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STATE OF NEW HAMPSHIRE	
SITE EVALUATION COMMITTEE	
December 12, 2017 - 1:12 p.m. DAY 66	
Concord, New Hampshire (No Morning Session held)	
{Electronically filed with SEC 12-22-2017}	
IN REC SEC DOCKET NO 2015-06	
Joint Application of Northern	
Public Service Company of	
Energy for a Certificate	
(Hearing on the merits)	
PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE: Chrmn. Martin P. Honigberg Public Utilities Comm.	
(Presiding as Presiding Officer)	
Cmsr. Kathryn M. Bailey Public Utilities Comm. Dir. Craig Wright, Designee Dept. of Environ. Serv.	
Christopher Way, Designee Dept. of Resources & Economic Development	
Patricia Weathersby Public Member	
Iryna Dore, Esq.	
Pamela G. Monroe, SEC Administrator	
(No Appearances Taken)	
COURT REPORTER: Susan J. Robidas, NH LCR No. 44	
	December 12, 2017 - 1:12 p.m. DAY 66 49 Donovan Street AFTERNOON SESSION ONLY Concord, New Hampshire (No Morning Session held) {Electronically filed with SEC 12-22-2017} IN RE: SEC DOCKET NO. 2015-06 Joint Application of Northern Pass Transmission, LLC, and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility. (Hearing on the merits) PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE: Chrmn. Martin P. Honigberg Public Utilities Comm. (Presiding as Presiding Officer) Cmsr. Kathryn M. Bailey Public Utilities Comm. (Presiding Arright, Designee Dept. of Environ. Serv. Christopher Way, Designee Dept. of Environ. Serv. Christopher Way, Designee Dept. of Transportation Patricia Weathersby Public Member Rachel Dandeneau Public Member ALSO PRESENT FOR THE SEC: Michael J. Iacopino, Esq., Counsel to the SEC Iryna Dore, Esq. (Brennan, Lenehan, Iacopino & Hickey) Pamela G. Monroe, SEC Administrator (No Appearances Taken)

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[MENARD|BRADBURY|E.BERGLUND|K.BERGLUND|COTE|ADAMI]

		7
1	PROCEEDINGS	
2	(Hearing resumed at 1:12 p.m.)	
3	CHAIRMAN HONIGBERG: Good	
4	afternoon, everyone. Thank you for coming. I	
5	see the Deerfield witnesses are back in their	
6	positions. Mr. Pappas, are you ready to go?	
7	MR. PAPPAS: I am. Thank you,	
8	Mr. Chairman.	
9	CROSS-EXAMINATION	
10	BY MR. PAPPAS:	
11	Q. Good afternoon, folks.	
12	A. (Panel) Good afternoon.	
13	Q. Ms. Bradbury, let me start by asking you just	
14	a couple questions on an exhibit you	
15	introduced yesterday as part of your direct,	
16	and that is Deerfield Abutters 168(c), which	
17	is the publication from the New Hampshire	
18	Fish & Game Department entitled, Wildlines.	
19	In it, on the second and third page, they	
20	talk about a regional initiative for	
21	Blanding's turtles. Do you recall that?	
22	A. (Bradbury) I do.	
23	Q. In fact, the New Hampshire Fish & Game took a	
24	lead in securing some grant money. Do you	

lead in securing some grant money. Do you

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8
         recall that?
1
2
         (Bradbury) Yes.
         The article refers to "identified priority
3
    Q.
         sites for Blanding's turtles." Do you recall
4
         that?
5
         (Bradbury) I do remember it. I'm just
6
    Α.
7
         looking for it.
         Well, in the article it talks about, right in
8
    0.
         the beginning, these priority sites. And I
9
10
         was wondering whether there are any of these
11
         priority sites in Deerfield.
12
         (Bradbury) Oh, absolutely. Deerfield is
    Α.
         filled with them.
13
14
         Okay. Thank you.
    Q.
15
         (Bradbury) Oh, yes. Yeah, we do have a color
    Α.
16
         map showing most of the priority sites
17
         centered right around the southeastern New
         Hampshire area, including Deerfield.
18
19
    Q.
         Thank you.
20
               So, Mr. Cote and Mr. Adami, let me
21
         resume with you because I left off last
22
         evening when we were discussing some items.
23
              First, Mr. Cote, in your direct
24
         testimony you talk about stormwater discharge
```

- and your view that the EPA requires mapping
 and monitoring of what you call "discharge
 points." Do you recall that?
- 4 A. (Cote) Yes.

- Q. And you discussed the difference between you and the Applicant. The Applicant's position is only substations, and the transition stations require these discharge points. And you believe they're required throughout the 192 miles; correct?
- A. (Cote) That was the original testimony -- or not testimony, but information provided during the technical session by Mr. Tinnus, that those discharge points would be at the substations and transition stations only.

 And he anticipated about nine or so discharge points.
 - Q. Could you just give the Committee an example of where you think a discharge point would be required that's not where the Applicant thinks it's required so that the Committee has a sense of the difference between you and their position.
- A. (Cote) So I've worked in this program for

about 24 years with stormwater, and so I do
know a few people at the EPA. I've not dealt
specifically with construction stormwater
permits, but at industrial sites. I know at
industrial sites the definition of a
"discharge point" is extremely encompassing.
So, basically if you can see stormwater
running off of your site in any kind of
channelized flow, that is a point that the
industry needs to identify and include in
their permitting documents under the
stormwater permit program, because anywhere
on an industrial site you could have
activities that would include pollutants that
would potentially be transferred to surface
water during storm events. So the definition
is extremely encompassing. If you can see
stormwater channelizing even in the corner of
a parking lot or paved area, it's we have
always, in all of our stormwater plans,
identified those points. And they've been
subject to inspections and monitorings.
So the question is and I contacted
the EPA regional stormwater coordinator

because I'm not that familiar with construction permits, and I asked her if the same interpretation applied for construction activities. And it was a telephone call, and it's in my testimony. And she said yes. So with a 190-mile project, I would think that would encompass many more than nine discharge points, which is a significant obligation.

So we don't have a stormwater plan that's before us at this point, so the intent of how this project intends to address that requirement is very unclear.

- Q. Okay. Sitting here, can you think of any particular place that would be an example of where one of these discharge points should be mapped?
- A. (Cote) Well, you can look back to my
 questioning of Mr. Tinnus when he was here
 being cross-examined, and I did bring up a
 few exhibits from our supplemental prefiled
 testimony. Actually, two locations very
 close to our property. One was very clear.
 It actually had a culvert that drained water
 from the right-of-way, went under the road

- and directly under the Lamprey River. So that one is very obvious.
- Q. And I recall that in an attachment to your testimony. Thank you.

Let me ask you a couple questions about your testimony where you believe that your property will lose value as a result of Northern Pass. First, can we go to... what's on the screen now in front of you is a page from Exhibit 201, and it is Bates Stamp 68115. And if you look, do you see where it says 9709 on the right-hand side?

- 13 A. (Cote) Yes.
- 14 CHAIRMAN HONIGBERG: Hang on Mr.
- Pappas.

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- 16 (Discussion off the record)
- 17 BY MR. PAPPAS:
- Q. Mr. Cote, if you look at what's on the
 screen, this is a page from Applicant's
 Exhibit 201, Bates Stamp 68115. If you look
 to the right-hand side, do you see the number
 7909? It's right next to that green area
 that says "Menard."
- 24 A. (Cote) I believe it's 9709?

```
13
    Q.
1
         Correct.
2
    Α.
         (Cote) Yes.
         Is that your property?
3
    Q.
        (Cote) It is.
4
    Α.
         And the yellow dot, is that your house?
5
    Q.
         (Cote) Yes.
6
    Α.
7
         And would you agree with me that your house
    Q.
         is a unique house, in the sense of it's
8
         self-sufficient and the other things you
9
         described in your testimony?
10
11
         (Cote) Absolutely. It's off the grid.
    Α.
         And as such, you have a bit of a narrow
12
    Q.
         market or small buyer pool who may be
13
14
         interested in buying your house.
        (Cote) I would say yes.
15
    Α.
16
         And that pool is probably an influent [sic]
         pool that could be selective and choose
17
         alternatives if they didn't want to purchase
18
19
         a home that's close to the right-of-way.
20
         Would you agree with that?
21
    Α.
         (Cote) Yes.
22
         So, as a result, I understand that you
    0.
23
         believe that your property will decrease in
24
         value 10 to 20 percent because of the
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- 1 Northern Pass Project. Is that right?
- A. (Cote) Well, let me put it this way: If we knew when we purchased the property that this was a likely scenario, we would have most
- 5 definitely had second thoughts about
- 6 proceeding with the transaction.

17

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19

20

- Q. Okay. Do you think that the impact is limited to your property because it's unique, or do you think it applies to other properties in Deerfield?
- 11 A. (Cote) I think the effect actually is a lot

 12 larger. I think it affects the entire

 13 character of the town --

MR. NEEDLEMAN: Mr. Chair, this
sounds like it's calling for testimony beyond
what was included in his prefiled testimony.

CHAIRMAN HONIGBERG: Mr. Pappas.

MR. PAPPAS:

I think it's a

natural flow from his prefiled testimony. He testified in prefiled testimony that his

21 property was unique, and he testified he thought

22 the property value. I just wanted to see

whether his opinion was limited to his property

or if it was broader to Deerfield. I mean,

[MENARD|BRADBURY|E.BERGLUND|K.BERGLUND|COTE|ADAMI] 15 it... 1 2 CHAIRMAN HONIGBERG: Do you think Mr. Cote has the necessary qualifications to 3 testify about the value of other people's 4 5 property? MR. PAPPAS: That's a better 6 7 question. I don't think I have laid that foundation, so let me -- well, let me do it this 8 way. I think there's plenty of testimony, and 9 10 Ms. Menard will touch on this. So I'll move on 11 rather than spending time laying a foundation with Mr. Cote. 12 MR. PAPPAS: 13 Mr. Cote and Mr. Adami, the last topic I'd 14 Q. 15 like to ask you about is your prefiled 16 testimony regarding the 2017 project that you 17 described. And you provided a couple of photos that go along with that. Do you 18 recall that? 19 20 (Cote) Yes. Α. 21 So what's on the screen now is Q. 22 Attachment B to your prefiled testimony which 23 we've marked as Counsel for the Public

Exhibit 642. Do you see that?

- 1 A. (Cote) Yes.
- 2 Q. I'm going to be interested in Photos A and B.
- And this gives orientation to where they were
- 4 taken within the right-of-way. Is the
- 5 location of Photo A and B within the
- 6 right-of-way?
- 7 A. (Cote) It is, or they are.
- 8 Q. Go ahead. And we see your house down here on
- 9 the left?
- 10 A. (Cote) Yes. On the right under the "A" where
- it says "Attachment B."
- 12 Q. Oh, thank you. You're right. I looked at
- the wrong... so on the screen now is Counsel
- for the Public's Exhibit 647, which was
- 15 attached to your prefiled testimony. Is this
- 16 picture taken on a location that's within the
- 17 right-of-way?
- 18 A. (Cote) Yes.
- 19 O. Okay. And was this taken in connection with
- 20 that activity, the utilities activity in
- 21 2017?
- 22 A. (Cote) Yes.
- 23 Q. On the screen now is Counsel for the Public
- 24 648. Is this also within the right-of-way?

- 1 A. (Cote) It is.
- Q. Was this picture taken in connection with the utilities work in 2017?
- 4 A. (Cote) Yes.
- 5 Q. Now, as I understand it, after this activity
- 6 occurred, you called the utility and talked
- 7 to somebody, I think, with the utility?
- 8 A. (Cote) Actually, I forwarded the photographs
- 9 to Mr. Berglund, and he communicated with the
- 10 utility.
- 11 Q. Ah, okay. Did you not discuss these
- 12 photographs or this activity with the
- 13 utility?
- 14 A. (Cote) I did not.
- 15 Q. So, Mr. Berglund, let me ask you. Did the
- 16 utility describe for you any Best Management
- 17 Practices they used during this 2017
- 18 construction activity?
- 19 A. (Mr. Berglund) I don't recall that they did.
- 20 The discussion was they had -- we had had
- 21 previous discussions to this event and talked
- about how far they were to go to do this
- repair, which required some work on that one
- pole. And my recollection is this was an

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example of they went beyond it. And maybe

Bob can --
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MR. BERGLUND: Do you recall

4 that?

