  178:16;179:8,15;                  180:6  <b>MPC (1)</b>                  112:13  <b>much (19)</b>                  12:4;35:10;36:9;                  77:4;102:15;133:22;                  137:21;141:17;                  148:1;149:2;156:14,                  24;161:5,6;163:15;                  177:13;179:5;                  181:15;186:2  <b>multiple (3)</b>                  138:23;139:13;                  185:12  <b>multiply (1)</b>                  148:22  <b>multiplying (1)</b>                  139:19  <b>Muni (2)</b>                  39:17;152:2  <b>myself (3)</b>                  35:24;75:4;147:21</p>	<p>91:1;136:9;188:1  <b>necessary (1)</b>                  115:20  <b>neck (2)</b>                  164:9,10  <b>need (19)</b>                  11:12;24:2;37:17;                  50:2;51:16;56:22;                  83:1;95:15;112:10;                  144:4;146:20;148:2;                  150:13,14;154:8;                  156:19;169:3;183:5;                  187:3  <b>needed (1)</b>                  101:9  <b>needing (1)</b>                  71:18  <b>NEEDLEMAN (28)</b>                  10:22;27:19;45:10;                  48:18;49:9,11;51:24;                  53:16;62:7;63:5;                  69:7;73:8;74:10;                  75:11;81:18;83:15,                  19;85:21;99:19,21;                  146:8;147:8;171:6,8,                  9,12,14;175:2  <b>Needleman's (2)</b>                  50:9;147:7  <b>needs (7)</b>                  38:2,3,4;115:21;                  116:5;160:10;192:11  <b>negative (3)</b>                  22:2;23:19;140:12  <b>negatively (3)</b>                  30:1;44:11;91:23  <b>neglected (1)</b>                  79:9  <b>negotiated (1)</b>                  115:10  <b>neighbor (1)</b>                  93:23  <b>neither (1)</b>                  137:19  <b>New (39)</b>                  4:14;8:19;9:23;                  11:17;15:15,15,16,                  18;22:14;23:3;26:9;                  27:21;30:21;31:3,5,9,                  11,12;40:17,19;41:3;                  43:20;49:15;62:9;                  65:22;88:21;89:6;                  90:21;118:12;                  132:12;135:9;158:3,                  22;159:14;160:7;                  173:16;178:5,11;                  190:9  <b>next (12)</b>                  29:8;47:17;71:22;                  118:14;136:4;145:1;                  158:3;176:11,13;                  186:7;192:19,20  <b>nice (4)</b>                  29:16,16;35:1;40:9</p>
<b>N</b>				
			<p><b>name (11)</b>                  4:12;12:16;34:23;                  86:8;108:12,16,19;                  109:3,7;151:15;                  176:12  <b>name's (1)</b>                  162:19  <b>narrative (1)</b>                  11:4  <b>narrow (3)</b>                  22:10,19,20  <b>narrowed (1)</b>                  77:23  <b>natural (4)</b>                  9:8;28:8;90:11;                  92:1  <b>nature (5)</b>                  36:14;49:19;81:11,                  24;103:19  <b>near (2)</b>                  13:19;17:15  <b>nearby (1)</b>                  64:4  <b>necessarily (3)</b></p>	

<p><b>night (2)</b> 23:2;185:10</p> <p><b>nightmare (1)</b> 185:13</p> <p><b>nilly (1)</b> 191:16</p> <p><b>Nobel (2)</b> 66:15;67:1</p> <p><b>nobody (3)</b> 132:20;133:14; 140:15</p> <p><b>non-benign (1)</b> 84:19</p> <p><b>none (2)</b> 41:13,14</p> <p><b>non-qualified (2)</b> 138:22,24</p> <p><b>nor (2)</b> 65:19;112:17</p> <p><b>norm (1)</b> 70:22</p> <p><b>North (16)</b> 10:11;17:5;18:2; 23:10;40:17,24;43:8; 55:9;67:9;69:3; 86:19;87:21;89:21, 23;90:18;122:16</p> <p><b>Northern (104)</b> 12:23;13:9;20:5, 21;21:5,9,17,18; 22:14,19;23:15;24:8; 25:6,8,14;26:1,9,17, 21;27:17;28:18; 29:22;31:5,6,11,12, 22;32:2,34:5;36:20; 37:6;38:18;39:1,9, 11;43:20;73:1,3; 84:23;87:4;91:2; 92:7,8;96:19;103:10; 104:6,21;105:11,19; 106:16,19;111:21; 112:16;115:3; 123:16;126:8,19; 127:5,9,22;128:22; 129:5,11;130:4; 132:5,14;133:17; 134:14,20;135:16; 138:13;139:24; 141:3;142:20; 143:13,20;152:18; 153:11,21;154:23; 155:12;157:1,10; 159:2,13;160:1,14, 161:15,20;164:4,11, 12,22;165:4;166:1; 168:5,17,24;169:20; 177:3;178:6;186:10; 190:11,22</p> <p><b>Northumberland (1)</b> 90:23</p> <p><b>notation (2)</b> 112:12;123:7</p> <p><b>Notch (1)</b></p>	<p>23:6</p> <p><b>note (7)</b> 47:19,23;94:9,24; 117:13;126:15; 130:11</p> <p><b>noted (7)</b> 107:21;108:11; 114:23;117:15,19; 122:21;128:8</p> <p><b>nothing's (1)</b> 133:19</p> <p><b>notice (3)</b> 180:24;181:15,18</p> <p><b>November (5)</b> 152:4,16,23;183:9; 193:8</p> <p><b>NP (5)</b> 90:13;91:24;92:3; 95:1,2</p> <p><b>NPT (3)</b> 82:11;118:18,18</p> <p><b>nudge (2)</b> 68:6,11</p> <p><b>nudges (1)</b> 68:12</p> <p><b>number (15)</b> 18:23;26:7;34:3; 61:4;78:2;87:15; 102:6;105:22; 113:16;128:13; 149:8,9;170:14; 174:7;176:5</p> <p><b>numbering (1)</b> 175:20</p> <p><b>numbers (2)</b> 96:5;127:11</p>	<p>82:18</p> <p><b>obviate (1)</b> 51:24</p> <p><b>obviated (1)</b> 52:3</p> <p><b>obviously (10)</b> 27:9;32:3,8; 120:21,22;139:5; 154:9;182:23; 188:11,19</p> <p><b>occasion (3)</b> 15:17;36:8;186:2</p> <p><b>occasional (2)</b> 101:10,11</p> <p><b>occasionally (1)</b> 100:19</p> <p><b>occupy (1)</b> 58:14</p> <p><b>occur (1)</b> 157:21</p> <p><b>occurred (4)</b> 5:23;17:4;62:24; 63:4</p> <p><b>October (1)</b> 42:20</p> <p><b>off (27)</b> 6:21;7:7;8:6;11:5; 12:5,8;40:1,2;45:16; 46:11,13;51:22; 86:13;96:12;98:17; 136:14;151:5,7; 154:11;158:24; 160:19;178:21; 185:5;189:13,20; 191:18;192:1</p> <p><b>offended (1)</b> 33:2</p> <p><b>offensive (1)</b> 140:19</p> <p><b>offer (5)</b> 38:12,12;55:3; 82:2;83:12</p> <p><b>offered (5)</b> 79:21;82:7;142:2, 7;160:16</p> <p><b>offering (2)</b> 89:20;125:16</p> <p><b>office (8)</b> 113:12,13;115:18; 122:18;127:14; 128:1;167:18;182:6</p> <p><b>often (6)</b> 22:5,12,24;58:13; 66:24;83:6</p> <p><b>old (4)</b> 66:5,17;121:24; 139:9</p> <p><b>Oldenburg (3)</b> 180:11,12;181:9</p> <p><b>omitted (1)</b> 78:2</p> <p><b>Once (4)</b> 19:10;24:21;36:4;</p>	<p>184:7</p> <p><b>one (90)</b> 16:13;19:2;27:13; 35:1;41:19;43:19; 44:1,5;51:1,8;53:12; 54:9;56:10;64:11; 65:5,9;69:24;74:18; 77:6;79:5;80:5;82:9, 21;94:10;102:2,7; 111:6;113:15; 116:13;119:12; 120:24;121:9; 125:23;128:5;130:2, 2;131:3,7;132:6; 135:10;137:3; 142:14;143:4; 144:16,16;145:9,23; 146:23;147:3;148:1; 149:21;150:2,3; 153:15;154:18; 155:4,7;156:4; 157:19;158:6,13; 160:4;166:3,7,13; 168:9,23;170:22; 172:21;175:16,23; 176:1,4,11,13; 178:14;179:20; 182:3;183:20; 184:19;186:16; 188:5,14;189:20,21, 22;190:3;191:19; 192:8,10</p> <p><b>ones (9)</b> 34:12;103:17,17; 152:24;153:1; 157:24;158:5,8; 179:12</p> <p><b>ongoing (3)</b> 98:19;163:12; 165:24</p> <p><b>only (21)</b> 22:11;34:10;37:23; 42:7;48:17;59:8; 62:15;64:1;65:9; 66:13;79:5;80:11; 87:23;93:1;101:8; 105:13;149:23; 160:12;163:9,23; 184:3</p> <p><b>onto (2)</b> 186:1,2</p> <p><b>open (2)</b> 42:2;168:12</p> <p><b>operate (2)</b> 172:5;173:9</p> <p><b>operating (2)</b> 171:21;174:20</p> <p><b>operation (4)</b> 167:9;168:1,16; 173:4</p> <p><b>operations (1)</b> 181:13</p> <p><b>opinion (18)</b></p>	<p>14:5;26:7;27:16, 22;28:9,10;30:16; 55:3,4;58:6;62:9; 110:21;136:11; 137:15;142:22; 188:21;191:8,9</p> <p><b>opinions (5)</b> 12:1;46:20;61:23; 89:20;94:4</p> <p><b>opportune (1)</b> 183:14</p> <p><b>opportunities (1)</b> 186:17</p> <p><b>opportunity (5)</b> 19:16;47:6;56:9; 74:5;148:10</p> <p><b>oppose (2)</b> 90:17,23</p> <p><b>opposed (2)</b> 124:14;149:13</p> <p><b>opposing (3)</b> 91:7;92:6;99:11</p> <p><b>order (12)</b> 8:9;38:7;39:2; 70:22;71:4;95:15; 105:16;133:2;156:6, 19;166:22;185:7</p> <p><b>ordinary (1)</b> 22:8</p> <p><b>organization (1)</b> 103:22</p> <p><b>organized (1)</b> 182:13</p> <p><b>original (12)</b> 11:2;48:20;49:13; 50:8,12;56:5;81:20; 154:19;157:9; 168:22;175:23;192:4</p> <p><b>originally (2)</b> 62:10;117:20</p> <p><b>others (3)</b> 13:11;24:4;52:1</p> <p><b>otherwise (7)</b> 29:2;38:10;39:12; 44:2;60:14;64:8,16</p> <p><b>ours (3)</b> 42:24;67:21;176:7</p> <p><b>out (56)</b> 6:14;7:7;11:21; 12:7;17:16,17;22:8, 13;23:1;28:9;45:3; 47:9;59:24;61:20; 64:11;65:10,12; 69:24;70:4;71:10; 72:3;76:21;77:9; 78:3;81:15;83:24; 120:17;122:1;123:3, 5,8,11,23;124:8,22; 125:8;126:11,24; 132:13;134:18; 135:24;137:14; 148:3,22;154:12; 156:12;157:5;161:6;</p>
