

I N D E X

WITNESS	DR. CAMPBELL MCLAREN	PAGE NO.
	Direct Examination by Mr. Iacopino	5
	Cross-Examination by Mr. Aslin	15
	Cross-Examination by Ms. Menard	28
	Cross-Examination by Ms. Draper	30
	Cross-Examination by Mr. Palmer	32
	Cross-Examination by Ms. Quinn	35

**QUESTIONS FROM SUBCOMMITTEE
MEMBERS & SEC COUNSEL BY:**

Director Wright	36
Commissioner Bailey	37

WITNESS	BRUCE AHERN	PAGE NO.
	Direct Examination by Mr. Iacopino	40
	Cross-Examination by Mr. Pappas	42
	Cross-Examination by Ms. Crane	68
	Cross-Examination by Ms. Draper	70

**QUESTIONS FROM SUBCOMMITTEE
MEMBERS & SEC COUNSEL BY:**

Director Wright	72
-----------------	----

I N D E X (continued)

WITNESS PANEL	KENNETH KETTENRING	PAGE NO.
	NEIL IRVINE	
	DANIEL MOORE	
	BARBARA LUCAS	
Direct Examination by Mr. Whitley		74
Cross-Examination by Mr. Aslin		101
Cross-Examination by Mr. Reimers		133
Cross-Examination by Ms. Crane		142
Cross-Examination by Ms. Menard		146
Cross-Examination by Ms. Draper		149
Cross-Examination by Ms. Schibanoff		162
Cross-Examination by Ms. Walkley		164
Redirect Examination by Mr. Whitley		209
QUESTIONS FROM SUBCOMMITTEE MEMBERS & SEC COUNSEL BY:		
Ms. Weathersby		191
Director Wright		196
Mr. Way		199
Commissioner Bailey		205
Mr. Iacopino		208

E X H I B I T S

EXHIBIT ID	D E S C R I P T I O N	PAGE NO.
CFP 615	wbr3-1-draft survey	43
CFP 619	Exception Request 3, Revision 4	57
CFP 626	Boundary and Evidence Plan Bruce Ahern CFP014548	50
CFP 628	Dana Hill Road CFP014550	117
CFP 629	Old Bristol Road CFP014551	115
CFP 630	Gordon Hill Road-Burleigh Mountain Google Image CFP014552	110
CFP 632	Exception Request 3, Revision 3	64
APP 440	New Hampton Outreach Summary APP87176-87187	165
JT MUNI 331	Responses and Objections to Data Requests to New Hampton from January 27, 2017 Technical Session	215

P R O C E E D I N G S**(Hearing resumed at 1:09 p.m.)**

1
2
3 PRESIDING OFFICER HONIGBERG: Good
4 afternoon, everyone. We are resuming after a
5 Thanksgiving break and a week. We have a number
6 of witnesses to hear from this afternoon. One
7 of them is already in position. Is there
8 anything we need to do before he is sworn in?
9 All right. Cindy, would you do the honors,
10 please?

11 (Whereupon, **Campbell McLaren** was
12 duly sworn by the court reporter)

CAMPBELL MCLAREN, DULY SWORN

13
14 PRESIDING OFFICER HONIGBERG: Off the
15 record.

16 (Discussion off the record)

DIRECT EXAMINATION**BY MR. IACOPINO:**

17
18
19 Q Do you have your testimony with you, Doctor?

20 A Yes, I do.

21 Q Can I just hold it for a minute so I can read
22 off of it? Dr. McLaren, would you please tell
23 your us full name and address?

24 A George Phillip Campbell McLaren. 50 Gibson, G I

1 B S O N Road, Easton, New Hampshire.

2 Q And did you file Prefiled Testimony in this
3 docket?

4 A I did.

5 Q And are you a member of an intervenor group?

6 A I am.

7 Q Which one?

8 A Central abutters and have filed independently as
9 well.

10 Q And do you know the number that your Intervenor
11 Group has assigned to your Prefiled Testimony?

12 A APOBP 7/8/9.

13 Q Do you have that testimony before you?

14 A I do now.

15 Q Do you swear and affirm that it's all true?

16 A I swear that it was my intent for it to be true.

17 There are some errors I will correct.

18 Q We'll get to that in a minute. And subject to
19 the errors that you're about to correct, do you
20 adopt that as your testimony in our proceeding
21 here?

22 A I do.

23 Q Did you file any Supplemental Testimony?

24 A I did. It was one of the numbers I mentioned to

1 Cindy.

2 Q And do you recall what number that was?

3 A I believe that's 8. APOBP 8.

4 Q And do you adopt that as your testimony, too,
5 subject to any corrections you're going to make?

6 A I do.

7 Q So you do have corrections to make?

8 A I do.

9 Q Why don't you tell the Committee what
10 corrections you'd like to make to both your
11 Prefiled Testimony and then to your Supplemental
12 Testimony?

13 A The corrections that I will be making are in
14 regard to the right-of-way I've established in
15 argument. Initially, in my Prefiled, I used 40
16 feet as the right-of-way width. That I am
17 changing. Though there is still basis to
18 believe that it is 40 feet wide, I have my own
19 information that allows me to feel that three
20 rods is what I will be talking to.

21 Q And do you have a specific portion of your
22 Prefiled Testimony that would relate to? Is it
23 everywhere where you speak about 40 feet?

24 A Yes. Relating to that is my deed, my house

1 deed, and notes from DOT on two occasions.

2 Q And did you have corrections to your
3 Supplemental Testimony as well?

4 A No. Essentially it was my Prefiled.

5 Q And based upon the testimony that you've heard
6 during the course of these proceedings, is there
7 any additional testimony that you wish to offer?

8 A What I would like to do since that time there
9 have been developments in the right-of-way
10 determination. I would like to discuss that
11 right-of-way and its constraints with the
12 present endeavor that we're proceeding with.

13 I also want to talk about road closures
14 which have developed since that time, and I
15 would also like to further elaborate on the
16 Easton demographic, my concerns about
17 time-critical incidents and compromise of
18 people's health, safety and welfare.

19 Q So why don't you start with those three areas.
20 Start with the first one and tell us what you
21 wanted to add.

22 A Yes. So what I wanted to address was that in my
23 area of Easton, SHEB 155/156 which is just south
24 of the Town Hall, there is a choke point or

1 pinch point there where the right-of-way is
2 three rods, 49.5 feet. On the west-hand side
3 there is a steep bank on top of which are mature
4 trees and on the east side is a stream not
5 having been depicted accurately up to this point
6 by Northern Pass visually, but a stream that is
7 very close to the side of the road for the
8 length of my property where it abuts 116.

9 I wanted to affirm that I have documents
10 supporting my contention that the road
11 right-of-way is three rods, and I would like
12 then to proceed to talk about how this develops,
13 causes a problem for the proposed Northern Pass
14 Transmission line.

15 Q All right. Continue.

16 A If one was to look at Exception 125. Is it
17 possible for that to be brought up?

18 Q Might want to give us a little more definition.
19 When you say Exception 125, what are you
20 speaking about?

21 A It's the latest Exception Request from Northern
22 Pass to DOT and outlines this road and where
23 they are going to be putting a, they've changed
24 the position of the splice vault, and visually I

1 think it would be more easy to discuss the
2 problem, though I could do it verbally, if
3 necessary.

4 Q Do you have an exhibit that you want to show to
5 the Committee?

6 PRESIDING OFFICER HONIGBERG: Mr. Aslin?

7 MR. ASLIN: I believe that Exception
8 Request 125 is CFP 562, and we can pull it up if
9 Dawn can put our system on the screen, please.

10 PRESIDING OFFICER HONIGBERG: Dawn has done
11 that.

12 A So who am I speaking to? Am I speaking to you?

13 PRESIDING OFFICER HONIGBERG: Off the
14 record.

15 (Discussion off the record)

16 A Could we move on in this document until you get
17 to the schematics, please? Next schematic. If
18 we could rest there for a minute.

19 What this shows is moving from left to
20 right, the fire station and then the Town Hall
21 and then Loop Road, and as we continue down
22 Route 116, and along you see in green the
23 current position wished for the splice vault.

24 I would like to address this in that the

1 splice vault if we look at the measurements and
2 these have been discussed, I know, several
3 times, but briefly, 8 feet by 8 feet by 33 to 34
4 feet long, 8-inch walls weighing approximately
5 25 tons.

6 This will require, if we add five feet on
7 either side for movement of manpower and
8 shoring, another ten feet, so 18 feet wide by 34
9 feet -- well, excuse me. It will be another
10 five, ten, 44 feet long by 18 feet wide. If you
11 take the right-of-way, it's three rods which is
12 49.5 feet. The pavement is 25 feet, and if we
13 move east to where this splice vault is going to
14 be, wished to be inserted, would be another 12
15 and a half feet of right-of-way which would not
16 allow for this splice vault to be inserted
17 because it is, in fact, 18 feet wide and will
18 inevitably reach or go to the pavement and
19 beyond. So this will be presumably another
20 Exception Request in the future or denial.

21 Further elaborating on this three-rod road
22 with this vast splice vault will be flatbed
23 trailers coming in with spools of cable, massive
24 spools, a crane that has been previously

1 discussed, particularly by Mr. Brad Thompson,
2 but a crane that will require a 30 by 30, will
3 be 30 feet by 30 feet with a 40-foot by 40-foot
4 platform necessary.

5 That information came from Brad Thompson.
6 I also have spoken to an independent crane
7 contractor who agrees with it that the crane
8 will be vast. This crane footprint will if the
9 road is 20, the pavement is 25 feet wide will
10 straddle that road with 40 feet by 40 feet
11 inevitably closing the road.

12 When inserting the tank, the crane will
13 take some time, and I don't know how long it
14 will take, but there will be several procedures
15 they will have to do. It will have to lower the
16 tank, it will have to take the spools of wire
17 off the flatbed, and this will inevitably close
18 this section of the road. Close it. For how
19 long, we don't know.

20 And this phenomenon that I'm talking about
21 will be reduplicated all the way up and down
22 this road. Closures will be many, and despite
23 Ms. Farrington and I know she's married but I
24 can't remember her married name, but Ms.

1 Farrington was effusively optimistic about the
2 fact that there would be no closures down 116.
3 There will be many. And this is my concern as a
4 physician, my concern about the health, welfare
5 and safety about the population up and down
6 these small roads.

7 Q Doctor, let me stop you right there and just
8 confirm for the record, the schematic that
9 you've been testifying about is Counsel for the
10 Public Exhibit 562, and it's page Bates stamp
11 CFP 014089. Am I correct?

12 A I think yes. Yes, you are.

13 Q You can proceed with your testimony.

14 A Now, there will be traffic flaggers and there
15 will be, if there are enough of them, police
16 vehicles, and I do understand that if emergency
17 vehicles such as fire, ambulance, police need to
18 pass through and along these roads on an
19 emergency, that there will be some
20 communication, but I think it's very necessary
21 to underline the fact that the crane is massive.
22 It's going to be weighing 135,000 pounds with
23 100,000 pound of counterweight, and to move this
24 is not like giving it a shove in the right

1 direction and hoping it moves.

2 These movements, these clearing of these
3 roads will take time, and I wanted to stress
4 that in Easton, and I don't know the
5 demographics of other populations, but we have
6 265 people of last year in our town, give or
7 take one or two. 82 of those people are over
8 the age of 65. Down to the southern end of the
9 town, sick people who require when they get sick
10 very rapid extrication and crisp movement to the
11 hospital. The hospital is 17-plus miles away in
12 the two, both directions.

13 My concern is that one can state that
14 everything will be done, everything is going to
15 be all right, but with this, with this
16 merchant-driven venture which is a
17 nonReliability Project, why are we doing this
18 when minutes are extremely important. So if an
19 individual is having a heart attack, as I'm sure
20 nearly everyone in this room knows, time is
21 myocardium. Time is heart muscle where you have
22 to get those people in the Emergency Department
23 fast. They will not be corrected in the
24 ambulance. They have to get to the hospital.

1 The child with continuous seizures is losing
2 brain cells the longer you wait. So time is
3 critical. Home birth, someone who has elected
4 to have a home birth for economical or other
5 reasons may have a problem and need to get to an
6 institution fast. I have extreme concern about
7 these road closures, and I wanted to emphasize
8 that.

9 At this point, Attorney Iacopino, I have
10 covered generally the areas of concerns that I
11 had and would welcome questions.

12 MR. IACOPINO: Thank you.

13 PRESIDING OFFICER HONIGBERG: Mr. Aslin?

14 **CROSS-EXAMINATION**

15 **BY MR. ASLIN:**

16 Q Good afternoon, Dr. McLaren.

17 A Good afternoon.

18 Q My name is Chris Aslin. I'm acting as Counsel
19 for the Public in these proceedings.

20 You jumped into some of the questions you
21 had in your direct exam so I'll try and skip
22 over some things, but first I just want to
23 confirm one thing with you about your testimony
24 and its format. It appears to me that you

1 submitted testimony initially in December of
2 2016. Is that correct? The Original Testimony?

3 A I believe so. Yes.

4 Q And that's been marked as APOBP 7. And then you
5 filed Supplemental Testimony that appears to be,
6 more or less, a revised version of your Original
7 Testimony. Is that correct?

8 A That is correct. I added, I believe, a deed,
9 some deeds.

10 Q Yes, With some additional documentation.

11 A Yes.

12 Q Is it your intent that the Supplemental
13 Testimony replace the Direct Original Testimony?

14 A I think they're married in that they're not
15 exactly the same.

16 Q Okay. Thank you. And you testified earlier
17 that you've revised your assessment of the
18 right-of-way width. Originally, you had
19 testified that it was 40 feet in the vicinity of
20 your property, and now you believe that three
21 rods is more likely the correct width?

22 A I think it's probably the correct, and I have
23 revised it.

24 Q Okay. And why don't we first just establish

1 where your property is exactly.

2 So you should be seeing now a page from
3 Applicant's Exhibit 201 which are the revised
4 Project maps from August of this year, and this
5 is Bates stamped APP 67927.

6 And am I correct that your property, the
7 two properties in the center of the page
8 straddling Gibson Road to the bottom of Route
9 116?

10 A Yes. If you look at Gibson Road, looking
11 directly at it, where it enters from 116 to the
12 left is, in fact, 7 acres. You can see a field
13 and small house with a yellow dot on it, and to
14 the right a smaller parcel.

15 Q And you own both of those parcels, correct?

16 A I do.

17 Q And that yellow dot represents your residence?

18 A It does.

19 Q Okay. Thank you. And then this is, what you
20 should be seeing now is one of the sheets from
21 the underground alignment maps, and this is the
22 SHEB, I believe this one is 157. And it's part
23 of Applicant's Exhibit 73.

24 And is this also showing the location of

1 your property?

2 A A perennial problem with these schematics has
3 been the accuracy of roads, how they're shaped,
4 how they enter, but looking at Gibson Road here,
5 where it enters 116, the trees, the contours are
6 shown and then as you move towards the base of
7 it is where my property would be. Yes.

8 Q Okay. And this is the area of Route 116 that
9 you believe is a three-rod width of the
10 right-of-way as opposed to what's shown on this
11 survey map as a four-rod right-of-way if I
12 understand your testimony correctly?

13 A That is correct. There's a jinking four-rod
14 right-of-way with no consistency, and from my
15 documents I would contend that this is a
16 three-rod right-of-way.

17 Q And you included with your Supplemental
18 Testimony some of those documents; is that
19 correct?

20 A I did. They should be there.

21 Q Okay. You also included a map in your
22 Supplemental Testimony which is -- so you should
23 be seeing now a portion of your Supplemental
24 Testimony. Do you recognize that map?

1 A I do.

2 Q Okay. And for the record, this exhibit which is
3 APOBP 8 does not have Bates numbers, but it's
4 page 9 of the document. Do I understand this
5 correctly to be your representation of the
6 results of your research of the right-of-way
7 width along this section of Route 116?

8 A This is the representation of our researcher in
9 the central, well, in the town of Easton who let
10 me have this depiction of the road and its
11 various widths based on historic documents.

12 Q Okay. And you said this was from a researcher
13 in Easton?

14 A Yes.

15 Q Who was that?

16 A Sorry, what was the question?

17 Q Who was that researcher?

18 A Kristina Pastoriza.

19 Q So she assisted or she developed this from her
20 research and shared it with you for your
21 testimony?

22 A She did.

23 Q Okay. And you indicate in the key here that
24 there are or the document indicates that areas

1 marked with pink are 40-foot width right-of-way,
2 but earlier today you testified that the area
3 near your road you believe is more accurately at
4 three-rod width?

5 A The documentation of the 40-foot right-of-way,
6 though probable to me, does not exist.

7 Q Okay.

8 A At this time. It may yet to be researched.

9 Q Does the change in your testimony from 40 feet
10 to three rods apply to all of the pink sections
11 on this map or only the section near your
12 property?

13 A It is only the section near my property and is
14 based on my deed and DOT who have recently
15 researched it for a new road and a new entrance
16 to Gibson Road so they researched it.

17 Q I see. And just for the record, to clarify,
18 Gibson Road on this map is shown sort of in the
19 center of the page moving to the left from Route
20 116, just above the word "mountain" where it
21 says White Mountain National Forest. Is that
22 right?

23 A Exactly. It's a slightly curved road.

24 Q And that's the area, your change in testimony

1 from 40 feet to three rods is limited to that
2 specific location.

3 A Where it enters 116, that is what I am
4 addressing, yes.

5 Q Okay. Thank you. You also included with your
6 testimony some photographs. I wanted to make
7 sure I understood what you're depicting here.

8 On page 10 of your Supplemental Testimony
9 and then going on to page 11, you have three
10 photographs. And I understand this to be your
11 depiction of an 8-foot area outside of the
12 pavement; is that accurate?

13 A That's correct.

14 Q And 8 feet, I believe your testimony states that
15 the road here is approximately 24 feet, the
16 pavement?

17 A The pavement is 25 feet, yes.

18 Q So 8 feet on other side of that would bring it
19 up to a total of 40 feet?

20 A Forty feet, and I do say that at one point, and,
21 again, though I have not mentioned this, I would
22 extend this 8 foot wider to 12.5 feet wider on
23 each side to be correct and to agree with the
24 three-rod. This was prior to further research.

1 Q Certainly. So if this were a three-rod
2 right-of-way, you'd need to extend the tape
3 measure an additional four and a half feet on
4 either side?

5 A That's correct. And it makes the point here, I
6 think if you look at this road, and this, I
7 think, is seen in a lot of areas where this
8 power line's coming through is that there's a
9 steep bank in the top picture. This would have
10 to be excavated, exposing the trees above which
11 would be potentially dangerous. And if you look
12 at the bottom picture, that 12 and a half feet
13 takes you into that perennial stream which
14 drains into the Ham Branch.

15 Q Thank you, Dr. McLaren.

16 In these photos, the steep bank that you're
17 showing on the top photo, which side of the road
18 is that located on?

19 A It's the west side.

20 Q The west side. So that's the side that your
21 property is located on.

22 A Yes.

23 Q And is that to the north or south of the Gibson
24 Road junction?

1 A It's to the north.

2 Q It's to the north. Okay. And the photo below
3 that, is that directly across the road from the
4 top photo?

5 A I basically just walked across the road. I
6 think it further indicates, if you look at the
7 surface there, the friability. It's actually
8 eroding at the moment with the recent storms,
9 and if one thinks of placing a crane or
10 something like that on that, that soil is very
11 fragile and will not be, will unlikely to be
12 supportive.

13 Q Okay. And much of your testimony is a concern
14 with the ability to fit the Project within this
15 narrow roadway; is that accurate?

16 A A large part of it is because of the fact that
17 it will close the roads.

18 Q Okay. And then you also had some testimony
19 about the work area that was shown along your
20 property moving to the south along Route 116; is
21 that accurate?

22 A That's accurate. The exit work area required
23 for pulling back the power conduit and the
24 conduit will have to be 27 feet wide and many

1 feet long, and the road resembling very much
2 this lower picture just won't be able to do it.
3 And on the other side of the road if they were
4 to cross-trench over, there are wetlands.

5 Q Okay. And Dr. McLaren, you're aware, I assume,
6 since you talked about it earlier that there has
7 been an Exception Request made earlier this year
8 by the Applicant for this portion of the
9 Project, and that was Exception Request number
10 125?

11 A I am aware.

12 Q And what I'm showing you now is a page from
13 that. This is Counsel for the Public's Exhibit
14 562, and it's the Bates stamp CFP 014092.

15 And a second ago you were discussing the
16 work area for the exit pit for an HDD which,
17 well, I'll back up. The HDD that's proposed in
18 this area is to the north of your property; is
19 that correct?

20 A It's not to the north. It's to the east of my
21 property.

22 Q Okay. If you're looking at the map with Gibson
23 Road it would be above and to the left of Gibson
24 Road on the maps?

1 A Above and to the left, correct.

2 Q And so this exit pit work area is the area for
3 pulling the cable; is that correct?

4 A Yes.

5 Q In your testimony, you had raised concerns that
6 this work area would interfere with your
7 property and with wetlands, but would you agree
8 that at this point they've moved the work area
9 to the other side of the road?

10 A They have done so, and so they will not be
11 interfering with the wetlands on my side, but
12 there are, will be technical problems with the
13 stream on the other side. The slope of the side
14 of the road, and the fact that if you look at
15 the right-hand picture, the area as it goes
16 through impacts a barn, the Farrell barn, this
17 will require, if this area was a work area would
18 require, yes, would require fairly extensive
19 tree removal impacts and will be encroaching on
20 the Farrell property.

21 Q So would it be fair to say that moving the work
22 area to the other side of the road may have
23 addressed some of the specific concerns raised
24 in your testimony, but you still have additional

1 concerns?

2 A I think I would describe the fact that with this
3 proposal with these very narrow roads with
4 crumbling edges, it's going to be visually
5 impossible to get these lines through without
6 damage to streams, property, and to me in many
7 ways just appears ridiculous.

8 Q Dr. McLaren, you have raised concerns about road
9 closures, and if I understood your testimony
10 earlier, you were specifically concerned about
11 closures during the placement of splice vaults
12 and the use of the crane?

13 A Specifically, the splice vault and the crane and
14 flatbed and spools involved with that.

15 Q Okay. So is it your, are you concerned with
16 temporary closures for the entirety of the work
17 that's being done and associated with the
18 splicing or only with the placement of the
19 vault?

20 A To this point, I've not been able to determine
21 how long the work forces are going to be at
22 these different sites, but three to five weeks
23 to finish a job I've seen. So there may be
24 significant amounts of time when the road

1 closures are in effect. I can't put a number to
2 it.

3 Q And your general point, I believe, if I could
4 paraphrase is that with a three-rod width road,
5 these installations of splice vaults will be
6 very disruptive and may result in closures, at
7 least temporary closures of the road?

8 A That's what I contend, yes.

9 Q So looking back at your map from your
10 Supplemental Testimony, there appeared to be a
11 large number of sections of Route 116 shown here
12 that are three rods or narrower. Would you
13 agree with that?

14 A I don't know if I heard you clearly. I think
15 you said there seemed to be a large number of
16 areas that are three rods?

17 Q Yes. Those that are shown in pink or yellow
18 would be three rods or narrower?

19 A I am unable to say that the pink will always be
20 three rods because they're the 40 feet. I don't
21 have the knowledge to state that. I will just
22 state to the effect that just beyond me in the
23 old 1856 leasehold records that three rods was
24 measured at the top of the hill just with a

1 yellow, where the yellow starts there and stops
2 some 50 rods down.

3 Q So you're not able to speak with any specificity
4 to the other areas of 116?

5 A I can not speak to the pink or the blue with any
6 authority.

7 Q That's fine. Thank you. Thank you, Doctor
8 McLaren. I have no further questions.

9 A Thank you.

10 PRESIDING OFFICER HONIGBERG: The Joint
11 Municipal Group? Any questions, Ms. Pacik, Mr.
12 Whitley, et cetera?

13 MS. PACIK: We do not. Thank you.

14 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

15 MR. REIMERS: No.

16 PRESIDING OFFICER HONIGBERG: Deerfield
17 Group? Ms. Menard?

18 **CROSS-EXAMINATION**

19 **BY MS. MENARD:**

20 Q Good afternoon, Dr. McLaren. Jeanne Menard with
21 the Deerfield Abutter group, and I just have one
22 question for you this afternoon.

23 On the third paragraph of your
24 Supplemental, and this also was stated in your

1 Prefiled Testimony, and I'll just read to you a
2 quote that was between two illustrations.

3 You said that the proposed work area is not
4 only on my property but on your wetlands which
5 of course continue beyond what is shown in the
6 map. And then you go on to discuss the topics
7 of the width of the roads, et cetera.

8 I was wondering if you could explain what
9 types of wetland impacts you're concerned about
10 when you had written your Supplemental
11 Testimony.

12 A At that time, and it's now been changed, the
13 work zone has been changed, at that time I was
14 concerned about disimpaction of the wetlands
15 without safety procedures, without guarding and
16 protecting with whatever matting. I was
17 concerned that the job would not be done
18 efficiently or effectively.