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Berglund.

(Cote) So, construction matting was used from Α. Mountain Road up through Mr. Berglund's field, which was -- the boundary of his field was the gate in the prior photo. When it went beyond Mr. Berglund's hay field onto our property, which is where these two photos were, construction matting was not used. that is a steep slope going down toward the wetland where one might think that Best Management Practices would be more important in the event of a storm event, which actually was predicted for the day I took these photos. But I had not had communications directly with the utility regarding this work, and Mr. Berglund did. And I was aware of that, so that is why I followed up by letting the chain of communication continue as it had been prior to this point, which is why I passed the information on to Mr.

- 1 Q. Okay.
- 2 A. (Mr. Berglund) Just to add to that,
- 3 remembering now from Bob's comment about the
- 4 matting, the matting did go across the field,
- and it was to go right up to the point of
- 6 work was my recollection. And it stopped
- 7 before that. So this is an example of not
- 8 using the matting.
- 9 Q. Did anybody with the utility explain to you
- why they didn't use the matting all the way
- 11 to the activity?
- 12 A. (Mr. Berglund) No.
- 13 Q. Okay. Thank you.
- 14 All right. Ms. Menard, let me turn to
- 15 you and ask you some questions. First, I
- 16 want to start by asking just a few questions
- 17 about your direct testimony yesterday where
- 18 you reviewed several of Dr. Chalmers' case
- 19 studies.
- 20 Now, would I be correct in saying that
- 21 your factual research showed that several of
- the comps in the case study appraisals didn't
- account for some factors, such as a Joint Use
- 24 Agreement or other factors that you felt

- should have been included in the comps?
- A. (Menard) That is correct, both positive

 attributes as well as negative attributes of

 the various properties.
- Q. Okay. And did your factual inquiry also reveal that some of the comps that were used were also influenced by the HVTL, as well as the subject project?
- 9 A. (Menard) That is correct.

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what your factual investigation found was
that for some of the appraisals in Dr.
Chalmers' studies he didn't ascribe value to
excess land that could be subdivided and add
value to a parcel? Did you find that?

Now, would I also be correct in saying that

A. (Menard) Yes. It was an error in not recognizing the value of the land. But more importantly, I think we all can make mistakes, so, you know, myself included. But the fact that the decision regarding the subdividability -- he had evidence that it was subdividable with the realtor, and the broker was overruled. And not a phone call -- you know, there had been an

interview. So I would have thought that
would have been an important question to have
with the broker, if he was willing to sign
off on the subdividability, you know, despite
clear evidence. And on the tax records, his
notation of an improvement -- he had the tax
card in his appraisal, and there's no
evidence on the tax card of an improvement.
So, you know, these are the things that have
concerned me.

- Q. Okay. And finally, with respect to Dr.

 Chalmers' subdivision studies, did your

 investigation find that he failed to ascribe

 sufficient value in instances to back land,

 and therefore that impacted his subdivision

 studies?
- A. (Menard) No. My criticism of the subdivision study analysis is that his methodology is he's -- well, he is incorrect in assuming from a landowner perspective that the back land has no value. New Hampshire real estate, we value our land for many different things. And so that premise I do disagree with.

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But what I was trying to raise yesterday
1
2
         was more, again, regarding his approach to
         ascribe his lack of -- you know, he finds no
3
         evidence in his work, and he has to come up
4
5
         with an explanation as to why this HVTL isn't
         showing any impact. And so he creates this
6
7
         scenario of the site value to back land
         value, but he's not using appropriate time
8
9
         periods in his analysis to make it
         meaningful. It's not a relevant comparison,
10
11
         in my opinion.
```

- Q. Okay. Thank you. Let me ask you a question
 about the NPT Guarantee Program that you
 talked about. Now, that program has certain
 requirements to qualify. Do you recall that?
- 16 A. (Menard) Yes, I do.
- Q. And are you familiar with the Bilodeaus' property in Deerfield?
- 19 A. (Menard) Yes, I am.
- Q. Does the Bilodeaus' property qualify under the NPT Guarantee Program?
- 22 A. (Menard) No, it does not.
- 23 Q. Why not?
- 24 A. (Menard) The criteria for the program is

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extremely strict. And again, Mr. Chalmers, in his experience and work, has come to the conclusion that a property has to be within a 100 feet of the right-of-way in order to have an impact, and I have case studies in my materials that prove otherwise. And I -- so I do not agree. I feel the criteria is so narrow. I believe that the bottom line is there was, you know, less than 10 properties along the 192-mile route that would qualify.
```

Q. Okay. Sticking with impact on property values, let me ask you some questions about your prefiled testimony on that issue.

You testified in your prefiled testimony that the Northern Pass Project, if built, will negatively impact the value of certain real estate in Deerfield. Do you recall that?

19 A. (Menard) Yes.

- Q. Would I be correct in saying for properties
 where the value is negatively impacted, a
 view of the transmission line is a driving
 factor in impacting value?
- 24 A. (Menard) I would agree with that.

- Q. And I think you also mentioned that for some properties, the hum of the transmission line or substation may have some impact as well; correct?
- (Menard) The hum of the substation effects 5 Α. are noticeable when I'm marketing properties 6 7 in that area. I don't believe people 8 would -- there's going to be a stronger objection to the visual impact of Northern 9 Pass Transmission than to the hum of the 10 11 substation. It is a factor, and people are like, "What's that?" And it depends what way 12 the wind is blowing whether or not you get a 13 hum on a particular day and humidity and 14 15 various things. But it is not as onerous a 16 detriment. It does -- there are some people that don't -- it alerts them to the 17 substation being in the area where they 18 19 otherwise might have not known it. We do 20 disclose it even if it's not humming. But it 21 is not a primary market factor.
 - Q. In your experience, it's the view that's the driving force; correct? It's the view of the transmission line?

23

- 1 A. (Menard) Yes.
- 2 Q. Okay. Now --
- 3 A. (Menard) And also we have a new generation of
- 4 buyers who have the health concerns and EMF
- 5 concerns. My sister-in-law is
- 6 understandably, you know, concerned about
- 7 health effects of these power lines. And,
- you know, despite the lack of evidence,
- 9 scientific evidence, it's a market factor
- where people just would not want to be
- exposed to, you know, living near a power
- 12 line and they would choose otherwise.
- 13 Q. Okay. Now, in your experience, does it
- 14 matter what of the transmission line can be
- 15 seen? For instance, whether you can see an
- 16 entire tower or whether you can see half a
- 17 tower and some conductors or some other
- 18 portion, does what you see have an impact?
- 19 A. (Menard) That's an interesting question. And
- I think that, you know, in my mind, it's the
- 21 power lines. Just by the way we name them
- the "power lines." It's always been the
- lines. And the wooden poles are there, but
- they haven't really been, you know, in the

```
forefront. But again, as new projects are
1
2
         coming in, and certainly with this project,
         it's not going to -- the locational factor of
3
         the lines is going to be now, you know,
4
5
         mentally we're going to be focusing on
         structures. And so I can't say honestly that
6
7
         I have a lot of experience to distinguish
8
         between the two. But we are responding
         publicly, and I think across the state we are
9
         responding to these structures. And so I
10
         think that is going to be a shift
11
12
         potentially.
```

- Q. And do you think that the size of the structures makes a difference?
- 15 A. (Menard) Absolutely.
- Q. And would I be correct in saying, in your view, the taller, the bigger, the more you see, that has a greater impact?
- 19 A. (Menard) Correct.
- Q. Okay. So do you have -- do you believe that
 distance plays a factor? In other words, the
 same view a 100 feet and 1,000 feet, do you
 think it has the same impact, or do you think
 there's one impact that's less or more than

the other?

- A. (Menard) I don't know that I have enough sales experience with these types of properties to fine-tune my opinion in terms of market value. I know what my intuition tells me. But, you know, I had one case study that I presented regarding 24 Nottingham Road that was 1,000 feet away. And, you know, I went through a whole marketing time with that property, and it was clearly a view. But like I said, I can't be any more specific than that. I just don't have enough sales data to...
 - Q. Fair enough. Your prefiled testimony has some examples of view lots, and the Committee can read it. I don't need to go through it with them.

What's on the screen now is Counsel for the Public 641, which are portions of the Deerfield, New Hampshire 2015 Valuation Update that was included with your prefiled testimony. Do you recall that?

- 23 A. (Menard) yes.
 - Q. And briefly, how is this used in Deerfield?

- (Menard) This is used as a guide if there's a 1 Α. 2 particular property that has a view amenity. There's a dollar amount given to it. 3 that is used in the assessment noted on 4 5 assessment card. So you actually have a taxable value associated with a view amenity.
 - Now, on the second page of Counsel for the 0. Public 641, you had underlined that sentence in Paragraph 3 in your testimony that says, quote, "Like land and building values, the contributory value of a view is extracted from the actual sales data," close quote. you see that?
- (Menard) Yes. 14 Α.

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- 15 Why did you underline that? 0.
 - (Menard) Because I was trying to offer an Α. opinion that, again, in terms of Deerfield's assessments, there is no distance distinction here. If you have a view, you may have value assigned to that view. And I used an example of this in, I'm thinking it was my original filing in December. It may have been -- no, it was in my original filing where I could demonstrate that, again, a view lot, people

- are willing to pay more for it. And if you go to -- are you going to go to the next slide in my set?
- Q. We can turn to the next page. Is this the page you're thinking about?
- (Menard) Yes. So the lot at the bottom, 6 Α. 7 Meeting House Hill Road, that property in 8 2010, I had in my testimony indicated that the people paid \$50,000 extra to buy that lot 9 for the view. And, you know, 7 years later, 10 11 the value is still there and it's showing as taxable value. So these views are important. 12 And if you degrade them, then the assessor 13 14 has the -- could come through and reduce the 15 value. And that's why people buy these 16 properties, for the view.
 - Q. Now, looking at this page, for any property in Deerfield that has a value ascribed with a view, do they have some -- does the summary or this valuation guide ascribe a dollar amount to that? Is that what this is for?

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- A. (Menard) Yes. If I recall, there's about 26 pages of properties in this guide.
- Q. And if a property has no view, does it add

- 1 nothing there?
- 2 A. (Menard) It wouldn't be in this assessment
- guide.
- 4 Q. Oh, this is only for the --
- 5 A. (Menard) Yes.
- 6 Q. Got it. You said a moment ago that if the
- view changes, the assessor will take that
- 8 into account.
- 9 A. (Menard) Yes. And then you can go back to
- the page before where it is explaining that.
- 11 Q. Right, and you underlined that section of the
- page before.
- 13 A. (Menard) Yes.
- 14 Q. So in your work as a realtor, do you ever use
- these view assessments?
- 16 A. (Menard) I have referred to them
- 17 occasionally, more so with waterfront
- 18 properties. And again, view lots are hard to
- 19 come by, so it's not -- you know, I imagine
- up in the North Country there's -- they have
- a far better handle on this. So I use it
- when I need to, but it's not that often.
- 23 Q. Okay. Now, based on your experience as a
- realtor, do you believe that if the Northern

- Pass Project is built, properties that have a view on it, will it affect their view value?
- 3 A. (Menard) Yes.
- 4 Q. And how will it affect it?
- 5 A. (Menard) It would reduce it.
- 6 A. (Mr. Berglund) May I insert something here?
- 7 Q. Sure.
- 8 A. (Mr. Berglund) We're within 800 feet. And
- 9 today there's very little impact view-wise
- 10 from the towers, from the poles and the lines
- because this has grown up over the years.
- 12 And we're almost at the point where we can't
- 13 see it, certainly in the summertime. And
- there's no view on our tax card. With this
- project there will be because -- or there
- 16 will be a reduction somehow of the total
- 17 value. Excuse me. So it will be a negative
- 18 view entry.
- 19 Q. Thank you, Mr. Berglund.
- So, Ms. Menard, let me ask you some
- 21 questions about your testimony discussing the
- 22 Project's interference with orderly
- development of the region. Now, you
- 24 testified that land conservation has played a

- create a greenway in Deerfield. Do you recall that?
- 3 A. (Menard) Yes.
- Q. And you testified that this greenway or open space is between several parks: Pawtuckaway State Park, Bear Brook State Park and North Meadows. Do you recall that?
- 8 A. (Menard) Yes.