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162:24;166:7; 174:19;175:18; 178:24;182:23; 184:7;188:8 <b>out-of-the-ordinary (1)</b> 10:2 <b>outside (3)</b> 19:12;59:5;70:22 <b>outstanding (1)</b> 169:14 <b>over (21)</b> 36:4,4,9;45:4; 57:13;77:21;79:18; 87:14;100:19,19; 102:5;124:3;140:17; 149:22;156:2,7,15; 158:20;160:14; 176:11;184:5 <b>overall (5)</b> 9:8;43:11;103:9; 129:17;140:13 <b>overburden (1)</b> 191:10 <b>overburdening (1)</b> 191:15 <b>overhead (1)</b> 191:23 <b>over-improved (1)</b> 118:10 <b>overpaid (3)</b> 118:8;130:22; 131:1 <b>overpay (3)</b> 144:20,22;145:13 <b>overrule (1)</b> 100:9 <b>Overruled (1)</b> 28:11 <b>overview (1)</b> 47:10 <b>own (7)</b> 27:7;35:11;42:13; 43:9;54:5;58:12; 175:22 <b>owner (2)</b> 102:5;109:8 <b>owners (2)</b> 130:22;140:21 <b>owner's (1)</b> 109:7 <b>ownership (4)</b> 58:17;59:8;60:20; 79:6 <b>owns (2)</b> 124:19;176:13	15;192:14 <b>pads (1)</b> 188:3 <b>Page (47)</b> 7:14,20;40:21; 41:7;47:17;48:2; 51:4,20;52:15;54:17; 56:21;57:14;62:14; 63:19,20;69:21; 76:15,16;80:8,9; 90:9;91:17,18,20; 92:13,23;94:5,21; 95:21;101:17;103:8; 104:4;107:3;113:10; 116:22;117:23; 118:16;119:12; 120:20;121:16; 122:17;126:14; 130:10,12;166:10,13; 173:24 <b>paid (3)</b> 110:10;145:15; 163:11 <b>pain (4)</b> 39:13;42:12;164:9, 10 <b>Pam (1)</b> 193:2 <b>PAPPAS (15)</b> 6:17;12:12,13,15, 17;27:23,24;28:13, 14;55:8;64:17; 162:16,18,20;187:20 <b>Pappas's (1)</b> 189:5 <b>paragraph (8)</b> 90:10;92:14,18; 94:6,9,14;172:22; 174:12 <b>paraphrased (1)</b> 92:24 <b>paraphrasing (1)</b> 140:3 <b>parcel (17)</b> 59:13;94:17; 102:13,20;103:9; 105:18,20;106:15; 107:4,24;118:6,7; 126:16;129:14; 130:12,23;157:7 <b>parcels (4)</b> 101:20;104:11; 175:15,23 <b>Pardon (1)</b> 70:10 <b>park (9)</b> 35:1;141:15; 175:24;176:4;179:3; 185:8,15;186:2,6 <b>parking (3)</b> 184:21;185:1,21 <b>part (28)</b> 21:6;31:17;35:14;	37:15;45:14;51:17, 18;56:4,5;67:22; 70:7;73:14;84:9; 87:8;88:1;113:18; 115:6;119:8;121:9, 12;131:21;133:7,8; 135:15;144:7;170:8; 178:22;179:2 <b>participate (1)</b> 16:13 <b>participation (1)</b> 104:23 <b>particular (41)</b> 46:12;47:20,22; 61:12;75:7;91:2,5,7, 8;92:22;93:8,9,10,13; 94:17;101:18; 102:13,23;104:12,16; 105:9,15;107:16; 109:13;114:1,10; 121:22;126:16,22; 128:5;129:14; 130:22;131:19; 133:5;135:6;138:17; 140:9;149:1,20; 153:23;159:8 <b>particularly (3)</b> 112:17;134:18; 135:14 <b>parties (6)</b> 99:8,11,23;100:1, 3;172:23 <b>parts (2)</b> 47:14;154:10 <b>party (2)</b> 45:22;105:22 <b>Pass (96)</b> 20:21;21:6,9,17, 18;22:20;23:15;24:8; 25:7,8,14;26:1,17,21; 27:17;28:18;29:22; 31:6,22;32:2;34:5; 36:21;37:6;38:18; 39:1,9,11;73:1,3; 84:24;87:4;91:3; 92:7,8;96:19;103:10; 104:6,22;105:11,20; 106:16,19;111:21; 112:16;115:3; 123:16;126:8,19; 127:5,10,23;128:22; 129:5,11;130:4; 132:5,14;133:17; 134:14,20;135:16; 138:13;139:24; 141:3;142:20; 143:13,20;152:18; 153:11,21;154:23; 155:12;157:2,11; 159:2,13;160:1,14; 161:15,20;162:15; 164:4,11,12,22; 165:4;166:1;168:5,	17;169:1,20;177:4; 178:6;186:10; 190:12,22 <b>passed (1)</b> 93:23 <b>Pass's (1)</b> 20:5 <b>past (8)</b> 80:15;83:1;100:19, 20;116:16;130:20; 145:10;186:22 <b>paths (1)</b> 50:24 <b>patience (1)</b> 150:24 <b>Patty (1)</b> 138:4 <b>pay (4)</b> 17:8,10;23:23; 93:19 <b>paying (1)</b> 163:14 <b>payment (1)</b> 161:17 <b>Peabody (1)</b> 34:15 <b>peaceful (1)</b> 33:3 <b>peak (2)</b> 118:4;130:18 <b>Pemi (1)</b> 85:17 <b>pending (2)</b> 80:2;98:18 <b>people (50)</b> 9:5;11:11;14:20; 15:14,22;16:22,23; 17:9;22:5,9,21;23:7; 33:5,20;34:1;35:18; 43:13,17;44:7,9; 50:22;59:17;61:11; 67:13;68:6,11;74:19, 24;76:11;82:22;83:3; 85:6,10;93:18,19; 94:18;96:15,18; 127:12;128:2;135:4; 137:4;141:19; 146:18;151:24; 152:1;162:12; 163:16;177:11;185:3 <b>people's (1)</b> 27:6 <b>per (6)</b> 103:18;105:8; 107:8,15;121:21; 160:7 <b>per-acre (2)</b> 139:19;148:21 <b>perceived (1)</b> 29:10 <b>percent (16)</b> 25:9,9;95:3,4,5,11, 11;96:14;104:4;	114:24;118:17; 126:15;129:11,18; 133:4;192:7 <b>percentage (3)</b> 21:4;52:22;102:22 <b>perception (1)</b> 127:23 <b>perform (1)</b> 87:8 <b>performing (1)</b> 99:10 <b>perhaps (5)</b> 26:22;31:4;118:10; 141:14;190:21 <b>period (5)</b> 61:11;79:18;82:17; 124:4;155:16 <b>permanent (7)</b> 167:1;168:15; 169:14;189:3,18,19, 20 <b>Permit (1)</b> 166:11 <b>person (2)</b> 132:6;142:16 <b>personally (1)</b> 122:24 <b>perspective (1)</b> 58:18 <b>PETER (4)</b> 4:4,13;151:9,17 <b>phrase (1)</b> 111:10 <b>physical (1)</b> 144:2 <b>pick (1)</b> 190:3 <b>picture (1)</b> 48:12 <b>pictures (2)</b> 71:11;176:16 <b>piece (7)</b> 46:21;55:16,22; 61:24;112:9;134:11; 149:8 <b>pipeline (2)</b> 140:13,17 <b>pits (1)</b> 159:6 <b>Pittsburg (1)</b> 36:13 <b>place (15)</b> 8:23;10:17;33:1; 42:14;59:17;66:10; 67:21;87:24;98:6; 100:16;114:7;115:6; 141:22;149:20; 190:24 <b>placed (1)</b> 106:11 <b>places (3)</b> 16:24;135:4; 141:18
<b>P</b>				
<b>P145 (1)</b> 178:11 <b>Pacik (9)</b> 98:24;99:1;151:11, 13;162:14;187:10,12,				

<p><b>plainly (1)</b> 62:8</p> <p><b>plan (21)</b> 153:20,23;154:14; 155:11,14;157:3,6; 159:1,4;166:3,11,17, 18;167:12,23; 184:21;189:11; 191:22,23;192:1,4</p> <p><b>planned (1)</b> 40:20</p> <p><b>plans (28)</b> 134:22;151:22; 153:10,11,12,14; 157:13;158:22; 159:14;160:7,9,9; 163:22;168:23; 169:19;170:1,3,11, 13,18,19;189:15; 190:9,11,13,14,15; 191:2</p> <p><b>plant (2)</b> 167:20;176:9</p> <p><b>platform (2)</b> 55:23,24</p> <p><b>play (1)</b> 125:7</p> <p><b>please (10)</b> 4:11,20;48:12; 110:8;111:8;121:24; 151:14,16;175:7; 176:14</p> <p><b>pleasure (2)</b> 32:24;141:21</p> <p><b>plot (1)</b> 170:3</p> <p><b>pm (4)</b> 4:2;85:24;86:1; 193:7</p> <p><b>point (35)</b> 7:10;10:23;11:9, 18;22:20;37:9;45:20; 46:13;51:21;52:5,24; 65:9;68:20;110:2; 117:23;125:23,23; 127:20;129:8;134:9; 136:20;137:6; 145:10;159:15; 166:2,3,7;174:21; 178:15;183:20; 185:18;186:7; 190:15;191:13,15</p> <p><b>pole (12)</b> 156:4;157:11; 158:3,9,10,11,16,20; 170:20;179:23; 180:2,6</p> <p><b>poles (13)</b> 67:10;154:20; 155:7,10;157:16,17; 158:7,14;160:13; 174:24;189:9,12; 191:6</p>	<p><b>policy (1)</b> 67:5</p> <p><b>Pond (1)</b> 4:14</p> <p><b>pool (4)</b> 21:14,19,22;23:13</p> <p><b>poorly (2)</b> 33:12;44:2</p> <p><b>population (1)</b> 44:4</p> <p><b>portion (6)</b> 7:11;101:23;103:1; 109:13;140:6;186:24</p> <p><b>portions (2)</b> 35:14;106:24</p> <p><b>Portland (2)</b> 72:19;116:24</p> <p><b>position (9)</b> 49:23;50:10;56:17; 65:13;82:15;112:20; 115:14;124:21; 163:10</p> <p><b>possibility (1)</b> 84:13</p> <p><b>pot (1)</b> 68:22</p> <p><b>potential (9)</b> 21:15,19;30:9; 37:12;39:10;48:16; 79:5,8;143:18</p> <p><b>potentially (6)</b> 37:6;38:17;39:8; 64:6;161:16;174:1</p> <p><b>poured (1)</b> 68:22</p> <p><b>POWELL (60)</b> 4:4,11,13,18;7:5; 11:9,19;12:16;28:15; 39:15;40:9;45:11,20; 46:6;49:24;52:8; 56:9;62:11,19;63:12; 69:11,14;73:14,18; 74:22;75:22;76:1,3, 8;83:18;84:3;86:8; 97:11;98:12;100:12; 110:24;111:3;112:2, 20;122:7;123:21; 124:21;126:7,9; 128:4;131:5;134:7; 138:10;146:16,22; 147:5,9,13,16,20,24; 150:8,11,23;151:4</p> <p><b>Powell's (3)</b> 53:23;55:23;75:20</p> <p><b>power (13)</b> 60:1,4,6,8,12;79:8, 13;84:2;92:11,20; 93:2,16,17</p> <p><b>powerful (1)</b> 178:12</p> <p><b>practical (1)</b> 64:1</p> <p><b>practicing (1)</b></p>	<p>60:11</p> <p><b>predated (1)</b> 172:1</p> <p><b>predict (2)</b> 65:13,21</p> <p><b>prefer (2)</b> 161:2,4</p> <p><b>prefiled (33)</b> 5:4;6:10;14:13; 19:24;20:3;25:5; 26:11;29:12;32:6; 34:2,13;73:11,17,19; 90:9,10;91:20;92:14; 101:14;109:21; 113:10;114:6; 117:24;118:24; 122:17;130:11; 152:3,7,11,15; 154:19;162:22; 173:23</p> <p><b>prehearing (1)</b> 99:5</p> <p><b>prejudices (1)</b> 66:22</p> <p><b>premeditated (1)</b> 54:8</p> <p><b>premise (1)</b> 62:3</p> <p><b>preparation (1)</b> 97:21</p> <p><b>prepare (2)</b> 100:5;138:13</p> <p><b>prepared (7)</b> 6:15;9:2;47:19; 87:11;90:5;97:15; 121:14</p> <p><b>preparing (1)</b> 87:1</p> <p><b>presence (3)</b> 41:3;42:12;93:12</p> <p><b>present (4)</b> 26:15;92:21; 105:20;160:1</p> <p><b>presentation (1)</b> 132:4</p> <p><b>presented (1)</b> 151:22</p> <p><b>presently (1)</b> 86:4</p> <p><b>pretences (1)</b> 135:22</p> <p><b>pretty (11)</b> 63:24;71:6;102:15; 131:6;141:17; 150:19;161:5,6; 166:5;179:5;185:11</p> <p><b>previous (1)</b> 91:17</p> <p><b>previously (2)</b> 106:14;159:12</p> <p><b>price (38)</b> 17:11;20:18;22:12; 23:21,22;24:3,11;</p>	<p>32:4,14;37:3,8;38:19, 22;39:7,10;46:16; 47:24;50:20;51:2; 63:3;68:19;77:1; 78:15;105:8;107:8, 15;117:9;119:16; 121:21,21;132:16; 133:1,11;140:2,8; 148:21;149:2,9</p> <p><b>priced (1)</b> 79:24</p> <p><b>pricing (7)</b> 48:4,15;53:12; 54:11;62:2;127:22; 129:9</p> <p><b>pride (1)</b> 32:24</p> <p><b>primarily (4)</b> 13:2,4;141:4; 153:10</p> <p><b>primary (1)</b> 166:7</p> <p><b>print (1)</b> 94:24</p> <p><b>prior (4)</b> 18:4;53:24;109:10; 120:10</p> <p><b>privacy (2)</b> 19:17;58:12</p> <p><b>private (1)</b> 91:22</p> <p><b>Prize (3)</b> 66:15;67:2;68:3</p> <p><b>pro (1)</b> 101:7</p> <p><b>probably (8)</b> 11:6;17:6;72:5; 85:23;118:2;162:11; 176:7,8</p> <p><b>probate (11)</b> 123:3,5,8,23;124:3, 8,14,22;125:8,14; 126:11</p> <p><b>problem (13)</b> 11:4;29:9;50:1,18; 66:4;126:5;127:22; 129:9;150:9;156:14; 158:3;169:5;186:5</p> <p><b>problems (2)</b> 77:5;153:16</p> <p><b>procedurally (1)</b> 146:10</p> <p><b>Proceed (2)</b> 6:4;40:4</p> <p><b>proceeding (2)</b> 8:7;12:18</p> <p><b>proceedings (4)</b> 5:24;40:14;101:1,1</p> <p><b>process (17)</b> 6:2;39:14;68:14; 82:16,17;85:3,9; 101:1;121:7,9; 123:10;131:21;</p>	<p>144:8;151:1;165:13; 180:17,21</p> <p><b>produce (2)</b> 96:11;139:14</p> <p><b>produced (1)</b> 78:14</p> <p><b>product (6)</b> 169:7;182:14,22; 186:16,17;189:8</p> <p><b>products (4)</b> 155:21,22;180:17; 182:8</p> <p><b>professional (3)</b> 88:7,10;90:1</p> <p><b>profit (1)</b> 162:6</p> <p><b>profits (1)</b> 161:24</p> <p><b>program (7)</b> 82:2,7,8,9;142:8, 15;161:16</p> <p><b>progressed (1)</b> 166:2</p> <p><b>project (34)</b> 8:10;10:10,16; 21:18;24:8;26:1; 29:22;31:22;32:3; 40:17;46:19;75:21; 80:13;96:10;99:12; 106:6;107:24;135:1, 5,17;140:1;142:17; 151:21;153:22; 155:13;159:2;160:7; 161:10;162:24; 163:4;186:18;187:1, 24;188:22</p> <p><b>Project's (1)</b> 188:24</p> <p><b>promise (1)</b> 159:18</p> <p><b>proof (1)</b> 165:7</p> <p><b>properties (48)</b> 13:3;26:16;34:3,8; 35:5,7,13,16;36:12, 20;57:18;64:4,5,8; 71:24;77:24;80:11, 12,20;81:2,7,15;82:3; 83:3;86:22;87:6; 96:10;102:1;104:18; 116:10;120:1,15; 122:8;138:17,22,23; 139:6;140:5,12,24; 141:7,7;142:9; 143:15;144:18; 150:14;175:15,19</p> <p><b>property (185)</b> 8:10,15;9:10,11; 15:1,12;16:8;20:5,10, 12,14;21:8,17,20,24; 22:3,17,19;23:14,17; 24:9,13,24;25:3,6,7, 17,20;26:1;27:16;</p>
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28:6,17;29:14;31:23; 32:2,4,7;33:4,16; 35:2,21,22;37:1,5,10, 19;38:5,8,16,17;39:8; 41:2,2,17;42:14; 43:9;45:7;57:21; 60:11,20;68:23; 71:15,23;72:22;73:4; 75:8,21;77:8,21;78:9, 12;79:10,12,18; 80:18,23;81:7;82:6; 83:8;87:12;89:12; 90:12;91:22;92:2; 93:21;94:9;95:1; 96:3;101:16,19; 102:8,10,23;103:20; 104:13,16;105:4,6,9, 17;106:9;107:16; 108:9;109:10;112:9; 114:2;116:24;117:4, 14,20;118:22;119:10, 17;121:4,11,14; 122:3;123:2,12,13; 124:19;125:15; 126:4,14,22;127:13, 20,21;128:6,6;129:4, 13,13;130:9,13; 131:8,12,19,24; 132:4,15;133:6; 134:10,11;135:7,15, 21;137:11;138:12; 141:13,23;142:2,8, 15,16;143:24; 144:24;153:13; 154:3,4,7,11;155:18; 158:9,10,12,13; 159:9;160:13; 163:11,17;166:6; 169:11;176:13,20,22; 177:3,14;178:23; 185:5;187:24;188:6, 15;191:10,19	<b>prospect (1)</b> 67:16 <b>protect (2)</b> 10:7;165:15 <b>protecting (1)</b> 156:3 <b>protection (2)</b> 58:15;59:22 <b>provide (7)</b> 19:16;23:13;58:15, 15;96:2;122:15; 156:23 <b>provided (16)</b> 63:24;82:2;95:24; 96:20,22,24;97:13; 101:14;116:22; 132:24;133:3;157:7; 164:5,13,18;192:4 <b>provides (3)</b> 58:11;123:7;165:5 <b>providing (2)</b> 75:20;97:17 <b>proximate (2)</b> 41:10;44:8 <b>proximity (10)</b> 15:3;26:24;27:8; 28:7,21;30:8,11,12; 42:8;141:2 <b>PSNH (5)</b> 102:15;172:4,9,19; 174:12 <b>psychological (1)</b> 66:22 <b>Public (11)</b> 6:15;12:17,20; 27:11;67:5;129:6; 154:13;162:20; 175:12;184:12; 186:22 <b>publicly (1)</b> 97:9 <b>pudding (1)</b> 165:8 <b>Pull (12)</b> 4:20;69:24;70:4; 71:19;76:21;108:16, 23;109:4;119:12; 123:6;156:6,16 <b>pulled (1)</b> 150:4 <b>pulling (2)</b> 81:14;158:20 <b>purchase (8)</b> 16:22;23:14;26:19; 27:7;109:9,11,11; 148:10 <b>purchased (10)</b> 9:24,24;73:7;83:8; 117:20,24;118:9; 130:13;131:8;144:18 <b>purchasing (2)</b> 15:1,2 <b>purple (2)</b>	158:9;178:4 <b>purpose (6)</b> 11:8;39:5;43:1; 80:21;125:2,13 <b>purposes (2)</b> 5:17;124:6 <b>push (1)</b> 105:24 <b>put (21)</b> 24:3;42:23;58:1; 59:5;78:2;133:12,18; 138:16;144:10; 149:2,2;150:17; 157:3;165:14; 171:13;172:15; 175:7;181:22,24; 190:24;191:13 <b>puts (1)</b> 174:7 <b>putting (2)</b> 24:6;158:19	<b>Randolph (1)</b> 36:6 <b>Ranfos (6)</b> 108:13,17,19; 109:2,3,7 <b>range (13)</b> 25:8;29:16;58:5; 95:2,23;96:16,22; 97:16;107:12,19; 133:3;138:11,18 <b>rare (1)</b> 15:17 <b>rarely (2)</b> 19:9;100:19 <b>ratio (1)</b> 185:23 <b>rational (3)</b> 25:19;66:19,23 <b>raw (4)</b> 25:9,11;95:5,12 <b>RE/MAX (1)</b> 117:11 <b>reached (1)</b> 107:23 <b>reaction (1)</b> 77:3 <b>read (9)</b> 34:11;63:23;69:24; 73:17;76:16;90:4; 92:15;135:17;153:11 <b>reading (2)</b> 49:21;109:5 <b>ready (4)</b> 12:12;57:8;86:5; 190:18 <b>reaffirmed (1)</b> 49:23 <b>real (10)</b> 13:8;68:12;86:19; 88:9;89:22;118:4; 130:18;136:24; 143:8,22 <b>reality (2)</b> 83:2,11 <b>realize (1)</b> 146:3 <b>really (23)</b> 8:13;11:17;18:18; 30:19;45:15;89:13; 100:5;129:6;154:12; 156:13;159:18; 163:11;170:3;177:9; 178:23;179:14,16,17; 183:16;184:9; 185:10;186:1;189:24 <b>realm (1)</b> 28:5 <b>realtor (3)</b> 12:23;70:6;143:6 <b>realtors (4)</b> 26:9;33:15;34:16; 35:21 <b>rear (1)</b>	57:19 <b>reason (9)</b> 16:14;48:8;54:2; 71:13;82:21;119:5; 125:12;127:19; 128:12 <b>reasonable (2)</b> 159:22;183:17 <b>Reasonably (1)</b> 102:12 <b>reasons (5)</b> 9:20;42:4;78:1; 89:5;148:15 <b>Rebecca (1)</b> 86:9 <b>recall (17)</b> 14:16;15:8;16:18; 19:17;20:6;21:20; 25:10;32:15;78:21; 104:14;108:1;149:7; 163:1;169:21; 170:10;171:18;174:3 <b>recalled (1)</b> 42:19 <b>received (7)</b> 132:2;153:21; 155:12,15;157:12; 161:19;170:10 <b>recent (8)</b> 5:23;153:1,14,20; 154:14,23;160:15; 169:2 <b>recently (6)</b> 49:22;50:6,16; 51:23;155:12;157:7 <b>Recess (1)</b> 85:24 <b>recitation (1)</b> 10:24 <b>recognize (2)</b> 166:14,16 <b>recommend (1)</b> 38:20 <b>recommendation (3)</b> 39:6,9;106:8 <b>record (10)</b> 40:1,2;45:16; 52:14;61:4,7;128:18; 151:5,7,16 <b>records (2)</b> 128:9,11 <b>recover (1)</b> 162:8 <b>recovery (2)</b> 145:5,6 <b>recreation (2)</b> 44:13;103:4 <b>red (1)</b> 166:18 <b>redirect (3)</b> 145:23;187:11,14 <b>reduce (3)</b> 21:19;24:8,10
		<b>Q</b>		
		<b>qualified (23)</b> 109:24;110:3,4,5,6, 8,15;111:4,11; 112:23;113:4; 114:14,20;124:9,22, 24;125:3,9;126:10, 12;138:21,22;139:16 <b>quality (4)</b> 10:8;11:24;58:13, 14 <b>quantified (1)</b> 96:23 <b>quick (1)</b> 47:10 <b>quickly (3)</b> 47:5;130:6;172:16 <b>quite (5)</b> 52:2;117:7;121:22; 158:4;169:10 <b>quote (1)</b> 43:3 <b>quoting (1)</b> 43:2		
		<b>R</b>		
		<b>radar (1)</b> 143:21 <b>raised (10)</b> 80:7;89:13,14; 152:20;153:3,24; 154:18;160:12; 163:7;189:4 <b>Ramsdell (2)</b> 35:2;136:6 <b>Ramsdell's (1)</b> 137:18 <b>ran (1)</b> 171:24		

<p><b>reduced (2)</b> 21:23;129:14</p> <p><b>reducing (1)</b> 21:14</p> <p><b>reduction (12)</b> 87:3;104:5;114:23; 115:2,8;126:18; 127:2,8;129:18,20; 133:21;136:18</p> <p><b>refer (2)</b> 72:9;172:16</p> <p><b>reference (4)</b> 7:14;43:20;75:19; 114:6</p> <p><b>referenced (5)</b> 43:12;87:16;94:12; 157:15;189:5</p> <p><b>references (1)</b> 76:22</p> <p><b>referencing (1)</b> 109:20</p> <p><b>referred (4)</b> 69:5;74:19,24; 76:20</p> <p><b>referring (6)</b> 25:14;30:14;54:18; 75:16;76:11;141:6</p> <p><b>reflection (1)</b> 111:18</p> <p><b>reflective (1)</b> 96:6</p> <p><b>refusal (2)</b> 82:12,14</p> <p><b>refuse (1)</b> 137:4</p> <p><b>refused (1)</b> 127:12</p> <p><b>refusing (1)</b> 128:2</p> <p><b>refutation (1)</b> 95:15</p> <p><b>refute (1)</b> 95:15</p> <p><b>refuted (1)</b> 95:14</p> <p><b>regard (1)</b> 126:14</p> <p><b>regarding (6)</b> 35:6;53:22;80:17; 145:23;161:20; 172:24</p> <p><b>regards (1)</b> 61:1</p> <p><b>region (11)</b> 8:22;9:4;10:16,20; 18:10;42:10;43:5; 87:21;96:17;140:23; 148:19</p> <p><b>Regional (5)</b> 176:2,21;185:19, 19;186:1</p> <p><b>regions (1)</b> 43:22</p>	<p><b>regulatory (1)</b> 173:5</p> <p><b>rehash (1)</b> 11:15</p> <p><b>reimbursement (1)</b> 161:24</p> <p><b>rein (1)</b> 18:3</p> <p><b>reinforce (1)</b> 105:2</p> <p><b>reiterate (1)</b> 95:9</p> <p><b>rejection (1)</b> 35:6</p> <p><b>rejections (1)</b> 127:12</p> <p><b>relate (2)</b> 6:22;109:9</p> <p><b>related (11)</b> 8:16,22,22;10:15; 62:13;84:9;87:11; 89:15;95:13;99:22; 131:24</p> <p><b>relates (5)</b> 98:16;107:4,8; 114:10;147:16</p> <p><b>relating (4)</b> 76:17;89:11; 126:22,23</p> <p><b>relationship (2)</b> 41:12;172:19</p> <p><b>relative (5)</b> 7:21;64:22;101:2; 130:24;155:5</p> <p><b>relatively (1)</b> 84:15</p> <p><b>relay (1)</b> 74:8</p> <p><b>relayed (2)</b> 34:21;36:19</p> <p><b>release (1)</b> 181:2</p> <p><b>relevance (2)</b> 61:24;98:11</p> <p><b>relevant (7)</b> 9:1;10:19;28:3; 66:19;74:11;87:24; 112:4</p> <p><b>reliability (1)</b> 72:15</p> <p><b>relies (1)</b> 64:14</p> <p><b>relisted (1)</b> 117:11</p> <p><b>relocated (1)</b> 189:10</p> <p><b>relocating (1)</b> 170:17</p> <p><b>rely (1)</b> 165:3</p> <p><b>relying (3)</b> 70:19;72:6;86:18</p> <p><b>remain (4)</b></p>	<p>23:13;89:2;155:9, 10</p> <p><b>remaining (1)</b> 57:24</p> <p><b>remember (8)</b> 19:5;28:15;62:15; 69:10;100:11;111:1; 123:14;137:8</p> <p><b>remembering (1)</b> 150:2</p> <p><b>reminded (2)</b> 45:20;85:22</p> <p><b>removal (1)</b> 183:21</p> <p><b>remove (1)</b> 93:19</p> <p><b>removed (3)</b> 93:18;150:15; 184:1</p> <p><b>render (1)</b> 191:8</p> <p><b>rendered (2)</b> 46:15;58:24</p> <p><b>rented (2)</b> 125:17;126:24</p> <p><b>repeat (2)</b> 4:21;111:7</p> <p><b>repercussions (1)</b> 161:18</p> <p><b>report (12)</b> 8:14;11:2;48:20, 23;49:13,21;50:13; 54:23;81:12,20;88:3, 4</p> <p><b>reportedly (1)</b> 117:16</p> <p><b>Reporter (5)</b> 4:5;76:6;91:6; 110:14;151:10</p> <p><b>reports (3)</b> 87:10;90:5;97:15</p> <p><b>represent (5)</b> 85:5;92:16;157:8; 162:20;171:10</p> <p><b>representation (3)</b> 49:19;71:15;125:5</p> <p><b>representations (1)</b> 73:24</p> <p><b>representatives (2)</b> 152:19;161:15</p> <p><b>represented (3)</b> 73:23;113:11; 146:12</p> <p><b>representing (2)</b> 8:17;36:8</p> <p><b>request (1)</b> 99:7</p> <p><b>requests (1)</b> 121:9</p> <p><b>require (2)</b> 38:5;39:1</p> <p><b>requirements (2)</b> 173:5,10</p>	<p><b>requires (2)</b> 164:7;172:22</p> <p><b>residence (1)</b> 4:13</p> <p><b>resident (1)</b> 89:21</p> <p><b>residential (4)</b> 13:3;41:11,17; 141:11</p> <p><b>resolve (2)</b> 172:24;188:20</p> <p><b>resolved (1)</b> 153:3</p> <p><b>resources (3)</b> 9:8;90:11;92:1</p> <p><b>respect (10)</b> 37:23;96:3;97:13; 104:16;110:16; 128:22;143:13,14; 152:7,11</p> <p><b>respond (7)</b> 7:2;9:7;11:13; 50:7;56:9;82:23;84:3</p> <p><b>responded (3)</b> 12:4;41:5;75:1</p> <p><b>responding (2)</b> 7:12;68:8</p> <p><b>response (10)</b> 6:3;7:13;8:1;29:1; 52:17;68:13;75:20; 77:17;146:24;189:5</p> <p><b>response] (2)</b> 85:19;187:9</p> <p><b>responsibilities (3)</b> 60:23;84:10;116:5</p> <p><b>responsibility (6)</b> 10:6;83:4;84:22; 85:1;112:18,19</p> <p><b>responsible (3)</b> 8:17;149:9;156:1</p> <p><b>rest (2)</b> 91:13;101:6</p> <p><b>restart (1)</b> 52:10</p> <p><b>restricted (1)</b> 60:10</p> <p><b>result (6)</b> 87:4;96:19;105:11; 115:15;136:21; 139:20</p> <p><b>resulting (1)</b> 161:18</p> <p><b>results (1)</b> 150:13</p> <p><b>resume (2)</b> 86:3;193:7</p> <p><b>resumed (2)</b> 4:2;86:1</p> <p><b>retain (1)</b> 181:2</p> <p><b>retained (1)</b> 164:21</p> <p><b>retirement (1)</b></p>	<p>16:7</p> <p><b>retrospective (4)</b> 7:22;64:15,22; 65:15</p> <p><b>return (1)</b> 96:11</p> <p><b>re-valuation (3)</b> 136:11,13;137:8</p> <p><b>reveal (1)</b> 37:12</p> <p><b>review (6)</b> 67:13;74:5;87:10; 88:2;95:9;164:22</p> <p><b>reviewed (6)</b> 86:22;87:15;104:9, 10;106:23;151:22</p> <p><b>reviewing (1)</b> 151:20</p> <p><b>reviews (1)</b> 176:15</p> <p><b>reviewed (1)</b> 68:3</p> <p><b>Richard (1)</b> 66:14</p> <p><b>ridiculous (1)</b> 149:16</p> <p><b>right (77)</b> 6:24;12:10;13:3; 24:3,13,20;37:13; 45:1;50:17;51:13; 57:1,4;59:5;63:21; 73:13;74:4;79:15; 80:2;81:14;82:12,14; 88:15;92:12;93:4; 96:4;101:20;107:10; 109:24;114:4; 117:21;118:1;120:5; 122:13;125:1;128:7; 135:1;137:12,21; 139:23;143:14,20; 144:6;145:3,8,14,15; 147:12;148:11; 150:20;151:3,8; 165:22;167:16,17; 169:1;171:6;172:10, 20;173:1,17,21; 174:9;175:17; 176:22,24;178:8,13, 17;181:8,16;184:17, 22;185:2,2;189:14; 192:12,16</p> <p><b>right-of-way (17)</b> 8:19,20,24;24:17; 83:4,5,7;84:14,18; 102:16;134:15; 143:16,17;154:7; 166:19,22;176:23</p> <p><b>rights (2)</b> 59:8;174:14</p> <p><b>risk (2)</b> 23:24;39:4</p> <p><b>river (3)</b> 29:17;36:10;85:17</p>