19 Q Have you had any assurances since the filing of
20 your testimony that would address these
21 concerns?

22 A That has not been necessary in the light of the
23 different iterations which we now have that work
24 zone on the other side of the road which spares

1 that wetland.

2 Q Okay. Thank you. That's all I have.

3 PRESIDING OFFICER HONIGBERG: Ashland to
4 Deerfield Group. Ms. Crane?

5 MS. CRANE: No questions. Thank you.

6 PRESIDING OFFICER HONIGBERG: The Pemi
7 River Group. Ms. Draper?

8 **CROSS-EXAMINATION**

9 **BY MS. DRAPER:**

10 Q Good afternoon. I'm Gretchen Draper, and I'm
11 representing the Pemigewasset River Local
12 Advisory Committee.

13 And I was wondering, I'm interested in the
14 stream that you have mentioned that has not been
15 shown accurately on the maps. Does this stream
16 have a name?

17 A It doesn't have a name.

18 Q But it goes --

19 A It's a perennial year-round stream.

20 Q Um-hum.

21 A And I think you could see one of the pictures
22 there where it was iced over.

23 Q Right. Okay. And it goes into the Ham Branch,
24 you said?

1 A It does.

2 Q And does this stream flood regularly? Say in
3 the spring or --

4 A It certainly has with recent storms had much
5 greater flow. Its grade is significantly below
6 the level of road so it doesn't flood over into
7 the road, but one could say it floods into the
8 Ham Branch.

9 Q Right. And have you noticed that there's some
10 sort of erosion and loss of, you know, sort of
11 stream bank as the flooding has occurred?

12 A All the way down that section the soil is
13 eroding. There are ruts, deep ruts, erosion
14 occurring, probably worse now secondary to our
15 last two storms.

16 Q And what kind of mitigation or support would you
17 expect would work to protect this stream if, in
18 fact, the road work begins? What would you
19 expect?

20 A I have not addressed mitigation because I don't
21 believe this Project should proceed.

22 Q All right. Thank you very much.

23 PRESIDING OFFICER HONIGBERG: Any other
24 Intervenors have questions for Dr. McLaren? All

1 right. Members of the Subcommittee.

2 ADMINISTRATOR MONROE: Mr. Palmer.

3 PRESIDING OFFICER HONIGBERG: Mr. Palmer?
4 Your name isn't, your group wasn't on this list.
5 Do you have questions for Dr. McLaren?

6 MR. PALMER: I just have two quick
7 questions. If that would be allowed.

8 PRESIDING OFFICER HONIGBERG: I don't know.
9 Mr. Needleman?

10 MR. NEEDLEMAN: Is Mr. Palmer part of this
11 group?

12 PRESIDING OFFICER HONIGBERG: He is part of
13 this group, but it appears that Dr. McLaren was
14 doing this separately. This was how I
15 understood what was happening here. He's not
16 testifying on behalf of the group although he
17 may be. I don't really know.

18 Mr. Palmer, what are your questions? Why
19 don't we just -- if you say they are quick, I
20 will take you at your word, but let's see how
21 quick they are.

22 MR. PALMER: All right.

23 **CROSS-EXAMINATION**

24 **BY MR. PALMER:**

1 Q First, Dr. McLaren, you talked about road
2 closures and your concern about road closures
3 and the fact that it would cause an unacceptable
4 risk to human health in the case of emergencies.

5 If the road is closed during an emergency,
6 why don't the emergency trucks just divert
7 around it a block over and avoid the closure?

8 A I appreciate the question because 116 is of
9 significance in that it's essentially the only
10 artery down the Easton Valley. There are some
11 roads off it, but at various points along that
12 road, knowing that what is proposed will close
13 at different sites, diversions are going to be
14 considerable, and the greatest could be up to 28
15 miles, some for significant diversions, and, of
16 course, these diversions not just with emergency
17 traffic but with school children.

18 PRESIDING OFFICER HONIGBERG: Dr. McLaren,
19 stick to the question.

20 A Does that help you?

21 Q Understood. So the point is that there is no
22 way to divert around it unless you were to take
23 alternate routes would which would be up to 30
24 miles additional travel.

1 A There is one section which includes a road
2 called Paine Road, Class V road, which is
3 maintained minimally which could with some road
4 closures allow for bypass, but, otherwise,
5 significant diversions.

6 Q All right. My second quick question. Counsel
7 for the Public mentioned some Exception Requests
8 in the area of the road that you're concerned
9 about. To your knowledge, at this point in
10 time, what is the status of those Exception
11 Requests? Have they been accepted or are they
12 unresolved?

13 A I believe they're unresolved, but I'm not
14 certain.

15 Q So, in other words, at this point in time, you
16 don't know and nobody knows which side of the
17 road the Project will actually be built on.

18 A We've had so many changes, one could expect
19 anything.

20 Q Okay. That's the end of my questions. Thank
21 you.

22 PRESIDING OFFICER HONIGBERG: Members of
23 the Subcommittee. Anyone have questions?

24 MR. NEEDLEMAN: No questions.

1 PRESIDING OFFICER HONIGBERG: I skipped Mr.
2 Needleman. Ms. Crane?

3 MS. CRANE: I'm sorry. I spoke too soon
4 when I said there were no questions. I think we
5 have one.

6 PRESIDING OFFICER HONIGBERG: Go ahead.

7 MS. QUINN: Thank you, Chairman.

8 **CROSS-EXAMINATION**

9 **BY MS. QUINN:**

10 Q My name is Maureen Quinn. I'm part of the
11 Ashland to Deerfield Non-Abutters Group.

12 A Could you raise your hand, please?

13 Q Hi, Dr. McLaren. I just have one question for
14 you, and that is that in your Supplemental
15 Prefiled Testimony you make reference to the
16 standards for electromagnetic field levels in
17 multiple states. The thresholds that are
18 determined by those states to be allowable.

19 Is it your understanding that the levels of
20 EMF that are currently in the information and
21 the Application exceed the levels that are
22 recommended by those states?

23 A Firstly, I have not seen those levels, but there
24 will be different levels associated with

1 undergrounding and overgrounding. I believe
2 that the undergrounding EMF --

3 MR. NEEDLEMAN: I'm going to object,
4 Mr. Chair. If he hasn't seen the levels, he has
5 no basis to testify.

6 MS. QUINN: Okay.

7 PRESIDING OFFICER HONIGBERG: Correct. Do
8 you have any other questions, Ms. Quinn?

9 MS. QUINN: Not at this time. Thank you.
10 Anyone else? Now, Mr. Needleman?

11 MR. NEEDLEMAN: No questions. Thank you.

12 PRESIDING OFFICER HONIGBERG: All right.
13 Members of the Subcommittee. Mr. Wright.

14 **QUESTIONS BY DIR. WRIGHT:**

15 Q Good morning, Dr. McLaren. Craig Wright with
16 DES. Good afternoon.

17 I just wanted to follow up on the unnamed
18 stream. How far along 116 does that stream
19 flow?

20 A It's a relatively short stream, and if you were
21 to look again at Exception 125 that's a barn
22 there and a house. That's called the Farrell
23 barn. So it's just down from there, and it
24 would be, and I've not gone to what I believe is

1 the source, but it's, I don't know if it's half
2 a mile.

3 Q It runs along 116 for about half a mile?

4 A No. Not along 116. It comes in by the Farrells
5 and then comes right up close, abuts the road
6 for, I would say, 400 yards.

7 Q So it comes from elevation off to the east or
8 the west of 116?

9 A It's coming off from this kind of southeast.

10 Q And you don't believe that construction Best
11 Management Practices could protect that stream
12 during the construction phase?

13 A Where they have contemplated the vault, splice
14 vault, is right next to it, and in fact, as
15 stated earlier, they will have to bring that
16 vault in, but the stream is down that road as
17 seen in that picture that was shown, and it's
18 right next to the road. And it's a significant
19 stream. This is a perennial stream.

20 Q Okay. Thank you.

21 PRESIDING OFFICER HONIGBERG: Commissioner
22 Bailey?

23 **QUESTIONS BY COMMISSIONER BAILEY:**

24 Q Good afternoon. You said that the distance to

1 the hospital was 17 miles?

2 A Approximately.

3 Q Okay. How long does the ambulance take if the
4 roads are all clear to get to the hospital?

5 A That has variables.

6 Q What's the best amount of time?

7 A Best amount.

8 Q For 17 miles.

9 A For 17 miles, the roads being clear, I would
10 imagine they're going to be doing 60 miles an
11 hour. Maybe 18, 20 minutes.

12 Q And you say that a patient can't be saved by the
13 in the ambulance. They have to get to the
14 hospital. Is that --

15 A It depends on the condition. There are some
16 conditions which can be greatly ameliorated, but
17 if somebody is having a heart attack the vessels
18 are closing off to the heart muscle. No matter
19 how highly trained the paramedics they cannot
20 administer what we do in the emergency room
21 which is kind of like a Drano which clears that
22 artery. We just, they need to get there as fast
23 as possible.

24 Q And how long does somebody have before they can

1 be saved?

2 A Again, there are a lot of variables. There are
3 different arteries getting involved at different
4 time sequences, different conditions, so I can't
5 put a hard and fast number on it. But time is
6 heart muscle. The faster we get to anyone the
7 better they will do. They will develop less
8 complications, less heart failure later on with
9 the dead muscles that have accrued. So we need
10 to get fast. Like seizures, like shock from bee
11 stings, like a lot of things.

12 Q Okay. Thank you.

13 PRESIDING OFFICER HONIGBERG: Anything else
14 from the Committee?

15 Dr. McLaren, in light of any of the
16 questions that have been asked of you today, is
17 there anything you want to add or follow up on?

18 A I can't think of anything at this time.

19 PRESIDING OFFICER HONIGBERG: All right.
20 Thank you then. You can return to your seat.
21 Mr. Ahern, I think you're next. Off the record.

22 (Discussion off the record)

23 (Whereupon, **Bruce Ahern** was
24 duly sworn by the court reporter)

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BRUCE AHERN, DULY SWORN

DIRECT EXAMINATION

BY MR. IACOPINO:

Q Mr. -- is it Ahern or Ahern?

A Ahern is how we pronounce that.

Q Thank you, Mr. Ahern. Could you please introduce yourself, telling us full name and your address.

A I'm Bruce Ahern. 503 Daniel Webster Highway. Plymouth, New Hampshire.

Q And are you a member of an Intervenor Group in this proceeding?

A Yes. I'm a member of the Ashland to, excuse me. The Abutting Property Owners from Bethlehem to Plymouth.

Q Okay. And have you filed Prefiled Testimony in this case that has been marked as APOBP 3?

A Yes.

Q And have you filed Supplemental Testimony that has been marked as APOBP 4?

A Yes.

Q Just one question about Exhibit 4 first. It's not written in a question and answer format, but it is meant to be your Supplemental Testimony,

1 correct?

2 A Is that the testimony that was requested from
3 the tech sessions? It was a copy of a
4 right-of-way and a --

5 Q The document that we have electronically that's
6 marked APOBP 4 starts with a lengthy description
7 of battery storage by Elon Musk.

8 A I looked for that and didn't know whether it had
9 gotten submitted or not, so, but yes, those were
10 just further to the one that I had submitted as
11 part of the Technical Session request.

12 Q So just so there's no confusion, it was, you
13 filed it as your Supplemental Testimony because
14 it was requested from you during the course of a
15 Tech Session?

16 A Well, the Supplemental, those articles were not
17 specifically requested, but the, there was an
18 article that was requested during the Tech
19 Sessions. It was just to show advances in
20 technology and how they have an effect on the
21 fact that we may not need this transmission line
22 in the future.

23 Q So would it be fair to say that Exhibit 4 is
24 more like, Exhibit 4 is more like an exhibit to

1 your Direct Testimony demonstrating what you
2 were discussing?

3 A Yes.

4 Q I just want to ask that because my next question
5 is do you adopt everything that is contained in
6 APOBP 3 as your testimony here today?

7 A Yes. I do.

8 Q Okay. Are there any changes that you would like
9 to make to APOBP 3?

10 A No. There are not.

11 Q Okay. Is there any changes that or any changes
12 or anything you want the Committee to disregard
13 in your second filing, APOBP 4?

14 A No.

15 Q Okay. Is there any additional testimony that
16 you wish to offer here today based upon what
17 you've heard during the course of these
18 proceedings?

19 A No.

20 MR. IACOPINO: Okay. The witness is
21 available for cross-examination.

22 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

23 MR. PAPPAS: Thank you, Mr. Chairman.

24 **CROSS-EXAMINATION**

1 **BY MR. PAPPAS:**

2 Q Good afternoon, Mr. Ahern. As you know, I'm Tom
3 Pappas, and I represent Counsel for the Public.

4 Now, the first area I want to ask you about
5 is where the right-of-way road goes through your
6 property and you touched upon this in your
7 Direct Testimony. Is something on the screen in
8 front of you, sir?

9 A Yes. It's Counsel for the Public Exhibit 615.

10 Q Yes. Thank you. So this is a copy of a Draft
11 Survey Report that was submitted by NPT to the
12 New Hampshire Department of Transportation on
13 October 20, 2017. And if you look, this section
14 starts, this Draft Survey Report starts at
15 Transition Station #6 and goes for about 2.5
16 miles into Plymouth.

17 Now, I'll represent to you because it's
18 very hard to see the little words on the side,
19 but there's no date on this report. It's a
20 draft report, and it does not contain a stamp of
21 a surveyor. So it's a draft report that was
22 recently submitted to the DOT by the Project.

23 What's on the screen now is Bates stamp
24 14469 which is the first page of this Draft

1 Survey, and if you look you can see Renewable
2 Properties, Inc., on the top right-hand side.
3 Do you see that?

4 A Yes, I do.

5 Q And that's the proposed location of Transition
6 Station #6, and that's where this Draft Survey
7 begins, and it heads north from that location.
8 Transition Station.

9 So I want to ask you some questions about
10 this survey on the section that passes through
11 your property. So on the screen now is Bates
12 stamp number 14476 from this exhibit, Counsel
13 for the Public 615, and I've highlighted
14 portions of the survey that indicate your
15 property. So if you start on the right-hand
16 side, do you see where it says Bruce D. 2003
17 Trust, Ahern?

18 A Yes.

19 Q And I take it you own that property or at least
20 you're trustee of the trust that owns that
21 property?

22 A Yes.

23 Q And do I, do you see the yellow lines for the
24 driveway? Are those driveways going onto your

1 property?

2 A Yes, they are.

3 Q Okay. And then moving to the left, you have
4 another parcel in your trust as well; is that
5 correct?

6 A It's a different trust, but, yes.

7 Q Okay.

8 A I'm sorry. I'm sorry. No. Yes. No. That's,
9 the one on the right is actually in both my wife
10 and myself. We're each Trustees on that.
11 Whereas the property on the left is, I am the
12 only one.

13 Q Okay. For simplification, I'm not going to
14 require you to identify which trust and who's
15 the beneficiaries just as long as I'm referring
16 to a property that you either own or control as
17 trustee of.

18 A Okay. Yes.

19 Q And then on the other side of the road, there's
20 also a piece of property that you own or control
21 as trustee, is that right? Down at the bottom
22 left?

23 A Technically, it's all one piece of property.
24 The deed has always been one piece of property.

1 It's always been described as one piece of
2 property with the road going through it. It is
3 not two separate pieces of property.

4 Q Thank you for that clarification. And then if I
5 look to the far left, I've outlined which is a
6 building; do you see that?

7 A Yes, I do.

8 Q And is that your barn?

9 A Yes, it is.

10 Q And on the other side of the road right-of-way,
11 is that a driveway to another structure on your
12 property?

13 A Yes. That's my house.

14 Q Okay. And if you look, this section of the road
15 is signified to be three-rod width per
16 right-of-way note number 3. Do you see that?

17 A Yes, I do.

18 Q And note number 3 is the 1929 highway layout for
19 this road?

20 A That's correct.

21 Q So what's on the screen now is the next page of
22 this Draft Survey which is Bates stamp 14477.
23 And for orientation, do you see your barn on the
24 far right-hand side? It's outlined in yellow?

1 A Yes, I do.

2 Q And on the other side of the road is, that's
3 your driveway into your house?

4 A That's correct.

5 Q Okay. Now, it looks like if you follow this
6 down, we've highlighted parcels in your name as
7 trustee or however it appears, and you continue
8 to own property on both sides of the road
9 right-of-way with the exception of this one
10 parcel in the middle here by Russell Conway. Do
11 you see that?

12 A Yes, I do.

13 Q Okay. So now we saw your barn depicted on the
14 map. Is this a picture of your barn?

15 A Yes, it is.

16 Q And when was this barn built?

17 A I don't know exactly, but I've been told
18 somewhere between the 1870s and the 1890s.

19 Q Okay. So it predates the 1929 layout?

20 A That's correct.

21 Q And, therefore, although it's in the
22 right-of-way, it's grandfathered?

23 A That's correct.

24 Q So looking back at Bates stamp page 14477, if

1 you look first on the right-hand side, it again
2 shows as we saw on the prior page three-rod
3 width per note number 3. Do you see that?

4 A Yes, I do.

5 Q And then if you move a little north of your
6 barn, still in your property, it changes to
7 three and a half rod width per right-of-way
8 number 4. Do you see that?

9 A I see where it changes, yes.

10 Q And, again, you're still, that road where it
11 shows three and a half rod width is through your
12 property. Correct?

13 A That's correct.

14 Q Now, does this road widen to three and a half
15 rods through your property?

16 A No, it does not.

17 Q Okay. So if we read note number 4, it says,
18 quote, "1801 Layout adjusted for Town of
19 Plymouth Adjourned Town Meeting of May 5, 1931,
20 Article 19, road discontinuance of sections A,
21 and C," close quote. Do you see that?

22 A Yes, I do.

23 Q So what's on the screen now is a copy of the
24 notes from that May 5, 1931, adjourned town

1 meeting. Do you see that?

2 A Yes, I do.

3 Q And you're familiar with this document; are you
4 not?

5 A Yes, I am.

6 Q And you've read this document, have you not?

7 A Yes, I have.

8 Q Now, in this document the town voted to
9 discontinue three sections of the road; is that
10 right?

11 A That's correct.

12 Q Now, anywhere in this document, is there a vote
13 to lay out a three and a half rod road?

14 A No.

15 Q Does this document even mention a three and a
16 half rod road?

17 A No.

18 Q Okay.

19 A Mr. Pappas? Just one comment. There is, the
20 original layout was four rods on, I think it's
21 in section A. There were two very short pieces
22 down near the Bridgewater town line where they
23 discontinued everything outside of one and a
24 half rods westerly, and on another section, one

1 and a half rods easterly. So if you start with
2 two rods and discontinue everything outside of
3 one and a half, it comes to three and a half on
4 those two very small sections down near the
5 Bridgewater town line. Not near my property.

6 Q Not near the property we're looking at?

7 A No.

8 Q On the prior maps?

9 A No.

10 Q Thank you for that clarification.

11 So back on the screen is a page from the
12 Draft Survey Bates stamped 14477 which is the
13 page depicting your property and where this
14 Draft Survey is showing the road expanding to
15 three and a half rods. And if you look, can you
16 see where it says in red, GCRD Plan 11787?

17 A Yes, I do.

18 Q And is it your understanding that stands for
19 Grafton County Registry of Deeds Plan 11787?

20 A Yes.

21 Q So on the screen now is Counsel for the Public's
22 Exhibit 626. Do you see that?

23 A Yes, I do.

24 Q And if you look at the top of the middle of the

1 page, it indicates Plan 11787. Do you see that?

2 A Yes, I do.

3 Q And it shows where it was recorded in the
4 Grafton County Registry of Deeds?

5 A Yes.

6 Q Okay. Now, for orientation, do you see River
7 Road?

8 A Yes, I do.

9 Q And then heading north, there's an outline. Is
10 that your barn, where you see the outline of a
11 building that we saw before?

12 A Yes, it is.

13 Q Okay. And then the right-of-way continues north
14 past your barn, passing through some other
15 properties that you own, correct?

16 A That's correct.

17 Q Okay. Now, if you look, first of all, this is a
18 boundary and evidence plan that was prepared for
19 you; is that right?

20 A That's correct.

21 Q And it was prepared by Bryan L. Bailey
22 Associates, Inc., Land Surveyors and Land
23 Planners?

24 A That's correct.

1 Q And it's looking on the right-hand side, Mr.
2 Bailey stamped this as a licensed land surveyor
3 in March, on March 22, 2005?

4 A That's correct.

5 Q Now, if you look at the left-hand side of this,
6 and it's kind of small. Thank you. Mr. Bailey
7 refers to the 1931 warrant article 19 C that we
8 saw earlier, correct?

9 A Yes.

10 Q And if you look on Mr. Bailey's survey, and
11 we've highlighted it in a couple of places along
12 the road, you can see where he denotes the road
13 as being a three rod right-of-way 49.5 feet.
14 Correct?

15 A That's correct.

16 Q Now, can you see the little triangular lot that
17 we have highlighted in yellow, sort of the top
18 left-hand side, that's Tax Lot 12-3-10, Ahern?

19 A Yes.

20 Q Now, looking back at Counsel for the Public's
21 Exhibit 615, Bates stamped 14477, do you see
22 that same triangular lot on this Draft Survey?

23 A Yes, I do.

24 Q And on a Draft Survey, that's the location where

1 it's indicated to be three and a half rod width;
2 do you see that?

3 A Yes, I do.

4 Q And on Mr. Bailey's survey which is Counsel for
5 the Public Exhibit 626, in that location of
6 where your triangular parcel is located, he
7 indicates three rods, correct?

8 A That's correct.

9 Q Now, is the owner of the property through which
10 this road right-of-way passes, is it your belief
11 that the road in this location is a three-rod
12 width road?

13 A Yes, it is.

14 Q Okay. Your Direct Testimony also concerned,
15 expressed your concern that the road
16 right-of-way near your property is not wide
17 enough for certain parts of construction. So I
18 just want to ask you a few questions about that
19 part of your testimony.

20 What's on the screen now is a copy of
21 Applicant's Exhibit 73, Bates stamped 41981.
22 And if you look, this is the section that we saw
23 earlier where the road passes through your
24 property. Do you see that?

1 A Yes, I do.

2 Q And you can just sort of barely make out on the
3 right-hand side sort of the corner of your barn,
4 correct?

5 A That's correct.

6 Q Now, in this location we can see on the map the
7 transition line is proposed to go along the road
8 on the easterly side; is that right?

9 A Yes.

10 Q Now, Mr. Bowes when he testified during the
11 Applicant's Construction Panel's recall
12 testified that there will be a one-lane closure
13 in this area during construction. Do you recall
14 that?

15 A Yes, I do.

16 Q This is Bates stamp 41982 in Applicant's Exhibit
17 73 which is the next section of this road and
18 the left-hand side; is that your barn shown?

19 A Yes, it is.

20 Q And then again your house across the street?

21 A That's correct.

22 Q Okay. And here it shows a splice vault. Do you
23 see that?

24 A Yes, I do.

1 Q And we heard testimony earlier this afternoon
2 about the size of the splice vault and the size
3 of the hole and the need for five-foot buffer
4 around the splice vault. Do you recall that?

5 A Yes, I do.

6 Q Okay. Now, in this area where your barn is
7 located, your driveway is, and this splice
8 vault, approximately how wide is the pavement
9 area?

10 A It's about 13 to 14 feet either side of the
11 centerline.

12 Q Okay. Now, you had indicated in your Prefiled
13 Testimony that you were concerned about
14 construction in this area not be able to be done
15 within the right-of-way and encroaching on your
16 property; do you recall that?

17 A Yes, I do.

18 Q Why do you believe that? Why don't you think it
19 can fit in this spot?

20 A Well, originally they were going to put it
21 outside of the pavement. If you add 14 feet
22 plus the amount of space that it takes to put in
23 the splice vault, that gets outside of the 25 or
24 24-plus feet either side of the centerline of

1 the road. So I didn't think that they would be
2 able to put the splice vault in without
3 encroaching on my property either during the
4 construction or even the splice vault being
5 actually on my property.

6 Q Now -- go ahead.

7 A I was just going to say they have not put in an
8 Exception Request as of this time to put the
9 splice vault under the pavement as it's shown on
10 this diagram. So I don't know where the splice
11 vault is going.

12 Q I was going to ask you about that. Do you
13 recall back in September when the Applicant's
14 Construction Panel was recalled Mr. Johnson
15 testifying that this was an area that an
16 Exception Request should probably be submitted.

17 A Yes, I do.

18 Q Now, since that time, have you been contacted by
19 the Applicant regarding construction in this
20 area near your house for a possible exception?

21 A No. I have not.

22 Q The last area I want to ask you about,
23 Mr. Ahern, is Exception Request number 3 which
24 the Construction Panel testified about when it

1 was recalled, and it's also in the area of your
2 house.

3 So on the screen now in front of you is
4 Counsel for the Public's Exhibit 619 which is a
5 copy of Exception Request number 3, the fourth
6 revision. And if you look at the sentence we've
7 highlighted, it indicates that this request
8 relates to HDD number 52, the entry and the exit
9 pits, do you see that?