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- 9 Q. Do you believe that this effort to conserve 10 land was by happenstance or by design?
 - A. (Menard) It is a wonderful progression of -you know, back in the 1980s, I think there
 was a family who sort of took the first step
 and conserved 100 acres, and the momentum has
 just built forward. And, you know, from a
 marketing standpoint, or real estate
 standpoint, somebody who's representing, you
 know, they're proud to be showing properties
 in Deerfield. There used to be people always
 wanting to buy land abutting conservation
 land because they would get the benefit of
 being near a park or near a piece of
 conserved land to go for walks or whatever.

And now people are actually willing -- and

again, generationally, now some of these conserved lands are changing hands. People are wanting to buy properties conserved. So there's been a whole change of how we view them and value them.

And just as a marketing example, I would say that when I first started in real estate in the '90s, if it had a conservation easement on it, you know, potentially \$500 per acres was a going rate. And we just -- I marketed a property last year in Deerfield that had 70 acres of conserved land, and the new owner was willing to pay \$2500 an acre for it. So I feel very strongly that the effort to again create open space and maintain it adds value, not just -- it's not a property unto itself; it's what's around it, too, that adds value.

Q. So do you believe that the creation of these conserved lands is an aspect of the orderly development in Deerfield?

MR. NEEDLEMAN: Objection, Mr. Chair. This is all material that could have been and should have been included.

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CHAIRMAN HONIGBERG:
1
                                              Mr. Pappas.
2
                         MR. PAPPAS: Well, she testified
         about orderly development and her opinion on it.
3
         She included this map, and I'm trying to get to
4
5
         ask her a little more deeply whether or not
         these are what she considers part of the orderly
6
7
         development. I don't think it's "could have or
8
         should have." It's simply a natural progression
9
         of what her testimony was. I'm digging a little
         deeper to get down to the nub of her opinion on
10
11
         orderly development. I don't think it's "could
         have or should have." I think it's a natural
12
         progression of questioning based on her prefiled
13
14
         testimony.
15
                         CHAIRMAN HONIGBERG:
                                              Overruled.
16
         You can proceed.
17
                         MR. PAPPAS:
                                      Thank you.
18
         (Menard) Can you repeat the question, please?
19
    BY MR. PAPPAS
20
         Yeah.
    0.
21
                         CHAIRMAN HONIGBERG:
                                              Yeah, and I
22
         guess I would ask if you could make sure your
23
         questions are focused so that the answers are
         focused and don't go on and address lots of
24
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CHAIRMAN HONIGBERG:

Ms. Pacik,

have no other questions.

23

[MENARD|BRADBURY|E.BERGLUND|K.BERGLUND|COTE|ADAMI]

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	37
1	Mr. Whitley, anyone have questions?
2	MS. PACIK: No questions. Thank
3	you.
4	CHAIRMAN HONIGBERG: I don't
5	think Ms. Saffo is here.
6	Ms. Manzelli, do you have
7	questions?
8	MS. MANZELLI: No questions.
9	Thank you.
10	CHAIRMAN HONIGBERG: Anybody here
11	from the Dummer, Northumberland Group have
12	questions? I don't see anyone.
13	Bethlehem to Plymouth Group?
14	No hands going up.
15	Ashland to Deerfield? Anyone?
16	MS. CRANE: They've been asked.
17	Thank you.
18	CHAIRMAN HONIGBERG: Stark to
19	Bethlehem? No hands going up.
20	Let's just see. Anybody else
21	have questions for this panel?
22	[No verbal response]
23	CHAIRMAN HONIGBERG: Seeing no
24	hands, Mr. Walker.

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1
                         MR. WALKER:
                                      Yes.
2
                       CROSS-EXAMINATION
    BY MR. WALKER:
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4
    0.
         Good afternoon. My name is Jeremy Walker.
                                                       Ι
         think we all met. I'm counsel for the
5
         Applicants.
6
7
                         MR. WALKER: And Mr. Chairman,
         just for efficiency's sake, I'm going to ask all
8
9
         the questions except for Ms. Menard, and
         Attorney Walkley will ask those questions, if
10
11
         that's okay.
    BY MR. WALKER:
12
         As a group you filed some testimony together,
13
    Q.
14
         what you called your "environmental
15
         testimony," both prefiled testimony and
16
         supplemental testimony; correct?
17
    Α.
         (Menard) Yes.
         And in that you raised concerns, various
18
         environmental concerns, both wildlife
19
20
         concerns and wetland concerns; correct?
21
    Α.
         (Ms. Berglund) Yes.
22
         And none of you on the panel is a wildlife
    0.
23
         biologist; correct?
         (Menard) Correct.
24
    Α.
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- 1 A. (Mr. Berglund) Correct.
- Q. And none of you on the panel is a wetlands scientist; right?
- 4 A. (Menard) Yes.
- (Bradbury) Could I add something to that 5 Α. response? We are not -- we don't make our 6 7 living as wetlands biologists or wildlife biologists. But we, all of us, have taken 8 full advantage of the materials that are 9 available to us on the state agency web 10 11 sites. Particularly good has been Fish & Game's web site in the area of the non-game 12 and endangered wildlife material, and also 13 14 formerly known as DRED, their "Good Forestry 15 in the Granite State." We have all taken our 16 lessons from that and other publications that 17 are available to us. So we did not get an 18 undergraduate degree in wildlife biology, but you don't even need a library card anymore to 19 20 obtain extremely valuable information that 21 you can use in your stewardship of your land. 22 And we have all taken advantage of that.
- 23 Q. Thank you.

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A. (Mr. Berglund) May I add to that, please?