--	---	---	---	---

<p><b>rivers (1)</b> 42:15</p> <p><b>Road (12)</b> 4:14;101:15;107:4; 113:9;122:16;139:2; 145:6;179:1;190:3,5; 192:8,11</p> <p><b>roads (21)</b> 137:3;154:22; 166:21,24;167:1,3,7, 22,23;168:20;169:1, 3;170:22;184:12,15; 185:14,15;187:21,22; 188:2;189:14</p> <p><b>rob (1)</b> 33:2</p> <p><b>Robin (1)</b> 185:7</p> <p><b>Roger's (3)</b> 24:15;25:1;132:8</p> <p><b>role (2)</b> 37:20;151:20</p> <p><b>roles (1)</b> 60:23</p> <p><b>rolled (1)</b> 27:13</p> <p><b>rolling (1)</b> 84:24</p> <p><b>room (1)</b> 77:15</p> <p><b>Route (5)</b> 24:14;130:9; 134:10;140:6;154:13</p> <p><b>run (2)</b> 101:13;139:5</p> <p><b>rural (11)</b> 13:14;15:6,7,12, 23;16:1,6,13;17:20; 18:11;19:8</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>Sabbow (2)</b> 151:18,20</p> <p><b>sale (57)</b> 17:4;19:21;32:3; 49:24;50:20;51:2; 53:14;57:13;63:14; 71:2,21;78:3,15; 80:24;105:24;106:1; 109:18,20,22,24; 110:5,6,8,16;111:4, 11;112:3,23;113:4; 114:5,15,20;115:6,7, 15,15;124:9,13,21, 22;125:3,8,9,14,14; 126:1,11,12;127:8; 128:7;131:16; 132:24;142:16; 148:3,5,20;149:23</p> <p><b>sales (50)</b> 8:15;10:14,17; 32:4,14;37:2,8;39:7;</p>	<p>46:17;47:21;48:17; 49:20;62:2,2;63:3; 64:5,7;77:23,23; 78:2;80:20;86:23; 87:2;89:2;94:10; 97:6;102:2;103:13, 19;104:11,15;105:1; 106:8;107:9;108:7; 109:14,16;112:11; 114:3,9;115:10,10; 126:10;139:13; 145:24;148:4,12,18; 149:20;150:1</p> <p><b>same (20)</b> 5:12;13:24;14:11, 11;29:5;31:8,16; 35:24;44:6;45:14; 53:17;63:5;65:2,4, 19;84:21;140:10; 170:13;179:12; 180:20</p> <p><b>samples (1)</b> 96:5</p> <p><b>sampling (2)</b> 159:5,7</p> <p><b>sand (1)</b> 186:4</p> <p><b>sandy (3)</b> 155:18;156:22,23</p> <p><b>Sansoucy (3)</b> 7:22;65:9;66:8</p> <p><b>Sansoucy's (1)</b> 8:12</p> <p><b>satellite (1)</b> 57:17</p> <p><b>satisfaction (3)</b> 141:22;164:16; 169:16</p> <p><b>satisfactorily (1)</b> 154:16</p> <p><b>satisfactory (1)</b> 154:17</p> <p><b>satisfied (3)</b> 68:24;153:23; 165:6</p> <p><b>satisfies (1)</b> 160:2</p> <p><b>satisfy (1)</b> 164:14</p> <p><b>saying (15)</b> 15:24;16:5;20:8; 23:15;26:6;41:21; 91:12;93:9;119:22; 121:24;133:15; 144:22;145:12; 162:9;183:23</p> <p><b>scattered (1)</b> 41:11</p> <p><b>scenery (1)</b> 9:9</p> <p><b>scenic (1)</b> 9:14</p> <p><b>science (3)</b></p>	<p>66:11;67:3;144:10</p> <p><b>SCOTT (10)</b> 151:9,14,17; 162:19;170:24; 171:4,9;175:5; 187:16;192:17</p> <p><b>screen (5)</b> 157:3;163:5; 166:10;170:7;172:15</p> <p><b>search (2)</b> 77:24;144:11</p> <p><b>seats (1)</b> 86:3</p> <p><b>SEC (3)</b> 134:5;147:4;175:8</p> <p><b>second (8)</b> 15:5;16:7;51:18; 94:5;98:17;109:13; 113:8;124:18</p> <p><b>section (6)</b> 41:18,19;90:8; 109:16;114:3;121:23</p> <p><b>seek (2)</b> 15:22;141:24</p> <p><b>seeking (1)</b> 99:13</p> <p><b>seem (5)</b> 53:18;62:13; 134:23;136:15; 137:13</p> <p><b>seems (4)</b> 40:14;50:14; 160:20;182:12</p> <p><b>segment (1)</b> 24:9</p> <p><b>select (1)</b> 20:12</p> <p><b>selecting (1)</b> 80:19</p> <p><b>selectmen (1)</b> 136:23</p> <p><b>self-explanatory (1)</b> 64:1</p> <p><b>sell (23)</b> 24:19;33:6;35:12, 21,22;38:9,16,21; 73:5;96:15,18; 105:13,13,16;106:5, 15,18;112:13; 127:21;139:12; 142:16;149:3;183:13</p> <p><b>seller (8)</b> 37:12;38:16,20; 39:7;48:16;82:10; 113:11;118:1</p> <p><b>sellers (6)</b> 19:15;73:6;82:5; 130:12;133:11; 143:18</p> <p><b>seller's (1)</b> 82:15</p> <p><b>selling (7)</b> 33:6,16;34:24;</p>	<p>36:15;104:19;121:7; 122:19</p> <p><b>sense (7)</b> 8:2;28:21;35:23; 58:17,17;183:12,24</p> <p><b>sensible (1)</b> 105:18</p> <p><b>sent (3)</b> 153:14,18;159:13</p> <p><b>sentence (3)</b> 90:14,16;91:13</p> <p><b>separate (5)</b> 16:18;51:13;60:21; 101:19;103:11</p> <p><b>separately (3)</b> 26:22;112:13,15</p> <p><b>septic (1)</b> 118:12</p> <p><b>series (1)</b> 150:4</p> <p><b>served (1)</b> 82:19</p> <p><b>service (4)</b> 31:15;125:13; 161:1;186:22</p> <p><b>session (8)</b> 88:12;95:23;104:8; 105:8;107:21; 108:12;122:21;193:6</p> <p><b>set (3)</b> 12:11;150:16; 155:7</p> <p><b>sets (1)</b> 155:3</p> <p><b>setting (1)</b> 50:4</p> <p><b>seven (2)</b> 87:14;190:5</p> <p><b>several (8)</b> 18:13;74:19,24; 77:5;100:20;126:21; 139:13;152:21</p> <p><b>severe (1)</b> 23:19</p> <p><b>shakes (1)</b> 8:13</p> <p><b>shaking (1)</b> 171:5</p> <p><b>Shall (1)</b> 4:21</p> <p><b>share (3)</b> 22:23;23:8;43:10</p> <p><b>sheet (1)</b> 122:9</p> <p><b>shelter (1)</b> 24:2</p> <p><b>shield (1)</b> 60:9</p> <p><b>shields (1)</b> 58:11</p> <p><b>shifts (1)</b> 185:12</p> <p><b>shingle (1)</b></p>	<p>89:1</p> <p><b>short (3)</b> 82:24;160:20; 182:12</p> <p><b>shortcoming (1)</b> 80:10</p> <p><b>shot (2)</b> 45:24;46:2</p> <p><b>show (4)</b> 35:3;71:17;125:19; 163:5</p> <p><b>showing (1)</b> 121:19</p> <p><b>shown (6)</b> 130:3;153:22; 155:14;167:22; 169:20;189:10</p> <p><b>shows (2)</b> 166:4;167:12</p> <p><b>shut (3)</b> 113:7;162:3,4</p> <p><b>side (2)</b> 149:22;184:19</p> <p><b>sign (4)</b> 159:24;160:3,5; 168:8</p> <p><b>signed (2)</b> 159:15;173:7</p> <p><b>significance (2)</b> 12:3;81:11</p> <p><b>significant (1)</b> 29:7</p> <p><b>signing (1)</b> 158:24</p> <p><b>similar (5)</b> 34:16;64:8,16; 103:13;167:12</p> <p><b>simple (2)</b> 131:7;134:23</p> <p><b>simply (7)</b> 9:17;12:5;39:13; 74:13;88:18;106:1; 129:8</p> <p><b>single (1)</b> 137:3</p> <p><b>single-family (2)</b> 140:21;141:1</p> <p><b>sit (4)</b> 12:8;131:22; 168:11,14</p> <p><b>site (16)</b> 57:23;58:14;72:4; 103:6;157:3,6,11; 161:8;166:9;171:21; 172:4,8;173:17; 182:15;189:11,11</p> <p><b>sites (1)</b> 182:16</p> <p><b>sitting (3)</b> 146:18;163:20; 169:13</p> <p><b>situation (3)</b> 37:16;58:3;72:6</p>
---	---	---	--	---