10 A Yes, I do.

11 Q And on page 2 of Exhibit 619, we've highlighted
12 certain sections and the Committee can read it
13 for themselves, but I'll just summarize for you.
14 The first highlighted section is a description
15 of the area needed for the HDD entry pits. Do
16 you see that?

17 A Yes, I do.

18 Q And essentially, they need 30 feet of level
19 stable area, correct?

20 A That's correct.

21 Q And the two bore holes are about 4 by 4 each,
22 and they need to be 10 feet apart, correct?

23 A That's correct.

24 Q Okay. And if you look at the next two

1 highlighted areas, the first one indicates that
2 there's not sufficient space at HDD 52 for
3 either of the pits on the entry side to be off
4 the paved road. Do you see that?

5 A Yes, I do.

6 Q And the bottom highlight indicates that there's
7 not enough room for one of the exit pits to be
8 off the -- actually, keep both of the exit pits
9 off the roadway; do you see that?

10 A Yes, I do.

11 Q So what's on the screen now is Bates stamp 14522
12 from this Exhibit 619 and the top picture shows
13 the area for the proposed HDD entry pit. Do you
14 see that?

15 A Yes, I do.

16 Q Now, as we saw, they're going to need to clear a
17 30-foot area for this entry pit work zone,
18 correct?

19 A That's correct.

20 Q So what's on the screen now is a drawing from
21 Exception Request number 3, Revision 4 which is
22 part of Counsel for the Public's Exhibit 619 and
23 it shows both the -- it shows the entry pit area
24 on the top, do you see that?

1 A Yes, I do.

2 Q And for reference, and can you see where it says
3 Cummings Hill Road?

4 A Yes, I do.

5 Q And as I understand it, the entry pit is just
6 going to be just south of Cummings Hill Road; is
7 that correct?

8 A That's correct.

9 Q And if you look as indicated in the request both
10 of these entry pit areas are going to be under
11 the pavement, correct?

12 A That's what it looks like, yes.

13 Q So what's on the screen now is another page of
14 this exhibit, Bates stamp 14527, and for
15 reference, you see Cummings Hill Road?

16 A Yes, I do.

17 Q And then just to the south of it is the two
18 entry pits that we saw before, correct?

19 A That's correct.

20 Q And this shows the HDD entry area work space and
21 in hatch. Do you see that?

22 A Yes.

23 Q And that's shown as a 30-foot wide by 300-foot
24 work space, correct?

1 A That's correct.

2 Q And do you see at the end of the work space you
3 see a driveway highlighted? Is that what that
4 is?

5 A Yes, it's a road that goes through a field and
6 down, down to some fields in the lower area that
7 you can't see from the road.

8 Q Okay. Now, if the first bore in the pavement is
9 going to be on the pavement, off the gravel,
10 let's say it's a foot onto the gravel, and
11 that's 4 by 4, that's going to be five feet,
12 correct?

13 A That's correct.

14 Q And if it has to be ten feet from the next one,
15 that moves us over to 15 feet, correct?

16 A That's correct.

17 Q And if that's going to be 4 by 4 that brings us
18 up to 19 feet wide, correct?

19 A That's correct.

20 Q So in this area, if they're going to put both of
21 those entry pits starting on the pavement,
22 they're going to be at least 19 feet into the
23 pavement area, correct?

24 A That's correct.

1 Q Now, a minute ago you said the road in this area
2 was -- the pavement is how wide in this area?

3 A I haven't measured it in this exact area. I
4 said down by my house it's anywhere from 13 to
5 14 feet either side of the centerline.

6 Q Okay. Is it significantly different in this
7 area?

8 A No. It should be about the same.

9 Q Okay. All right. So maximum may be 28 feet
10 wide?

11 A Yes.

12 Q If it's the same as yours. And so that only
13 leaves 10 or 11 feet of pavement left if it's in
14 fact 28 feet wide?

15 A Yes.

16 Q Now, do you see what I'll sort of describe as
17 sort of a hockey-shaped structure we've outlined
18 in yellow opposite Cummings Hill Road?

19 A Yes.

20 Q Do you know what that is?

21 A It's a driveway.

22 Q Okay. Now, nothing else is shown in this work
23 area other than that driveway and that road that
24 you testified about a moment ago, correct?

1 A That's correct.

2 Q So back on the screen now is Applicant's Exhibit
3 73, Bates stamped 41978. And this shows, this
4 shows Cummings Hill Road on the far left; do you
5 see that?

6 A Yes, I do.

7 Q Okay. And we saw earlier that that's, just
8 south of that is the start of the HDD drill,
9 correct?

10 A That's correct.

11 Q And if you look at this, it's kind of light, but
12 if you look at this on the top left-hand corner,
13 you can see what I described as that hockey
14 shape which is a driveway, correct?

15 A That's correct.

16 Q So on the screen now is Bates stamp 41977 from
17 Applicant's 73 which is the next page on this
18 part of the road, and if you can see the -- it's
19 in the right-hand side on the top. Do you see
20 that road that you described earlier?

21 A Yes, I do.

22 Q And that's the road that goes up to the top of
23 the page?

24 A Yes.

1 Q Right to the left where it says McDonald John
2 363 Daniel Webster Highway?

3 A Yes.

4 Q Okay. And if you look at the right, you can see
5 the hockey-shaped driveway that we saw in the
6 prior page, correct?

7 A Yes.

8 Q This map shows a structure right to the left of
9 that driveway; do you see that?

10 A Yes, I do.

11 Q What is that structure?

12 A It's Mr. McDonald's house.

13 Q Okay. We didn't see that structure on the
14 Exception Request, did we?

15 A No. We did not.

16 Q And then across the street from Mr. McDonald's
17 house is another structure. Do you see that?

18 A Yes, I do.

19 Q What's that structure?

20 A Somebody else's house.

21 Q And we didn't see that structure on the Request
22 for Exception, did we?

23 A No. We did not.

24 Q So what's on the screen now is Counsel for the

1 Public Exhibit 615, Bates stamped 14481. And
2 again, you see Cummings Hill Road?

3 A Yes, I do.

4 Q And so this is the location of that HDD we were
5 just talking about?

6 A That's correct.

7 Q And, again, we see the hockey-shaped driveway
8 and Mr. McDonald's house?

9 A Yes.

10 Q And past that we see that road that you had
11 mentioned earlier?

12 A Yes.

13 Q And across from Mr. McDonald's house is another
14 house along the right-of-way, correct?

15 A That's correct.

16 Q Now, this part of the road as we saw earlier on
17 this Draft Survey, this part of the road shows
18 three and a half rod width. Do you see that?

19 A Yes, I do.

20 Q Is it your belief that the width of this road is
21 actually three rods?

22 A That is correct.

23 Q Now, on the screen now is Counsel for the
24 Public's Exhibit 632. Do you see that?

1 A Yes, I do.

2 Q This is a copy of Exception Request number 3,
3 Revision 3. Do you see that?

4 A Yes, I do.

5 Q So this is the revision prior to the one we saw
6 earlier?

7 A That's correct.

8 Q So we saw for reference, firstly, for reference,
9 this is page 9 of Exception Request number 3,
10 revision 3, Bates stamp 14565, and if you look
11 at the top left-hand corner, it shows the work
12 area for the HDD entrance pits. Do you see
13 that?

14 A Yes, I do.

15 Q Now, on this version of the Exception Request,
16 it shows Mr. McDonald's house and the house
17 across the street, correct?

18 A That's correct.

19 Q But on Revision 4 which came after this, neither
20 of those two structures are shown, are they?

21 A No. They are not.

22 Q To the best of your knowledge, are those two
23 houses still there?

24 A They were the other night when I passed there.

1 Q Now, if you look at this work area and see
2 Mr. McDonald's house, would you agree with me
3 that this house, his house protrudes into the
4 proposed work area for the HDD?

5 A Yes, I do.

6 Q Now, we spoke a moment ago about the width of
7 the road, and if they're going to use the road
8 to use for the two entry pits, that put us at a
9 minimum of 19 feet into the paved section. Do
10 you recall that?

11 A Yes, I do.

12 Q Now, if you look at the house across from
13 Mr. McDonald's, is it your understanding that
14 that house is right on the edge of the
15 right-of-way?

16 A Well, an Exception Request number 3 they were
17 depicted a four-rod right-of-way so the house is
18 actually a little bit less, little bit further
19 away from the right-of-way if you use the three
20 rod. And just one thing on that three-rod
21 right-of-way. I just want to be sure that it's
22 clear that it's not three rods wide; it's one
23 and a half rods either side of the centerline of
24 the cement this was laid in the project in 1931.

1 That's a very significant difference
2 because the pavement and the centerline as drawn
3 by DOT shifts as they lay their pavement so you
4 have to find out where the centerline of the
5 concrete is, not go by the centerline that's
6 drawn by DOT paint crews.

7 Q So would you agree with me that it's going to be
8 very difficult to find 30 cleared space, 30 feet
9 of level cleared space for this HDD entry pit
10 work area that avoids Mr. McDonald's house and
11 intrudes onto the pavement and still leaves
12 enough space for a travel lane on the other side
13 and obviously not interfering with that other
14 house?

15 A Yes. And one other thing is right there at the
16 entrance to Cummings Hill Road, the terrain is
17 very steep at that point so it's going to take a
18 significant amount of work to provide a travel
19 lane there. And I don't know what it would do
20 to the gentleman that owns that house now as far
21 as his yard for them to get a travel lane
22 through there.

23 Q You anticipated my last question which is going
24 to be the topography in that area and how it

1 would impact Cummings Hill Road.

2 A I'm sorry.

3 Q Thank you very much, Mr. Ahern. I have no other
4 questions.

5 A Thank you.

6 PRESIDING OFFICER HONIGBERG: Mr. Pacik,
7 Mr. Whitley, Ms. Fillmore?

8 MS. PACIK: Our questions have been asked.
9 Thank you.

10 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

11 MR. REIMERS: No questions.

12 PRESIDING OFFICER HONIGBERG: Does the
13 Clarksville/Stewartstown Group have questions?
14 I don't know that anybody is here from that?

15 MS. THOMPSON: No questions.

16 PRESIDING OFFICER HONIGBERG: Deerfield
17 Group? Ms. Menard?

18 MS. MENARD: We're all set. Thank you.

19 PRESIDING OFFICER HONIGBERG: Ashland to
20 Deerfield Group? Ms. Crane?

21 MS. CRANE: I do have a few.

22 **CROSS-EXAMINATION**

23 **BY MS. CRANE:**

24 Q Mr. Ahern, is it in fact true that your brother

1 and a number of cousins and other relatives use
2 the land surrounding the land that we were just
3 talking about where your home and barn are for
4 agricultural purposes?

5 A That is correct.

6 Q And this area might in some eras have been
7 referred to as the lower interval in Plymouth?

8 A That's correct.

9 Q Or sometimes the north side of it anyway as
10 Goose Hollow?

11 A Well, it's Glove Hollow.

12 Q Glove Hollow. I'm sorry.

13 A Glove Hollow. That's the area where the HDD is
14 going is called Glove Hollow.

15 Q Is it true that you maintain at least some of
16 your properties consistent with preserving their
17 historic values?

18 A Yes.

19 Q Including a building that was once used as a
20 school, now identified as the Lower Interval
21 School?

22 A That's correct.

23 Q And it is also true roughly across Daniel
24 Webster Highway from the Lower Interval School

1 there is an active Grange Hall?

2 A It's up the, just a little bit north of the
3 Lower Interval School.

4 Q Thank you. Did anyone assessing the historical
5 and cultural values associated with this stretch
6 of Daniel Webster Highway ever ask you about
7 your properties?

8 A No. They did not.

9 Q One final question. Are you aware of school bus
10 traffic around Daniel Webster Highway near your
11 home and just north?

12 A Yes. They travel there every day during the
13 week.

14 Q And are there stops along Daniel Webster Highway
15 just to the north of you?

16 A Yes. There are.

17 Q That's all my questions. Thank you.

18 PRESIDING OFFICER HONIGBERG: Ms. Draper?

19 **CROSS-EXAMINATION**

20 **BY MS. DRAPER:**

21 Q Mr. Ahern, I'm Gretchen Draper, and I'm with the
22 Pemigewasset River Local Advisory Committee, and
23 I had a question about, in your testimony, you
24 had mentioned that there was a, in the

1 decommissioning plan it was your belief that the
2 splices would stay in place. Is that true? Is
3 that still true?

4 A As far as I know they said everything more than
5 four feet down is going to be left where it is.

6 Q Okay. And now, you have water lines that go
7 from your house to your barn; is that true?

8 A That is correct. I have a water line at my
9 house that goes to the barn and continues on and
10 up to a well on the hill, but I also have
11 another piece of property just north of there
12 that has a water line that comes down from a
13 well up on the hill.

14 Q Thank you. What is your understanding of where
15 your water line will be in regards to the
16 underground portion? Will it be below the cable
17 or above it?

18 A If you can tell me where that line is going,
19 then I'd be able to answer that, but since it's
20 still undecided, I'm assuming that it's going to
21 go below, but I have no idea. That was one of
22 my concerns.

23 Q And what is your concern about the placement
24 of --

1 A Well, whether they go above it or below it, the
2 line has been in there for close to 100 years,
3 and if they disturb the soil they're probably
4 going to disturb the water line which is
5 probably going to cause it to leak, and if it
6 leaks and I don't discover it during the first
7 year or the second year, then how am I going to
8 repair it? I'm not going to be able to find a
9 contractor that's going to want to work around
10 this power line.

11 Q Thank you very much.

12 PRESIDING OFFICER HONIGBERG: Did I miss
13 any Intervenor Group that has questions for
14 Mr. Ahern?

15 Mr. Needleman, do you have questions?

16 MR. NEEDLEMAN: No questions. Thank you.

17 PRESIDING OFFICER HONIGBERG: Members of
18 the Subcommittee have questions for Mr. Ahern?
19 Mr. Wright?

20 **QUESTIONS BY DIR. WRIGHT:**

21 Q Good afternoon, Mr. Ahern. Just to follow up on
22 the water line question that you just answered.
23 What is the current depth of your water lines
24 that cross the roadway?

1 A It's in the area of four to five feet.

2 Q Do you normally have to do maintenance on them
3 now?

4 A I don't have to do it continuously. I mean,
5 there was a, I can't remember how many years ago
6 I had to fix a splice that had been put in when
7 my father built the house that's there now. He
8 spliced into it to go to his house and that
9 splice gave way.

10 But what my concern is is that the pipe is
11 old, and if they dig there near the road, that
12 they're going to disturb that pipe and possibly
13 open up a leak.

14 Q Have you discussed your concerns with the
15 company at all?

16 A It was in my Prefiled Testimony and nobody has
17 come to see me.

18 Q Okay. Thank you.

19 PRESIDING OFFICER HONIGBERG: Any other
20 questions for members of the Subcommittee?

21 Mr. Ahern, in light of the questions you've
22 been asked here today and the answers you've
23 given, is there anything you need to follow up
24 on?

1 MR. AHERN: The biggest concern I have is
2 the fact that all this testimony is based on
3 plans that are still in the, they call it an
4 iterative process so we don't know exactly where
5 this is going, and so it's very hard for us to
6 have testimony or give detailed discussions as
7 to exactly where our problems are. They could
8 end up moving this line across the road to my
9 barn which would cause significant problems for
10 my barn. So I worry about the fact that there's
11 nothing set in stone as far as exactly where
12 this Project is going.

13 PRESIDING OFFICER HONIGBERG: Anything
14 else?

15 MR. AHERN: No.

16 PRESIDING OFFICER HONIGBERG: Thank you,
17 Mr. Ahern. I think we're going to take our
18 ten-minute break, and when we come back, we'll
19 be hearing from the New Hampton witnesses.

20 (Recess taken 2:44 - 2:56 p.m.)

21 (Whereupon, **Kenneth Kettenring** affirmed
22 to tell the truth by the court reporter)

23 **KENNETH KETTENRING, AFFIRMED**

24 (Whereupon, **Neil Irvine, Daniel Moore** and **Barbara**

1 **Lucas** were duly sworn by the Court Reporter)

2 **NEIL IRVINE, SWORN**

3 **DANIEL MOORE, SWORN**

4 **BARBARA LUCAS, SWORN**

5 PRESIDING OFFICER HONIGBERG: Mr. Whitley.

6 MR. WHITLEY: Thank you, Mr. Chair.

7 **DIRECT EXAMINATION**

8 **BY MR. WHITLEY:**

9 Q Good afternoon, everyone. Could you just go
10 around the table and introduce yourself for the
11 record, starting with you, Mr. Kettenring?

12 A (Kettenring) Ken Kettenring.

13 A (Irvine) Neil Irvine.

14 A (Moore) Daniel Moore.

15 A (Lucas) Barbara Lucas.

16 Q Thank you. Before I ask you any questions, I
17 want to first have you identify and state for
18 the record the testimonies that you're
19 submitting in this proceeding. So I've got the
20 them in an order here that's a little different
21 than the way you're sitting up there so I'm
22 going to start with you, Ms. Lucas. You
23 submitted testimony dated November 2016 that's
24 been marked as Joint Muni 122. Is that correct?

1 A (Lucas) That's correct.

2 Q Okay. And you have, I believe, one change to
3 that testimony?

4 A (Lucas) I do.

5 Q And where is that, please?

6 A (Lucas) It's on first page of the testimony,
7 line 11. It would be changing the last three
8 words of that sentence which read "Board of
9 Selectmen" to the word "residents".

10 Q Okay. Any other changes in your testimony?

11 A (Lucas) No, I did not.

12 Q With that change, do you adopt and swear to the
13 testimony that is being submitted to the SEC?

14 A (Lucas) I do.

15 Q Okay. Thank you. I'm going to turn to you now,
16 Mr. Moore. And you have submitted testimony
17 also dated November 2016 that's been marked as
18 Joint Muni 123. Do you have that testimony
19 before you?

20 A (Moore) Yes.

21 Q Is that correct, is it Joint Muni 123?

22 A (Moore) Yes.

23 Q Okay. And Mr. Moore, do you have any changes to
24 your testimony?

1 A (Moore) No.

2 Q Okay. Do you adopt and swear to that testimony
3 to be submitted to the SEC?

4 A (Moore) Yes.

5 Q Okay. Thank you. I didn't mean to cut you off.

6 Mr. Irvine, I'm going to come to you next
7 now. You have submitted testimony dated
8 November 2016 and that is marked as Joint Muni
9 114. Do you have that in front of you?

10 A (Irvine) I do.

11 Q Is it Joint Muni 114?

12 A (Irvine) It is.

13 Q Okay. Do you have any changes to that November
14 testimony?

15 A (Irvine) I do.

16 Q Go ahead and tell me where that is, please.

17 A (Irvine) The last paragraph it reads "together
18 with previously submitted testimony," add the
19 words "mentioned above."

20 Q Okay. Other than that, any other changes to
21 that November testimony?

22 A (Irvine) No.

23 Q Okay. In addition to the November testimony,
24 you also submitted testimony in April 2017. Is

1 that correct?

2 A (Irvine) Yes.

3 Q Okay. And that April 2017 testimony is marked
4 as Joint Muni 124. Is that correct?

5 A (Irvine) Yes.

6 Q And there were exhibits to that April testimony
7 as well, and those are separately marked as
8 Exhibit 1 A, Joint Muni 125. Is that correct?

9 A (Irvine) Yes.

10 Q Exhibit 1 B is Joint Muni 126.

11 A (Irvine) Yes.

12 Q And Exhibits 2 through 6 are Joint Muni 127. Is
13 that correct?

14 A (Irvine) Yes.

15 Q Okay. And did you have any changes to your
16 April 2017 testimony?

17 A (Irvine) I do not.

18 Q Okay. With the changes you mentioned earlier to
19 your November testimony, do you swear to and
20 adopt both of those testimonies as well as the
21 exhibits?

22 A (Irvine) I do.

23 Q Thank you. Mr. Kettenring, you submitted
24 testimony in November 2016. Is that correct?

1 A (Kettenring) That's correct.

2 Q Okay. And that testimony is marked as Joint
3 Muni 119. Is that correct?

4 A (Kettenring) That is correct.

5 Q Okay. Do you have any changes to that November
6 testimony?

7 A (Kettenring) Yes, I do.

8 Q Okay.

9 A (Kettenring) To the section on the first and
10 second pages regarding professional background
11 and experience --

12 Q Mr. Kettenring, if I could just cut you off. If
13 you could pull the microphone a little bit
14 closer and maybe angle it down.

15 A (Kettenring) Is that better?

16 Q That's better. Yes.

17 A (Kettenring) Okay. Would you like me to
18 continue?

19 Q Yes. Sorry. Go ahead.

20 A (Kettenring) Okay. On line 10, the answer
21 should read, "I was an officer in the Air Force
22 from 1966 to 1972 and left with a rank of
23 Captain."

24 Q Is there a period after Captain?

1 A (Kettenring) With a period.

2 Q Okay. Keep going. Please.

3 A (Kettenring) Okay. I served as an educator,
4 hydrologist and administrator until I retired in
5 2011.

6 Q Okay. And you just said hydrogeologist is
7 correct, right?

8 A (Kettenring) That's correct.

9 Q And then a period after 2011.

10 A (Kettenring) Right.

11 Q Any other changes in that answer?

12 A (Kettenring) Yes. I earned a bachelor's degree
13 in chemical engineering from Lehigh without the
14 capital H.

15 Q Okay. And that's at line 12?

16 A (Kettenring) That's at line 12.

17 Q Okay.

18 A (Kettenring) And also on line 12, I got a Ph.D.
19 in sedimentology from the University of
20 California at Los Angeles.

21 Q Okay.

22 A (Kettenring) UCLA.

23 Q Any other changes on that page?

24 A (Kettenring) On that page, no. On the next

1 page, on line 1, should read "County
2 Conservation District Supervisor." Cross out
3 "for New Hampton" because it was for the entire
4 county.

5 Q Okay.

6 A (Kettenring) I formerly served on the State
7 Conservation Commissions on line 2 as Chairman
8 and as representative of Belknap and Carroll
9 County Conservation Districts, period.

10 Q Okay. And that's on line 2 of page 2?

11 A (Kettenring) That's all on line 2 of page 2.

12 Q Any other changes to this November testimony?

13 A (Kettenring) There is not.

14 Q Okay. You also submitted testimony in April
15 2017; is that correct?

16 A That is correct.

17 Q And that's been marked as Joint Muni 120; is
18 that correct?

19 A (Kettenring) That's correct.

20 Q And the exhibits to that April 2017 testimony
21 have been marked as Joint Muni 121. Is that
22 correct?

23 A (Kettenring) Hold on just a second. That is
24 correct.

1 Q Okay. And do you have any changes to that April
2 2017 testimony?

3 A (Kettenring) Yes, I do.

4 Q Okay. Go ahead.

5 A (Kettenring) Starting on page 3, line 21, it
6 should be Map 126, not 136.

7 Q Thank you. Any other changes you'd like to
8 note?

9 A (Kettenring) Yes.

10 Q Okay.

11 A (Kettenring) On page 12, line 5, I would like to
12 add the word to the start at the sentence, other
13 than two isolated cell towers.

14 Q Okay. Any other changes in this testimony?

15 A (Kettenring) Yes.

16 Q Are you looking at page 14 maybe?

17 A (Kettenring) Yes. Page 14.

18 Q Okay.

19 A (Kettenring) Line 9. It should be 8 of the
20 proposed towers instead of 7.

21 Q Okay.

22 A (Kettenring) And on line 10 it should be five
23 are in violation of setback requirements instead
24 of 4.

1 Q Okay.

2 A (Kettenring) Okay. And then on page 16, line 2,
3 again it is 5 instead of 4, and on my chart,
4 underneath on line, approximately line 10,
5 underneath the DC 1144, should be E115-168 which
6 is also on Map 129 and also 75 feet from the
7 river.

8 Q Okay.

9 A (Kettenring) And that is all the changes.

10 Q Okay. So with those changes, do you affirm and
11 submit both your November 2016 and April 2017
12 testimonies along with the exhibits to the SEC?

13 A (Kettenring) I do.

14 Q Thank you. Just one second. Let me know when
15 something pops up on the screen. Okay.

16 Are all of you aware that Mr. Varney on
17 behalf of the Applicant has rendered an opinion
18 that the Project is consistent with the Town's
19 Master Plan?

20 A (Panel) Yes.

21 Q And if you could be careful not to answer
22 simultaneously that makes it a little easier for
23 the stenographer.

24 And during Mr. Varney's testimony before

1 the SEC, he provided some additional explanation
2 for that opinion, and I'm going to show you now
3 the transcript of his appearance before the SEC,
4 and this is Day 37 in the morning, and we're
5 looking at pages 51 and 52. And I'll give you a
6 second to read what's highlighted there.

7 I'm going to paraphrase and I'm going to
8 say that Mr. Varney's opinion was the Project
9 was consistent because the Town's Master Plan
10 doesn't specifically address transmission lines,
11 and the Master Plan is a planning document so
12 it's not intended to be applied to a specific
13 Project.