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         Well, I just -- my only question is --
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    Q.
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                         CHAIRMAN HONIGBERG:
                                              Hang on, Mr.
         Walker.
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                         Let's let Mr. Walker ask the
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5
         question, and you all provide the answers.
         That's how we're going to do this, okay.
6
7
                         MR. BERGLUND: I have part of the
8
         answer, I believe. That's why I'm offering.
                         MR. WALKER:
9
                                      I can ask Mr.
         Berglund.
10
11
    BY MR. WALKER:
         Are you a wetlands scientist? Are you a
12
         certified wetlands scientist?
13
         (Mr. Berglund) No, I'm not. But I have many
14
    Α.
15
         years' experience working with professionals
16
         in that area. I have been on the
17
         conservation commission for about 18 years, a
18
         member of the Bear-Paw Regional Greenways, a
19
         trust organization that encourages people to
20
         learn about conservation easements and holds
21
         those easements. And I was a director there,
22
         as well as a member, and also working with
23
         conservation of our own land. And one
         project was the Wildlife Habitat Improvement
24
```

41 Program, which went over a number of years to 1 2 improve the habitat in our land, as well as the Wetland Reserve Program. Thank you. 3 4 Q. Thank you. Much of your testimony in the 5 environmental prefiled testimony had to do 6 7 with Blanding's turtles; correct? (Menard) Yes. 8 Yesterday, Ms. Bradbury, you introduced a 9 Q. 10 number of exhibits dealing with the 11 Blanding's turtle. And you introduced one, I believe it was by the DES. And you described 12 the DES's extraordinary efforts in protecting 13 14 the Blanding's turtle; correct? 15 (Bradbury) No, that's not correct. That was Α. 16 Fish & Game. 17 Q. I'm sorry. Fish & Game. (Bradbury) And it was in their Wildlines 18 Α. publication, either Summer of 2017 or Fall of 19 20 2017 edition of that. Let me just get the 21 exact one. 22 That's fine. Thank you for the 23 clarification. I just wanted to understand when you were describing the "extraordinary

[MENARD|BRADBURY|E.BERGLUND|K.BERGLUND|COTE|ADAMI]

- efforts," you were talking about Fish & Game.
- 2 A. (Bradbury) Yes, they have made extraordinary 3 efforts. We're all very proud of them.
- Q. And you note that your concern was that in the original Application you commented that the BMPs, you were concerned that they did not go far enough to protect the Blanding's turtles; right?
- 9 A. (Bradbury) Can you point me to the line?
- 10 Q. No, that's fine. Generally. I can go back
 11 to your prefiled testimony. But that's
 12 generally the concerns you've raised; is that
 13 right?
- A. (Bradbury) That is a concern, that the BMPs
 will not actually result in the protection of
 the Blanding's. And part of that concern --
- 17 Q. That's all I was asking, Ms. Bradbury.
- 18 A. (Bradbury) Well, can I just clarify?
- 19 Q. I'm not sure there's much more to clarify.
- 20 A. (Bradbury) Well, part of the concern is that
 21 every adult Blanding's turtle is
 22 extraordinarily important to the survival of
 23 the species because of their ability to
 24 reproduce right up until the time of their

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         death, which could be 80 or 90 years.
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         high mortality of the young turtles leads to
2
         more need for the adults to survive.
3
         knowing that they are -- I mean, we have
4
         these beautiful pictures of Blanding's
5
         turtles. But don't expect to see that very
6
7
         often. I've been looking for Blanding's
8
         turtles --
9
                         CHAIRMAN HONIGBERG: Okay, okay,
         Ms. Bradbury. Please answer the question.
10
11
                         MS. BRADBURY:
                                        Okay.
12
                         CHAIRMAN HONIGBERG: Mr. Walker,
13
         you may proceed.
14
                         MR. WALKER:
                                      Thank you.
15
    BY MR. WALKER:
         I know you've been sitting for a lot of these
16
17
         hearings, so you've seen the most recent,
         what we've been calling "avoidance and
18
         minimization measures," AMMs, right, which
19
20
         are essentially the BMPs that have now been
         proposed for the Project; correct?
21
22
         (Menard) I believe I've seen the most recent.
23
         But I understand that there was some November
         submissions. And so there may be some that I
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Α.

question on -- are we still on the same --

A. (Bradbury) No.

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(Menard) Can you go back to the page before, Α. please? We had raised a question recently about your fifth bullet point, "All turtles found will be removed to a safe, suitable location close to their point of capture." And we were concerned that we weren't sure that enough mapping had been done. understood there to be mapping done on the right-of-way. And so if these turtles are going to be moved out of harm's way, they need to go to locations, obviously, out. think initially it had been recommended that they were going to be moved pointing in the same direction and 100 feet away. But that may not be suitable. So without areas identified to place them in suitable locations, that was one of the gaps that I'm not sure has been filled. Maybe there has been some additional mappings done so that the environmental monitors are going to know exactly in various locations. But it's not something that you can decide on the fly.

- 1 That had been our point with that bullet.
- Q. Thank you. You're aware there has been various consultations between the Project
- with Fish & Game and DES on these AMMs;
- 5 right?
- 6 A. (Menard) Yes.
- 7 Q. And you're aware that the Project is required
- 8 to comply with these AMMs according to the
- 9 DES permit; is that right?
- 10 A. (Menard) Correct.
- 11 Q. And I understand your concerns about the
- 12 protection of the turtles, and no doubt
- that's an important task. But you would
- agree with me that the scientists at the Fish
- 15 & Game which Ms. Bradbury described used
- 16 extraordinary efforts to protect these, as
- 17 well as the scientists at the DES have more
- 18 expertise than you all as far as the
- 19 protection of these turtles on this project
- and other construction projects; right?
- 21 A. (Menard) Mr. Walker, with due respect, all of
- us who have lands, and in particular, those
- of us that have conservation lands and
- easements, we are responsible for the

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         wetlands. We are the stewards of the land,
1
2
         not Fish & Game, not DES. And so I feel, and
         we all feel very passionately about this.
3
         You protect the Blanding's. You protect many
4
5
         species. We're talking about Blanding's.
6
         There are --
7
                         CHAIRMAN HONIGBERG:
                                              Ms. Menard,
         do you remember the question?
8
9
                         MS. MENARD:
                                      Yes, sir.
                         CHAIRMAN HONIGBERG: What was the
10
11
         question?
12
                         MS. MENARD:
                                      The question is if
         the people who are making these decisions for
13
14
         permitting have more knowledge than we do. And
15
         yes, they do.
16
                         CHAIRMAN HONIGBERG:
                                              Then if he
17
         asks you a "yes" or "no" question, it's best if
         you answer "yes" or "no," and if you want to
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19
         explain, he will let you explain. And if he
20
         doesn't, I will let you explain. But I thought
21
         where you were going was "no" with all that.
22
         But if the answer is "yes," say it. Okay?
23
                         MS. MENARD:
                                      Yes, sir.
24
                         CHAIRMAN HONIGBERG:
                                              Thank you.
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48 Mr. Walker, you may proceed. 1 2 MR. WALKER: Thank you, Mr. Chairman. 3 BY MR. WALKER: 4 Let me turn to Mr. and Ms. Berglund. In your 5 Q. prefiled testimony -- well, you actually 6 explained in your testimony in the last 7 8 couple days, your property, the right-of-way runs across a hay field, correct, in your 9 property? 10 11 (Mr. Berglund) That's right. Α. 12 And you also explained that currently, in Q. leaf-off conditions, I think in your prefiled 13 14 it's described as the "conductors are quite visible in leaf-off conditions"; is that 15 16 right? 17 Α. (Mr. Berglund) That's right. 18 And you can also see the existing poles that Q. 19 are there? 20 (Mr. Berglund) Yes, that's right. Α. 21 And in your prefiled testimony you've also Q. 22 described it that the structures and the 23 wires, they've been there so long that they

don't diminish the view or interfere with

- 1 your views of the wetlands and the wildlife
 2 that we frequently --
- A. (Mr. Berglund) Not the wires. I was
 referring to the poles, which are either -some are wood, and the others are rusted
 metal. So those kind of blend in. That was
 the point. Not a strong one, but I was
 trying to be fair about it.
- 9 Q. So, essentially, they've been there so long
 10 you've grown accustomed to them being there.

- A. (Mr. Berglund) No. They don't stand out in the view. It's not being accustomed to it.

 You just don't see it.
 - Q. And in your prefiled testimony, you also note that one of your concerns about the Project is the continued "ruination" -- that was your word -- of the hay field. And I take it that the existing right-of-way is already imposing on that hay field. So when you talk about the continued ruination, is that what you mean?
 - A. (Mr. Berglund) That right-of-way is destroyed on a regular basis when there are heavy vehicles. And even mats down ruin it. And

- it requires a lot of work, that over the
 years it's like a rut, a large rut.
- Q. And you also referenced yesterday, you

 described the wetlands, that area, it's about

 a five-acre wetland that's within the

 right-of-way?
- 7 A. (Mr. Berglund) That's right.
- 8 Q. And you stated that if the Northern Pass is 9 constructed, this wetland will be destroyed 10 or severely degraded.
- 11 A. (Mr. Berglund) That's correct.

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- Q. And I realize you have some experience with
 wetlands. But have you had any certified
 wetland scientist or anyone do an analysis to
 determine that it would be destroyed if this
 project were constructed?
 - A. (Mr. Berglund) I question whether that could even be done. No, I haven't had anyone do it. But I can say from my experience there over 40 years, and also seeing what has taken place, in particular, especially this problem that developed in 2003 when a G146 wire was re-strung, that was horrendous. And in comparison to what Northern Pass is going to

- be, that's a small project. And that did a
 lot of damage, which it's still not fully
 repaired, in my view. And so if you look at
 what will take place with Northern Pass, that
 is going to destroy it.
- Q. When you look at the five-acre wetland, did
 you look at the Normandeau assessment of the
 wetlands for the Project?
- 9 A. (Mr. Berglund) I did.
- Q. And did you see that their analysis was that there would be 125 square feet of permanent impact on that five-acre wetland? Did you see that?
- A. (Mr. Berglund) I must have come across that.

 But they were looking at -- they focused on,

 the way I read it, the 5.3 acres in the

 right-of-way.
- 18 Q. You're right about that.
- And so when you have a system that's
 interrelated, all the activities and
 functions that are going on, you do something
 over A in the right-of-way, there's going to
 be an impact elsewhere. But this wetland

- drains into the Lamprey River. And, you know, this is all connected, so --
- Q. No, I understand that, Mr. Berglund. My
 question was did you review their analysis
 that there would be 125-square-foot permanent
 impact in the five-acre wetland?
- 7 A. (Mr. Berglund) Yes, I did see it.
- Q. In your supplemental testimony, you submitted a chart where you created an estimate of the number of road travelers through Deerfield --
- 11 A. That's right.
- 12 Q. -- that will have a view of the Project; is
 13 that right?
- 14 A. (Mr. Berglund) That's right.
- Q. And it looks like you took some data that you found from the Southern New Hampshire
- Planning Commission, as far as the number of vehicles.
- A. (Mr. Berglund) That was the source. That was an analysis done. It wasn't an estimate.
- 21 Well, it was an estimate, but it was based on
- an analysis, not something pulled out of the
- 23 air. And it's their numbers, which they do
- 24 every year as part of their orderly

- development process and responsibility.
- Q. And then you assumed 1.5 travelers per vehicle on average?
- A. (Mr. Berglund) Well, I did that for travelers. So let's back it up to the number of vehicles. That was over 3 million vehicles per year in Deerfield over the locations that I identified.
- 9 Q. And so ultimately you came to about 4.5

 10 million travelers per year that would be

 11 crossing through these rights-of-way --
- 12 A. Well, I had assumed --

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- 13 (Court Reporter interrupts.)
- Q. Traveling through these rights-of-way and having a view of the Northern Pass Project; is that right?
 - A. (Mr. Berglund) They would be going under the lines, under the wires, or along in two places where the right-of-way runs parallel to the road of travel. But the one and a half was just an attempt to recognize in some cases we have more than one person in the vehicle. But to go back to the vehicle, it's 3 million versus 4-1/2.

- 1 Q. So that same number of road travelers,
- assuming your numbers are accurate, are also
- 3 traveling under the existing structures when
- they travel under the right-of-way; correct?
- 5 A. (Mr. Berglund) Yes.
- 6 Q. Ms. Bradbury, you also, in your prefiled
- 7 testimony, you raised concerns about the
- 8 impacts on tourism by the Project; right?
- 9 A. (Bradbury) I'm sorry. Impacts on what?
- 10 Q. Tourism.
- 11 A. (Bradbury) Oh, yes.
- 12 Q. Are you aware that the Deerfield Board of
- 13 Selectmen have considered the impact on
- 14 tourism of the Project?
- 15 A. (Bradbury) Yeah, let me think.
- 16 Q. Just asking if you're aware.
- 17 A. (Bradbury) I'm just thinking. There's so
- 18 many things to be aware of. Impact on the
- 19 tourism...
- 20 Q. Well, let me bring up some board meeting
- 21 minutes. That might help you, Ms. Bradbury.
- 22 A. (Bradbury) All right.
- MR. WALKER: Dawn, if you could
- bring up what we marked as 455, please. And

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55
         just for the record, this is a Board of
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2
         Selectmen meeting dated November 14, 2016.
    BY MR. WALKER:
3
4
    Q.
         And you'll see at the bottom of the page, Ms.
         Bradbury, there is a reference to Northern
5
         Pass prefiled testimony questions. And there
6
7
         is a question about what impacts the
8
         Project -- or what economic impacts the
         Northern Pass -- oops. I don't read as fast
9
         as you, Dawn -- will have on host
10
11
         communities. And then if you turn to the
12
         very next page, you'll see the highlighted
         part, Ms. Bradbury. It was discussed that