<p><b>six (1)</b> 137:2</p> <p><b>size (1)</b> 59:13</p> <p><b>skin (1)</b> 67:14</p> <p><b>Skip (6)</b> 7:21;8:12;57:13; 65:9;66:8;142:13</p> <p><b>slag (1)</b> 180:20</p> <p><b>slightly (1)</b> 184:18</p> <p><b>Sly (1)</b> 109:3</p> <p><b>smack (1)</b> 59:5</p> <p><b>small (6)</b> 21:4;44:4;60:18; 136:21;151:23;155:5</p> <p><b>smaller (2)</b> 77:10;177:16</p> <p><b>Smith (4)</b> 34:15;35:10;36:1; 97:8</p> <p><b>soil (4)</b> 155:17;156:23; 159:5,7</p> <p><b>sold (27)</b> 38:5;78:9,13; 80:12,13,18;81:2; 95:1;96:12;103:16; 104:1,21;109:2,3; 112:14;117:10; 123:3,8,23;124:3,7; 138:23;139:17; 148:6,8;149:1,4</p> <p><b>sole (2)</b> 27:2;28:23</p> <p><b>solely (2)</b> 106:16;127:5</p> <p><b>solicitation (1)</b> 136:21</p> <p><b>solution (1)</b> 184:9</p> <p><b>solutions (1)</b> 160:16</p> <p><b>somebody (13)</b> 23:23;34:14,19; 39:3;58:21;59:4; 68:12;126:24;135:6, 9,22;136:22;150:17</p> <p><b>somebody's (1)</b> 36:15</p> <p><b>someday (1)</b> 84:23</p> <p><b>somehow (4)</b> 33:7;43:23;96:8; 112:3</p> <p><b>someone (13)</b> 37:18;60:3;66:4; 67:12;79:19;103:21; 113:12,13;125:17;</p>	<p>132:12;134:12,18; 136:23</p> <p><b>someplace (4)</b> 9:19;17:1,4;71:3</p> <p><b>sometimes (2)</b> 17:6;144:10</p> <p><b>somewhat (3)</b> 130:7;136:12; 142:4</p> <p><b>Sondra (2)</b> 9:21;32:19</p> <p><b>sooner (1)</b> 186:9</p> <p><b>sorry (16)</b> 7:17;45:11;53:17; 55:18;73:18,20; 88:16;97:11;116:17; 124:14;125:11; 126:9;131:5;138:4; 142:7;192:3</p> <p><b>sort (21)</b> 11:5;17:13;19:12; 20:19;23:8;43:18; 87:10;101:4;103:4; 115:16;117:8; 118:13;155:19; 162:8,11;165:7; 168:21;169:6; 178:20;183:4;187:1</p> <p><b>sorts (3)</b> 14:11;125:20; 132:11</p> <p><b>sounds (4)</b> 10:23;27:21;48:21; 111:24</p> <p><b>south (3)</b> 10:18;35:11;36:1</p> <p><b>Southern (1)</b> 15:15</p> <p><b>space (7)</b> 77:14,16,20; 119:20;177:13; 178:2;189:24</p> <p><b>span (1)</b> 129:12</p> <p><b>speak (4)</b> 98:2;122:22;138:8; 173:12</p> <p><b>speaking (3)</b> 6:7;14:10;15:21</p> <p><b>speaks (1)</b> 174:11</p> <p><b>specific (6)</b> 11:13;26:10;34:19, 20;95:14;181:21</p> <p><b>specifically (6)</b> 7:2;40:21;64:20; 79:3;147:14;174:13</p> <p><b>specification (1)</b> 165:10</p> <p><b>speculate (1)</b> 37:11</p> <p><b>speed (1)</b></p>	<p>47:5</p> <p><b>spend (1)</b> 116:19</p> <p><b>spent (1)</b> 118:11</p> <p><b>split (1)</b> 61:20</p> <p><b>splitting (1)</b> 158:2</p> <p><b>spoke (4)</b> 9:22;98:1;102:6,7</p> <p><b>spoken (3)</b> 74:7;98:12;136:22</p> <p><b>spot (1)</b> 69:3</p> <p><b>spread (1)</b> 22:12</p> <p><b>springboarding (1)</b> 51:22</p> <p><b>square (17)</b> 77:7,12,19;107:15; 119:16,23;120:3,3,6, 7,12,16;121:21; 122:2,9,10;154:21</p> <p><b>squares (2)</b> 178:5;179:10</p> <p><b>squeeze (1)</b> 148:1</p> <p><b>stacked (1)</b> 127:11</p> <p><b>stage (1)</b> 11:7</p> <p><b>stamped (1)</b> 190:18</p> <p><b>stand (1)</b> 42:5</p> <p><b>standard (2)</b> 54:22;70:18</p> <p><b>standards (3)</b> 66:5,17;78:6</p> <p><b>standpoint (1)</b> 141:4</p> <p><b>Stark (2)</b> 36:3;140:14</p> <p><b>start (8)</b> 12:21;13:17;22:13; 46:11;51:19;86:12; 127:16;138:6</p> <p><b>started (6)</b> 128:23;129:1,20; 160:23;171:20;176:1</p> <p><b>starting (3)</b> 51:21;52:5;101:15</p> <p><b>starts (1)</b> 122:16</p> <p><b>state (11)</b> 10:14;15:6;47:14; 87:20;88:21;90:11; 92:20;93:22;104:3; 134:19;151:15</p> <p><b>stated (3)</b> 51:4;86:15;103:8</p> <p><b>statement (10)</b></p>	<p>91:9;92:6,22;93:1, 5,7;94:11;95:6,20; 108:8</p> <p><b>states (4)</b> 110:3;113:4; 114:14;127:6</p> <p><b>statistics (1)</b> 95:10</p> <p><b>stay (1)</b> 141:19</p> <p><b>step (3)</b> 68:4;81:13;151:4</p> <p><b>still (14)</b> 22:22;23:12,16; 27:5;37:7;53:17; 61:18;63:6;131:16; 148:16;157:9; 165:20;168:11; 174:17</p> <p><b>Stop (2)</b> 80:1,1</p> <p><b>stops (1)</b> 83:9</p> <p><b>storage (5)</b> 153:12;154:9; 169:8;184:22;185:1</p> <p><b>store (4)</b> 169:7;178:23; 189:7;190:1</p> <p><b>story (2)</b> 73:12,16</p> <p><b>straight (2)</b> 156:11,11</p> <p><b>Stratford (1)</b> 36:3</p> <p><b>streams (1)</b> 42:16</p> <p><b>street (5)</b> 25:1;52:8;72:19; 116:24;132:9</p> <p><b>streets (2)</b> 154:13;185:6</p> <p><b>stretch (1)</b> 158:16</p> <p><b>stretching (1)</b> 36:4</p> <p><b>strongly (1)</b> 51:6</p> <p><b>structural (4)</b> 155:20;164:21; 190:8,16</p> <p><b>structure (5)</b> 93:13;155:24; 164:6,15;184:5</p> <p><b>structures (11)</b> 155:3,23;156:14; 170:14,17;177:2,4,6; 190:23,24;191:14</p> <p><b>studied (1)</b> 64:4</p> <p><b>studies (14)</b> 34:6,10;46:15; 47:7;52:16;64:22;</p>	<p>65:15,21;72:15; 80:23;87:15;90:4,5; 138:16</p> <p><b>study (16)</b> 42:6;46:22;47:8; 55:23;62:4;64:14; 65:3;72:11,16;73:23; 74:3;76:20;77:3,6; 87:9,24</p> <p><b>stuff (4)</b> 132:11;178:24; 190:4,18</p> <p><b>stunned (1)</b> 139:11</p> <p><b>sturdier (1)</b> 158:21</p> <p><b>SUBCOMMITTEE (2)</b> 134:5;175:8</p> <p><b>subdivision (17)</b> 46:15,22;47:7,12; 48:12;52:16;54:7; 55:13,22;56:4,5;58:2, 8;61:10,13;62:3;63:2</p> <p><b>subdivisions (1)</b> 47:13</p> <p><b>subject (6)</b> 14:21;71:23;80:23; 84:18;111:15;173:5</p> <p><b>subjective (2)</b> 144:7,8</p> <p><b>subjectivity (1)</b> 144:10</p> <p><b>submitted (5)</b> 104:12;158:23; 166:11;189:11; 190:11</p> <p><b>subset (1)</b> 151:23</p> <p><b>substantial (1)</b> 117:13</p> <p><b>substation (1)</b> 71:22</p> <p><b>successful (3)</b> 17:2,2;106:7</p> <p><b>succinct (2)</b> 11:20,22</p> <p><b>succinctly (1)</b> 12:7</p> <p><b>sudden (1)</b> 84:17</p> <p><b>suffer (1)</b> 44:14</p> <p><b>suffered (2)</b> 69:4;125:18</p> <p><b>suffers (1)</b> 44:1</p> <p><b>sufficient (2)</b> 189:22;192:11</p> <p><b>Sugar (1)</b> 18:12</p> <p><b>suggest (4)</b> 37:16;40:23;112:6; 134:24</p>
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<b>suggested (3)</b> 45:24;121:6; 159:21	176:11,12	<b>tends (1)</b> 43:16	104:12;106:22; 107:1;109:21; 113:10,19;114:1,6; 116:22;117:19,24; 119:1,9;120:10; 121:6,12,17;122:15; 17:123:2;127:6,14, 14;128:8,21;130:11; 133:4;136:5;137:1; 138:10,16;139:23; 147:1;152:3,7,11,12, 15;154:1,19;162:22; 169:19;173:15,23; 178:19;186:13	149:10;166:13
<b>suggests (1)</b> 163:23	<b>sworn (2)</b> 4:4;151:9	<b>ten-minute (1)</b> 85:23		<b>Thursday (3)</b> 192:21;193:1,3
<b>suits (1)</b> 18:8	<b>T</b>	<b>tension (6)</b> 48:6;64:2,7,9;72:1; 158:18		<b>tie (1)</b> 147:9
<b>summarize (2)</b> 117:8;167:22	<b>table (2)</b> 47:19,20	<b>term (5)</b> 110:15;160:20,20; 182:11,12		<b>tied (4)</b> 16:1;17:20,23;62:9
<b>summarizing (1)</b> 47:20	<b>taint (2)</b> 25:22;26:2	<b>termed (1)</b> 19:23		<b>tight (1)</b> 44:3
<b>summary (1)</b> 61:21	<b>tainted (3)</b> 25:6,13;95:1	<b>terminology (2)</b> 76:9;110:18		<b>times (3)</b> 70:24;79:15;102:6
<b>summer (3)</b> 161:2,6;183:3	<b>talk (11)</b> 13:12,13;22:14; 25:13,22;37:18; 48:22;50:15;55:15; 100:12;147:24	<b>terms (18)</b> 17:22;20:5;30:10; 36:18;96:20,23; 98:11;118:9;133:5; 145:8;153:20; 155:11;158:22; 160:11;186:16; 187:19;188:18;189:3		<b>timing (4)</b> 46:16;48:4;62:1; 181:20
<b>sundry (1)</b> 22:16	<b>talked (10)</b> 8:7;21:13;34:23; 35:4,12;42:17; 100:18;116:23; 130:16;186:9	<b>Terrain (1)</b> 166:11		<b>tipping (1)</b> 156:2
<b>supplement (1)</b> 6:1	<b>talking (15)</b> 9:4;22:13;46:24; 50:11;52:15;65:24; 66:2;69:23;75:12; 101:21;105:22; 110:1;145:10; 147:14;189:18	<b>terrible (1)</b> 123:18		<b>tired (2)</b> 150:24;180:15
<b>supplemental (24)</b> 6:2,10,21;7:17; 11:16;46:18;55:15, 16,24;63:19;72:9; 75:1,3,18,24;76:10, 12;80:8;106:22,24; 113:19;114:1;119:8; 121:17	<b>talks (1)</b> 186:11	<b>territory (1)</b> 132:20		<b>title (1)</b> 151:15
<b>supplied (1)</b> 147:1	<b>tall (4)</b> 155:23,24;177:6; 184:5	<b>test (1)</b> 159:5		<b>today (32)</b> 5:12,13,17;9:22; 37:22;46:24;82:8; 89:14;94:12;96:21; 97:21;100:17,18; 120:11;131:23; 139:11,23;142:5; 146:18;147:15; 152:9,13;163:20; 168:11,14;169:13; 178:5,8;179:15; 186:13;192:20;193:3
<b>supplies (1)</b> 183:4	<b>taller (1)</b> 178:11	<b>testified (12)</b> 6:11;19:2,14;20:3; 25:5;27:24;28:6; 30:17;32:1,13; 140:21;165:19		<b>today's (1)</b> 192:24
<b>support (5)</b> 54:11;119:4; 136:16,16;156:24	<b>Tammy (1)</b> 34:22	<b>testifying (1)</b> 50:17		<b>together (11)</b> 17:11;44:15;50:20; 99:8,23;100:5; 105:21;139:13,17; 148:15;192:20