14 Do you agree with Mr. Varney's explanation
15 for why the Project is consistent with the
16 Town's Master Plan?

17 A (Kettenring) No.

18 A (Irvine) No.

19 Q And why not?

20 A (Kettenring) What's that?

21 Q And why not?

22 A (Kettenring) Okay. Goal 3.32 of our Master Plan
23 says that the Master Plan and ordinances
24 introduced that would protect these views and

1 vistas from development that would have a
2 negative impact such as cell towers, water
3 towers, and high rises. We did not mention
4 things like Eiffel Towers or other tall
5 structures that might come along because we felt
6 that giving examples clearly said what we
7 intended, and we have in fact written ordinances
8 as based on that Master Plan for the cell
9 towers, and we have in our zoning a -- excuse
10 me.

11 In our zoning we require that utilities and
12 transmission lines, and the words transmission
13 lines are in there, be buried if practicable.

14 Q Thank you. Anyone else on the Panel care to add
15 to that answer?

16 A (Irvine) Yes. I'll start with no, I do not
17 agree with Mr. Varney's representation. I feel
18 that it's a misrepresentation of the purpose of
19 a Master Plan document. That document is a
20 reflection of the social and economic values of
21 the municipality, the community. It's the
22 umbrella document by which the municipality
23 derives its authority to create zoning and
24 planning. So it translates those values through

1 our zoning ordinances and our planning documents
2 to describe how, when and where we would build
3 or preserve. So not referencing specifically
4 high voltage transmission lines in the Master
5 Plan is not an adoption, an adoption of a
6 willingness to embrace that type of development.

7 Q And I take it then that those of you that
8 answered don't read the Master Plan so that it
9 only applies to specifically mentioned projects
10 or types of development?

11 A (Kettenring) That is correct.

12 A (Irvine) Correct.

13 Q So how do you read it then?

14 A (Kettenring) As a guidance that's put together
15 with input from the people of the town upon
16 which we base our ordinances, upon which we base
17 our Planning Board, Site Plan Review rules and
18 our other rules.

19 Q Thank you. I want to turn now to a slightly
20 different subject. That is tax revenues that
21 the Project may enjoy if this goes forward. Is
22 the Panel generally aware that Dr. Shapiro on
23 behalf of the Applicant has touted the benefits
24 of the Project including the tax revenues that

1 New Hampton and other host communities would
2 receive?

3 A (Irvine) Yes.

4 Q And I've put on the screen here, this is
5 Attachment C to Dr. Shapiro's April 2017
6 testimony which is Applicant's Exhibit 103. Do
7 you see that up there?

8 A (Irvine) I do.

9 Q And I've highlighted New Hampton, and what I
10 want to direct you to is the first column there.
11 And this states the potential tax reduction that
12 residences would enjoy per \$1,000 of assessed
13 valuation; do you see that?

14 A (Irvine) I do.

15 Q With these estimated tax savings for town
16 residents, do you still believe the negative
17 impacts of the Project outweigh any positive
18 ones?

19 A (Irvine) I do.

20 Q And why is that?

21 A (Irvine) Ms. Shapiro doesn't take into account
22 in her evaluation any negative impacts. Her
23 economic analysis is purely on the benefits and
24 in no way factors in negatives.

1 Q When you say negatives, Mr. Irvine, what are you
2 referring to?

3 A (Irvine) The primary negative impact to the town
4 of New Hampton would be to our tax base to
5 property values.

6 Q And there's been some testimony before the
7 Committee and some questions from various
8 parties about the appropriate methodology to be
9 used to assess the Project in town. Assuming
10 hypothetically that Dr. Shapiro is incorrect and
11 another methodology is used that would result in
12 higher tax revenues for the town, would that
13 change your evaluation of the weighing of the
14 negatives and the positives of the Project?

15 A (Irvine) It would not, no.

16 Q And why not?

17 A (Irvine) The negative impacts -- let me restate
18 that.

19 The positives that the Applicant has put
20 forth for the town in additional tax revenues
21 can still be achieved through a different
22 construction method. Burial. We would still
23 have the benefit of the additional tax base, we
24 would have the construction jobs, we'd have the

1 permanent jobs that are created through that
2 economic stimulus, but we would not have the
3 negative impacts to the properties that are on
4 the right-of-way, properties that are abutters
5 to the right-of-way, or additional properties
6 that are tertiary.

7 Due to the topography of New Hampton there
8 are many properties that look out on over the
9 existing right-of-way but have no view of the
10 towers that exist currently because they are all
11 below the tree line. You add in the structures
12 that are being proposed, it will put these
13 towers above the tree line and then impact
14 tertiary properties.

15 So all of those benefits that are being
16 purported by the Applicant could still be
17 achieved. In fact, the Department of Energy in
18 their Environmental Impact Study recognized that
19 the tax benefits to the host municipalities
20 would be later with greater with a burial
21 option, that the job creation would be greater,
22 so the benefits are still there. The Applicant
23 still gets product to market, but the host
24 communities aren't negatively impacted.

1 Q I want to ask you the same question but I'd like
2 you to answer for the Project as it currently
3 proposed.

4 A (Irvine) Okay.

5 Q Versus a hypothetical burial.

6 A (Irvine) I thought we were playing hypothetical.
7 My apologies.

8 Q That's okay. Do you remember the question?

9 A (Irvine) No.

10 Q Basically it's if a different methodology is
11 used and the town would receive additional tax
12 monies beyond what Dr. Shapiro has estimated,
13 would that change your evaluation of the
14 benefits of the Project versus the negatives for
15 the Project as proposed?

16 A (Irvine) No. It does not.

17 MR. NEEDLEMAN: Mr. Chair, I'm going to
18 object. This is just a question of different
19 tax methodologies and other witnesses including
20 one of Mr. Whitley's witnesses testified to
21 these exact issues so this could have been
22 covered.

23 PRESIDING OFFICER HONIGBERG: Mr. Whitley?

24 MR. WHITLEY: I'm not asking the witnesses

1 to state their opinion about which methodology
2 is appropriate. I'm asking the witnesses to
3 give the Committee some answer as to whether it
4 matters to them. If they get more tax monies
5 from a different methodology than what Dr.
6 Shapiro has put forth, does that change their
7 opinion about whether they oppose the Project or
8 not. So I'm not asking them to render an
9 opinion on what's appropriate.

10 PRESIDING OFFICER HONIGBERG: Overruled.

11 You can proceed.

12 A (Irvine) No. It would not change the Board's
13 position.

14 Q And why not?

15 A (Irvine) Because the character of our community
16 is not for sale. So regardless of the dollar
17 amount of benefit, the visual scar to our
18 community and wider field isn't worth it.

19 Q And you mention the visual scar. Are there any
20 other negatives that support your conclusion?

21 MR. NEEDLEMAN: Same objection.

22 PRESIDING OFFICER HONIGBERG: Overruled.

23 A (Irvine) Could you restate the question, please?

24 Q You mentioned just now the visual scar, and I'm

1 asking if there are any other things you would
2 point to as negative attributes that would
3 outweigh the additional monies?

4 PRESIDING OFFICER HONIGBERG: Beyond what's
5 in their testimony already which is extensive?

6 MR. WHITLEY: Yes.

7 A (Irvine) No.

8 Q Okay. Thank you. I want to turn now to some
9 design changes that the Project announced in
10 August, and I'm going to put up for you now --
11 first let me back up.

12 Is the Panel generally aware that the
13 Project revised the design in August of 2017?

14 A (Irvine) Yes.

15 Q Okay. And have you seen some of those revised
16 plans?

17 A (Irvine) Yes.

18 Q Okay. So I'm going to put up now one section of
19 those changes, and this is a change in town.
20 This is AOT Sheet 258, and this is from
21 Applicant's Exhibit 200, and let me show you,
22 this is the newer design so this is the one that
23 I believe that the Panel just confirmed that you
24 had seen, correct?

1 A (Irvine) Yes.

2 Q Okay. So let me show you the older design in
3 this area. This is also AOT Sheet 258. This is
4 from Applicant's Exhibit 1, appendix 6 C. And
5 you see the Cross Road, the differences what,
6 the access road as it traverses Cross Road. So
7 you see in this older version there's no access
8 to Cross Road from the right-of-way, correct?

9 A (Irvine) Correct.

10 Q Okay. I'm going to show you the newer design
11 now, and you see that the more recent design
12 there are aprons on both sides of the corridor
13 for access to Cross Road, correct?

14 A (Irvine) Yes.

15 Q What is the status of Cross Road in this area?

16 A (Irvine) Cross Road is a Class VI road which
17 means it is not maintained by the town.

18 Q Okay. And beyond the right-of-way corridor, as
19 you're going, I don't see a direction symbol on
20 here, but as you're going towards the top of
21 this plan sheet, does the road exist beyond the
22 right-of-way corridor?

23 A (Irvine) Yes, it does.

24 Q Okay. And what is beyond the right-of-way

1 corridor there?

2 A (Irvine) There are residences at both ends, and
3 there's also a year-round residence about
4 halfway across. In fact, that might be it, at
5 the top of the screen.

6 Q I can zoom up if that's helpful.

7 A (Irvine) No, you're not seeing it.

8 Q Okay.

9 A (Irvine) It's in that vicinity.

10 Q Okay. Thank you.

11 A (Irvine) Yes. There are year-round residences
12 either end and then one residence about halfway
13 across.

14 Q And prior to this design change, did the Town
15 have concerns regarding construction vehicles on
16 local roads?

17 A (Irvine) Yes, we did.

18 Q And what were the nature of those concerns?

19 A (Irvine) Concerns were primarily traffic
20 impacts. Had there been a traffic impact study
21 done, where were those impacts expected to be,
22 what mitigation would be put in place as well as
23 heavy construction traffic damage on our roads.

24 Q Thank you. This design change, does that

1 alleviate those concerns, make them worse, do
2 nothing?

3 A (Irvine) I would say increases them.

4 Q And why is that?

5 A (Irvine) As I say, Cross Road is a Class VI road
6 and heavy construction traffic across that road,
7 yeah, it's not going to make it better. That's
8 the only thing I could say to that.

9 Q Okay. Thank you. Are there any specific issues
10 with the Project potentially using this road
11 that you have issues with?

12 A (Irvine) Yes. As I previously testified, there
13 are residences that are serviced by this road.
14 First Responder traffic, it's a point of access
15 for First Responders. There's certainly no way
16 for First Responders to get around a piece of
17 construction equipment if there were to meet it
18 nor is there anywhere for that construction
19 traffic to move out of the way and yield for
20 First Responders.

21 Q Okay. Thank you. Is the Panel generally aware
22 that Northern Pass has spoken about their
23 outreach efforts to host communities to address
24 local concerns?

1 A (Irvine) Yes.

2 Q And has anyone from Northern Pass contacted the
3 Town regarding this particular design change?

4 A (Irvine) No.

5 Q Has anyone from Northern Pass contacted the Town
6 regarding the potential access issues with this
7 road that you just mentioned?

8 MR. NEEDLEMAN: Mr. Chair, I'm going to
9 object. I think it's mischaracterizing the
10 record at this point. We had this exact issue
11 with Pembroke, and I think it was made clear at
12 that time that it's not a design change and that
13 there is no change in the intention to use
14 access roads, and we seem to be going down the
15 same path all over again.

16 PRESIDING OFFICER HONIGBERG: Mr. Whitley?

17 MR. WHITLEY: Well, I guess, first of all,
18 it's a different town so it's something else
19 that I want to put in the record about what's
20 happening.

21 PRESIDING OFFICER HONIGBERG: I think the
22 problem is the characterization of it as a
23 design change.

24 MR. WHITLEY: That's fine. I mean, I

1 will --

2 PRESIDING OFFICER HONIGBERG: Can you
3 rephrase around --

4 MR. WHITLEY: Sure. Yes.

5 BY MR. WHITLEY:

6 Q So Mr. Irvine, this change in the plan that
7 you're seeing here, was that particular change,
8 did you have any discussion with Northern Pass
9 regarding that?

10 A (Irvine) We did not.

11 Q Okay. And the lack of contact with Northern
12 Pass about the change that's indicated here, how
13 did that make you feel about entering into a
14 possible agreement with Northern Pass in the
15 future?

16 A (Irvine) I would say we would be uncomfortable.

17 Q And why is that?

18 A (Irvine) Because nothing seems to be set in
19 stone. Everything is very fluid in the way that
20 the Project is being presented for approval and
21 expecting the Town to enter into an agreement
22 when we don't know the specifics of the impact
23 to the town and how items may be mitigated that
24 are of concern would make us very uneasy

1 entertaining an agreement.

2 Q Thank you. We mentioned agreements, and that's
3 a good segue to my last topic. Is the Panel
4 generally aware that Northern Pass has engaged
5 host communities to sign Memorandums of
6 Understanding or MOUs?

7 A (Irvine) Yes, we are.

8 Q Okay. There's been testimony by Northern Pass
9 that the MOUs are intended to resolve certain
10 concerns that a community may have, and I want
11 to put up on the screen here a template for that
12 agreement, and this is from Mr. Quinlan's
13 Supplemental Testimony. This is Attachment H.

14 Has anyone on the Panel seen a document
15 like this before?

16 A (Irvine) Yes.

17 A (Lucas) Yes.

18 Q I'm sorry. Ms. Lucas?

19 A (Lucas) Yes.

20 Q And has the Board of Selectmen discussed
21 possibly signing an MOU such as this?

22 A (Irvine) Yes. We did.

23 Q Has the Board ever met with Northern Pass to
24 discuss the MOU and the issues the Town may

1 have?

2 A (Irvine) Yes. We did.

3 Q And roughly when did that meeting take place?

4 A (Lucas) May.

5 A (Irvine) May of 2017.

6 Q Okay. Did the Board of Selectmen elect to sign
7 an MOU with Northern Pass after that meeting?

8 A (Irvine) We did not.

9 Q Okay. And very generally, why was the Board of
10 Selectmen not comfortable signing at that time?

11 A (Irvine) After the meeting we felt that the
12 answers that we received from Northern Pass to
13 some of the concerns that we brought forth were
14 very vague and noncommittal.

15 Q Okay. Anything else?

16 A (Irvine) There was a general lack of specifics.
17 We'll go back to road conditions. When we
18 talked about roads and we looked at the MOU, the
19 MOU doesn't outline who would be the decision
20 maker as to the degree of damage and how the
21 Town would be compensated or remedied, made
22 whole. It was just a general lack of
23 specificity through the document.

24 The early representations by the Applicant,

1 by Northern Pass, in its outreach methods were
2 found to be -- I don't want to use that word.
3 Misrepresented, I think is a fair way to put it.
4 And that informed our decision that a document
5 that was prepared by and for the benefit of the
6 Applicant was not in the best interest of the
7 Town.

8 Q Okay. And I believe you mentioned this, but I
9 just want to make sure that I understand the
10 answer. You know, the Applicant has stated in
11 some of their testimony and questioning before
12 the Panel that the MOU is one way to resolve
13 potential issues to local roads and the concerns
14 that a town may have with the use of local
15 roads.

16 Do I understand your answer is that an MOU
17 would not address New Hampton's concerns?

18 A (Irvine) Not at this time, no.

19 Q Okay. And is the Board of Selectmen willing to
20 listen in the future if Northern Pass wants to
21 continue talking?

22 A (Irvine) Always.

23 Q Okay. And is there anything in particular the
24 Board would look for from Northern Pass in those

1 conversations?

2 A (Irvine) We would like for actual commitments
3 and details. How they would address the
4 individual concerns.

5 Q Okay. That's all I have, Mr. Chair.

6 PRESIDING OFFICER HONIGBERG: Mr. Aslin?

7 **CROSS-EXAMINATION**

8 **BY MR. ASLIN:**

9 Q Thank you, Mr. Chairman. Good afternoon. My
10 name is Chris Aslin. I've been designated as
11 Counsel for the Public in this proceeding. How
12 are you?

13 A (Panel) Good.

14 Q I want to follow up on a few things from your
15 Direct Testimony for clarification. I'll start
16 with Ms. Lucas.

17 The town vote in 2011. You included with
18 your testimony a letter that went from the Board
19 of Selectmen to then Governor Lynch, and that
20 letter sets out the resolution by the town and
21 the votes for and against it. Have there been
22 any subsequent discussion at the town level or
23 vote by the town regarding approval or
24 disapproval of the Project?

1 A (Lucas) There has been a Petition that was
2 submitted to the Board of Selectmen signed by
3 about 700-plus residents in opposition of the
4 Project as proposed. Other than that, there has
5 not been a formal town meeting vote on the
6 issue.

7 Q Okay. And when, what was the general time frame
8 of that Petition?

9 A (Lucas) I would say it was 2016.

10 Q Okay. Thank you. And so other than the
11 Petition, which was not a formal town action,
12 there's been no formal consideration of the
13 position of the town in response to any changes
14 in the Project design over time? Is that
15 correct?

16 A (Lucas) There has been no formal vote, no.

17 Q Okay. Thank you. I'd like to, many of my
18 questions are going to go to Mr. Kettenring.
19 Just fair warning to the others to relax for a
20 minute, but feel free, if you have a response to
21 any of these questions, you can certainly answer
22 as well.

23 Mr. Kettenring, your testimony is on behalf
24 of the Planning Board; is that correct?

1 A (Kettenring) That's correct.

2 Q And you indicate in both your Prefiled
3 Testimony, your Direct Testimony, and your
4 Supplemental Testimony that you've been
5 authorized by the Planning Board to speak on
6 their behalf?

7 A (Kettenring) That is correct.

8 Q And I wanted to just clarify, along with your
9 November 15th testimony you submitted a letter
10 that you signed as Chair of the New Hampton
11 Planning Board, and it's dated November 14th,
12 2016. Was that letter also written and approved
13 by, written on behalf of the Planning Board and
14 approved by the Planning Board as a whole or is
15 that your opinion?

16 A (Kettenring) It was written prior to approval
17 from the Planning Board because of the lack of
18 time to do it, but it was after the fact
19 approved by the Planning Board.

20 Q Okay. Thank you. In that letter which -- it's
21 attached to your November 15th testimony which I
22 believe is Joint Muni Exhibit 119, but Sandie
23 will correct me.

24 You indicate that if the Project were

1 presented to the Planning Board, as opposed to
2 the SEC, that you believe that the Board would
3 deny the Project based on local regulations; is
4 that fair?

5 A (Kettenring) That's correct as it is currently
6 standing. I think I also said that our rules
7 would allow it if it was buried and if they show
8 or if they showed that it was necessarily to
9 have it aboveground in all locations, but we
10 have seen no evidence of that.

11 Q Okay. That's what I was going to ask next.
12 This letter was from November of 2016. There
13 have been a few adjustments to the Project since
14 then. Does that opinion remain your opinion as
15 a Chair of the Planning Board?

16 A (Kettenring) It does.

17 Q Thank you. Just for the record, that letter
18 appears at Bates stamp Joint Muni 005679.

19 You also in your testimony, primarily in
20 your Supplemental Testimony, make a number of
21 statements about aesthetics or the impact of the
22 Project on local aesthetics; is that correct?

23 A (Kettenring) Yes.

24 Q Your testimony, are you offering this testimony

1 as a formal Visual Impact Assessment?

2 A (Kettenring) No. I am offering it as a citizen
3 who knows what he likes and what other
4 townspeople seem to enjoy and visitors enjoy.

5 Q Thank you. And your testimony based on
6 potential visibility is that based on your
7 understanding of the topography and the location
8 of the proposed Project?

9 A (Kettenring) Yes.

10 Q But you didn't perform any sort of computer
11 modeling to reach those decisions?

12 A (Kettenring) I did look at Boyle's computer
13 model, but, no, I did not perform any of my own.

14 Q Okay. Thank you. You raise concerns about the
15 impacts to aesthetics, and, in particular, the
16 impact to recreational use in the town; is that
17 a fair assessment?

18 A (Kettenring) That's a fair assessment.

19 Q And you reference the three crossings of the
20 Pemigewasset River within the town of New
21 Hampton.

22 A (Kettenring) Yes.

23 Q And in particular, is it your opinion -- well,
24 let me state it this way.

1 Do you have a basis for your opinion that
2 the addition of additional structures and
3 crossings of the Pemigewasset River will reduce
4 the number of users, recreational users, in the
5 area?

6 A (Kettenring) I think it would make it a less
7 interesting stretch of river to recreate on.
8 There are other places that are nice, not that
9 far away by car, so I suspect it would, but I
10 don't have any data to support that.

11 Q Okay. So it's just your opinion?

12 A (Kettenring) It would reduce my enjoyment of the
13 air.

14 Q Fair enough. Mr. Kettenring, in your
15 Supplemental Testimony on page 2 you reference a
16 heavily used trail in an abandoned railroad bed
17 that's running along the Hill side of the river,
18 and I just wanted to orient myself to what you
19 are referencing. And so what I've pulled up on
20 the screen and you should be able to see is a
21 page out of the Project maps. This is
22 Applicant's Exhibit 201. These are the updated
23 August 2017 maps. This is the page Bates marked
24 APP 68027. I believe this is the area that

1 you're referencing where the Project crosses
2 over from New Hampton into the town of Hill?

3 A (Kettenring) It's part of the area I'm
4 referencing. It's the area where the greatest
5 impact of the trail is because it crosses right
6 over, but the trail and the old railbed run
7 along the Hill side and continue into Bristol
8 and to Profile Falls, and that's where the trail
9 is, and that's a very heavily utilized trail.
10 It runs down to Old Hill Village and eventually
11 to the Franklin Falls Dam.

12 Q And is that trail depicted on this map?

13 A (Kettenring) If it's that fine gray line, maybe.
14 I couldn't say for sure.

15 Q Okay. That's the general area where the trail
16 exists.

17 A (Kettenring) The trail, yeah. It's generally
18 right. It's not positive that that's it, but it
19 looks like it.

20 Q And other than the location where the trail
21 presumably goes underneath the proposed Project
22 and through the existing right-of-way, do you
23 have any basis to understand the amount of
24 visibility that will be of the Project from the

1 trail?

2 A (Kettenring) Both from the river there's a lot
3 of river use as well in this area. I mean, I've
4 been at the location. I know how much shows
5 their plans in the material that the -- is it
6 DeWan's or is it in Boyle's? I'm not sure which
7 one it was, but there were pictures showing
8 these, this location and that a before and after
9 either in DeWan's report or Boyle's report, I'm
10 not positive which.

11 Q Thank you. Is it your or do you have an opinion
12 about the extent of visibility from this trail?
13 Is it going to be mostly at the location where
14 the Project crosses over the trail? Or is it
15 visible from a larger area based on your --

16 A (Kettenring) Well, the wires going across the
17 river will be visible from both upstream and
18 downstream for some distance, and you can also
19 see the current towers from some distance
20 upstream and downstream, and the bigger towers,
21 I assume, will be the more apparent.

22 Q Okay. Thank you. You also reference a couple
23 of roads. The first being Coolidge Woods Road
24 and you don't state, well, you state that it's

1 been, it is utilized by residents and visitors
2 to enjoy the views. Is that road designated by
3 the Town or the State as a scenic road?

4 A (Kettenring) No.

5 Q But you have stated in your testimony that
6 residents and visitors use it. Do you have an
7 estimation of the number of people who come
8 through there?

9 A (Kettenring) Well, the Army Corps has a
10 swimming/kayak launch area and parking lot along
11 the road. The road runs the entire length. I
12 can't give you an estimate of what the traffic
13 volume is, but during the summer, there's almost
14 always somebody down there.

15 Q Thank you. You also reference Blake Hill Road
16 and note that it is a designated scenic road?

17 A (Kettenring) Yes.

18 Q Is that designated by the Town?

19 A (Kettenring) Yes.

20 Q Okay. Thank you. I want to show you a couple
21 images from Google maps just to orient us. You
22 testified regarding a few different locations
23 where you believe there will be visibility of
24 the Project. The first is the Gordon Hill Road

1 and Burleigh Mountain?

2 A Yes.

3 Q And if we could have CFP 630.

4 So what I'm showing you, and what you
5 should see now is just an image from Google
6 where the red icon on the right-hand side of the
7 screen is indicating the location of Gordon Hill
8 Road. Does that appear to be the approximate
9 location? And north is to the left.

10 A (Kettenring) It looks like it, yes. It goes on
11 up. You can see the cleared area at the top.
12 And then cleared areas, if you go, you've got
13 about halfway up the road.

14 Q Yeah, I believe that marker ends up in the
15 middle of the road.

16 A (Kettenring) Yes.

17 Q So the road, Gordon Hill Road runs from 132 up
18 towards those cleared areas?

19 A (Kettenring) Yes.

20 Q Is that cleared area near the top of what you've
21 indicated as Burleigh Mountain?

22 A (Kettenring) Well, the cleared area is the top
23 of the road, and you look across the river, can
24 look across the river there into Bristol and

1 would get a, right now you can't see much
2 because the poles are low but if the poles were
3 high they would be very visible. The top of
4 Burleigh Mountain is if you go from the upper
5 part of the cleared area and go -- I don't know
6 what the orientation -- okay. South. If you go
7 a little bit to the southeast of that, there is
8 a very short trail that takes you to the top of
9 Burleigh Mountain, and there are very good views
10 there. Plus between Burleigh Mountain and
11 Carter Mountain there's a pass that in the
12 winter is used as a snowmobile route and skating
13 and cross-country and snowshoeing and in the
14 summer is used for hiking and doing walking and
15 that sort of thing.