13
14
         the economic impact on tourism in Deerfield
15
         would be negligible.
16
         (Bradbury) Yes, I see that's the opinion of
    Α.
17
         those men at that time. I disagree.
         Okay. Fair enough.
18
    Q.
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              Yesterday you introduced an exhibit that
20
         was marked 168(a), and it was the flyer.
21
         This was the flyer from the DES. Do you
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{SEC 2015-06} [DAY 66 AFTERNOON ONLY SESSION]{12-12-17}

remember this exhibit?

(Bradbury) Yes, I do.

Ms. Bradbury?

22

23

24

Q.

- 1 A. (Bradbury) Yes.
- Q. And you were showing the pictures on the
 front, and you noted that as the DES is
 touting all of the different scenic views in
 New Hampshire, that none of them have utility
 lines or poles in these pictures; correct?
- 7 A. (Bradbury) I think I said "high-voltage transmission lines."
- 9 Q. Okay. Thank you.

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But if you look at a lot of these, in

fact, all of these, you have views from the

White Mountains, Mount Washington, I believe

that's Polar Caves. You have views from the

beach. In fact, none of these would have

views of the Northern Pass Project on it,

right, in any of these pictures?

- A. (Bradbury) Well, they wouldn't have any
 Northern Pass views because Northern Pass
 isn't up there. I mean, it hasn't been
 built.
- Q. Well, no, I'm saying even if it is built, Ms.
 Bradbury, it would not show up in any of
 these pictures; correct?
 - A. (Bradbury) I don't know the answer. Oh, the

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paddle adventure, sure. We don't know where
that picture was taken. If it was taken on
Thurston Pond, then, yeah, there would be a
big line of towers and lines running through
there.
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- Q. Look at the pictures of --
- 7 (Bradbury) But these are -- let me just --Α. 8 may I just point out, I mean, it's my understanding of what it is we think is 9 beautiful about our state that they are 10 11 inviting citizens and tourists to share with them. And I don't put beautiful photographs 12 of high-voltage transmission lines and towers 13 14 in the category of things that I think are 15 beautiful to share with others. That's just 16 not what I would do if I wanted to attract 17 tourists.
 - Q. Thank you.

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So, Mr. Cote, turning to you.

Yesterday, Attorney Pappas introduced

Exhibit 646, Counsel for the Public 646,

which was the article about Hydro-Quebec

proposing to underground a portion of a line
in Canada. Do you recall that?

- 1 A. (Cote) Yes.
- 2 Q. Nowhere in your prefiled testimony or your
- 3 supplemental testimony did I see you offering
- an opinion about whether the proposed
- 5 Northern Pass lines should be buried in
- 6 Deerfield, nor did you suggest it was
- 7 feasible to do so. Am I right about that?
- 8 A. (Cote) Yes.
- 9 Q. So when Attorney Pappas showed you that
- article last night, you had not seen it
- 11 before.
- 12 A. (Cote) I had not seen that specific article,
- but I had heard that a segment in Canada was
- 14 proposed to be buried.
- 15 Q. Do you know the cost for Hydro-Quebec to bury
- that line in that stretch of Canada?
- 17 A. (Cote) I believe it was \$68 million.
- 18 Q. Do you know whether the Hydro-Quebec costs
- are "fully loaded"? And do you know what I
- 20 mean by that term?
- 21 A. (Cote) I do not.
- 22 O. In other words, whether the costs include
- 23 material costs, as well as additional costs
- such as accounting, legal, overhead, that

- 1 type of thing. Do you know that?
- 2 A. (Cote) I don't know that.
- 3 Q. And do you know whether the stretch in Canada
- is being built under roads, in a road
- 5 shoulder, through a transmission corridor,
- 6 through a softened transmission corridor? Do
- 7 you know any of that?
- 8 A. (Cote) No.
- 9 Q. And I take it you don't know whether any HDD
- is being proposed for that stretch in Canada
- 11 either; right?
- 12 A. (Cote) Correct.
- 13 Q. And lastly, you don't know the depth or the
- topography that it's going through, Mr. Cote?
- 15 A. (Cote) No, I don't. That article just came
- out a few weeks ago.
- 17 Q. And I take it you would agree with me, Mr.
- 18 Cote, that all of those are important factors
- when considering the feasibility of
- 20 undergrounding a utility line; right?
- 21 A. (Cote) Yes. And I don't think I made any
- 22 opinion anywhere in my testimony regarding
- 23 that specific project.
- 24 Q. And so without that information, it would be

- difficult for you to do an apples-to-apples
 comparison between what Hydro-Quebec is
- proposing and the Northern Pass line; right?
- 4 A. (Cote) Correct. And I did not.
- 5 MR. WALKER: Thank you. So at
- this point we'll turn it over to Attorney
- 7 Walkley for Ms. Menard.
- 8 CROSS-EXAMINATION
- 9 BY MS. WALKLEY:
- 10 Q. Good afternoon, Ms. Menard.
- 11 A. (Menard) Good afternoon.
- 12 Q. My name is Rebecca Walkley. I'm an attorney
- for the Applicants as well.
- 14 I wanted to start out just asking you a
- 15 couple questions about your background. My
- understanding is that you're a real estate
- 17 agent in the Deerfield and surrounding area;
- 18 correct?
- 19 A. (Menard) Yes.
- 20 Q. And I think I read somewhere in one of your
- 21 pieces of testimony that you were a teacher
- before that. Is that right as well?
- 23 A. (Menard) That is correct.
- 24 Q. And I understand that you work with them

- often, but you yourself aren't an assessor, and you are not a licensed appraiser for the state of New Hampshire; correct?
- 4 A. (Menard) Correct.
- Q. And I also understand that you haven't done
 any sort of an economic analysis or study to
 evaluate the effect of high-voltage
 transmission lines on real estate values in
 this case or otherwise; correct?
- 10 A. (Menard) How did you describe at the very
 11 beginning? Because I certainly have been
 12 working to my capacity on trying to
 13 understand the effects of this particular
 14 project on the Deerfield market. And so what
 15 were you asking me specifically at the
 16 beginning?
 - Q. Just to make this simpler, you're not an economist. Your background is not in economics; correct?
- 20 A. (Menard) No.

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- 21 Q. Okay. Thank you.
- 22 Mr. Pappas asked you a little bit ago
 23 about -- or stated earlier that in your
 24 testimony you included a discussion about

view lots; is that right?

A. (Menard) Yes.

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And I wanted to take a look at one of those 3 Q. examples that you provided in your testimony, 4 marked Deerfield Abutters 5. And 5 specifically this example is on Page 3 of 6 7 that testimony. And you reference what you 8 note as a "market snapshot." And this was attached to this testimony as Exhibit 4. And 9 looking at that exhibit, which is PDF 10 11 Page 16, it looks to me like this is somewhat of a comp sheet. It's not exactly clear to 12

me what you were offering this for.

But my question is, just looking at these properties quickly, you would agree that there are a large number of differing factors among these various properties that you provided; correct?

- A. (Menard) Correct.
- Q. And were you offering this as a comp sheet at all, or was that your suggestion with this document?
 - A. (Menard) No, not as a -- you know, when you say "comp sheet," if I was sitting down with

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a client, I would be providing details about each of these properties. And I actually do have a worksheet where I go around to each of these properties and note was it city water or city sewer, you know, the topography, all the various -- so I basically did a market analysis to try to compare these different lots so I wasn't going to misrepresent the value. As you can see, there are a range of value from \$45,000, 65, 75, 102. And then we have this beautiful lot up on Quimby Mountain for 195. So I wanted to make sure that there wasn't some added value to the Quimby Mountain lot that was above and beyond the view. Obviously, I wasn't fine-tuning every amenity or -- so, in a sense, yes, I did some background before putting this out there to just say, look it, I mean, it seems obvious that somebody was willing to pay good money for the view, outstanding view that this property offered.

Q. Sure. So I guess my question really is just that I guess you would agree with me, though, that there are a wide number of other factors

- that you can consider if you were to do a
- 2 comp for this Lot 10 Quimby Mountain Road;
- 3 right? I think you just stated that. There
- is a wide number of factors you would
- 5 consider to come up with actual comps for
- that particular property; correct?
- 7 A. (Menard) Correct. I wasn't comping the
- 8 Quimby Mountain Road, if that's your
- 9 question.
- 10 Q. Okay.
- 11 A. (Menard) That wasn't the purpose of this
- 12 exhibit.
- 13 Q. And I did take a look at some properties. I
- haven't gone to them as it seems you have.
- But, you know, just as some examples, it
- 16 seems to me, looking at Google Maps, that the
- 17 first one you provided here, for example, is
- 18 right next to the Cigna health facility
- that's here in Hooksett. Were you aware of
- 20 that?
- 21 A. (Menard) And I made a notation of that --
- 22 Q. In a separate document.
- 23 A. (Menard) It's on a little side street that's
- 24 more industrial in nature.

1 Q. Sure.

- 2 A. (Menard) So, yes.
- Q. And some of these other properties that
 you've listed here are in more, as much as
 Hooksett can be, more dense residential areas
 compared to maybe these last two here that
 are a little bit different in terms of the
 topography and the area where they're
- 9 located; is that right?
- 10 A. (Menard) No. Actually, I disagree. Farmer
- 11 Road -- and again, I was very careful to
- 12 address your concern. This is -- I'm putting
- 13 out information, and I want to make sure that
- 14 it's fair and not biased, just to say look
- it. You know, there's a lot of thought that
- 16 went into the selection of these. And I have
- the listing sheets and background
- 18 information. But that wasn't the point. I
- 19 think you're trying to read more into what I
- was -- if we go to my testimony, it's clear
- 21 what I was just trying to put out there.
- People are willing to pay for a view. That's
- all I was trying to get across here.
 - Q. But these properties that you've provided

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         here, other than to say that six properties
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         were sold in Hooksett in the last however
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         many years this took place, 2014 to 2016,
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         there is no relation to the value of that Lot
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         10 Quimby Road property relating to these
         other properties other than the fact they
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         were sold within that time period; correct?
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    Α.
         (Menard) I don't understand your question.
         You said earlier this isn't a comp sheet;
9
    Q.
         correct?
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11
         (Menard) I'm not --
    Α.
         I think you stated that earlier, Ms. --
12
    Q.
         (Menard) When you say "comp sheet" --
13
    Α.
14
         This isn't a list of comparable properties;
    Q.
15
         correct?
16
         (Menard) No.
    Α.
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    Q.
         Okay. Thank you. I think that's all I
         wanted to know. I'll move on to something
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19
         else.
20
         (Menard) I use a comparable sheet when I'm
    Α.
21
         actually doing a market analysis.
                                              I wasn't
22
         doing a market analysis here, so I was not --
23
                Thank you, Ms. Menard.
         Okay.
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-- comparing properties.

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Α.

(Court Reporter interrupts.)

- Q. And one other question on this particular example that you've given. Looking at Google Maps again, none of these properties have an HVTL or right-of-way in relation to these parcels; correct? So you're not offering this in any way to address impacts associated with HVTLs; correct?
- 9 A. (Menard) The only property that I represented
 10 that did not have an HVTL effect definitively
 11 was the Quimby Mountain.
- 12 Q. I think you didn't answer my question. I

 13 just asked you, these lots here, there's not

 14 a right-of-way abutting any of these

 15 properties or in relation to any of these

 16 properties. You weren't offering this with

 17 respect to impacts from HVTLs; correct?
- 18 A. (Menard) Correct.

19 Q. Okay. Thank you.

On Page 2 of your testimony, this is different testimony on behalf of the partnership, Deerfield Abutters 8. In response to Question 5, you state that the words "abut conservation land" is a selling

- feature. And I think you've said this this
 afternoon as well. Would you agree with that
- 3 sentiment?
- 4 A. (Menard) Yes.
- 5 Q. During Dr. Chalmers' testimony, he noted that
- 6 he's seen listings where access to
- 7 rights-of-way are mentioned as assets. Were
- 8 you present for that testimony?
- 9 A. (Menard) Yes.
- 10 Q. As a real estate professional, have you ever
- seen listings where access to rights-of-way
- 12 are actually used to demonstrate a benefit of
- a property or a value added to a particular
- 14 property?
- 15 A. (Menard) Yes. If a property has --
- 16 oftentimes the right-of-way corridors in some
- 17 locations have access to snowmobile trails.
- 18 So, for a snowmobile enthusiast, I can see
- 19 somebody marketing that, certainly.
- MS. WALKLEY: Dawn, I'd like to
- 21 pull up Bates 54220.
- 22 BY MS. WALKLEY:
- 23 Q. This is part of Dr. Chalmers' supplemental
- testimony, which is Applicant's Exhibit 104.

- And Ms. Menard, I believe that this is

 actually your listing that you've included in

 your testimony; is that correct?
- A. (Menard) That is correct. It was actually my
 brother Peter's listing, but I was involved
 in the marketing.
- Q. And in the listing it notes "possible views and access to trails along the power line at the west end of the lot." Do you see that statement there?
- 11 A. (Menard) Yes, I do.
- 12 Q. And I have a couple other questions about
 13 this particular property that you discuss in
 14 your Deerfield Abutter 5 testimony on Page 4.
 15 We don't have to pull that up.

In response to a data request, you provided several comps to support your assertions that this lot sold for less than market value. Do you recall that response to data requests?

21 A. (Menard) Yes, I do.

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- 22 Q. And actually, I believe you asked Dr.
- 23 Chalmers about some of those comps during his testimony. Do you recall that as well?

A. (Menard) Yes, I do.

- Q. It's not clear to me, actually. As a preliminary question, how did you come up with those particular comps? Is that just based on your own experience as a real estate agent?
 - A. (Menard) My analysis -- stop me if you don't want to know the whole analysis, but I'll try to be brief and just give you an overview of how I arrived at that position.

My analysis was based on I submitted what single building lots were going for, which I'm very familiar with. So in my testimony I provided a list of comparable sales, a comp sheet as you would say, for what the going rate for a single building lot was. And then I provided as a response to your data request a listing of what sales of subdividable lots were going for. And there was a very clear distinction between the two. And so, again, it's probably too much information and not what you want, so --