<b>supported (3)</b> 97:4,6;138:18	<b>target (1)</b> 22:18	<b>testimonies (1)</b> 49:18		<b>told (10)</b> 78:19;99:12;106:5; 117:18;154:24; 155:2;167:6;177:5, 20;188:8
<b>supports (3)</b> 90:12;92:2;97:16	<b>tax (16)</b> 61:7,17;109:9,13, 23;110:10;111:16; 112:21;113:23; 114:19,21;116:1; 123:7;128:9,11,12	<b>testimony (142)</b> 5:5,8,12,16,17,20; 6:2,9,11,16,21,23; 7:11,16,17,20;9:2,3; 11:1;13:12,16;14:14; 16:12,17;18:23; 19:24;20:4;21:13,16; 23:20;24:14;25:5; 26:11;27:21;29:13; 32:7;34:2,14,23; 35:6;41:16;43:13; 46:18;49:2,15;51:4; 52:4,9;55:7,17,24; 56:6;63:20;69:6; 71:4;72:9;73:11,12, 17;74:13;75:1,3,18, 24;76:10,19;77:17; 83:20;84:16;86:14, 17;87:1;88:3,4; 89:12,17;90:9,10; 91:20,21;92:14;94:5, 23;95:7,24;96:3,20; 97:1,13,18,21,23; 101:4,15,17;103:8;		<b>tolerance (1)</b> 151:1
<b>supposed (1)</b> 100:2	<b>tear (1)</b> 125:19			<b>Tom (3)</b> 12:16;162:19; 177:19
<b>sure (28)</b> 12:6;22:4;34:18; 35:24;38:23;49:8; 51:13,16;52:2;82:10; 87:5;88:1;91:9,15; 97:11;116:17; 121:12;125:10; 129:3;139:14;140:4; 141:12;144:20; 152:2;165:16; 169:10;170:22; 190:23	<b>technical (7)</b> 88:12;95:22;104:8; 105:7;107:21; 108:11;122:21			<b>tomorrow (1)</b> 37:23
<b>surmised (1)</b> 149:4	<b>telling (3)</b> 69:16;133:10; 170:4			<b>ton (1)</b> 58:21
<b>surrounded (1)</b> 59:9	<b>temporary (4)</b> 166:24;167:23; 187:20;189:18			<b>took (9)</b> 32:24;47:12;58:21; 68:4;114:6;115:6; 148:3;149:20;161:5
<b>surrounding (1)</b> 58:10	<b>ten (2)</b> 172:11;176:2			<b>top (4)</b> 90:10;109:6; 178:14,17
<b>sustain (1)</b> 146:11	<b>tend (4)</b> 14:18,23;16:6; 156:16			<b>topic (1)</b> 83:22
<b>swear (2)</b> 152:12;178:21				<b>toppling (1)</b>
<b>Swett (2)</b>				

156:4 <b>total (1)</b> 96:7 <b>totally (6)</b> 54:4;56:16;84:19; 100:6;148:5,12 <b>touch (1)</b> 101:9 <b>touched (1)</b> 64:17 <b>touchstone (1)</b> 101:9 <b>tough (2)</b> 69:3;71:7 <b>tourism (4)</b> 43:13;89:15;90:3; 141:5 <b>towards (2)</b> 120:20;183:3 <b>tower (5)</b> 10:11;59:5;79:14; 177:17,23 <b>towers (7)</b> 24:18;87:22;140:7; 166:22;167:4;177:7, 15 <b>town (22)</b> 13:19,20,21;14:1, 4;15:2,13;16:3; 17:12,15,16,17;61:8; 72:10;81:5;104:19; 136:22,24;137:2,9; 149:6;150:2 <b>towns (4)</b> 14:19,23;18:13; 78:5 <b>tragedy (1)</b> 33:5 <b>transaction (9)</b> 74:6;107:22; 110:20;111:12; 112:11;114:11; 116:9;138:24;148:7 <b>transactions (1)</b> 108:6 <b>transcends (1)</b> 31:7 <b>transcript (2)</b> 40:22;41:7 <b>transition (1)</b> 69:4 <b>transmission (22)</b> 10:12;20:21;26:24; 27:17;28:19;32:9,11; 34:5;40:19,20;87:12; 88:8;90:3,17;91:1, 10;93:11;134:24; 135:16;143:15; 171:24;173:20 <b>travel (2)</b> 153:13;154:11 <b>treasured (1)</b> 32:22	<b>trees (5)</b> 59:20;60:3,5,8,14 <b>tremendous (2)</b> 27:5;69:4 <b>trench (3)</b> 186:21,22,24 <b>tried (2)</b> 35:3;47:12 <b>tries (1)</b> 68:9 <b>trouble (4)</b> 68:23;77:2;161:7; 185:24 <b>trucks (12)</b> 167:15;184:23; 185:23;186:4,4,5; 188:5,14;190:1,3,6; 191:12 <b>true (7)</b> 13:24;19:7;29:5; 70:8;87:14;111:18; 124:20 <b>trust (5)</b> 57:2,3;108:24; 109:2;158:13 <b>trusty (1)</b> 46:9 <b>try (10)</b> 11:20;12:7;28:16; 37:8;57:4;63:9;66:6; 96:8;135:20;174:21 <b>trying (16)</b> 28:2,20;42:5; 50:19;52:24;53:19; 54:19;65:13;71:24; 76:8;116:7,18;137:6, 14;175:14;182:10 <b>Ts (1)</b> 165:17 <b>turn (11)</b> 68:18;90:8;91:16; 107:3;113:23; 122:14;130:6; 146:16;185:23; 190:1,4 <b>turned (3)</b> 79:17;126:3;145:1 <b>Turning (2)</b> 92:13;94:21 <b>Turnpike (1)</b> 43:21 <b>turns (1)</b> 120:17 <b>twice (1)</b> 83:22 <b>two (28)</b> 13:8,13,15;16:17; 19:13;35:4;50:19; 51:1;59:12;70:1,19; 72:7;79:14;116:12; 138:1;143:4;145:9; 150:1;155:3;156:12, 18;157:23;168:20;	169:1,2;170:12; 175:23;177:14 <b>two-comp (2)</b> 70:13,14 <b>two-way (1)</b> 166:8 <b>two-year (1)</b> 129:12 <b>tying (1)</b> 30:16 <b>type (5)</b> 16:8;93:13;99:14; 141:13;158:24 <b>types (2)</b> 81:7;140:24 <b>typical (6)</b> 47:12;70:17;72:4; 136:17,18;137:15 <b>typically (2)</b> 71:10,12	9:4;10:5,5;31:3,4 <b>unless (2)</b> 18:4;109:5 <b>unlike (1)</b> 65:7 <b>unload (1)</b> 106:9 <b>unoffensive (1)</b> 135:13 <b>unqualified (7)</b> 115:7,14,15; 124:13;125:3,14; 145:24 <b>unrelated (1)</b> 100:7 <b>up (70)</b> 8:24;10:9;11:11; 12:11;17:7;21:3; 24:3;27:13;28:4; 32:21;33:19;37:2; 40:1;42:3,11,22; 43:16;47:5;50:4; 54:5;58:1;59:17; 69:3;75:5;78:3; 79:22;80:15;86:23; 89:4,14;95:10,19; 100:17,18;103:11,14; 106:13;108:16,23; 109:4,16;119:12; 122:10;123:6;126:3; 127:11;135:22; 140:14;146:20; 148:4,20,23;150:4, 22;154:21;158:8; 168:19;171:13; 172:15;174:21; 177:14;178:2; 179:19;183:7;184:8, 24;187:17;190:3; 191:14;192:3 <b>updated (1)</b> 157:12 <b>upon (10)</b> 5:23;6:9;9:13; 11:24;20:13;36:13; 37:15;68:21;78:16; 166:9 <b>upset (4)</b> 58:22;59:3,6;68:17 <b>use (32)</b> 6:18;33:3;42:13; 44:12;52:3;58:16; 60:20;63:13;65:15, 21;81:4;106:10; 110:9;141:24; 148:23;154:1,19; 155:1,1;167:3;169:5, 9;172:10;173:1,10; 174:11,24;178:23; 180:18,22;188:9; 189:14 <b>used (17)</b> 61:21;66:5;95:13;	103:3;110:18; 111:11;112:5,6; 116:11;141:18; 149:13,15;155:21; 167:7,24;175:22; 187:3 <b>useful (2)</b> 58:24;184:6 <b>useless (1)</b> 122:4 <b>uses (1)</b> 46:21 <b>using (12)</b> 48:17;52:21;53:14; 58:5;64:13;78:15; 80:14;122:4;133:20; 180:19,23;187:23 <b>usually (1)</b> 15:2 <b>Utilities (1)</b> 175:12 <b>utility (4)</b> 57:20,23;59:4; 135:12 <b>utilize (1)</b> 60:13
<b>U</b>				
<p><b>ugly (2)</b> 43:22;141:15 <b>ultimate (2)</b> 22:12;77:1 <b>ultimately (4)</b> 54:18;103:20; 104:1;117:10 <b>uncertainty (1)</b> 189:2 <b>uncover (1)</b> 182:5 <b>under (7)</b> 99:17;110:3; 114:13;132:21; 135:22;142:15; 168:22 <b>underground (1)</b> 140:6 <b>undermines (1)</b> 56:17 <b>understands (1)</b> 57:3 <b>understated (1)</b> 27:3 <b>understatement (1)</b> 77:7 <b>understood (1)</b> 144:20 <b>undertake (1)</b> 53:11 <b>undisputed (1)</b> 188:13 <b>unfair (3)</b> 54:8,21,24 <b>uninterrupted (1)</b> 42:16 <b>unique (4)</b> 9:13;22:17;30:22, 22 <b>uniqueness (5)</b></p>				
<b>V</b>				
<p><b>Vacant (2)</b> 141:9,10 <b>Valley (2)</b> 23:5;29:16 <b>valleys (1)</b> 42:15 <b>value (71)</b> 7:23;19:4;20:2; 21:23;22:6;23:16; 24:8;25:7;27:1,18; 28:6,20;29:23;30:1; 32:2,13,18;34:4; 37:10,10;38:10; 48:15;52:18;55:16; 57:20,21,24;58:16; 59:16;64:4;68:21; 78:22;82:4;87:3; 94:8,17;95:2;103:9, 12;106:10;107:24; 110:17;111:13; 114:23;115:8,11,16; 118:18;120:21; 121:10;123:15; 125:6;127:3,17; 129:13;131:2,4,7,10; 132:1;133:2,8,16; 138:11,12;139:21; 142:2,8,11;143:23; 144:24 <b>valued (1)</b> 67:4 <b>values (15)</b> 16:18,20;20:6; 31:23;41:18;46:12;</p>				