16 Q Okay. Thank you. So what I wanted to
17 understand a little bit about, do you see to the
18 north of Route 104 which is left hand on the
19 screen.

20 A (Kettenring) Yes.

21 Q The existing right-of-way, the cleared
22 right-of-way?

23 A (Kettenring) Yes.

24 Q So it cuts down from, it's crossing the river

1 and the highway there.

2 A (Kettenring) Um-hum.

3 Q And once it's to the east of the highway, it
4 parallels the highway going to the north towards
5 Franconia and Ashland?

6 A (Kettenring) Yes.

7 Q Okay. So your testimony is that there are, I
8 believe you said spectacular views up the
9 Pemigewasset Valley to Franconia Notch and Mt.
10 Washington from the top of Gordon Hill Road.

11 A (Kettenring) Yes.

12 Q Which parts of the existing right-of-way are
13 visible from that location?

14 A (Kettenring) Right now, the only part that's
15 visible and it's very hard to find is I can see
16 one pole on the Bristol side along that straight
17 line of the existing right-of-way. And it's
18 low. I'm assuming that you'll see a lot more
19 when you make the poles much higher. You can
20 see a small section, just before you get to
21 Ashland there's an open field. And the
22 right-of-way goes through that open field right
23 to the left of where it says Styles Bridges
24 Highway, and with binoculars you can see that

1 there are poles there now. I think they'll be
2 visible without the poles --

3 Q Okay. Would you agree with me that it's between
4 two and three miles from that portion of Gordon
5 Hill Road out to the existing right-of-way or
6 where it crosses through Bristol?

7 A (Kettenring) Across to it?

8 Q Yes.

9 A (Kettenring) I don't think it's that far. Let
10 me see. The scale down here is 5,000 feet so,
11 yeah, it might be two miles.

12 Q Okay. And your opinion is with the enlargement
13 of the structures that will become more visible?

14 A (Kettenring) Yes.

15 A (Irvine) If I may?

16 Q Yes. Please.

17 A (Irvine) Talking about this specific image that
18 you've put before us, right now we have wooden
19 lattice, wooden H-Frame towers structures which
20 are generally, I don't want to see invisible,
21 but they blend into the scape with tree barrier
22 edging. Round about the center of the
23 photograph where it says Style Bridges Highway
24 132, that's up around mile marker 72, give or

1 take. And on the east side of the road where
2 the right-of-way is, the land owner has recently
3 clearcut. And one of the concerns is that
4 cumulative impact. It's not the visibility of
5 any one tower. But when you're able to see up
6 the entire right-of-way and you start seeing
7 tower and another tower and another tower you
8 have a cumulative impact that is greater than
9 the visibility of any one tower. And this is a
10 prime example of where that type of impact is
11 going to occur where a landowner takes away some
12 vegetation, does some timber harvest and all of
13 a sudden opens up the visibility of the
14 right-of-way beyond what exists today.

15 A (Kettenring) Both DeWan and Boyle mentioned that
16 particular location, and I think they would have
17 a different opinion if they viewed it now
18 because of this recent cut. It's much more
19 visible and open, and that's an issue all along
20 the right-of-way. The right-of-way is very
21 narrow, and the buffering trees are on private
22 property, not the Applicant's property. And
23 there is nothing to prevent somebody to go in
24 and do clearcutting and make things even more

1 visible than they would be otherwise.

2 Q Okay. Thank you. So I want to turn to the next
3 location that you raise in your testimony which
4 is Old Bristol Road.

5 A (Kettenring) Yes.

6 Q And you reference panoramic views of the
7 Pemigewasset River.

8 A (Kettenring) Yes.

9 Q So you should be seeing now another Google
10 image, and I'll represent that Old Bristol Road
11 is along the bottom of the screen where the red
12 icon is sort of in the middle of the road. And
13 you can see the existing right-of-way coming up
14 from the bottom left and going across the river
15 and then to the right. CFP 629. Do you agree
16 that that's the lay of the land?

17 A (Kettenring) Yes.

18 Q So in your testimony when you refer to views
19 from Old Bristol Road, are they, which part of
20 the right-of-way are you referencing as being
21 visible?

22 A (Kettenring) Several locations. Well, first of
23 all, on Old Bristol Road, Old Bristol Road, this
24 isn't a topographic, you can't see the

1 topography. But it's a very steep bank up from
2 the Pemi, and Old Bristol Road is well above the
3 Pemigewasset looking out across the valley. And
4 you can see it from, you can see a couple of
5 large clearings in this picture at various
6 locations, and I'd say there are four or five
7 locations where you can get a very good view
8 across the river, and a lot of the houses are
9 then a little bit further up so they're going to
10 have a good view, too.

11 Q Okay. And these are residences along Old
12 Bristol Road?

13 A (Kettenring) Yes.

14 Q So when you're talking about a good view, you
15 are talking about the portion of the Project
16 that's across the river?

17 A (Kettenring) Yes. And as I think I mentioned in
18 there, New Hampton wants to see it buried, but
19 if it isn't also buried in Bridgewater and in
20 Bristol and in Hill, we're still going to have
21 many of our best views interrupted.

22 Q You reference in your testimony that there are
23 clear views currently of the existing
24 right-of-way from Old Bristol Road?

1 A (Kettenring) There are places where you can see
2 one or two towers with a lot of effort to see
3 it.

4 Q Okay. You have to be looking for it.

5 The last location that you reference in
6 your testimony is Dana Hill Road, and on this
7 one there's a little more -- but let's start
8 with the Google map. It's CFP 628, just to get
9 our orientation. And so in this image which you
10 should be seeing now, Dana Hill Road is on the
11 right-hand side of the screen, and there's a
12 gray marker at the approximate location of the
13 Dana Meeting House.

14 A (Kettenring) Yes.

15 Q Would you agree with that?

16 A (Kettenring) Yes.

17 Q And your testimony is that north of the Dana
18 Meeting House?

19 A (Kettenring) Where that large open clearing.

20 Q North of that icon, there are expansive views of
21 the Pemigewasset River Valley?

22 A (Kettenring) Right.

23 Q And do you see the right-of-way coming in from
24 the bottom left crossing the river?

1 A (Kettenring) Right, and you can see right up the
2 hill, the right-of-way where it is now. And the
3 current wooden H-Frame towers are very visible,
4 but they don't really stand out as much as I
5 imagine they're going to with these larger
6 towers. Plus you don't now see the lower
7 portions of that right-of-way, but with higher
8 towers I think they'll be above the trees.

9 Q Okay. And from this vantage point along Dana
10 Hill Road, do you also see I-93?

11 A (Kettenring) I don't think so, but I'm not sure.
12 Can't remember. Glimpses.

13 Q You reference that -- I want to pull up actually
14 on this one the Project map because I think
15 they're close enough to the Project to be able
16 to see it. So that's APP 68011.

17 So this is part of Applicant's Exhibit 201.
18 And again, it's APP 68011, and this is the
19 crossing of the Pemigewasset River, and would
20 you agree that Dana Hill Road is off to the
21 right of this picture, paralleling the river
22 more or less?

23 A (Kettenring) Yes.

24 Q And these structures here where it's coming

1 across, I believe in your testimony you
2 reference the steep hill. Is this the steep
3 hill where it comes up from the river or is that
4 a different location? What's shown here to the
5 right of the river?

6 A (Kettenring) Where do I reference it? I don't
7 recall right now.

8 Q Okay. I may be confusing a different part of
9 your testimony. I apologize.

10 A (Kettenring) I know that, Dan, did you reference
11 the detail of this?

12 A (Moore) I didn't reference the detail of it,
13 though we have looked at this in the
14 Conservation Commission. In fact, the DeWan
15 simulation was there. In fact, the DeWan
16 simulation was taken at this one site. And I
17 think that's the one we were very concerned with
18 when we were talking about it.

19 Q Okay. And I have, I was going to pull that up
20 next.

21 A (Moore) Okay.

22 Q Is it your understanding that these are lattice
23 structures through this part of the Project?

24 A (Moore) No. I mean, as they are now? No.

1 Q No, in the proposed Project.

2 A (Irvine) Yes, in the proposed study. Yes.

3 Q Sandie, if you could pull up APP 79515, please.

4 So you should now be seeing the, this is
5 the existing condition photo, but this is from
6 the Final EIS and this is the Technical Report
7 for Visual Impacts, and it's Applicant's Exhibit
8 205 but it's a portion of that larger exhibit,
9 and this is at APP 79515. This is the existing
10 conditions from Dana Hill Road looking across
11 the Pemi, if I understand correctly. Does that
12 look correct to you?

13 A (Kettenring) Yes.

14 Q This may be a different one than Mr. Moore --

15 A (Moore) This is not the one I was talking about.
16 The DeWan one was taken about 160 feet south of
17 the Bridgewater/New Hampton scenic vista. And
18 this one I'm not familiar with, but I think it's
19 down on 132 looking across the river.

20 Q This is referenced as being from Dana Hill Road.

21 A (Kettenring) Yes. This is from Dana Hill Road.
22 I think if you go a little bit more to the right
23 you can see more of the right-of-way, too.

24 Q We'll show you the next two images. Sorry.

1 This is actually the photo simulation, not the
2 existing conditions, so we'll go backwards.

3 A (Irvine) I was going to point that out to you
4 because there's six structures visible in the
5 right-of-way.

6 Q Yes. I skipped ahead by accident.

7 So, Sandie, if you go back to 79512, and
8 we'll get oriented better. So now we can see
9 what I'm talking about. This is part of the
10 same exhibit, just a prior page, and showing the
11 viewpoint location, and this is from a portion
12 of Dana Hill Road looking across towards the
13 Project where it crosses I-93 and then over the
14 Pemi.

15 And if you could go to the next page,
16 please. While we wait for that, Mr. Kettenring,
17 in your testimony you reference T.J. Boyle's
18 opinion in their report that the impact from
19 this location would be adverse but not
20 unreasonably adverse.

21 A (Kettenring) That's right.

22 Q And you criticize that, and you think it should
23 be unreasonable adverse?

24 A (Kettenring) I think it's unreasonable.

1 Q Once we get the image up, we just want to take a
2 look at that.

3 So now you should be seeing the existing
4 condition view from the Final EIS Technical
5 Report, and in the center of the screen you can
6 see, if you know where to look, the existing
7 right-of-way across the river. Is that correct?

8 A (Kettenring) Yes.

9 Q And then there's the photo simulation where now
10 you can see additional structures. APP 79515.

11 A (Kettenring) I would point out that the photo
12 was rather grainy, and I don't think it's taken
13 from the optimal location to see the towers at
14 least when I was at the site, and I've got
15 trifocals so I don't see perfect, but it was
16 pretty darn obvious that it was there when I
17 looked at the existing and imagining the towers
18 if you imagine them a bit sharper in this
19 picture, and a little bit less, you know,
20 blending in with the surroundings which I don't
21 think they will, I think it's a different idea.
22 This is a case where I don't think the picture
23 gives a true story of what it's like there.

24 Q And your opinion that this should be deemed an

1 unreasonably adverse, unreasonable adverse
2 impact based on what exactly?

3 A (Kettenring) My personal feeling.

4 Q Okay. Fair enough. Now, you also comment quite
5 a bit on orderly development, and I want to look
6 at that a little bit.

7 On page 9 of your Supplemental Testimony,
8 you state that you found Mr. Varney's opinion
9 about orderly, that you found his report's
10 conclusion about orderly development useless.

11 A (Kettenring) Yes.

12 Q Since your testimony in April, that's been some
13 additional information provided. I understand
14 that part of your critique was that there was no
15 specific analysis of the Master Plan.

16 A (Kettenring) I have seen the specific that was
17 added, and it hasn't changed my opinion because
18 there's absolutely no discussion comparing the
19 Project at hand with the Master Plan in its
20 impacts, and the section on site plan covers our
21 Pemigewasset zone, but it makes no mention that
22 there is a structural setback within that zone,
23 200-foot structural setback. It just leaves it
24 completely out. I feel that it's, it is still

1 just a very skimming description that fits a
2 preconceived notion.

3 Q And you address those issues in your testimony
4 so we don't need to repeat them at this point,
5 but I understand your testimony now is that the
6 additional information provided by Mr. Varney
7 does not change your opinion?

8 A (Kettenring) Does not change that opinion.

9 Q You reference in your critique of Mr. Varney the
10 section of the Master Plan that deals with
11 preserving scenic resources, correct?

12 A (Kettenring) I'm sorry. Could you repeat that?

13 Q Sure. You reference in your testimony the
14 Master Plan section protecting scenic resources
15 within the town of New Hampton and criticized
16 Mr. Varney for essentially overlooking that part
17 of the Master Plan; is that a fair assessment?

18 A (Kettenring) Yes.

19 Q Would you agree with me that the, perhaps other
20 than Dana Hill Road, the other locations that
21 you itemized in your testimony are not
22 necessarily scenic resources as defined by the
23 SEC?

24 A (Kettenring) I am afraid I don't know the exact

1 definition of the SEC's scenic resources.

2 Q Okay.

3 A (Kettenring) They're resources that I find
4 valuable to the Town and to myself.

5 Q Okay. So I'll ask, I'll turn around and ask it
6 a little differently then. In your assessment
7 of the impacts of the Project to orderly
8 development and how it comports with the Master
9 Plan, is your opinion that its conflict with the
10 Master Plan based in part on the visual impacts
11 to private residences and various locations
12 within the town?

13 A (Kettenring) Yes. I believe that it conflicts
14 with the Master Plan on that, on structure
15 heights, on structure setbacks from the river,
16 on structure setbacks from I-93, and other
17 things. Well, some of that's Site Plan rather
18 than Master Plan.

19 Q Would it be fair to say that your concerns about
20 aesthetics are also part of your concerns about
21 the impacts to the orderly development in the
22 town of New Hampton?

23 A Yes.

24 Q In your testimony you also note a number of

1 specific violations of provisions of your zoning
2 and site plan regulations.

3 A (Kettenring) Yes.

4 Q And refer to the fact that the Project is going
5 to pass through the general residential
6 agricultural and rural district?

7 A (Kettenring) Yes.

8 Q And you specify that utilities are not a listed
9 allowed use within that district; is that
10 correct?

11 A (Kettenring) That's correct. Yes.

12 Q My question is I assume there are utilities in
13 the town of New Hampton.

14 A (Kettenring) There is an existing, well,
15 transmission, utilities I'm not so concerned
16 about. But there is an existing transmission
17 line, as Mr. Varney says, but this is a very
18 different animal than the transmission line that
19 is there now. And within our Site Plan Review,
20 we do have a definition of change of use or
21 expansion of use, and this very definitely falls
22 within that, if it was our position to make a
23 decision on this rather than the SEC's. I've
24 also pointed out the buffer issues which

1 basically I do not think are met even now
2 because they're on other people's property
3 rather than future, but what's there is
4 grandfathered.

5 Q Thank you. I understand that what's there is
6 grandfathered now, but if a new utility project
7 were coming to the town, instead of a
8 transmission line, and it were subject to town
9 regulation, not the SEC jurisdiction, what would
10 it need, if utilities are not an allowed use,
11 what would be required at the town level to
12 approve such a project?

13 A It would require it to go to the Zoning Board
14 for a special exception.

15 Q Special exception as opposed to a variance?

16 A (Irvine) Variance.

17 A (Kettenring) A variance? Which is the correct,
18 Barbara?

19 A (Lucas) It would require a variance because it
20 would be relief of the zoning ordinance
21 regulations.

22 Q Okay. Would that apply also if it were a buried
23 transmission line? If it's not an allowed use?

24 A (Kettenring) I believe so.

1 Q I understand that the Town's position is that
2 the Project should be buried if it's to be
3 approved within this part of the Project at
4 least.

5 A (Kettenring) Yes.

6 Q Do you have an opinion if the Project were to be
7 buried, do you have an opinion about where it
8 should be buried?

9 A (Kettenring) Well, it definitely should be
10 buried on the northern half because the
11 geological study of that area shows that you've
12 got more than ten feet to bedrock.

13 Q And I'm sorry to interrupt, Mr. Kettenring, but
14 what I'm trying to get at is the location of the
15 burial. Should it be within the proposed route
16 or somewhere else?

17 A (Kettenring) I don't think that we have come to
18 a point of making that decision because we don't
19 have that option before us. Assuming that
20 they're going to stay on the existing route,
21 that's where it should be, but there are other
22 options.

23 Q Okay. Thank you.

24 Mr. Irvine, I'm going to turn to you for a

1 few questions. You, in your testimony you took
2 a look at, as I understand it, the impacts to
3 the tax base of this Project.

4 A (Irvine) Yes.

5 Q The expected impacts.

6 A (Irvine) That's correct.

7 Q And you reference some studies that you rely on,
8 and if I understand correctly, a general opinion
9 that there could be a ten to 50 percent negative
10 impact to properties, some properties?

11 A (Irvine) There is a lot of literature that
12 looked at HVTLS and their impact on property
13 values. They all had varying degrees of
14 negative impact. But yes, ten to 50 percent
15 depending on site specific conditions.

16 Q And your sort of general opinion here, if I
17 understand it, is that the impact to the town
18 will be a net loss. So despite the fact that,
19 or not despite, but recognizing that there will
20 be tax revenue from the Project, your opinion is
21 that the net impact to the town will be a loss.
22 Is that specific to taxes or is that looking
23 broader?

24 A (Irvine) Looking broader.

1 Q Okay. Thank you. And you have included in your
2 testimony a number of properties, and they're
3 shown in Exhibit 2 and discussed in your
4 testimony itself, a number of 14 properties that
5 were selected as examples.

6 A (Irvine) Yes.

7 Q I didn't understand from your testimony how
8 those properties were chosen.

9 A (Irvine) Based on the topography of the town,
10 these were sites that the Selectmen with their
11 local knowledge know to have the potential to
12 have their viewsheds impacted. None of these
13 properties are currently hosting the
14 right-of-way or abutting the right-of-way, and
15 it was looking at those tertiary impacts.

16 As part of our valuation process, I know we
17 all like to say we don't not have a view tax in
18 New Hampshire, but properties that have
19 significant viewsheds carry a load factor.
20 Those properties are such properties. They have
21 spectacular views and if the Project were to go
22 forward as is currently proposed, those
23 properties would have the potential to have the
24 viewsheds affected, and we could anticipate the

1 owners filing tax abatements to have that load
2 factor removed from the tax valuation their
3 property carries.

4 Q And so these 14 properties, are they meant to be
5 representative?

6 A (Irvine) Precisely. They're not indicative.
7 It's not an exhaustive list. We didn't drive
8 every road in town and mark, but these were 14
9 properties that we felt were indicative and
10 representative of the potential for our problem.

11 Q And your point in part with this example is to
12 show that there's a certain amount of taxable
13 value in those properties and that that could be
14 reduced?

15 A (Irvine) Correct, which would then offset any
16 potential gains.

17 Q Okay. Other than this example, have you done
18 any sort of quantitative analysis of how much
19 your tax base might be reduced based on negative
20 impacts versus increased by added value?

21 A (Irvine) No. We're a small town with limited
22 resources.

23 Q So your net loss analysis is just your opinion
24 based on --

1 A (Irvine) Correct.

2 Q Mr. Kettenring, your testimony, I believe,
3 indicated that no one in the town to your
4 knowledge had been contacted by Mr. Varney, at
5 least at the time of your testimony. Was there
6 any subsequent contact with Mr. Varney about the
7 Master Plan or the town regs?

8 A (Kettenring) No.

9 Q Not that you're aware of. Anyone else aware of
10 any?

11 A (Irvine) No.

12 A (Lucas) No.

13 A (Irvine) Can I add something to that? Looking
14 at Mr. Varney's study, he took three communities
15 as case studies and tried to extrapolate that
16 what worked in these three communities would
17 apply for orderly development across the entire
18 Project length and takes into no consideration
19 the stated goals of the Master Plan of New
20 Hampton, specifically Goals 3.1, 3.2, and 3.3.
21 Those are, for example, landscape, retain the
22 rural character and protect the habitat and
23 scenic views respectively. So that
24 generalization informed the Selectboard's

1 opinion of Mr. Varney's work, and, fortunately,
2 this Committee through its own rules does have
3 to look at each individual community's Master
4 Plan and give due consideration to those
5 individual views that Mr. Varney chose to
6 ignore.

7 Q Thank you. One last question, I think.

8 Mr. Kettenring, you reference in your
9 testimony a 50-foot residential buffer from
10 other uses?

11 A (Kettenring) Yes.

12 Q Would that apply by definition to utilities or
13 transmission uses?

14 A (Kettenring) To new utilities, yes.

15 Q To news ones. Okay.

16 A (Kettenring) Or to expanded ones.

17 Q Okay. Thank you all very much. I have no
18 further questions.

19 PRESIDING OFFICER HONIGBERG: Ms. Pacik?
20 Ms. Fillmore, do you have anything beyond what
21 Mr. Whitley did?

22 MR. WHITLEY: None, Mr. Chair.

23 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

24 **CROSS-EXAMINATION**

1 **BY MR. REIMERS:**

2 Q Good afternoon. My name is Jason Reimers. I
3 represent the Society for the Protection of New
4 Hampshire Forests. Most of my questions have
5 been asked. I think I only have questions for
6 Mr. Kettenring left.

7 Counsel for the Public asked you about a
8 page 2 statement that you make in your Prefiled
9 Testimony which is Joint Muni 120 where you
10 state that the top of Gordon Hill Road on
11 Burleigh Mountain is a place where you can see
12 Franconia Notch and Mt. Washington and that
13 similar views can be seen from the top of
14 Burleigh Mountain and from a snowmobile trail
15 through the Notch between Carter and Burleigh
16 Mountains. Is there something special about
17 seeing Franconia Notch and Mt. Washington from
18 New Hampton?

19 A (Kettenring) Oh, it's a view I enjoy. I'm not
20 sure exactly how to answer that question. We
21 look up the valley and if the lines are well
22 above the tree line, we're going to see them for
23 a great distance which is a lot more impact than
24 seeing one tower, and they're all going to be

1 connected. So it's basically one long
2 snake-like structure. So that is what I was
3 really getting after when I said we had a long
4 view in that direction.

5 Q Mr. Irvine, you looked like you wanted to -- did
6 you want to answer that question?

7 A (Irvine) I can answer it. When you asked the
8 question, I got a very emotional reaction, a
9 visceral reaction. There is something very
10 special about, as Ken says, looking up,
11 especially now. They're snow capped. You drive
12 north on 93 up towards Plymouth, and you get
13 that first glimpse of the Notch, the snow. It's
14 very special. So to your question is it
15 special, absolutely.

16 Q Mr. Kettenring, on page 3 of your Prefiled
17 Testimony you mention panoramic views of the
18 Pemigewasset River Valley along Old Bristol
19 Road.

20 A (Kettenring) Yes.

21 Q Mr. Aslin asked you about those. Is Old Bristol
22 Road designated by the Town as a scenic road?

23 A (Kettenring) No, it is not.

24 Q Do tourists drive Old Bristol Road?

1 A (Kettenring) I believe so. I don't know how
2 many. Mostly I would say it's residents and
3 friends of residents and other people who point
4 out that it's a more interesting way to go to
5 Bristol than by way of 104.

6 Q Mr. Irvine, you were shaking your head or
7 nodding your head.

8 A (Newell) I live, where I live in town is off of
9 Old Bristol Road. You come up and onto Blake
10 Hill Road. Blake Hill Road was earlier
11 identified as being designated as a scenic.
12 During Motorcycle Week, there is a heavy traffic
13 of visitors, tourists to not just New Hampton
14 but to the region as a whole, and we see a
15 significant increase in traffic, simply for the
16 views.

17 Q So motorcyclers visiting for Motorcycle Week are
18 driving around New Hampton's roads for the
19 views?

20 A (Irvine) Correct, and then, obviously, the fall
21 foliage. That's an obvious one, looking out
22 across that valley and getting those peak
23 colors. So yeah, we see a significant amount of
24 traffic coming up Old Bristol Road onto Blake

1 Hill and then coming back out onto Coolidge
2 Woods and running along the river.

3 Q Mr. Moore?

4 A (Moore) May I add, too, that there are a lot of
5 people who bicycle down Old Bristol because it's
6 less traveled, and, you know, some wonderful
7 sites of the river and the like and then when
8 you get down to Coolidge Woods, you see a lot of
9 people coming in to do both horseback riding and
10 the kayaking.

11 A (Lucas) Can I add to this point?

12 Q Yes. Ms. Lucas.

13 A (Lucas) If I can. I'd like to just make the
14 point of New Hampton being unique at Exhibit 23
15 and north. As you pass Exhibit 23 and north in
16 New Hampton and you're following I-93 and many,
17 many thousands of tourists travel, I don't think
18 there's any place else on the route that I have
19 seen it follow along that passageway. We have
20 the river on the west side, we have it as
21 mentioned crossing 93 twice in that section and
22 following parallel to I-93.

23 I think it's sad to think that New Hampton
24 will now be seen as a stretch of these towers

1 along our scenic byway as we look north and
2 people are driving north. So I think it's sad
3 to think that we'd be identified as one area in
4 which all these towers lined up will be seen and
5 following the river.