that you gave in response to data requests.

I just want to focus on the four examples

- (Menard) Okay. 1 Α.
- So we'll just go through those. And you 2 Q.
- provided these in response and marked them as
- Deerfield Abutter 6, I believe. 4
- (Menard) Yes. 5 Α.

- The first example that you've given of the 6 Q.
- 7 comps for this particular property is
- actually a tax map. Well, the document that 8
- 9 you provided is a tax map, I think. And this
- 10 is for Lot 4-1. I don't know if we can pull
- 11 this up. And you've noted on the side here
- that it was sold for \$160,000 in 2015; is 12
- that correct? 13
- (Menard) Yes, that's correct. 14 Α.
- 15 I don't know if you've done the math on this, Q.
- 16 but would you agree with me that the price
- 17 per acre for this lot is \$8,000?
- (Menard) I would not agree with that. 18 Α.
- 19 Q. So my understanding looking at this tax map
- 20 is it's a 20-acre parcel and it was sold for
- \$160,000. Do you see that on the document 21
- 22 you provided?
- 23 (Menard) Yes. Α.
- So you wouldn't agree that the price per acre 24

is \$8,000?

- (Menard) Oh, I misunderstood your first 2 question. I mean, if you want to take an 3 average that way, you're welcome to do that. 4 But in my work, you've got wetlands. You've 5 got -- each of those lots has pluses and 6 7 minuses. And so to just do a flat per-acre 8 price, that wouldn't really add value to me. What's more important is what's the 9 development cost of these finished lots. 10 11 much is it going to cost the developer, and what are they going to put in to create each 12 lot? And the value for that lot, what he 13 14 ends up, that's of more importance to me than 15 a per-acre price. So I rarely use a per-acre 16 price in a property that has not been 17 developed.
- Q. For purposes of comparison, I'm just going to focus on price per acre just to give a comparison.
- 21 A. (Menard) If you want to.
- Q. And the second and third examples you
 provided here actually do have higher
 price-per-acre values. Just to be clear, I

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didn't just make up this methodology. On the
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        second page that you provided here for
        48 Healy Road, there's actually a price per
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        acre listed there of $17,000. So you would
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        agree that that is a metric that people use.
        In this case, it's actually higher than the
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        one that was provided. That was for the
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        Mount Delight Road example that you provided;
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        correct?
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- A. (Menard) One of the flaws in MLS regarding that number that you're using is oftentimes that price per acre is on the list price and not the sold price.
- 14 Q. Correct.

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- 15 A. (Menard) So you need to make sure that that

 16 number is correct. And I personally do not

 17 do a price-per-acre analysis --
- 18 Q. And actually, just --
- 19 A. (Menard) -- I do a building lot price.
- 20 Q. Just to be clear, that actually is -- \$17,000
 21 is the list price, price per acre. The sold
 22 price is more along the lines of \$15,000,
 23 just to be correct.
- 24 A. (Menard) Okay.

- Q. And I wanted to ask you about the third 1 example you provided here, which is for 2 39 Mountain Road. And I believe you stated 3 yesterday in your direct testimony that 4 expired listings bring no value to the table 5 regarding market value. I think that's 6 7 approximately what you said. Do you recall 8 that from yesterday?
- 9 A. (Menard) I raised that point with Mr.

 10 Chalmers' rebuttal as having used an expired

 11 listing --
- 12 Q. Right.

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- A. (Menard) -- when I'm -- a property that
 hasn't sold. We were talking about sale
 prices. What is it worth? What's the sale
 value? So you look at sold properties, not
 properties that have never sold. That's why
 I did not find that relevant.
 - Q. Okay. So I'm a little confused as to why you provided this third example, which is in fact an expired listing. You would agree that that's an expired listing? I think we can pull the page up probably.
 - A. (Menard) I do agree with it being an expired

listing. I found it very interesting, and I just made a comment about it, that the one other property that was -- that didn't sell happened to be a subdividable lot on a right-of-way. This is on our Mountain Road right-of-way. And it didn't sell. And so if you recall, in one of my exhibits yesterday there was well over 33 lots in Deerfield that had sold in this time period, and this one didn't.

Q. Thank you.

- 12 A. (Menard) So that is why I just put it in
 13 there and I made a notation about it.
- Q. I just want to ask you about the fourth
 example that you provided here as well.

 Understanding that you disagree with my price
 per acre, would you agree that this price
 closed at \$125,000 -- this property closed at
 \$125,000, and it's a 16.42-acre property?
 - A. (Menard) 16.42, yes. I agree.
- Q. And I'm sure you haven't done the math, but
 would you -- I will represent to you that the
 price per acre of this particular lot is
 \$7,612.67. Would you accept that?

- 1 A. (Menard) I'll accept that.
- Q. So you would agree, again, that this last
- property sold for a lower price per acre
- 4 compared to the Mount Delight property that
- 5 you provided in your testimony.
- 6 A. (Menard) This property sold for lower price
- 7 per acre?
- 8 Q. That's what I'm asking you.
- 9 A. (Menard) Yeah, and that's typical for lots
- 10 that have excess acreage.
- 11 Q. Okay. So with respect to the four examples
- that you provided here -- and I'm actually
- just going to take out the one that's an
- 14 expired listing. With respect to the three
- 15 examples you provided here, you would agree
- 16 that the Mount Delight property actually sold
- 17 for within the range of property price per
- 18 acre selling prices that you've included in
- 19 your comps that you provided in response to
- 20 data requests; correct?
- 21 A. (Menard) I disagree with your analysis.
- 22 Q. That's fine. You note in your testimony that
- the property ultimately sold to a developer.
- 24 And I think you also mentioned this yesterday

- in your direct testimony; is that correct?
- 2 A. (Menard) The Mount --
- 3 Q. Mount Delight property.
- A. (Menard) -- Delight lot? A builder-developer purchased the property, yes.
- Q. Have you looked at the sale history for the two homes that subsequently were constructed on this particular lot?
- 9 A. (Menard) Yes, I did.
- Q. I'd like to pull up those listing sheets,
 which is Applicant's Exhibit 451. And as you
 can see from the first home, it actually sold
- for the asking price of \$279,900. Do you see
- 14 that there?
- 15 A. (Menard) Yes.
- 16 Q. And the days on market is 73. Do you see
- 18 A. (Menard) Yes.

that as well?

- 19 Q. And going to the next sheet, which is for the
- second lot, the selling price was below the
- 21 list price by a percentage, and then the days
- on market is 70. Do you see that as well?
- 23 A. (Menard) Yes.
- 24 Q. So in light of the fact that the subsequent

sales history here reflects that these two
properties were able to be sold within a
relatively standard period of time, do you
still believe that the value of this property
was adversely affected by the potential
construction of Northern Pass?

- A. (Menard) The adversity was borne by the seller of the land. And the seller of the land had to take a severely reduced price when he sold the lot. And the builder benefited from that and was able to build two fine homes at competitive pricing, and he did well.
- Q. So I think the answer to my question is yes, you still think, regardless of the fact that these two properties were able to be sold within a relatively standard period of time, there was an adverse effect on this property.
- A. (Menard) You're asking me to make a judgment about houses that are built, and that's not my testimony. My testimony is about the raw land. I did not do an analysis with regards to these houses. So that's my objection. So my testimony is about the sale of the land

- and the effect of the Project on the land. I
- did not do an analysis on these homes and the
- 3 effect on these homes. If you would like
- 4 me --
- 5 Q. Okay. Thank you.
- 6 A. (Menard) -- it would take me -- that's a
- 7 different assignment.
- 8 Q. That's fine. I also wanted to ask you about
- 9 your case study for 24 Nottingham Road which
- 10 you mentioned. And you've included this as
- Deerfield Abutter 9. This property
- 12 ultimately sold for \$160,000 in 2012; is that
- 13 right?
- 14 A. (Menard) Yes.
- 15 Q. And you attributed the reduction in value, or
- the perceived reduction in value for this
- 17 property, to the potential presence of
- Northern Pass; is that right?
- 19 A. (Menard) Yes, that's correct.
- 20 Q. And you provided the list sheets for this
- 21 property, but I actually would like to pull
- up what we've marked as Applicant's Exhibit
- 454, which is also a list sheet for this
- 24 particular property. And I wanted to start

- down at the bottom of the page. You first
- 2 listed this property -- I believe it was
- 3 you --
- 4 A. (Menard) Yes.
- 5 Q. -- for \$269,900 in 2003; is that correct?
- 6 A. (Menard) That is correct.
- 7 Q. And it didn't sell. And my understanding is
- 8 the listing expired in 2006; is that right?
- 9 A. (Menard) Yes. And she may have taken it off 10 the market as opposed to withdrawn.
- 11 Q. Okay. I think you would agree with me that
- between 2003 when this property was first
- listed and 2009 when it was subsequently
- listed, there was a large shift in the real
- estate market in general, Ms. Menard?
- 16 A. (Menard) Yeah, you just said 2009. I wasn't
- 17 remembering there being that big of a time
- gap, but...
- 19 (Witness reviews document.)
- 20 A. (Menard) But yes, I would agree with you, the
- 21 market was changing.
- 22 Q. And you've also provided some comparable
- 23 properties on Page 5 of your case study for
- this particular property at 24 Nottingham

- Road. Did you have an appraisal done for this property?
- A. (Menard) No. I did a market analysis. And then I believe we had a cash buyer, and so there was never an appraisal done on this property.
- Q. So you're offering this list of comps just
 based on your real estate experience, not as
 part of an overall appraisal; correct?
- 10 A. (Menard) I'm not an appraiser.
- 11 Q. And the first comp that you provided here is
 12 15 Nottingham Road. And the acreage for this
 13 particular property is four acres, with more
 14 frontage than the 24 Nottingham Road
 15 property; is that correct?
- 16 A. (Menard) That is correct.
- Q. And the sale price of this particular property was \$182,000; is that right?
- 19 A. (Menard) That is correct.
- Q. In reviewing the property at 24 Nottingham
 Road, did you consider -- I assume you
 considered visibility of the existing
 right-of-way and potential visibility of the
 Project?

- A. (Menard) Yes. Fifteen also had some

 visibility. It wasn't a direct view of the

 Project. It was a different setting. But

 yes, I most certainly did consider that.
 - Q. I'd like to just pull up quickly Applicant's
 Exhibit 453. And this is just a shot from
 Google Earth. And I'll represent to you, but
 I think you probably know, 24 Nottingham Road
 is up in the right circle, and 15 Nottingham
 Road is located down in the left circle.
- 11 A. (Menard) Yes.

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- 12 Q. Is that correct?
- 13 A. (Menard) Yes.
- Q. And it's a little hard to see from this small view, but the right-of-way is down there at the bottom where the word "Google" is.

And looking at 24 Nottingham Road, would you agree with me that directly across the street from this property at 24 Nottingham Road is a home? Correct?

- 21 A. (Menard) That is correct.
- Q. And the property at 15 Nottingham Road has
 what seems to me to be a pretty clear view of
 the right-of-way, with the exception of some

- trees there. Does that seem accurate to you as well?
- A. (Menard) No. No, what they have a clear view of, there's another house that's right behind. And given the vegetation along that lane, there's not -- there is a view. It's not a clear view. It's not a prominent view as the view from 24 Nottingham Road.
- 9 Q. Okay. So your assertion is that

 10 24 Nottingham Road, which has a house

 11 directly across the street from it, has a

 12 clear view of the right-of-way and potential

 13 Northern Pass line.

- A. (Menard) Absolutely. You know, people -- you don't have to look just straight across the street to get a view. Look at the field land. If you're looking at the house right across the street to the right, that shoots straight across, right to the right-of-way. It's a morning sun view --
- Q. So, going back to the sheets that you provided in your case study, you've noted that 15 Nottingham Road property sold for \$22,000 above the 24 Nottingham Road

- 1 property; correct?
- 2 A. (Menard) Correct.

Pass?

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- And wouldn't it make sense to you that if 3 Q. there are views as you suggest from 4 5 24 Nottingham Road, as well as 15 Nottingham Road, that there would have been an impact --6 7 you would have expected to see an impact at 8 15 Nottingham Road like you would have at 24 Nottingham Road if in fact there was going 9 10 to be a view-related effect from Northern
- 12 A. (Menard) There was some market resistance to
 13 15 Nottingham Road, but it was more about the
 14 Project and not about the view.
 - Q. So with respect to that property, though, and the comps that you provided here, there wasn't a market-level impact on that 15 Nottingham Road in terms of overall value; right?
 - A. (Menard) I would need my worksheets to -that's a very fine-tuned question to be
 splitting 15,000. And again, I want the
 Committee to be very clear in terms of my
 work. I can't bring it to that level. I

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can't say that, you know, this house had a
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         $23,000 impact and that house had a $14,500.
         I don't have enough information. You know,
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         this was a real-time sale with four of the
4
5
         listings, that I was the listing broker of
         three of them. I knew the properties well.
6
7
         I knew the buyers and what they were saying
8
         and how they were responding to. And I knew
         the hit that the seller took as a result of
9
         this project. And I'm not going to put it to
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11
         the decimal point. You know, I'm not
         comfortable doing that. And making these
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         kinds of analysis with regards to the value
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14
         of the Project and what you're asking me to
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         do, I'm not comfortable doing that.
16
         just represent that there was an impact. And
17
         I agree with you.
                             There was an impact to
         both properties, but 24 Nottingham Road took
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19
         a bigger hit.
20
         Thank you, Ms. Menard.
    Q.
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                         MS. WALKLEY:
                                       I have no other
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         questions.
23
                         CHAIRMAN HONIGBERG:
                                              All right.