63:1,2;69:1;87:13; 88:9;89:12;90:12; 92:2;96:4 <b>Van (9)</b> 44:21,24;45:4,6,12, 18,23;59:23;84:20 <b>various (10)</b> 8:8;9:7;13:7; 22:16;35:21;36:21; 43:12;78:1;89:4; 154:2 <b>varying (1)</b> 14:9 <b>vast (2)</b> 21:7;42:16 <b>veer (1)</b> 11:5 <b>vehicles (2)</b> 184:17;185:8 <b>verbal (2)</b> 85:19;187:9 <b>verify (2)</b> 95:16;163:17 <b>versus (4)</b> 28:4;58:19;125:3; 138:21 <b>viable (1)</b> 35:16 <b>Vice-President (1)</b> 151:17 <b>view (55)</b> 16:21;18:17;19:3, 9,10;20:20;21:1,7,9, 17,22;23:14;24:7,7, 16;25:15,20;26:21, 23;28:1,3,4,4,8,17; 29:12,14,15,17,18,20, 21;30:4,5,10,19;31:6, 8,8,21,22,23;32:8,8, 10;33:17;35:2;43:15; 59:1;79:10;99:19; 105:19;129:24; 132:17;140:7 <b>views (4)</b> 17:17;19:17;27:4; 141:2 <b>viewshed (1)</b> 21:6 <b>village (15)</b> 13:14,17,18,22; 14:4,6,7,14,19;15:19; 18:17,19;19:8,9; 116:14 <b>virtually (1)</b> 91:10 <b>visibility (4)</b> 25:23;30:20;42:9; 139:24 <b>visits (1)</b> 72:4 <b>vistas (1)</b> 42:16 <b>visual (4)</b>	23:8;92:17,21; 93:21 <b>voice (1)</b> 33:20  <b>W</b>  <b>wages (4)</b> 14:16,21;16:2; 17:21 <b>Wait (1)</b> 75:11 <b>waive (1)</b> 174:14 <b>wake (1)</b> 32:21 <b>walk (1)</b> 182:6 <b>Walkley (24)</b> 85:21;86:5,7,9; 91:16,19;98:14,15; 100:14;109:15,17; 111:1,8,9;112:7; 113:16,18,22;133:24; 143:6;144:17;145:9; 147:19,20 <b>walk-out (1)</b> 77:13 <b>wall (4)</b> 191:20,24;192:5,6 <b>wants (4)</b> 38:16;67:22; 133:14;183:18 <b>warrant (1)</b> 61:8 <b>Washington (1)</b> 79:10 <b>water (1)</b> 181:2 <b>Waterville (1)</b> 23:5 <b>way (35)</b> 8:3,16;18:6;22:8; 23:8;24:7;27:15; 29:11;31:16;32:24; 43:1;61:19,20;64:1; 65:10;105:13,19; 112:4;131:22;134:3, 6;135:14,24;140:10; 144:5;156:4,19; 178:24;181:10,11; 182:23;184:6;185:6, 19;187:6 <b>ways (3)</b> 43:12;80:3;137:2 <b>wear (1)</b> 125:19 <b>Weathersby (4)</b> 137:23,24;138:5,7 <b>week (5)</b> 170:12;186:10,11; 192:19,20 <b>weeks (1)</b>	66:13 <b>weighed (1)</b> 80:14 <b>weight (1)</b> 158:18 <b>Welcome (1)</b> 52:8 <b>wells (1)</b> 118:12 <b>weren't (1)</b> 61:19 <b>Wesson (4)</b> 101:15;107:4; 113:9;139:2 <b>wetlands (2)</b> 102:20,21 <b>what's (16)</b> 11:6,15;33:24; 37:22;48:22;49:2; 79:15;91:13;110:2,6; 128:11,15;136:1; 166:10;170:7;189:1 <b>whatsoever (1)</b> 115:18 <b>wheelhouse (1)</b> 136:10 <b>Whenever (2)</b> 86:5;87:18 <b>Whereas (3)</b> 18:17;22:21;158:7 <b>WHEREUPON (3)</b> 4:4;151:9;193:5 <b>white (2)</b> 158:10;179:10 <b>Whitefield (7)</b> 5:1;14:1;15:20; 36:6;97:24;136:19; 137:5 <b>Whoa (4)</b> 111:23,23,24,24 <b>whole (7)</b> 9:11,12;35:10; 57:21;62:3;85:9; 103:15 <b>Wholly (1)</b> 118:18 <b>who's (1)</b> 85:21 <b>whose (1)</b> 44:11 <b>wide (1)</b> 156:5 <b>wider (1)</b> 158:21 <b>widgets (1)</b> 182:8 <b>Wi-Fi (2)</b> 169:9;189:8 <b>willing (4)</b> 23:10,23;24:12; 183:13 <b>willingness (1)</b> 27:6	<b>willy (1)</b> 191:16 <b>window (1)</b> 59:6 <b>winter (6)</b> 161:3,4;183:1,4,6, 19 <b>wire (1)</b> 184:6 <b>wires (31)</b> 154:20;155:1,4,6,8, 9,24;156:3,12,18,19, 21;157:18;164:2,3,7, 9,9,16;169:11; 178:17;179:3,7,21; 180:4,5;183:20,22, 24;184:9;191:6 <b>wish (1)</b> 22:3 <b>within (15)</b> 15:2;18:6;28:5; 31:5;41:13,14;42:7; 44:15;49:2;107:18; 142:17;153:13; 166:19,21;170:12 <b>without (10)</b> 22:21;64:8;68:8; 103:10;104:21; 108:15;123:16; 154:12;157:17; 164:15 <b>WITNESS (29)</b> 4:18,24;6:15;7:5; 11:19;50:6,15;63:12; 69:11,14;73:14,18; 76:1,3;98:17;100:12; 111:3;112:2;146:2, 22;147:5,16,20,24; 150:8,11,23;162:15; 176:15 <b>witnesses (1)</b> 99:16 <b>witness's (1)</b> 6:23 <b>wonderful (2)</b> 132:18;135:8 <b>wondering (4)</b> 53:10;64:18;98:10; 145:22 <b>woods (1)</b> 59:20 <b>word (2)</b> 91:14;110:10 <b>worded (1)</b> 33:12 <b>wording (1)</b> 93:3 <b>words (10)</b> 6:19;18:11;21:10, 15;25:15,23;31:7; 70:24;126:5;159:19 <b>work (24)</b> 8:14;9:19;14:18,	20,24;18:1;49:20; 50:12;53:24;56:5,11; 58:18;62:10;67:12; 70:7;90:7;99:8; 116:6;140:18;157:2; 171:17;182:17; 185:10,11 <b>worked (2)</b> 99:15;174:19 <b>working (6)</b> 16:2;17:9;22:5; 99:23;100:4;192:1 <b>works (1)</b> 55:10 <b>world (4)</b> 15:18;22:13,23; 42:22 <b>worried (2)</b> 168:22;181:17 <b>worth (4)</b> 24:4;78:10,13; 124:19 <b>would-be (1)</b> 82:5 <b>Wow (1)</b> 157:4 <b>write (1)</b> 132:10 <b>writing (2)</b> 49:18;50:14 <b>written (5)</b> 9:2;34:23;42:19; 50:13;136:16 <b>wrong (2)</b> 54:14;78:15 <b>wrote (1)</b> 75:2  <b>X</b>  <b>Xs (1)</b> 179:10  <b>Y</b>  <b>yard (7)</b> 169:8,8;183:8,9; 185:3;190:1;191:7 <b>year (1)</b> 152:17 <b>years (15)</b> 12:24;40:15;63:15; 86:20;87:14;102:6; 105:23;128:13; 131:2;139:9;142:17, 21;144:13;172:11; 176:2 <b>yellow (7)</b> 158:6,12;167:11; 168:21;178:9,10; 179:1 <b>yesterday (1)</b> 37:21
---	--	---	---	--

<b>York (3)</b> 15:16;132:12; 135:9	40:21 <b>149 (1)</b> 41:7	<b>2015 (6)</b> 52:22;63:1,13; 114:7;125:24;126:2	25:8;95:3;103:21; 133:4 <b>37 (1)</b> 61:10	
<b>Z</b>	<b>15 (1)</b> 59:14	<b>2016 (2)</b> 5:14;152:4	<b>375 (1)</b> 77:19	<b>8</b>
<b>zero (2)</b> 24:10;96:11	<b>158A (1)</b> 61:5	<b>2017 (4)</b> 152:16;153:2,5; 193:8	<b>39 (1)</b> 129:21	<b>8211 (2)</b> 176:6,18
<b>zoom (2)</b> 157:5;175:18	<b>159 (1)</b> 129:21	<b>224 (2)</b> 72:19;116:24		<b>8212 (3)</b> 175:16;176:20; 185:20
<b>zoomed (1)</b> 157:4	<b>15th (6)</b> 152:4,16,23,23; 153:2,5	<b>23 (1)</b> 72:11	<b>4</b>	<b>84 (1)</b> 57:14
<b>0</b>	<b>16 (2)</b> 41:7;193:8	<b>2300 (2)</b> 120:3,16	<b>4 (4)</b> 41:6;90:9;94:5; 172:22	<b>87 (2)</b> 148:4,12
<b>09 (1)</b> 123:12	<b>18 (4)</b> 72:23;76:15,16; 78:23	<b>24 (1)</b> 52:14	<b>40 (4)</b> 25:9;59:14;95:3; 133:4	<b>87-acre (1)</b> 148:5
<b>1</b>	<b>182 (1)</b> 178:18	<b>25 (3)</b> 40:14,22;97:10	<b>43 (3)</b> 12:24;86:19; 144:13	<b>9</b>
<b>1.3 (1)</b> 58:4	<b>195 (1)</b> 129:20	<b>26 (1)</b> 69:21	<b>45 (4)</b> 95:11;126:15; 129:11,18	<b>9 (3)</b> 101:17;103:8; 104:4
<b>1.33-acre (1)</b> 61:13	<b>1950 (1)</b> 84:22	<b>260 (1)</b> 122:16	<b>49 (1)</b> 129:21	<b>9:00 (1)</b> 193:9
<b>1:39 (1)</b> 4:2	<b>1985 (2)</b> 61:9;63:3	<b>3</b>		<b>90 (1)</b> 192:7
<b>10 (10)</b> 5:6;113:10;116:22; 117:23;118:16; 123:12;125:24; 148:4,12,18	<b>199 (1)</b> 166:12	<b>3 (1)</b> 91:20	<b>5</b>	
<b>100 (4)</b> 41:14;44:15;69:21; 184:5	<b>1990 (1)</b> 171:21	<b>3,000 (4)</b> 77:22;120:2,12,16	<b>5 (2)</b> 148:18;173:24	
<b>104 (2)</b> 106:23;113:20	<b>1996 (1)</b> 61:18	<b>3,000-plus (1)</b> 122:3	<b>5:35 (1)</b> 193:6	
<b>11 (4)</b> 122:17;126:14; 130:10,12	<b>2</b>	<b>3,075 (1)</b> 120:17	<b>50 (3)</b> 52:8;97:10;191:14	
<b>115 (2)</b> 179:7,9	<b>2 (5)</b> 24:14;44:16;130:9; 134:10;174:12	<b>3:20 (1)</b> 85:24	<b>500 (2)</b> 41:13;44:16	
<b>118 (1)</b> 148:23	<b>20 (3)</b> 23:5;59:14;118:17	<b>3:35 (1)</b> 86:1	<b>50s (1)</b> 84:17	
<b>12 (2)</b> 7:14,20	<b>200 (3)</b> 166:12;167:6; 170:8	<b>30 (5)</b> 63:15;82:12;95:11; 114:24;148:6	<b>53 (1)</b> 113:9	
<b>125 (3)</b> 123:17;127:16; 129:22	<b>2005 (4)</b> 117:20;118:1,3; 144:18	<b>300 (1)</b> 79:22	<b>59 (1)</b> 193:5	
<b>129 (1)</b> 129:22	<b>2006 (3)</b> 130:13,18;144:18	<b>300,000 (1)</b> 78:6	<b>6</b>	
<b>13 (1)</b> 63:19	<b>2008 (3)</b> 128:7,10;129:5	<b>30th (1)</b> 5:13	<b>6 (2)</b> 94:21;95:21	
<b>130 (2)</b> 123:17;152:3	<b>2009 (3)</b> 123:11;125:24; 128:8	<b>311 (1)</b> 4:14	<b>60 (1)</b> 193:7	
<b>134 (6)</b> 51:4,20;52:15; 54:17;56:21;62:14	<b>201 (2)</b> 157:8;166:13	<b>3132 (1)</b> 157:18	<b>61 (1)</b> 24:14	
<b>14 (1)</b> 80:8	<b>2010 (6)</b> 42:20;72:22;117:5; 128:23;129:1,5	<b>3132-150 (1)</b> 157:20	<b>7</b>	
<b>1400 (4)</b> 77:12;119:23; 120:6;122:4	<b>2012 (2)</b> 103:22;145:5	<b>3132-151 (1)</b> 157:20	<b>7 (2)</b> 92:13,23	
<b>148 (1)</b>	<b>2013 (1)</b> 109:19	<b>317,500 (1)</b> 79:22	<b>72 (1)</b> 104:4	
	<b>2014 (1)</b> 145:6	<b>31st (1)</b> 52:15	<b>75 (3)</b> 25:9;95:4,11	
		<b>3400 (1)</b> 122:10	<b>7th (1)</b> 109:19	
		<b>35 (4)</b>		