6 Q And I want to follow up on that and in
7 Mr. Kettenring's Prefiled Testimony he mentions
8 the view from I-93, and my next question was
9 why, and it could be for any of you, why is the
10 view from an interstate highway significant?

11 A (Kettenring) Well, because it is the way
12 tourists travel into the state, into our White
13 Mountain Region, passing through New Hampton.
14 It's, as Barbara said, this is New Hampton. And
15 especially now that that area has been cleared,
16 it is a very obvious line of towers even with
17 the wooden towers. With the large towers it's
18 going to make New Hampton just, you know, the
19 home of the power line and not the scenic place
20 that we feel that it is.

21 A (Irvine) And if I can build off of that. We're
22 all focused on I-93 and those wonderful vistas
23 as you go north. To the west is the scenic
24 easement across the river. We all know the

1 expression you can't get there from here when we
2 talk about New Hampshire. New Hampton sits as a
3 crossroad. If you're going to go to the big
4 lake, you go through New Hampton. If you're
5 going to Newfound Lake, you go through New
6 Hampton. So it's also the river crossings and
7 the crossing of 104 that are impacted, and part
8 of that total package is not just that section
9 where it parallels 93 and parallels the river.
10 Nowhere in the lakes region. We like to talk
11 about ourselves being the gateway community, not
12 only to the Lakes Region but to the White
13 Mountains. And this massive towers in that
14 valley paralleling the river both going north
15 and to the west where it comes down out of
16 Bristol, back over 104, back over the river, and
17 then along Coolidge Woods and then out again
18 cross the river into Hill, again we talked about
19 the cumulative impact. This is what we're
20 referring to. It's not a singular point. It's
21 town-wide.

22 A (Kettenring) If you look at the Boyle map of
23 what would be visible if all the trees were cut
24 down which hopefully will never happen, it

1 covers a majority of the town. More than 50
2 percent. So I mean, there are many, many places
3 where these will probably be visible from and
4 more if trees get cut.

5 Q And Mr. Kettenring's Prefiled Testimony, which,
6 again, is Joint Muni 120, on page 4 mentions and
7 Mr. Aslin asked about this. Dana Hill Road
8 north of the Dana Meeting House that has an
9 expansive viewpoint of the Pemi River valley.
10 Do tourists go there?

11 A (Kettenring) I believe so. Mr. Irvine might
12 have a better view. I'm not a tourist
13 aficionado.

14 A (Moore) I think that was a shot.

15 A (Kettenring) It was.

16 A (Irvine) Definitely. Locals, even people who
17 live here, live in town, are tourists. We have
18 number of nature trails that are maintained by
19 the municipality. We have a wonderful array of
20 small ponds that are great for paddling. So
21 when I have family come visit, one of the first
22 places I take them is around my local
23 neighborhood. You don't need to go that far to
24 be a tourist. You don't have to have a stamp on

1 your passport. So yes, these areas that Mr.
2 Kettenring has identified certainly see tourist
3 traffics in all shapes and sizes.

4 A (Kettenring) And they certainly are a place of
5 interest to the town, people in the town. I
6 walk my dog along a number of these areas and
7 drive along them, and my guests use them. And
8 my neighbors use them.

9 A (Moore) And if I may, I live on Dana Hill Road,
10 and I live on the north side of the hill. If
11 you go up to the top of the hill because the
12 photograph we saw earlier is about halfway down
13 the hill, headed south. If you go up to the
14 top, I've had a number of bus loads of Japanese
15 tourists go by in the fall. You can see well
16 out into the western horizon and take photos of
17 the foliage there.

18 Q Mr. Kettenring, with regard to Mr. Varney's
19 opinions, do you think that visual effects are
20 relevant to whether a Project would unduly
21 intervene with the orderly development of a
22 region?

23 A (Kettenring) They certainly would in terms of
24 our Master Plan and our stated goals and

1 interests for the town. My definition of
2 orderly development is one that falls within the
3 Master Plan and the ordinances and the rules
4 that we've developed as a result of it.

5 Q Thank you.

6 PRESIDING OFFICER HONIGBERG: Ms. Crane,
7 you weren't next on the list, but do you have
8 questions?

9 MS. CRANE: Well, I have an unforeseen need
10 to leave soon and I was hoping I could jump --

11 PRESIDING OFFICER HONIGBERG: Sure.

12 MS. CRANE: -- as far ahead in the queue as
13 I can.

14 PRESIDING OFFICER HONIGBERG: I'm sure no
15 one will have a problem with that.

16 MS. CRANE: Thank you.

17 **CROSS-EXAMINATION**

18 **BY MS. CRANE:**

19 Q I'm here. I am Charlotte Crane. I am a member
20 of the Ashland to Deerfield Non-Abutters Group,
21 and I have a couple of questions for whoever
22 feels most comfortable answering them.

23 On the north end of New Hampton, there are
24 hillsides that look down onto the Pemi and

1 across to Bridgewater. Would you agree that the
2 hillsides immediately across from New Hampton in
3 this portion, northern portion of New Hampton,
4 are subject to similar uses as these same
5 hillsides, similar hillsides in New Hampton?

6 A (Kettenring) I think that's reasonable. Yes.

7 Q And, therefore, in your opinion would the
8 impacts of the presence of Northern Pass, the
9 widening of the easements and the presence of
10 the towers, have a similar impact to the land
11 uses and values on the Bridgewater side on the
12 west side of the river as in this area on the
13 New Hampton side of the river?

14 MR. NEEDLEMAN: Objection. This is beyond
15 the scope of their testimony and also calling
16 for new testimony.

17 PRESIDING OFFICER HONIGBERG: Ms. Crane?

18 MS. CRANE: Then I'll reask the question.

19 BY MS. CRANE:

20 Q Is it likely that the hillsides in New Hampton
21 are not the only hillsides looking down into the
22 Pemi that would be affected in the same way?

23 MR. NEEDLEMAN: Same objection.

24 PRESIDING OFFICER HONIGBERG: Overruled.

1 I'll let him answer that.

2 A (Irvine) Yes, I would agree with that.

3 Q Thank you.

4 A (Kettenring) And I would point out as I said
5 before that what happens in Bridgewater and
6 Bristol and Hill impact New Hampton, and I would
7 say that you could take the converse of that as
8 well.

9 Q Thank you. New topic.

10 Are any of you aware that there is a scenic
11 easement that involves restrictions on land
12 owned both in Bridgewater and in New Hampton
13 immediately south of where the Eversource
14 right-of-way crosses the river?

15 A (Moore) Yes.

16 A (Irvine) Yes.

17 A (Lucas) Yes.

18 Q Are you aware that that was purchased by the
19 State from private landowners roughly the same
20 time as Interstate 93 was built and as part of
21 the Highway Beautification Project?

22 A (Irvine) Yes.

23 A (Moore) Yes.

24 A (Lucas) Yes.

1 Q And the land that's subject to this easement,
2 just to be clear, may not include the
3 right-of-way itself but is immediately south of
4 the existing right-of-way and includes land
5 acquired in fee by the State and by the
6 predecessor of Eversource.

7 A (Moore) Yes.

8 Q Are you aware of any need for the State to have
9 enforced the scenic easement before the proposal
10 of the Northern Pass?

11 A (Irvine) Could you restate that question,
12 please?

13 Q Are you aware of any reason that the State would
14 have had to enforce this scenic easement before
15 the proposal of Northern Pass?

16 A (Irvine) I'm not aware of any development, no.

17 A (Lucas) No.

18 Q So if we don't really know what the limitations
19 on the land subject to the scenic easement are,
20 it's probably because it hasn't been challenged
21 in any significant way.

22 MR. NEEDLEMAN: Objection. Calls for
23 speculation and a legal conclusion.

24 Q Has New Hampton been involved in any efforts to

1 determine the degree of restriction involved in
2 the scenic easement?

3 A (Moore) No.

4 A (Lucas) No.

5 A (Irvine) No.

6 Q Thank you. Those are my questions.

7 PRESIDING OFFICER HONIGBERG: Deerfield?
8 Ms. Menard?

9 **CROSS-EXAMINATION**

10 **BY MS. MENARD:**

11 Q Good afternoon. Jeanne Menard from Deerfield,
12 member of Deerfield Abutter Group.

13 All my questions this afternoon are for
14 Mr. Irvine and they relate to property values.

15 A (Irvine) Okay.

16 Q From reading your Supplemental Testimony, a
17 quote struck me, and I'll read it for you. "The
18 Board took the position that it did not wish to
19 see New Hampton become a case study for the
20 impact on the value of residential property from
21 the introduction of an HVTL to an existing
22 distribution right-of-way."

23 Do you recall that sentiment?

24 A (Irvine) I do.

1 Q And it's obvious that the Board did its due
2 diligence and read several reports. In reading
3 of Russell Thibault's review of literature, did
4 you locate any studies that were specific to the
5 incremental impact of a Project on an existing
6 right-of-way?

7 A (Irvine) No. We did not.

8 Q In your review of the Chalmers report, were you
9 able to locate any chapters or discussion that
10 addressed your concerns pertaining to the NPT
11 incremental impact?

12 A (Irvine) No. We did not.

13 Q You sought information to demonstrate that
14 property value impacts were not limited to just
15 properties abutting or encumbered by the
16 right-of-way. Is that correct?

17 A (Irvine) Correct.

18 Q So what was your range of distance of the 14
19 properties from the right-of-way that you
20 collected and were considering?

21 A (Irvine) We didn't have a criteria based on any
22 measurement, a distance measurement from. It
23 was purely subject properties, and in all
24 fairness, one of them is mine. Subject

1 properties that we knew had the potential to
2 have an impact. As I stated earlier, we're a
3 small town with limited resources. We weren't
4 able to go out and hire professional engineers
5 to do the types of topographic studies that
6 could come back and say here are the 102
7 properties or here are the 52 properties. So we
8 went with our best local knowledge, I think is
9 the best way to put it, of where are we going to
10 see potential for impact and what could that
11 impact be and that's how we identified those
12 properties.

13 I would say my property, I have to be
14 somewhere 1500 feet, 1600 feet from the
15 right-of-way. The property, let me see. The
16 property that I identified as Tax Map R 1 Lot
17 18, that's Mr. Gaudette's down on Coolidge
18 Woods. That's going to be a thousand feet plus.
19 All of the properties, the 10 that were
20 clustered up on Duncan Hill. That's Tax Map R
21 20. Lots 54 through 60 K for kilo. That's
22 going to be a thousand feet because it's the
23 other side of the highway to the right-of-way.
24 So yeah, we're talking 1000 feet plus for most

1 of these properties.

2 Q So it's fair to say that there was a range of
3 distance that you felt the Project would impact?

4 A (Irvine) Yes.

5 Q Okay. Thank you. And lastly, your Supplemental
6 Testimony, your summary was general, and I'm
7 interested to know whether you as a Board of
8 Selectmen or you as the author of your
9 testimony, whether or not you agree with the
10 Applicant's real estate expert that there will
11 be no impact to property value by the addition
12 of the HVTL to the existing right-of-way?

13 A (Irvine) No. We disagree.

14 Q Okay. Thank you.

15 PRESIDING OFFICER HONIGBERG: Ms. Draper?

16 MR. DRAPER: We have tadpoles from Cross
17 Road.

18 **CROSS-EXAMINATION**

19 **BY MS. DRAPER:**

20 Q I'm Gretchen Draper. I know most of you. All
21 of you.

22 A (Irvine) Hi, neighbor.

23 Q And Barry and I are here today representing the
24 Pemigewasset River Local Advisory Committee.

1 And I guess as I sat and listened to the
2 cross-examination, I had some, I had some real
3 concerns about our roads in New Hampton, and I
4 wanted to correct some of the concerns. So on
5 the ELMO here on the screens. Do you have
6 things on your screens?

7 A (Irvine) Yes.

8 Q Barry, would you point to Cross Road? So we
9 talked about Cross Road. And Cross Road, let's
10 see. Anyone up there. How wide do you think
11 Cross Road is?

12 A (Irvine) 15 feet. Maybe a maximum of 15, 16
13 feet.

14 Q Um-hum. And it's a dirt road, it's a Class VI
15 road.

16 A (Irvine) IV.

17 Q What is the access to Cross Road?

18 MR. NEEDLEMAN: Objection. Relevance.

19 MS. DRAPER: It's relevant because the way
20 that the, if they're going to use this for
21 construction traffic, it's the way that they get
22 on to Cross Road that's going to cause great
23 difficulty.

24 MR. NEEDLEMAN: The record reflects that we

1 don't intend to use Cross Road so I don't
2 understand the relevance.

3 MS. DRAPER: Okay. The relevance is
4 whatever the change was that showed possible
5 access to Cross Road.

6 PRESIDING OFFICER HONIGBERG: I don't know,
7 Ms. Draper. Hang on.

8 MS. DRAPER: Okay. I can talk about --

9 PRESIDING OFFICER HONIGBERG: Hang on, Ms.
10 Draper. I think the testimony is that this
11 Panel is of the opinion that maybe they'll have
12 to use Cross Road, but that's not what the
13 Applicant says is going on. So what is it you
14 want to know from them about Cross Road. If
15 it's something you can do quickly and get in and
16 out, great.

17 MS. DRAPER: This is is about roads in New
18 Hampton in general.

19 PRESIDING OFFICER HONIGBERG: You're going
20 to ask them questions about their testimony.
21 Okay? That's what's happening right now. Not
22 about roads in New Hampshire unless it's in
23 their testimony and you can ask them about it.

24 MS. DRAPER: And it is in their testimony.

1 PRESIDING OFFICER HONIGBERG: Then let's
2 get to it.

3 BY MS. DRAPER:

4 Q All right. Let's get to Coolidge Woods Road,
5 for example. Now, Coolidge Woods Road, what is
6 the relationship of the town to Coolidge Woods
7 Road as part of the Army Corps of Engineers?

8 A (Irvine) Okay. Coolidge Woods, the bottom end
9 of Coolidge Woods is part of the federal
10 floodplain. There's also a State recreational
11 area in the vicinity of Coolidge Woods. The
12 upper end of Coolidge Woods connects to Blake
13 Hill Road which we earlier identified as being a
14 designated scenic highway.

15 Q And who maintains, who pays for the maintenance
16 of Coolidge Woods Road?

17 A (Irvine) The taxpayers.

18 Q Of the town?

19 A (Irvine) Of the town.

20 Q Now, Coolidge Woods Road gets closed often
21 because of flooding. And what's the current
22 status of Coolidge Woods Road? I understand
23 there's lots of dirt.

24 A (Irvine) What do you mean by status?

1 Q Right now it just seems like there's a lot of
2 work going on.

3 A (Irvine) Mr. Chairman, is it okay to ask
4 questions of the person that's questioning us?

5 PRESIDING OFFICER HONIGBERG: If you need
6 clarification of what she's asking, go ahead.

7 A (Irvine) Thank you. So what do you mean by
8 status?

9 Q I mean, what's happening. Right now it just
10 seems that there's a lot of road work going on,
11 and I'm just wondering if that --

12 A (Irvine) No, it's just part of its regular
13 maintenance, grading, preparing for the winter.
14 Once the ground is frozen you can't touch it.
15 So it's getting, not just Coolidge Woods. We
16 have of the 52 miles of road inventory in New
17 Hampton, 26 miles are dirt roads. Part of
18 regular winter prep is making sure that those
19 roads are as in good condition as we can make
20 them so once the freeze sets in they remain
21 passable and plowable for the winter season.

22 Q And if this Project goes through, what roads do
23 you feel will be having the most impact from
24 construction vehicles, from workers vehicles,

1 setdown areas, laydown areas?

2 A (Irvine) Can't really answer that question
3 because Northern Pass in their presentations to
4 the Town have not given specifics as to the
5 traffic impacts. So don't have the information
6 to answer that question.

7 Q Okay. Thank you. Okay. Now, when we were
8 talking about scenic roads, for example, so
9 Blake Hill Road is a scenic road. Maybe, Barry,
10 you can kind of show Blake Hill Road.

11 So I just happen to have this map with me,
12 and we were talking about Blake Hill Road,
13 there's a scenic road for the town, and the
14 houses along Blake Hill Road right now don't see
15 any towers. Is that correct?

16 A (Irvine) Correct.

17 Q Because even though we sit above, the
18 right-of-way is covered with trees, it's just
19 not visible at all. When there were visual
20 analysis done on the scenic road, and, Mr.
21 Kettenring, maybe you could answer this,
22 wouldn't it, is it your expectation that someone
23 would have visited this area of town?

24 A (Kettenring) I'm not sure I can really answer

1 that question. I mean, basically, scenic roads,
2 town-designated scenic roads or by town vote,
3 it's from a petition that people present to the
4 town for our voting at town meeting. And once
5 it's proposed, then people who are interested
6 take a look and vote accordingly, but I don't
7 know of any outside viewing of it.

8 Q All right. And so the Project, I guess what
9 I've been, what I was wondering is if you have a
10 project where right now there are no towers no
11 structures visible, what happens when there will
12 be structures visible? Which -- and I guess
13 that's the sort of thing, I wonder if the Town
14 would consider that a concern.

15 A (Kettenring) We would consider it a concern for
16 any road that you can't see now but like
17 Huckleberry, for instance, that you will see
18 with the bigger towers. So I can't really
19 answer the question relative to scenic road. It
20 certainly would make it less scenic.

21 Q And, actually, you just said that any road in
22 town you would be concerned about if this were
23 the case.

24 A (Kettenring) Yes.

1 A (Irvine) Yes.

2 Q Okay. The other part, I'm wondering about
3 things like wetlands in the area of this Cross
4 Road, and there's a wide variety of wetlands on
5 the right-of-way close to the right-of-way.
6 There has been Beaver Pond that's there and not
7 there. And I'm wondering what the Town's
8 position is on wetlands as impacted by this
9 Project.

10 MR. NEEDLEMAN: Objection. The Town's
11 already stated its position, and to the extent
12 there's anything more it could have stated that.

13 PRESIDING OFFICER HONIGBERG: Ms. Draper?

14 MS. DRAPER: I haven't heard a position
15 specific to what wetlands. That's what I was
16 asking.

17 PRESIDING OFFICER HONIGBERG: I have read
18 their testimony. I believe it discusses, I
19 think Mr. Kettenring's testimony discusses
20 wetland, although I don't remember for certain.
21 Mr. Kettenring, did your testimony include --

22 A (Kettenring) I think it was Dan.

23 PRESIDING OFFICER HONIGBERG: Somebody's.
24 Was it yours? You discussed wetlands in your

1 testimony, Mr. Moore?

2 A (Moore) I did not. I don't believe it's there
3 because we looked -- they would have to make
4 applications. So, you know, I don't know how to
5 answer it.

6 PRESIDING OFFICER HONIGBERG: Does one of
7 you discuss wetlands in your testimony?

8 A (Kettenring) Only in that the Master Plan
9 discusses them. That's all that I have in my
10 testimony. I avoided discussing wetlands
11 because of my previous position, and my belief
12 that DES is still capable of making sure that
13 things are done correctly.

14 PRESIDING OFFICER HONIGBERG: Ms. Draper?

15 MS. DRAPER: That's fine. Thank you. I'll
16 move on.

17 BY MS. DRAPER:

18 Q I had a question about the Pemigewasset Overlay.
19 What is the Town, what is the Town's idea of the
20 purpose of this overlay?

21 MR. NEEDLEMAN: Same objection, Mr. Chair.
22 This is either calling for new testimony or
23 testimony that could have been covered and
24 should have been covered.

1 PRESIDING OFFICER HONIGBERG: Ms. Draper?

2 MS. DRAPER: I'm really just trying to get
3 the, to give this Panel the opportunity to talk
4 about the overlay. Now, Mr. Kettenring has done
5 a great deal of discussion about that. I would
6 like him to know what the understanding of the
7 purpose is because --

8 PRESIDING OFFICER HONIGBERG: Their
9 testimony is their testimony, and they've, the
10 overlay is mentioned numerous times in the
11 testimony, and they chose to say what they said.
12 What more do you want to know about the overlay?

13 MS. DRAPER: What I want to know is
14 Mr. Kettenring has experience, being an engineer
15 working with DES.

16 PRESIDING OFFICER HONIGBERG: I've go that.
17 I know what his background is. What do you
18 want --

19 MS. DRAPER: Okay. So what --

20 PRESIDING OFFICER HONIGBERG: Wait. What
21 is it you want to know?

22 MS. DRAPER: I want to know what the Town
23 intends to do if in fact this passes and we have
24 towers that are within the overlay and would it

1 be a condition, would it be --

2 PRESIDING OFFICER HONIGBERG: Sustained.

3 Objection sustained.

4 MS. DRAPER: All right.

5 BY MS. DRAPER:

6 Q Mr. Irvine, in your Prefiled Testimony, you made
7 reference to previously filed testimony. What
8 were you referring to in that statement?

9 A (Irvine) Everything that the Town has filed,
10 whether it be with the Department of Energy,
11 Site Evaluation Committee, our State
12 Representatives, or our federal delegation.
13 Throughout this entire process of engagement the
14 Town has repeatedly filed our presented written
15 testimony, given verbal testimony. So that's
16 what I refer to previously filed, it's with all
17 those bodies.

18 Q Okay. And so in your Prefiled Supplemental
19 Testimony, you state that the Board of
20 Selectmen's position has been consistent over
21 the past six years. Is that true? Is that
22 still true?

23 A (Irvine) Going on 7 years now.

24 Q Going on 7, right. And has the Town been

1 represented by the same individuals over that
2 six or seven years?

3 A (Irvine) No. The Board has gone through a
4 number of iterations. Barbara, I'm going to ask
5 you to help me. (Discussion between Mr. Irvine
6 and Ms. Lucas.) So we're on our fourth
7 iteration of Board of Selectmen in that time
8 frame.

9 Q And there's been a consistent opposition to this
10 Project across those various Boards.

11 A (Irvine) Yes, there has.

12 Q You also state that the negative impacts
13 outweigh the stated benefits, and that was in
14 your summary.

15 A (Irvine) Um-hum.

16 Q Could you explain that a little bit? I need
17 some clarification on this.

18 A (Irvine) So from the Board's perspective in
19 reviewing the material from Northern Pass,
20 ultimately there were three benefits. Tax
21 revenues, jobs, can't even think what the third
22 one was. No. Tax revenues and jobs. But there
23 was a third one in there somewhere. So in
24 looking at what would be a benefit to New

1 Hampton, really it came down to tax revenue and
2 then adjustment to the tax base. And then in
3 looking at all of the negatives that were
4 discussed, how we've perceived with bringing our
5 best critical thinking, that's what the voters
6 of New Hampton do, they put forward a Board of
7 Selectmen and they say bring your best judgment.

8 So we look at all the available material.
9 We bring our local knowledge, and we assess all
10 of that and then say okay, where do we fall on
11 this topic, wherever that topic may be. And in
12 this particular instance, weighing all of those
13 factors, we came to the determination that the
14 town is best served, given the Project the way
15 it's currently proposed, to stand in opposition
16 to it.

17 Q Do you think that a change in the board would
18 change this position?

19 A (Irvine) No, I do not, and I realize that calls
20 for some speculation, but I say that because the
21 Board of Selectmen are the executive branch of
22 government in town. It's not for us to
23 determine and decide which path to follow. We
24 take our marching orders from the townspeople,

1 and the townspeople still stand in opposition.
2 The only thing that would change the Board's
3 position, regardless of its makeup, would be if
4 the townspeople were to change their position
5 and then tell us "stand down."

6 Q Okay. Thank you. Moving on to something
7 different. I-93, just beyond the New Hampton
8 exit, there's a narrow wooded buffer, and then
9 there's been cutting, and we see the line, it's
10 around mile 71 to 74. Is that private property?
11 Is there any part of that that was private
12 property?

13 A (Irvine) Yes, it's private.

14 Q Okay. Thank you. I think that's it. Thank you
15 very much.

16 A (Irvine) Thank you.

17 PRESIDING OFFICER HONIGBERG: Are there any
18 other Intervenors that had questions for this
19 Panel? Ms. Schibanoff? Was there anybody else
20 beside Ms. Schibanoff? I don't see any other
21 hands. Go ahead, Ms. Schibanoff.

22 **CROSS-EXAMINATION**

23 **BY MS. SCHIBANOFF:**

24 Q Hi, I'm Susan Schibanoff, a member of the

1 Non-Abutting Property Owners from Bethlehem to
2 Plymouth, and I have one question for Ms. Lucas,
3 please.

4 You mentioned that New Hampton initially
5 passed a warrant article against the Project in
6 2011, correct?

7 A (Lucas) No, what the town did was we had a
8 significant calling of townspeople to call a
9 meeting, and so the Selectmen called not an
10 official town meeting but virtually what was
11 called a public forum, and we had a huge turnout
12 and with that, advertising it and so forth,
13 there was a resolution developed and that was
14 the vote at that public forum by the residents
15 to issue this resolution that was submitted.

16 Q Thank you. And then you went on to mention that
17 there was a Petition in, I believe, 2016, and I
18 think you said that 700 people signed it.