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Let's take ten minutes before the Committee asks

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         questions.
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                (Recess was taken at 2:36 p.m.
               and the hearing resumed at 2:57 p.m.)
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                         CHAIRMAN HONIGBERG:
                                              Questions
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5
         from the Subcommittee? Mr. Oldenburg.
6
                         MR. OLDENBURG:
                                         Thank you, Mr.
7
         Chair.
8
    QUESTIONS BY SUBCOMMITTEE MEMBERS AND SEC COUNSEL:
    BY MR. OLDENBURG:
9
         Good afternoon. I have a few questions, Mr.
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    0.
11
         and Mrs. Berglund, questions about the damage
         that was done and the repair.
12
              You had said, if I got it right -- and
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         I'm sort of drinking at the fire hose here
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         with all this information going back and
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         forth -- so if I heard this right, in one
17
         part the idea was to use matting for the
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         equipment to go over. And they used that to
19
         a certain degree. And then in another part
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         they didn't, and that's where the damage was.
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         Did you have damage in the areas where they
22
         used matting?
23
         (Mr. Berglund) Well, I just want to be sure
         we're on the same --
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- 1 Q. Okay.
- 2 A. (Mr. Berglund) I think when you just said the
- Project -- the damage was yesterday's
- 4 discussion about the 2003. Today we were
- talking about something that was 2017. Now,
- in that case, 2017, we did have matting on
- 7 the field. And I had requested that, and
- 8 they complied. And that is typical
- 9 implementation to protect what's underneath.
- 10 And I was very surprised how much damage --
- it certainly would not be as much as if you
- 12 drove these large trucks over it. But it was
- not where it was before the matting. It was
- 14 damaged.
- 15 Q. So the matting, to some degree, worked as --
- 16 A. (Mr. Berglund) Well, it's better than having
- 17 huge ruts, so...
- 18 Q. So the area that was damaged, I take it that
- was a different time frame, 2003?
- 20 A. (Mr. Berglund) Yes, it was.
- 21 Q. Okay. Did they come back and repair the
- 22 damage that was done?
- 23 A. (Mr. Berglund) Well, repairing the wetland,
- 24 that -- it's largely tracks through the

wetland. I don't think you can repair that, except let it go and see what happens. I don't recall what was in the hay field that was -- that was just, you know -- we did have rutting there, and that's -- I don't think they came back and did something specifically there. And I don't think that I asked for it. I was really focused on the wetland and the damage down below.

- Q. And was the work, the access, was that all within the easement area? Like where they entered and where they accessed through your fields, was that all within the easement area, or did they have to --
- A. (Mr. Berglund) Hay fields. The exception was where the helicopter landed. That was not in the right-of-way. And I think there were cases where the right-of-way was not honored as inbounds, you know -- and I can see a few cases. I don't recall specifically, but I know that it was not always -- largely in the right-of-way, but there were exceptions.
- A. (Ms. Berglund) If I may add to that. There was some reseeding done to the hay field and

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the cow lane. The hay field was not up to
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         snuff, and we were not happy with the
         reseeding and asked them to come back.
3
                                                  As
         perhaps as a matter of compensation, they did
4
5
         put up a new gate to the hay field.
                                               There
         was an old wooden one there that was sagging,
6
7
         and they put a new metal one in. And they
8
         told us that was to make up for some of the
9
         damage. The ruts in the cow lane, though,
         they stayed for a very long time.
10
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- 11 Q. Okay. All right.
- DIR. WRIGHT: Can I follow up,
- 13 Mr. Oldenburg?
- MR. OLDENBURG: Sure.
- 15 QUESTIONS BY DIR. WRIGHT:
- 16 Q. Good afternoon, folks. Craig Wright with
- 17 DES. While he's on the subject, I figured
- 18 I'd follow up now.
- 19 A. (Mr. Berglund) Sure.
- 20 Q. I think one of the pictures we saw where you
- 21 had just described the gate, I think, Ms.
- Berglund, is not in the right-of-way; is that
- 23 correct?

24

A. (Ms. Berglund) The picture that you saw

- 1 yesterday is in the right-of-way.
- 2 Q. So that --
- 3 A. (Ms. Berglund) That is in the right-of-way.
- The gate that I'm referring to is in the cow
- 5 lane, not in the right-of-way.
- Q. And that's how they accessed to get to the
- 7 right-of-way?
- 8 A. (Ms. Berglund) Correct. They came up through
- 9 that, through the gate.
- 10 Q. And did they communicate with you before they
- 11 accessed that area through there?
- 12 A. (Ms. Berglund) No.
- 13 Q. Did you report any of the damage to DES and
- 14 ask for follow-up?
- 15 A. (Mr. Berglund) No. And it's certainly
- 16 something I should have known about. I'm a
- 17 member of the conservation commission. We
- deal with wetland impacts, but not -- you
- 19 know, that's something I have subsequently
- learned. And looking back on it, I wish I
- 21 had.
- 22 Q. Okay. I will encourage you in the future,
- obviously.
- 24 And same with the 2017. I think, Mr.

- Cote, was that damage actually on your property?
- 3 A. (Cote) It was.

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- Q. Did you follow-up with DES at all or report that to DES?
 - (Cote) No. And the reason we didn't is Α. because after we complained, they were very prompt about getting back in there and mulching. But the issue I still have with that is that under the construction general permit, Best Management Practices are supposed to be in place at the time of construction. And so if there was a rain event, like there was a half-inch rain event predicted on that date when I took those photos, which didn't occur, that would have been a significant amount of runoff into the wetland right at the base of that slope with, you know, sediment and erosion. So the issue there was it's really what should have been happening during construction, not after. But afterwards, after we complained, they actually did a good job mulching and restoring that slope.

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I think we'd agree that avoidance is the
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    Q.
         preferred alternative to mitigation after the
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                I think that's what you're saying.
3
                         MS. WEATHERSBY: Could I ask one
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5
         question on the same subject? Thank you for
         letting me jump in.
6
7
    QUESTIONS BY MS. WEATHERSBY:
         I understood the 2003 damage was done -- was
8
    0.
         a reaction to a pole falling during
9
         restringing. Is that correct?
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11
         (Mr. Berglund) Yes. They were pulling the
    Α.
12
         wire, the conductor from the east, the west,
         and a large pole which was holding the
13
14
         conductor was erected -- well, in the
         wetland --
15
16
                (Court Reporter interrupts.)
17
    Α.
         (Mr. Berglund) So the pole was in the
         wetland, and it was pulled down as they were
18
         pulling the wire. And that was --
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Q. Do you know if it was ever determined why it fell? Was it not erected correctly, or was it just the soil conditions were so wet, in far enough?

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24 A. (Mr. Berglund) What I learned after the fact,

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and I'm just recalling it now, it was
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         attributed to not sufficient anchoring on
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         either side of the pole. The guy wires that
3
         come down, they strengthen that whole system.
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         So, since then and up to today, it's been
         able to withstand the weight of the
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7
         conductor.
         And this was a wooden pole with, what, a 115
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    Q.
         kv line?
9
         It was a 115 kV, and I think it was wood.
10
    Α.
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- 11 Q. Okay. Thank you.

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A. (Ms. Berglund) if I may add something to that. The work that was done in 2003, that was, I believe, regularly scheduled work that they were there doing. And during that work, when the first helicopter landed, that was just to bring in tools and workers, as well as the tracked vehicles. And then during the time they were working on it is when the pole fell over. So it wasn't that they came to fix a pole having fallen over. It was part of their regular work.

MR. WAY: If I -- seems it's fashionable.

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1 QUESTIONS BY MR. WAY:
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- Q. Just so I understand, Mrs. Berglund, the cow path that you're talking about, you're saying that is not on the easement and they did not have permission to use it? That's not on another easement or...
- 7 A. (Ms. Berglund) It is not in the easement. It goes from Nottingham Road to our hay field.
- 9 It actually belongs to Mr. Cote and Mr.
- Adami, but it borders our land, and we have a
- right to use it to get to our hay field. So
- it is not in the easement. Did I answer your
- 13 question?
- Q. I think so. Mr. Cote, is that your understanding as well?
- 16 A. (Cote) Yes, it is.
- 17 Q. All right. Thank you.
- MR. OLDENBURG: Everybody good?
- 19 Okay. Thank you.
- 20 BY MR. OLDENBURG:
- 21 A. Ms. Menard, a few questions about the comps
- that you did. So, ignoring the NPT for now,
- when you do a comparable, you're looking for
- parcels or land with the same-size house,

same size and that type of thing. So when you include something like a transmission line, so you have a corridor that's either adjacent or encumbered on a property. I mean, in your experience, how often do you run into that?

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- 7 (Menard) Surprisingly few times given the Α. amount of infrastructure in Deerfield. 8 mean, we have a fair number of lines around. 9 And I would say I've sold maybe six 10 11 properties or so in my career along a power line. And I've certainly viewed properties 12 as a buyer agent that had power lines, but I 13 wasn't involved in the comping analysis. 14 15 it was more a buyer reaction that lends to my 16 buyer reaction experience as opposed to 17 getting into the nitty-gritty of the value of that deduction. 18
 - Q. So, relatively, trying to do what Mr.

 Chalmers has done, you know, comparing parcels with an easement, without an easement, the sample size, the pool of comps is pretty small. Is that a fair statement?

 A. (Menard) That is true. And sometimes with

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any property in any given market situation
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         you get lucky. Like if you're marketing an
2
         antique and you happen to have two or three
3
         other antique sales that year, you've got
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         them, and some years you don't. Then you
         have to go outside your community to find
6
7
         them. And with HVTL, it's a very complex
8
         process to arrive at impacts. Yes, I would
9
         agree with that.
10
                        MR. OLDENBURG:
                                         Okay. All right.
11
         Thank you. That's all the questions I have.
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                        CHAIRMAN HONIGBERG: Mr. Wright.
    QUESTIONS BY DIR. WRIGHT (CONT'D):
13
         Good morning -- good afternoon.
14
    Q.
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        (Mr. Berglund) Trick question.
16
         We already covered that, anyways.
17
              Mr. Cote, you mentioned this afternoon
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21 A. (Cote) Yes.

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- 22 Q. I thought that was covered under the DES
- conditions. And I did a quick look on

construction general permit.

Page 25, and there is a condition regarding

some concerns you had regarding the

stormwater permitting requirements under the

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the general construction permit, that the
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2
         Applicant has to go to EPA, and if necessary,
         develop the stormwater pollution prevention
3
         permitting conditions. Is that your
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5
         understanding, or do you still have concerns?
         (Cote) No, it is my understanding.
6
7
         think what's being missed here is that permit
         is a fairly -- it's a fairly comprehensive
8
         permit. If you look at the permit itself,
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         the appendices and the fact sheet, it's
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11
         almost 300 pages of content. And there
         are -- for example, we just touched a little
12
         bit on discharge points. But once those
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14
         discharge points are identified, specific
15
         Best Management Practices for the drainage
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         areas associated with all those discharge
17
         points need to be identified and developed.
         And that's actually quite a bit of work.
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         You're also looking at every individual
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20
         drainage area, seeing what kind of vegetation
21
         is there, what is the land area that's being
22
         affected. And so you could have either a
23
         huge amount of stormwater runoff or very
         little. And that entire program is managed
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by EPA, so it's completely separate from DES.

And DES, if you look at my testimony, because I did contact Mr. Pelletier to get a fee from them on what would their level of involvement be since they reference it in their recommendations. I don't know if you recall, but his response is that they take no responsibility for overseeing EPA's construction general permit. And if you're familiar with the application requirements for that, I'm sure you realize it's very nominal. They have to submit a notice of intent.

So a stormwater pollution prevention plan is not even required for review by EPA. So I'm not saying it's not going to get done, but there's a lot of information that would be there if it's done properly that we don't have before us right now.