19 A (Lucas) I believe it was over 720 people.

20 Q Okay.

21 A (Lucas) Citizens of the community signed it,
22 yes.

23 Q Can you tell us a little bit more about the
24 circumstances that led to that Petition?

1 A (Lucas) Well, we had several residents that felt
2 the message wasn't getting through, and so their
3 suggestion was a Petition voicing further their
4 objection to the Project. And so there was a
5 distribution by many citizens visiting people to
6 get their signatures to that Petition.

7 Q To whom was the Petition directed?

8 A (Lucas) Whew. I believe it was the Site
9 Evaluation Committee.

10 Q Okay. That's my final question to ask then.
11 Was this Petition submitted to the SEC?

12 A (Lucas) Yes, it was.

13 A (Irvine) I think it was delivered in Plymouth at
14 one of the SEC public hearings in Plymouth.

15 Q Thank you. That's all. We're going to need to
16 take a break. Mr. Needleman, do you have
17 questions for this Panel?

18 MR. NEEDLMAN: We do.

19 PRESIDING OFFICER HONIGBERG: Okay. Is it
20 going to be you, Ms. Walkley? So we'll take a
21 break and we'll get to you.

22 (Recess taken 4:56 - 5:10 p.m.)

23 **CROSS-EXAMINATION**

24 **BY MS. WALKLEY:**

1 Q Good evening. My name is Rebecca Walkley. I'm
2 an attorney for the Applicants. I had a couple
3 questions to start out. I'm going to focus on
4 Ms. Lucas, but if any of you would like to chime
5 in on this topic, feel free.

6 I have a couple questions regarding
7 interactions with the town and communications
8 you've had with the Project. I'd like to pull
9 up Applicant's Exhibit 440.

10 Ms. Lucas, this is a summary that was
11 prepared by the Project that documents
12 effectively the correspondences and --

13 A (Irving) Nothing on the screens yet.

14 Q Oh, I apologize.

15 A (Irving) No problem. There we go.

16 Q As I was saying, this is a summary that was
17 prepared by the Project that summarizes the
18 correspondences with the Town. If you just take
19 a look through these two pages, would you agree
20 that this is generally an accurate
21 representation of the communications that the
22 town of New Hampton has had with the Project?

23 This is just based on your own knowledge.
24 I'm not asking you to verify every single --

1 A (Lucas) I can't verify every single date, you're
2 right, but generally looking at it, yes, I think
3 some of these contacts I would suspect were from
4 the liaison, Ms. Keane.

5 Q Okay. And are you aware that beyond what's
6 listed on this summary there have been efforts
7 to engage with individuals as well as businesses
8 within the town of New Hampton?

9 A (Lucas) No. I'm not.

10 Q You're not aware of any of those
11 correspondences?

12 A (Lucas) I'm not recalling anything.

13 Q Okay. That's fine. My next set of questions I
14 was going to ask Ms. Lucas, but actually, Mr.
15 Irvine, I think you responded to these earlier
16 with questions from Mr. Whitley regarding the
17 creation of a construction MOU?

18 A Yes.

19 Q And you noted during your discussion with
20 Attorney Whitley that you had concerns regarding
21 lack of specificity in the MOU. Is that
22 correct?

23 A (Irvine) Correct.

24 Q Did you provide the Applicants or did the Board

1 of Selectmen provide the Applicants with a
2 redline version of that MOU to address those
3 concerns regarding specificity?

4 A (Irvine) We did not. And the reason we didn't,
5 with this being a merchant project, the Board's
6 position is that any inconvenience, any
7 disruption, should be borne by the Applicant,
8 and the Board, we like our town the way it is.
9 So if somebody wants to come into town and
10 disrupt the town, and any construction will see
11 disruption. We're following the long-term, the
12 visual scar of these towers. Anybody wants to
13 come into town and create a long-term disruption
14 to what we already have, that we already like,
15 it's on them to tell us how they're going to
16 mitigate. It's not for us to say well, if you
17 do this, then we can live with it. We like what
18 we have. We can live with what we have. So it
19 wasn't, our position was it wasn't for us to
20 reach out and say if you just do this, we can
21 get on board. That's why there was no redline.

22 Q Sure. And are you familiar with other
23 municipalities that have provided specific
24 concerns to the Applicant regarding specific

1 festivals in towns and things like that that the
2 Applicants have addressed in the engagement
3 regarding the MOU, construction MOU discussions?

4 A (Irvine) I'm aware that other towns have entered
5 into MOU discussions. What the specifics of
6 those are, no, I'm not aware of.

7 Q And it's my understanding that one of the
8 primary concerns of the Board of Selectmen with
9 respect to the construction MOU discussions was
10 concerns related to the use of monopoles as
11 opposed to lattice structures. Is that correct?

12 A (Irvine) Yes.

13 Q And is it fair to say that if the Applicants are
14 not willing to or not able to agree to an
15 all-monopole design, the Board of Selectmen is
16 not interested in pursuing further discussions
17 with the Project related to a construction MOU?

18 A (Irvine) Could you say that again, please?

19 Q Sure. If the Project isn't able to agree to an
20 all-monopole design through the town of New
21 Hampton, would it be correct to say that the
22 Board of Selectmen is not interested in
23 continuing discussions related to a construction
24 MOU?

1 A (Irvine) Yeah, I think that's unfair. We're
2 always open to discussions to best serve the
3 interests of the town. We would certainly like
4 to see, well, you know our position, that we
5 would like to see it buried, but if that is not
6 the direction, then we would have to then figure
7 out how best to live with the aboveground
8 option. But after our last meeting where
9 monopoles were discussed, we were unwilling to
10 meet the demands put forth by the Applicant to
11 satisfy that request.

12 Q Not sure I understood the last part of your
13 statement, but that's okay.

14 A (Irvine) I can restate it. In order to get the
15 substantive changes that the Town of New
16 Hampton, we're looking for, particularly
17 monopoles, Northern Pass contacted the Town and
18 they had some significant demands of the Town in
19 order to have that change adopted, and we were
20 unwilling to meet those demands.

21 Q Are you aware that the purpose of the
22 construction MOU process actually had nothing to
23 do with Project design changes? That discussion
24 about monopoles was entirely outside the scope

1 of the discussion regarding construction MOUs.
2 Were you aware of that?

3 A (Irvine) Yes.

4 Q Okay. Thank you. Dr. Kettenring, I have a
5 couple of questions for you. I know that you're
6 not actually representing the Conservation
7 Commission, but my questions for you are
8 regarding natural resources.

9 In your Supplemental Testimony which is
10 marked as Joint Muni 120, page 15, lines 13
11 through 15, you refer to a meeting you attended
12 regarding wetlands impacts and mitigation; is
13 that correct?

14 A (Kettenring) Yes.

15 Q And looking at that Outreach Summary that I just
16 went over with Ms. Lucas, would you agree that
17 there are several entries here noting that the
18 Project has met with the Town regarding
19 mitigation for wetland impacts? I can call your
20 attention to a couple of them. There was one on
21 March 3rd, August 4th and April 28th just as
22 some examples.

23 A (Kettenring) Well, I attended one meeting
24 talking about wetlands impact. I don't believe

1 I made much if any input to it. I did agree
2 with somebody's statement that the Wetlands
3 Bureau was capable of looking at impacts and
4 mitigating them to the greatest amount possible
5 but that's about all I remember from that. I
6 really didn't participate more than be there and
7 listen and observe.

8 Q Have you reviewed at all or I guess, Mr. Moore,
9 you can answer this as well. Have you reviewed
10 the Natural Resources Mitigation Plan that was
11 included as Applicant's Exhibit 1, Appendix 32?
12 Have either of you reviewed that document at
13 all?

14 A (Moore) I did look at it, yes.

15 Q In Appendix D to that report, and actually we'll
16 call up the Bates number. It's APP 21391. The
17 Applicant's note went through a series of noting
18 contacts with individual municipalities
19 regarding mitigation efforts for wetlands
20 impacts. Were you aware of that communication
21 or, Ms. Lucas, your name actually appears here.
22 Were you aware of that communication?

23 A (Lucas) Yes.

24 Q And were you aware that the goal of that

1 correspondence was to discuss potential projects
2 that the town of New Hampton might be interested
3 in pursuing as part of Northern Pass's
4 mitigation plan?

5 MR. WHITLEY: Objection. Calls for
6 speculation.

7 MR. WALKLEY: I think it doesn't actually.
8 I think if you look at the examples that are
9 included in the response summary for some of
10 these other towns, it's clear that they're
11 discussing potential projects that the Towns are
12 interested in pursuing.

13 PRESIDING OFFICER HONIGBERG: Overruled.
14 You can answer.

15 A (Lucas) I guess I would question, you know, the
16 context of you have a reference to specific date
17 and followup letter. I'm not sure who I talked
18 to at the time. Donna Keeley possibly, but I
19 don't remember the specific reference.

20 Q Ms. Lucas, did you remember my question? It was
21 a little bit different than that.

22 A (Lucas) No. I'm sorry.

23 PRESIDING OFFICER HONIGBERG: Just before
24 you go on. Ms. Lucas, can you move the

1 microphone closer to you.

2 Q I just asked if you were aware that the purpose
3 for this outreach to these municipalities was to
4 discuss potential specific projects that
5 individual municipalities were interested in
6 pursuing as part of Northern Pass's wetlands
7 mitigation program?

8 A (Lucas) Yes.

9 Q And I noted in that last column there it says
10 that just "no, thanks" with respect to New
11 Hampton so the Town wasn't interested in
12 pursuing this discussion is my understanding; is
13 that correct?

14 A (Lucas) Yes. At that time. Yes.

15 Q Okay. Mr. Moore, you can continue if you like.

16 A (Moore) Could I get clarification because I was
17 at a meeting at which we talked about
18 mitigation, but it was mitigation for something
19 that was happening up north, and they were going
20 to look at giving a piece of property to the
21 town in New Hampton across from the dump site.

22 Q I can't speak to the specific meeting you're
23 talking about. I know there are several
24 meetings noted in the Applicant's Exhibit 440 I

1 called up earlier related to mitigation. So I
2 was just asking about the specifics of this
3 particular Appendix D.

4 A (Lucas) Can I add another comment?

5 Q Sure.

6 A (Lucas) My recollection of this offering to
7 assist with projects as part of this mitigation
8 was offering to provide funding for possible
9 projects the town might like to see happen as
10 part of the mitigation.

11 Q Right. And the Town wasn't interested at the
12 time in that discussion.

13 A (Lucas) That's correct.

14 Q Okay.

15 A (Lucas) That was the direction I had from the
16 Board of Selectmen. Yes.

17 Q Okay. Thank you. Dr. Kettenring, going back to
18 you. My understanding from the discussions
19 earlier is that your experience prior to your
20 work for New Hampton was with DES. I believe
21 apart in the Wetlands Bureau; is that correct?

22 A (Kettenring) I was Administrator of the Wetlands
23 Bureau for 15 years before I went on to
24 Hazardous Waste Remediation.

1 Q And have you reviewed DES's approval with
2 conditions that has been submitted in this case?

3 A (Kettenring) I have not.

4 Q Okay. You refer in your testimony to the
5 Pemigewasset Overlay District which was
6 discussed earlier as well.

7 A (Kettenring) Yes.

8 Q Are you aware, I'm guessing you're not, but are
9 you aware that DES in that approval specifically
10 reviewed and assessed impacts to the
11 Pemigewasset River in New Hampshire?

12 MR. WHITLEY: Objection. Calls for
13 speculation. He said he didn't review it.

14 Q Mr. Moore, did you review the --

15 A (Moore) No.

16 Q Okay. That's fine.

17 A (Kettenring) If I may, I would like to say one
18 thing on that.

19 PRESIDING OFFICER HONIGBERG: I don't think
20 there's a pending question.

21 A (Kettenring) Okay. I won't.

22 Q Dr. Kettenring, you also referred in your
23 testimony to a report or a study that was
24 prepared by Emery & Garrett.

1 A (Kettenring) Yes.

2 Q And it's attached to your testimony, and the
3 purpose of that study was my understanding is to
4 exclusively determine the geological makeup of
5 the proposed Northern Pass route in the area
6 around New Hampton; is that correct?

7 A (Kettenring) New Hampton and other towns along
8 the line in our area. I think Bristol,
9 Bridgewater and Hill are also included in that
10 study.

11 Q Okay. I'd like to just call up quickly, Bates
12 JT Muni 007296. If we could flip to the next
13 page.

14 This is a cover letter addressed to you,
15 Ms. Lucas, and it states this was not intended
16 to be a comprehensive engineering or
17 geotechnical study of the route but is only
18 intended as a preliminary background evaluation.

19 Do you see that statement there?

20 A (Lucas) Yes.

21 Q And it goes on to say no field work or
22 subsurface investigation was performed. Do you
23 see that statement as well?

24 A (Lucas) Yes.

1 Q Would you agree that the Project -- this is for
2 Dr. Kettenring, I think, but, Ms. Lucas, feel
3 free to answer also. Would you agree that the
4 Project has never made the claim that due to
5 ground and soil conditions undergrounding the
6 line was not a feasible option?

7 A (Kettenring) I'm sorry. Would you repeat that?

8 Q Sure. Would you agree that the Project has
9 never made an assertion that undergrounding the
10 line is not a feasible option due to ground and
11 soil conditions?

12 A (Kettenring) I have not heard that. I've heard
13 that you said it was too expensive.

14 Q So you would agree that it has nothing to do
15 with soil conditions.

16 A (Kettenring) Well, soil conditions certainly
17 have an impact on how expensive it would be, and
18 especially in the northern part it would be
19 relatively inexpensive to dig trenches if that's
20 what you're doing or to run tubes if that's what
21 you're doing. In the southern part there are
22 some areas where in order to bury it, you'd
23 really have to mound it, but that would not be
24 as objectionable to us to have a mound going up

1 over a rocky area than to have the towers do it.
2 A (Irvine) I would like to get in this question.
3 I will disagree with your statement. Northern
4 Pass representatives have specifically stated
5 that burial was not an option because of the
6 geology. That statement was the very first time
7 Northern Pass came to the Town of New Hampton
8 back in 2010. It was a Northern Pass event so
9 unfortunately I can't give you dates, and the
10 representative when he started fielding
11 questions why can't you bury it, one of the
12 answers was it's too expensive. One of the
13 answers was the geology doesn't permit. The
14 results or the technology doesn't exist. I'm
15 trying to think what other with reference to
16 burial.

17 And this goes to my earlier statement about
18 Northern Pass misrepresenting items of
19 discussion. So back in 2010, they specifically
20 said it couldn't be buried.

21 Q I'm not aware of the discussion that you're
22 talking about, but would it surprise you to know
23 that at the time that the Project design was
24 changed to include additional underground, the

1 discussion about feasibility was related to the
2 cable technology that was being used and had
3 nothing to do with soil conditions? Would that
4 surprise you at all?

5 A (Irvine) Are you asking me or Mr. Kettenring?

6 Q Dr. Kettenring, you're the one that cited the
7 report so --

8 A (Kettenring) Well, I can't really answer it
9 because I don't know the cable technology versus
10 transmission line technology so I can't tell
11 what the difference between the two is. I will
12 say that the report was done based on extensive
13 existing data of depth, and it was a sufficient
14 geology report looking at where it would be easy
15 to bury and where it would be hard to bury, and
16 the town would like to see it buried. The
17 report indicates that most of the route, it's
18 relatively easy to bury. Based on the
19 preliminary report. Of course, you would have
20 to do the further engineering report. The Town
21 wasn't about to pay for that. And in areas
22 where it can't be buried, as I say, the town
23 would be satisfied with it being mounded.

24 Q Okay. Thank you. One other question for you

1 Dr. Kettenring. I think you mostly addressed
2 aesthetic concerns with Attorney Aslin earlier,
3 but just to be clear, you're offering your
4 opinions regarding aesthetic impacts based on
5 your knowledge of being a resident of the town
6 of New Hampton and not as an expert in
7 aesthetics, correct?

8 A (Kettenring) That's correct.

9 Q And you note on page 6 that both the Applicant's
10 visual expert and T.J. Boyle concluded that
11 while there may be adverse effects on resources
12 in New Hampton, none would rise to the level of
13 unreasonable adverse; is that correct?

14 A (Kettenring) I don't remember saying it exactly
15 that way, but I do agree that neither of them
16 raise any of the -- DeWan had one location and I
17 think Boyle had three and none of them rise to
18 unreasonable, and I don't really, I don't really
19 agree with that and I also think there are a lot
20 more than three locations in town that should be
21 considered.

22 Q Okay. Thank you. The rest of my questions are
23 for you, Mr. Irvine, regarding property value
24 impacts.

1 A (Irvine) Yes.

2 Q In the letter filed by the Board of Selectmen
3 which was marked as Joint Muni 114, there's a
4 reference made in the second to last paragraph
5 to declines in property value. Do you see that
6 paragraph there?

7 A (Irvine) Yes.

8 Q And in your Supplemental Testimony which is
9 Joint Muni 124 you also discuss potential
10 property value impacts associated with the
11 Project; is that correct?

12 A (Irvine) Correct.

13 Q During the Technical Sessions you were asked a
14 Data Request regarding these statements. Do you
15 recall those Data Requests?

16 A (Irvine) I recollect being asked for. What they
17 are specifically, no.

18 Q Okay. Well, maybe I can refresh your
19 recollection.

20 A (Irvine) Thank you.

21 Q You were asked by the Applicant to provide any
22 abatement requests the Town of New Hampton
23 received in the last ten years associated with a
24 utility line.

1 A (Irvine) Okay.

2 Q Does that sound familiar?

3 A (Irvine) Yes.

4 Q In response, you provided just three abatement
5 requested associated with the presence of
6 utility line right-of-way. Do you remember that
7 response at all?

8 A (Irvine) Yes.

9 Q You were also asked a separate Data Request by
10 Attorney Roth who was Counsel for the Public at
11 the time. Do you recall that Data Request at
12 all?

13 A (Irvine) Not specifically.

14 Q Attorney Roth asked you to provide any abatement
15 requests within five years of the time the
16 existing line was installed. Does that sound
17 familiar?

18 A (Irvine) That sounds familiar.

19 Q And in response to that Data Request, you found
20 no abatement requests. Do you recall that
21 response?

22 A (Irvine) We'll take that as yes.

23 Q Okay. On page 5 of your Supplemental Testimony,
24 you refer to valuation for several parcels on

1 Tax Maps R 1 and Tax Maps R 20, and you
2 discussed these somewhat earlier.

3 A (Irvine) Yes.

4 Q With respect to the parcels on Tax Map R 1, you
5 refer to Lots 2, 18, 19 and 26 A. Is that
6 right?

7 A (Irvine) Yes.

8 Q And looking at, this is attached to your
9 Supplemental Testimony Bates JT Muni 005878.
10 And this is one of the tax maps, and I think you
11 would agree, and you may have even stated this
12 earlier in response to Attorney Aslin's
13 questions that none of the parcels that you've
14 identified here are bisected by or adjacent to
15 the right-of-way, correct?

16 A (Irvine) Correct. So the small square at the
17 top right is on the hillside of Blake Hill Road
18 looking down. There's an elevated position.
19 The one closest to the right-of-way is on --

20 Q Mr. Irvine, I don't want to cut you off, but I
21 think you already answered my question. Just
22 for sake of time, I'd like to just move on to
23 the next questions if that's okay.

24 A (Irvine) Okay.

1 PRESIDING OFFICER HONIGBERG: Mr. Irvine,
2 is there something else you wanted to say in
3 response to that question?

4 A (Irvine) Yes. I think it's reasonable that the
5 municipality gets its opportunity to speak and
6 not be cut off for a question of time.

7 PRESIDING OFFICER HONIGBERG: Mr. Irvine,
8 is there something else you want to say in
9 response to that question?

10 A (Irvine) Thank you, Mr. Chairman. So the orange
11 rectangle closest to the right-of-way is down on
12 Coolidge Woods, and while it's a flatter area,
13 this particular house sits in an elevated
14 position. The two most interesting ones are the
15 bottom ones which looking at this tax map are
16 nowhere near the power line right-of-way, but
17 the one to the right is a high elevated
18 surrounded by cleared fields. And one on the
19 bottom left, again, is agricultural land with no
20 buffer and looks across the river into Hill and
21 up. So yes, these are the four that we
22 identified as having potential impacts.

23 Q And I think your response to my question was
24 that none of them are bisected or adjacent to

1 the right-of-way?

2 A (Irvine) Correct.

3 Q Okay. Thank you. And you stated in your
4 Supplemental Testimony that you chose these
5 parcels because the Board knew their views would
6 be impacted by the presence of taller towers; is
7 that right?

8 A (Irvine) That's correct.

9 Q In choosing these particular parcels, did the
10 Board review the Applicant's viewshed maps or
11 T.J. Boyle's viewshed maps to determine actual
12 visibility from these parcels?

13 A (Irvine) No. We used local knowledge.

14 Q Okay. And I think you actually stated this
15 earlier, but based on the tax information that
16 you provided, I think Lot 2 is your property; is
17 that correct?

18 A (Irvine) Correct.

19 Q So I assume that your conclusion that there
20 would be a potential visibility of the Project
21 is based on just your knowledge of your own
22 particular property?

23 A (Irvine) Absolutely.

24 Q Okay. You also refer to ten parcels on Tax Map

1 R 20 which we'll call up also. It's JT Muni
2 005881. And you state on page 5, line 84, and
3 to page 6, line 85, of your Supplemental
4 Testimony that these parcels look down on the
5 right-of-way and would have their viewshed
6 impacted. Is that right?

7 A (Irvine) Correct.

8 Q Oh, actually, they are marked here. I didn't
9 realize they were.

10 So the all of the, you would agree that all
11 of the lots that you've highlighted here
12 currently are, Interstate 93 is between those
13 properties and the right-of-way, correct?

14 A (Irvine) That is correct.

15 Q And I take it again that was with respect to
16 actual visibility of the Project, you didn't
17 review Mr. DeWan or T.J. Boyle's viewshed maps
18 to determine actual visibility for these
19 particular parcels?

20 A (Irvine) Again, local knowledge, and selecting
21 only a handful as being representative, not
22 being exclusive.

23 Q You stated on page 6 that these properties are
24 just a sample, which I think you just said, and

1 are not limited to the full effect that New
2 Hampton may experience?

3 A (Irvine) Correct.

4 Q My understanding from your testimony though and
5 your testimony today is that you didn't or the
6 Board of Selectmen didn't do any further
7 analysis or study to determine if in fact there
8 would be any effect on these particular parcels
9 that you've identified here other than your
10 assumptions based on local knowledge and
11 viewshed, correct?

12 A (Irvine) Just to the visibility? Or to the
13 impact?

14 Q Well, I guess both.

15 A (Irvine) So to the first, to visibility, no.
16 Again, it was just local knowledge recognizing
17 the topography of our town and where the
18 existing right-of-way lies that if you were to
19 put something in that right-of-way that is
20 taller than the trees, it's going to become
21 visible.

22 As to valuation, we did extensive reading,
23 and everything we read acknowledged that there
24 would be an impact, and I believe it's in the

1 Supplemental Testimony that pretty much
2 everybody acknowledges there is a negative
3 impact. It's the scope of the impact. And none
4 of the readings that we were able to find spoke
5 specifically to the introduction of a new high
6 voltage transmission line with an existing
7 distribution corridor which is why I stated that
8 we don't want to be a case study. Everything
9 that we were able to read relied on regression
10 analysis, and when you're looking at properties
11 that already have a right-of-way with a
12 distribution line, those purchasers know what
13 they're buying, and it's priced in. You're
14 introducing something new to that environment.
15 And so no, we didn't do any further analysis
16 because there was nothing to analyze.

17 Q Okay. And my last question for you is that
18 based on your testimony it's my understanding
19 that you have added up to the full value of
20 these parcels that you've identified and
21 concluded that there may be some form of impact?

22 A (Irvine) Correct.

23 Q In part, based on visibility; is that an
24 accurate summary?

1 A (Irvine) That's fair.

2 Q I think that's all the questions that I have.
3 Thank you.

4 A Thank you.

5 PRESIDING OFFICER HONIGBERG: Before we
6 turn to questions from the Subcommittee, I have
7 a questions for Mr. Raff who is back there
8 working away on something. Can you grab a
9 microphone so we can hear your responses?

10 There's a letter dated November 20th that
11 presumably arrived at the SEC, and about that,
12 it looks like it was stamped in on November
13 20th, but it appears that the folks who do the
14 filing weren't sure what it was. So I think it
15 ended up in comments. And in reading it, I see
16 it's from the IBEW, City of Franklin, Coos
17 County businesses, and there's one other union,
18 I think, on there.

19 What is that? Is that a request for some
20 sort of relief? Because if it is, it really
21 should be filed as a motion, and if it's not, it
22 should be filed as a comment. Since you're a
23 party and the others on this are parties, you
24 shouldn't really be filing comments. So this is

1 what?

2 MR. RAFF: I think what Brian, my client,
3 had meant to do was to send a comment as far as
4 trying to show support for the speedy close-up
5 of closing the record. I'm not entirely sure as
6 to what it was specifically he had meant for it
7 to be, but I can find out, and if it was
8 something like a motion we can file that
9 correctly.

10 PRESIDING OFFICER HONIGBERG: It reads kind
11 of like a request for relief, but it also has
12 earmarks of a comment. So if you could sort
13 that out and let Ms. Monroe know what we should
14 do with that document, that would be great.

15 MR. RAFF: Happy to do that. Yes. No
16 problem. Thank you, Mr. Chairman.

17 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

18 MR. REIMERS: I would also point out that
19 it also has earmarks of introduction of
20 evidence.

21 PRESIDING OFFICER HONIGBERG: It's got all
22 kind of things, Mr. Reimers. It's not my
23 favorite filing. It set some other folks off
24 today for a different reason.

1 MR. RAFF: I just saw that.

2 PRESIDING OFFICER HONIGBERG: Yes. So best
3 if parties to this docket stick to the rules to
4 the extent that they can, that would be great.

5 All right. Members of the Subcommittee.
6 Who has questions for this Panel? Ms.
7 Weathersby.

8 **QUESTIONS BY MS. WEATHERSBY:**

9 Q Good afternoon. I'm Patricia Weathersby. I'm a
10 Public Member on the Committee.

11 Most of my questions have been answered.
12 But a couple others. So I was curious when you
13 were talking with attorney for the Applicant
14 about discussions that you've had with Northern
15 Pass folks, I'm just curious what demands were
16 made by Northern Pass in the discussions about
17 the monopolies that you believed were not
18 reasonable.

19 A (Irvine) Can we answer that?

20 MR. WHITLEY: I think if you're asking me,
21 I think if the demand is from Northern Pass I
22 think the question is better posed to Northern
23 Pass's counsel, I think.

24 Q It's not that important. I was just curious.

1 You said you found them unreasonable. It's not
2 important. I don't want to cause any --

3 A (Irvine) The return I turned to town counsel,
4 that meeting was held in a nonmeeting setting so
5 discussions and anything in the way of that are
6 confidential by nature, and I didn't want to get
7 myself in trouble with counsel. So --

8 Q I'm going to move on. It was more a curiosity
9 question.

10 A (Irvine) Thank you.

11 Q You folks have testified about the home values
12 and how you feel as though they may be
13 negatively affected if the Project's built, and
14 I'm wondering if you can tell me how many are,
15 either percentage wise or number wise, how many
16 are second homes and how many are primary
17 residences.

18 A (Irvine) Oh, wow.

19 Q Just roughly.

20 A (Irvine) Couldn't even begin to speculate.
21 Couldn't even begin to speculate.

22 Q Okay. When we've talking about Blake Hill Road,
23 you indicated that was a designated scenic road.
24 Is that designated by the Town?

1 A (Irvine) Yes, it was.

2 Q Does the Town have other designated scenic
3 roads?

4 A (Irvine) Yes. Two. We have two more that were
5 designated. Three more. Beech, Pinnacle Hill,
6 and Ridge.

7 Q Do you believe there will be views of the
8 Project from any of those designated roads?

9 A (Lucas) No.

10 Q And then there's a part of the White Mountain
11 Trails Southern Loop, is that, that's
12 designated, I think, by the state. Is that DOT
13 designated? I think it might be part of Route
14 93. I'm just trying to understand what it is.

15 A (Irvine) I couldn't speak to that. Sorry.

16 A (Kettenring) Somebody commented on that --

17 Q It was in somebody's Prefiled.

18 A (Kettenring) -- in the previous. I was reading
19 through, I don't remember whose, testimony but
20 they did comment on it and said something about
21 it being a tourist setup. I don't know exactly
22 what, but --

23 Q You folks have no knowledge of it being a
24 designated scenic route?

1 A (Kettenring) I have no knowledge as to why it
2 was designated. Just the fact that it is.

3 Q So could you tell me, Mr. Kettenring, what is
4 designated?

5 A (Kettenring) I-93 north of New Hampton, and it
6 loops on up through Lincoln and then across and
7 around and back down Conway and so forth. It's
8 just a, parts of it is a State scenic route. I
9 don't know the background or even the validity
10 of the statement. I saw somewhere in your
11 hearings about it being a business-oriented or
12 business --

13 Q Tourist loop.

14 A (Kettenring) Right.

15 Q Okay. And that includes, the best of your
16 understanding, that portion of 93 where the
17 transmission corridor runs parallel?

18 A (Kettenring) Yes.

19 Q Last question. Jellystone campground. I
20 understood that's the only business in town.

21 A (Kettenring) No.

22 Q Is that correct?

23 A (Irvine) No.

24 Q No?

1 A (Kettenring) No.

2 A (Lucas) No.

3 Q Sorry. I picked that up in someone's testimony.
4 It's a business in town. Forgive me.

5 A (Irvine) It's one of our main tourist center
6 businesses would be a more accurate statement.

7 Q And that, as I understand it, is to the west of
8 93 and west of the Project. Is that correct?

9 A (Irvine) It's west of 93. Yes.

10 Q Does it have a view of the corridor now and
11 might it see to the best, you can guess, the new
12 lines?

13 A (Lucas) I would say, I would say yes, a portion
14 of the campground will look up at 93 and the
15 hillside on the other side where it parallels 93
16 the towers will be located, yes.

17 Q Do you think that will have an effect on the
18 number of visitors to the campground?

19 A (Lucas) I don't know. I can't answer that.

20 Q Are there other businesses that you believe may
21 be affected in some manner by this Project in
22 New Hampton?

23 A (Irvine) We have a restaurant in town that sells
24 services as I was discussing earlier. We get a

1 lot of that north/south/east/west traffic that's
2 visiting the Lakes Region or going further
3 north. Two gas stations to service that traffic
4 flow. So any reduction, if people have a choice
5 of where to go for scenic vistas, and all things
6 being equal, you have A or you have the town of
7 New Hampton with this industrialization of our
8 landscape, they're going to take the choice that
9 isn't. So that decrease in traffic flow through
10 our town is obviously going to have a ripple
11 effect to all of our subsidiary businesses to
12 service those visitors.

13 Q Okay. Thank you. I have nothing further.

14 A Thank you.

15 PRESIDING OFFICER HONIGBERG: Mr. Wright?

16 **QUESTIONS BY DIR. WRIGHT:**

17 Q Good afternoon. Dr. Kettenring, Craig Wright
18 with DES.

19 A (Kettenring) Yes.

20 Q I wanted to just follow up quickly on the
21 Pemigewasset Overlay District.

22 A (Kettenring) Yes.

23 Q And make sure I understand your point in your
24 April 17th testimony. The 500-foot setback is

1 the maximum length of any setback within the
2 District, correct?

3 A (Kettenring) No. The 500-foot designates the
4 area that's included in the District. So it's
5 500 feet from the river. The setback is 200
6 feet, structures have to be set back 200 feet
7 from the river.

8 Q Okay. So in your table where you listed the 7
9 structures within the 500 feet, I think you
10 added one earlier today so maybe there's 8 now.

11 A (Kettenring) Yes.

12 Q So are those four towers within the 200 feet,
13 are they the only ones inconsistent with the
14 zoning ordinance or are they all of the towers
15 that you listed?

16 A (Kettenring) There are five towers within 200.

17 Q So the one you added today --

18 A (Kettenring) But they are inconsistent with the
19 zoning ordinance. It doesn't say, the zoning
20 ordinance is quiet on other things within, well,
21 it has limitations on what you can do. And
22 that's within the general, the overlay is part
23 of the general agricultural rural district, and
24 so what I said about that also applies to this.

1 It's not an approved use. It would require a
2 variance.

3 Q Okay. That was my point. Does the town ever
4 issue variances in some cases?

5 A (Kettenring) Yes. We've issued variances. The
6 first cell tower came before we had any rules or
7 regulations on cell towers. They went through
8 the Zoning Board and got a variance after
9 showing that it's practically invisible. It's
10 really hard to see it or find it in any
11 direction. And the Board then approved it. And
12 we issue variances on other types of things.
13 They come up and ask, they seem reasonable. I
14 mean, any rule is, set of rules, you can't cover
15 everything that might happen so that's what the
16 variance is there for.

17 Q Okay.

18 A (Lucas) Can I add to that if I could?

19 Q Sure. Go ahead.

20 A (Lucas) I'd like to just point out that the town
21 has had requests for variances in the Pemi
22 Overlay District, and I'll reference one case in
23 particular. It was a request to place a bridge
24 across a wetland abutting the Pemi River. And

1 that was denied, and it went all the way to the
2 Supreme Court and was upheld.

3 Q Okay. Thank you very much.

4 PRESIDING OFFICER HONIGBERG: Commissioner
5 Bailey? You don't have questions? You got to
6 it clarified?

7 COMMISSIONER BAILEY: My question is more
8 for the Applicant, I think, but --

9 PRESIDING OFFICER HONIGBERG: Hold it then.
10 Okay. Mr. Way.

11 **QUESTIONS BY MR. WAY:**

12 Q Good evening. To follow up on the last question
13 about the business impacts, Mr. Irvine, you were
14 speaking as if you had been in contact with your
15 business community, and can I assume that's
16 correct?

17 A (Irvine) We didn't do a specific outreach, but
18 our business owners are treated as residents,
19 and so their communication to us and more often
20 than not it's like any small town it's when
21 you're standing pumping gas and somebody will
22 come up and talk to you. It's not formal, but
23 it's still the viewpoint of a resident in town.
24 So that's the best way to describe that

1 communication.

2 Q So you spoke more from a tourism aspect, but
3 from what you're hearing is what is the input?
4 Positive or negative or is it, are you hearing
5 mostly from the tourist-related activities?

6 A (Irvine) It's, most of the conversation, most of
7 the discussion is one of frustration. That this
8 has been a 7-year, I'm preaching to the choir.
9 It's been a 7-year long endeavor. It weighs a
10 lot on people, and it's when is this going to go
11 away or when are they going to do it right.

12 The businesses that you referenced,
13 restaurants, gas stations that rely on high
14 traffic flow, are certainly looking at that
15 tourism impact. For the people that live in
16 town, a lot of people don't have 401(k)s, we
17 don't have retirement accounts, you use the land
18 as the funding source to provide for the next
19 generation, and the threat of a reduced value in
20 their land scares them.

21 Q So I guess I'm just trying to --

22 A (Irvine) So there's two sides.

23 Q And I see that, but what I'm trying to get a
24 sense of are there any businesses in your

1 footprint that are actually supportive of this
2 that you're hearing from or is it you're hearing
3 all negative or from the business community,
4 mostly small businesses in your area.

5 A (Irvine) We have a couple of contractors in
6 town, haulage, dirt work, that type of thing,
7 and they'll look at it and say, whether it's
8 digging a trench or digging a hole for a
9 concrete pad, the work is going to be there. So
10 they recognize that while they have a business
11 that may benefit, it can benefit regardless of
12 how the Project is attacked. So the default to
13 I'm also a resident, how is this going to impact
14 me, how is this going to impact my neighbor. If
15 I'm getting work, that's great. But if I'm
16 getting work, they're putting these towers
17 through and diminishing my neighbor, I'm
18 benefiting, but they're not, that's not a good
19 thing. That's not neighborly. So that's kind
20 of the, those businesses that you're
21 specifically addressing that may benefit from
22 construction opportunities recognize that
23 they'll get them there either way.

24 Q And did I hear you say, or Ms. Lucas, maybe I

1 heard you say this as well, that you weren't
2 aware of any businesses that had been contacted
3 from the Applicant or is it just, if you could
4 expand on that?

5 A (Lucas) I have no knowledge of any business
6 owners directly contacted by the Applicants, no.

7 Q All right. Thank you. In terms of, as you
8 mentioned, if you have burial in your community
9 and you don't have burial in the next community
10 and it may not be meeting the purpose you're
11 trying to meet, how much communication have you
12 had with your neighboring communities? Are
13 their Master Plans gelling with your Master
14 Plan? What communications have you had?

15 A (Irvine) With Bristol, we've had extensive
16 communication, their Master Plan. I believe
17 they're also an Intervenor in the proceedings,
18 and our viewpoints line up. Hill not so much.
19 They've been fairly quiet. And that goes to
20 Mr. Kettenring's point earlier that let's use
21 Bridgewater because it's going to be
22 Bennington/Bridgewater, but if it's built
23 aboveground in New Hampton and Bridgewater is
24 looking at us, there's no real benefit to

1 Bridgewater there. So it cuts both ways that it
2 would be nice to see it buried in our community.
3 That's all we can advocate for, but it's to the
4 benefit of all communities if it's viewed as
5 that contiguous impact.

6 Q And the challenge I'm having, and I think we
7 just talked about it in terms of variances, is
8 that if somebody like this actually, even if it
9 was buried, would it still be able to go through
10 your community. Because as I read like the site
11 plan regulations but also, Mr. Kettenring, your
12 letter, where you respond as well, it seems like
13 that would be a really tough thing to do so
14 humor me. It almost sounds like we would really
15 prefer that you go underground. Oh, by the way,
16 you can't go underground.

17 A (Kettenring) I don't think that's the case.

18 Q What do you think about that?

19 A (Kettenring) I don't think that's the case.
20 First of all, our Site Plan Review regulations
21 specifically say that we prefer that it be
22 buried.

23 Q I didn't see that.

24 A (Kettenring) That it be buried unless it's shown

1 that it can't be. And that's based on the fact
2 that we don't want something high blocking our
3 views. Now, if it's buried or even if it's even
4 mounded that can be low and not destroying our
5 views, I see no reason why it could not get a
6 variance from the Zoning Board. I mean, that
7 has been consistently our major concern on
8 structures that are nonconforming is are they
9 going to make a mess of our views like the cell
10 tower I mentioned.

11 Q While we're on the topic, is it fair to say that
12 there really isn't any scenario where an
13 overhead is going to fly in your community from
14 what I'm hearing you say?

15 A (Kettenring) I see no scenario where it would if
16 we had the choice. I realize that we're not the
17 ones who make the final decision, but if we had
18 the choice, there's no scenario that we would
19 want to see. Because as I say there's very few
20 places where it wouldn't be easily buried, and
21 those places we feel could easily be taken care
22 of by mounding to go over those rocky areas in
23 the southern part where burial probably would be
24 too expensive.

1 Q And I thought I heard you say right out of the
2 gate early on in the testimony that obviously
3 you'd who like see it buried and to the greatest
4 extent possible.

5 A (Kettenring) Yes.

6 Q But if there, there may be a portion where they
7 could get a special exception.

8 A (Kettenring) There could be.

9 Q Could they get that special exception though?

10 A They could if -- as I say, our rules say if the
11 Applicant shows that it can't be buried to our
12 satisfaction, then certainly we would look at
13 that.

14 Q Okay. All right. Thank you very much.

15 PRESIDING OFFICER HONIGBERG: Commissioner
16 Bailey?

17 COMMISSIONER BAILEY: Thank you.

18 **QUESTIONS BY COMMISSIONER BAILEY:**

19 Q Dawn, can you bring up Applicant's Exhibit 200?
20 And I'll give you the page number. Tell me when
21 you're ready. APP 67624.

22 This is the picture that I think your
23 attorney, Mr. Whitley, showed you, and I think
24 that Ms. Draper was going to ask you questions

1 about this. And as I understand this, it looks
2 to me like, well, is Cross Road sort of diagonal
3 across the page?

4 A (Irvine) Yes.

5 Q How is that a road? It looks like all trees.

6 A (Irvine) It's a Class VI dirt unmaintained road
7 so there's tree cover.

8 Q Okay. Over it.

9 A (Irvine) Yes.

10 Q So that's really a road. That goes diagonally
11 across the page?

12 A (Kettenring) Very narrow one-lane road.

13 Q How do, if construction vehicles were going to
14 access the right-of-way where it's shown, can
15 you see that where those aprons are?

16 A (Irvine) Yes.

17 Q How would construction vehicles get to that
18 point?

19 A (Irvine) If it's not an access point?

20 Q No, no, no. Assume there's an access point
21 there, how do the trucks get to that place on
22 Cross Road?

23 A (Irvine) They would come off Blake Hill Road.

24 Q And what kind of hill is Blake Hill Road?

1 A (Irvine) Class V. So you would come in along
2 Old Bristol Road out of town, start climbing the
3 hill, come off onto Blake Hill Road, a
4 designated scenic road, keep climbing, and at
5 the, not quite the top, you would peel off on to
6 Cross Road.

7 Q So that's the only way to get there?

8 A You could come in off the Coolidge Woods. You
9 could come in off the federal floodplain.
10 Coolidge Woods is a dirt road, and you would
11 come in from the other side. And the
12 interesting thing is in the vicinity where this
13 drawing is was actually a beaver pond where the
14 flooding has cut Cross Road essentially in half.
15 So you would have to make that determination
16 which side are you coming in from.

17 Q Because there's a beaver dam in the middle of
18 Cross Road?

19 A (Irvine) Off to, off to the right. To the
20 north. So that area is flooding currently. I
21 would assume for traffic to get to this point
22 they would have to come in over the paved
23 section of Old Bristol Road and Blake Hill.

24 Q Okay. Do you have restrictions on the roads

1 during certain times of the year?

2 A (Irvine) Yes. We post our roads in the spring
3 and mud season.

4 Q So when would they not be able to drive on those
5 roads? On Cross Road? Or the Class V road?

6 A (Irvine) Generally all the way to April 1st is
7 usually, April or May.

8 Q From when?

9 A (Irvine) The thaw goes out of the ground. You
10 know that as well as I do.

11 Q So like March?

12 A (Irvine) Yes.

13 Q March and April maybe. All right. Thank you.

14 **QUESTIONS BY MR. IACOPINO:**

15 Q I have one question about that same exhibit.

16 A (Irvine) Yes.

17 Q Where those aprons are there, is that the end of
18 Cross Road or does Cross Road go underneath the
19 lines and continue?

20 A (Irvine) Cross Road continues. So Cross Road
21 goes all the way from the top of the page would
22 be Blake Hill Road, and it comes all the way
23 through and connects to Coolidge Woods Road on
24 the bottom. On the prior iteration of this

1 drawing, the red lines, the proposed access
2 route is a straight line across. Assuming that
3 the Applicant was intending to access this
4 section coming off of Old Bristol Road and
5 coming up and over, this iteration placing
6 aprons, and I know Counsel has repeatedly said
7 this isn't an access point, this isn't an access
8 point, but I don't see any other reason for
9 putting aprons on, other than to use it as an
10 access point which raises all of our
11 conversation earlier about the width of the
12 road, the condition of the road, how would you
13 get to it, and the First Responder given that it
14 is so narrow and there are residences served by
15 this road, you would have a conflict there.

16 Q Thank you.

17 PRESIDING OFFICER HONIGBERG: Are there any
18 other questions from the Committee?

19 Mr. Whitley, do you have any redirect?

20 MR. WHITLEY: Thank you, Mr. Chair.

21 **REDIRECT EXAMINATION**

22 **BY MR. WHITLEY:**

23 Q Real briefly, Panel, I have a couple of followup
24 questions.

1 Mr. Kettenring, when Mr. Aslin was asking
2 you questions about your opinions on visibility,
3 I think you answered that it was your personal
4 opinion. Do you remember that?

5 A (Kettenring) Yes.

6 Q And I just wanted to clarify that you're here
7 offering your opinion on behalf of the Planning
8 Board, correct?

9 A (Kettenring) That's correct.

10 Q Okay. So all the opinions that you're rendering
11 and the testimony --

12 A Are agreed to by the Planning Board, and they
13 saw what I submitted before I submitted it.

14 Q Okay. Okay. Thank you.

15 Mr. Irvine, you also had a conversation
16 with Mr. Aslin regarding tax revenues. Do you
17 recall that conversation?

18 A (Irvine) Yes.

19 Q So I just wanted to follow up with you that even
20 if there is no net loss or even a net gain,
21 would that change the Town's position with
22 regard to the Project?

23 A (Irvine) No, it would not. We still view the
24 negative impacts outweigh any potential

1 benefits.

2 Q Okay. Thank you. There was also some
3 discussion, I believe it was with you, Ms.
4 Lucas, about the town referendum and the forum;
5 do you recall that?

6 A (Lucas) Yes.

7 Q Does the Town consider the outcomes of those two
8 things just as definitive as a warrant article
9 passed at town meeting?

10 A (Lucas) Oh, absolutely.

11 Q Okay. Mr. Kettenring, you had an exchange about
12 the Emery & Garrett report and the conditions
13 that it indicated. Do you recall that
14 discussion?

15 A (Kettenring) Yes.

16 Q Do you understand that the soil conditions and
17 the subsurface conditions can impact the cost to
18 bury?

19 A (Kettenring) Yes.

20 Q And do you understand that the -- was it your
21 view that the Emery & Garrett report indicates
22 that there weren't any conditions in town for
23 the most part that would increase the cost to
24 bury?

1 A (Kettenring) There are a few conditions where
2 it's rocky that are shown as being very shallow
3 that they would have to either mound or pass --
4 I'm assuming they wouldn't want to blast. But I
5 don't know what they would consider reasonable.

6 Q I guess the better way to say it is do you think
7 that the Emery & Garrett report showed that
8 there were areas in towns where those conditions
9 don't exist?

10 A (Kettenring) It definitely shows that within the
11 knowledge of the existing database that it would
12 be a relatively easy area to bury a pipeline or
13 an electrical line or whatever it is that you
14 plan to bury.

15 Q And do those results, in your mind do they also
16 relate to the site plan requirement to bury a
17 transmission line --

18 A (Kettenring) Yes. They indicate that it is
19 possible, and it would be up to an Applicant to
20 show that it isn't possible.

21 Q Mr. Irvine, you had an exchange about abatement
22 requests.

23 A (Irvine) Yes.

24 Q And visibility. Do you recall that?

1 A (Irvine) I do.

2 Q And do you expect that those abatement requests
3 are going to increase due to the taller
4 structures?

5 A (Irvine) Absolutely.

6 MR. NEEDLEMAN: Objection. It calls for
7 speculation.

8 MR. WHITLEY: I don't think it's
9 speculation, Mr. Chair, because Mr. Irvine has
10 rendered his opinion on the visibility issue,
11 and if he thinks that the increased visibility
12 is going to result in more abatement requests,
13 that's part of his opinion.

14 PRESIDING OFFICER HONIGBERG: Overruled.
15 You can answer.

16 A (Irvine) Absolutely. Yes. As I mentioned
17 earlier, on our tax cards you will see a load
18 factor that takes the viewshed into
19 consideration in the valuation. My tax card,
20 and I have it with me, has a load factor of
21 1.25. I will be looking for that to be reduced
22 to 1.0 if my viewshed is impacted. So I can't
23 imagine any other resident that has a viewshed
24 factor, load factor, on their tax card having

1 their viewshed altered not seeking an abatement.
2 It's common sense.

3 Q Okay. And you also in some of your answers
4 regarding visibility referred to "local
5 knowledge"?

6 A (Irvine) Yes, sir.

7 Q What do you mean by that?

8 A (Irvine) People who live there. You can bring
9 in experts from all over New England, all over
10 the United States, that take a couple, take a
11 look at two or three communities and try to draw
12 some general statement. But the people who live
13 in their communities whether we're talking all
14 the way up north in Littleton all the way down
15 to Deerfield, the people who live there have the
16 best knowledge of their community, and so that
17 dialogue about the impacts in the community is
18 best served by talking to the people that live
19 there.

20 Q And in your mind is that local knowledge, does
21 that include current tower heights?

22 A (Irvine) Absolutely.

23 Q Current visibility barriers like foliage or
24 other vegetation?

1 A (Irvine) Correct.

2 Q Okay. Thank you. Lastly, there was an exchange
3 about a discovery request that was made to the
4 town and the response that the town gave. Do
5 you recall that exchange?

6 A (Irvine) Yes.

7 Q Okay. Dawn, could I have the ELMO real quick,
8 please?

9 I put on the screen before you the response
10 to the Data Request, and you see in the
11 paragraph that I put a line beside.

12 A (Irvine) Yes.

13 Q You see, can you read the last sentence of that
14 paragraph, please?

15 A (Irvine) The Applicant is welcome to schedule a
16 date/time to come to the Town Offices to review
17 the town's tax appeal files for the ten-year
18 period.

19 Q And to your knowledge or to anyone else's
20 knowledge on the Panel, did the Applicant ever
21 take the opportunity to do that?

22 A (Irvine) Not to my knowledge.

23 Q Okay. Thank you.

24 And this will be marked as Joint Muni 331.

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That's all I have. Thank you.

{WITNESS: KETTENRING, IRVINE, MOORE, LUCAS}

1 PRESIDING OFFICER HONIGBERG: You can
2 return to your seats or leave if you'd prefer.

3 I think we're going to try and get Ms.
4 Fillmore's witnesses' testimony in and whatever
5 Supplemental Direct you need to do, Ms.
6 Fillmore.

7 (Discussion off the record)

8 PRESIDING OFFICER HONIGBERG: Let's break
9 for the day. We'll come back on Monday.

10 MS. FILLMORE: Thank you, Mr. Chairman.

11 (Hearing recessed at 6:12 p.m.)

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C E R T I F I C A T E

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

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

Dated at West Lebanon, New Hampshire, this 10th day of December, 2017.

Cynthia Foster, LCR