Q. Okay. Thank you. That was my general understanding. And you are correct that DES is not delegated under the permit program. So it would be EPA's responsibility. But I just don't know if you were aware of that

condition and whether that was satisfied to your thought process.

Just to move on, Ms. Bradbury and I think Ms. Menard, just a couple quick questions.

With Mr. Walker you were talking about
the AMMs and the time-of-year restrictions
for the turtles. And I know you have some
concerns about the mapping of the turtle
areas in that. But I thought I read
somewhere that you may have also had concerns
regarding time-of-year restrictions as well.
Did I misunderstand that? I think you had
some concerns regarding the start date of
when the march would begin? Is that
accurate?

A. (Menard) I think I'll speak for myself, and other members may also want to comment. For me personally, they have "winter conditions preferred." And if they don't have good winter conditions, then they can move to dry conditions. And there's probably "if it's practicable" thrown in there, too. So, really, it's not avoidance. Especially it's

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not avoidance if they're doing winter conditions because, again, I don't believe we have enough information that shows that, you know, matting in wetlands, even in winter conditions and during the construction process, that it's not going to cause harm to these species. Moving to dry conditions, a lot of hatchlings, there are other species -there's other life stages where these turtles move around incredibly to get from one place to another. And if you bisect the right-of-way and create barriers, they may want to be getting from Wetland A to Wetland B for a completely different purpose in their life stage, and that's the whole concept of "core area." So I'm concerned about the timing. Either/or, I have concerns for timing --

- Q. Okay. But if it's not going to be done during the winter, did I understand your thought process was that it should be an April 1 date instead of an April 15th date or something?
- A. (Menard) No. The April 1 date has to do --

there's a big effort, and I agree with the effort for nesting. A lot of females are moving extensively in the spring getting to nesting sites. So that's where a lot of the initial search areas need to be swept, you know, if they're doing construction activity. But I think they were fairly focused on and have a good handle on that aspect of the endangered species protection. It's the other life stages and the other times of year that I am concerned about.

- Q. Okay. Ms. Bradbury, is there anything you wanted to add? In short.
 - A. (Bradbury) Yeah, I'll try. The Blanding's turtles and the wood turtles hibernate in the muddy strata. But they also have been seen -- and that's complete anaerobic respiration. They don't have to come to the surface for oxygen. But they also have been seen swimming slowly under the surface of the ice in the winter during the hibernation times. And I'm concerned that placing mats over the wet areas where they happen to be, that matting process will cause adult

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         Blanding's that are not that deep into the
         mud to be killed. And I also think that the
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         more mats that you put down on top of a
3
         wetland, it just squishes it down deeper and
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5
         deeper. And I just -- yeah. Okay. Sorry.
         Yes, I am concerned that they won't survive
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7
         it.
8
    Q.
         Okay. Thank you.
                         DIR. WRIGHT: No other questions.
9
10
                         CHAIRMAN HONIGBERG: Commissioner
11
         Bailey.
    QUESTIONS BY COMMISSIONER BAILEY:
12
         Good afternoon.
13
    Q.
         (Mr. Berglund) Good afternoon.
14
    Α.
15
         Ms. Menard, when you were being
    Q.
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         cross-examined by Ms. Walkley, she showed you
17
         a picture of two homes that sold in March of
         this year for like 270-something thousand
18
19
         dollars. Do you know, are those properties
20
         encumbered by the right-of-way?
21
    Α.
         (Menard) One of them would be, yes.
22
         One is and one isn't?
    Q.
23
        (Menard) That's correct. It was a piece of
24
         property, 6.5 acres, that was split into
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- 3 acres, plus or minus. So there would be one that is abutting the power line and one further away, right next door, but not directly abutting the power line.
 - Q. And the price of the homes that the builder received, were they -- do you think that price was lower than it otherwise would have been, or do you think those were sort of fair market value for that kind of house?
- 10 A. (Menard) I'm at a disadvantage in that I've

 11 never been inside the house, so I don't know

 12 what the upgrades were. Certainly they

 13 didn't seem like a steal or an expensive

 14 house. I mean, nothing struck me as being

 15 out of the ordinary.
- 16 Q. Okay. All right. Thank you.

And Mr. Cote, when Mr. Walker asked if
anybody had experience in environmental
science, aren't you an environmental
engineer?

21 A. (Cote) Yes, I am.

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- 22 Q. So why did you not answer that question?
- A. (Cote) Well, I believe his question was more directed towards wildlife and biology, and my

[MENARD|BRADBURY|E.BERGLUND|K.BERGLUND|COTE|ADAMI] 104 area of expertise is more like surface water 1 pollution. So I don't think that that would 2 have been responsive to his question. 3 4 0. Okay. Thank you. That's all I have. 5 CMSR. BAILEY: CHAIRMAN HONIGBERG: 6 7 Weathersby. QUESTIONS BY MS. WEATHERSBY: 8 Just a couple of questions. Ms. Menard, in 9 Q. 10 your testimony you reference a research paper 11 entitled, "High-voltage Power Lines: Do they Affect Residential Property Value?" in the 12 summer of 1992, Delaney and Timmons. 13 14 (Menard) Yes. Α. 15 I didn't see that attached. Do you know if 0. 16 that's part of any of the exhibits? Is that 17 part of the record? (Menard) I believe in my prefiled it would 18 Α. I might have just put the cover sheet to 19

A. (Menard) I believe in my prefiled it would be. I might have just put the cover sheet to reference the article. And then there was a couple interesting tables that were showing appraisal -- you know, what do appraisers think about these power lines, and how does it affect pricing. And so those were

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- 1 responses to that survey information.
- Q. So there's excerpts from it in your testimony?
- 4 A. (Menard) Yes.

Q. Okay. I must have missed that when I waslooking for the study. Okay. Thank you.

Mr. Cote, just following up on your conversation with Mr. Wright about the National Pollutant Discharge Elimination Permit. I understand that it's an EPA permit and that that would have separate Best Management Practices. But I got concerned in that exchange with the non-involvement of DES. Do you know, if there's BMPs in the federal permit, who enforces those?

A. (Cote) That would be EPA. And that's part of my concern, because I have worked closely with personnel at EPA over the years. And I'm sure, as anybody at DES knows, that agency is not very well staffed in the several programs that I've been involved with. There's been Thelma Murphy for 20 years there in the Stormwater Permits

Program, and she's been the only point of

contact. Although, I did look a few days ago, and there is actually one person in all of New England who is assigned to the Construction General Permit Program. So I don't get the idea there's a lot of oversight of the stormwater program for discharges associated with industrial activity, which is what this project falls into.

And I guess my other comment on that oversight from EPA is I've done quite a few stormwater pollution prevention plans, mostly for industrial facilities over the last 20 years, and I have never heard of one of them being inspected for compliance with that program, which is good for my clients. But I think it gives you an indication that their resources may be extremely stretched thin to provide, you know, the kind of oversight we think might be present on a project like this.

Q. And have you ever encountered an instance where they perhaps are not enable to, but where EPA delegated that to like the state DES? Perhaps you might not even be able

107 to -- but have you ever encountered a 1 2 situation where they delegated the enforcement to another --3 (Cote) Well, some states in New England are 4 Α. delegated to administer the NPDES program. 5 So in those states it would be state 6 7 personnel with their own stormwater programs. 8 But New Hampshire is not NPDES-delegated, so the role for administering that would be from 9 EPA Region I. 10 11 Q. Okay. Thank you. Mr. and Mrs. Berglund, you indicated 12 that the conservation easement on your 13 property is a federal Wildlife Management 14 15 Reserve conservation easement. Is that 16 correct? 17 Α. (Mr. Berglund) It's a federal program, Wetland Reserve Program. It's under that --18 it's a conservation easement under that 19 20 program. 21 Q. Okay. And who would -- so it's part of a 22 federal program? 23 (Mr. Berglund) Yes, yes. Α.

24

Q.

Do you know if the Northern Pass Transmission

- Project going on that easement would violate any of the terms of your conservation easement or somehow put it in jeopardy?
 - A. (Mr. Berglund) Well, in my view, it violates just about all the terms. But somehow
- 6 there's been a -- it's Natural Resource
- 7 Conservation Services that administers it and
- 8 monitors the easement each year. And I've
- 9 talked to them about what do we do here. We
- have this power line. Well, the power line,
- the right-of-way, was there before the
- easement, and that seems to be the ruling
- thing. I have not heard anything from them.
- 14 And I've asked them a couple times to
- 15 consider it, but that's where it stands.
- 16 Q. Okay. So the easement holder is not
- 17 concerned about the additional, or appears
- 18 not to be concerned --
- 19 A. (Mr. Berglund) Well --
- 20 Q. Has not expressed concern of the additional
- 21 power line going through.
- 22 A. (Mr. Berglund) It just may be that they don't
- have the power based on the way the legality
- 24 works here.

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109 Okay. Does the public have a right of access 1 Q. 2 to that conservation area on your property? (Mr. Berglund) We have made that available to 3 Α. the public. 4 5 MS. WEATHERSBY: Thank you. Ι have nothing further. 6 7 CHAIRMAN HONIGBERG: Mr. Way. QUESTIONS BY MR. WAY: 8 Good afternoon, everyone. 9 0. 10 (Panel Members) Good afternoon. 11 How many of you are on the conservation 0. commission? 12 (Mr. Berglund) I am. 13 Α. 14 One. I got the sense -- Ms. Bradbury, are Q. 15 you on the conservation commission? 16 (Bradbury) No. I give my opinion pretty Α. 17 routinely. [Audience laughter] 18 19 Q. Very good. One question I had, and maybe 20 I'll focus on Ms. Menard. When we were 21 talking about the conservation of lands, it's 22 your opinion that there will be less 23 conservation of lands if this project goes 24 forward, less investment; correct?

- A. (Menard) I guess I don't know that I can

 predict the future in terms of heading in

 that direction. I think what I was trying to

 represent is that this project will de-value

 the investment that people have made in the

 conservation efforts in our community.
 - Q. I'm glad you brought that up, because the other part of that statement that you brought up earlier, and I think I've got you quoted here, "It will unravel a lot of wonderful initiatives and investments in these properties" --
- 13 A. (Menard) Yes.

- Q. -- can you expand on that? How is that going to happen?
 - A. (Menard) Well, people understand the concept of the connectivity of the community's effort to create greenways from Bear Brook State Park to Pawtuckaway State Park. Deerfield was blessed with 5,000 acres of conserved land on our east and 10,000 acres on our west and 3,000-plus acres on the north. And people have conserved lands to try to connect these three. And so, you know, as far as,

you know, when I'm marketing properties and people come to Deerfield and learn about Deerfield, that's always a plus. You know, Deerfield has great 90-acre tracks of land all over town, town-owned forests. And lands have been donated and people can hunt and, you know, walk and, you know, do whatever. And so this is an identifiable feature of Deerfield that people move to our community because of that. And, you know, the scenic aspect of seeing woodlands and, you know, subtle views here and there, and nice views of Pawtuckaway is all part of that picture.

- Q. Understood. But I want to make sure I understand, because it's not clear to me, "unravel a lot of wonderful initiatives." So it sounds like we're taking back something that was already put in place, not something that might occur in the future. Is that what you're saying?
- A. (Menard) Well, people -- I understand your question. People have taken the initiative to financially invest in this idea of conservation. And, you know, I say

"initiative" only because I've seen the momentum grow. And the effects are starting. The pattern has been set. You know, you see all the stars. And so it's something that's ongoing, hopefully. You know, hopefully it will continue. But, you know, you blow this project through with these industrial towers, and it's like, you know, wait a minute. It's in contrast to the vision of this network of landscapes.

- Q. There are easements, though, that are in jeopardy of being pulled back in some manner, however they would be pulled back?
- A. (Menard) No, I'm not suggesting that these easements will -- you know, it's going to threaten easements. But just the continued effort of, you know, continuing to add parcels. And, you know, it's a balance, too. I'm not saying that Deerfield is going to put a moat around town and prevent development.

 We need housing. It's all kind of a balance act that all communities are going through.

 But, you know, Deerfield has the evidence in property ownership and conservation lands to

show that the community has invested in conservation land. And residents have done the same. And, you know, this project is contrary to that effort. So maybe "effort" is a better word than an actual program or initiative.

Q. Thank you.

And Mr. Berglund, from your experience on the conservation commission, oftentimes they're in the process of their own deals to buy easements, or at least you're very aware of the easements that are being discussed. Are you seeing deals that might have the potential of falling through or that are going to be impacted real-time that are in the queue right now?

A. (Mr. Berglund) Two are in the works for 2018.

And I don't see anything in that set that

would be impacted by what Jeanne just

described. You know, it remains to be seen.

You know, these things happen not in some -
"these things" being people coming forward to

conserve land or preserving it in some

fashion. And there's no set schedule. But

- who knows how the schedule will vary in the future based on the possibility of Northern

 Pass being implemented.
- 4 Q. Thank you.
- Ms. Bradbury, so, talking a little bit
 about the impacts of tourism, I didn't have
 your quote exactly, but you think this will
 have a profound impact on tourism?
- 9 A. (Bradbury) Yes, I do, and not just in
 10 Deerfield. I think it will affect tourism
 11 for the entire state.
- Q. And I understand that. But let's talk just
 about Deerfield. And I read your prefiled,
 and I think a couple places I focused upon or
 at least saw was an emphasis for you was
 Thurston Pond area.
- 17 A. (Bradbury) Yeah.
- Q. And then I saw the Deerfield Fair area and all that goes on at the Deerfield Fair.
- 20 A. (Bradbury) Yes.
- Q. Trying to recall the visual assessments. Is the Deerfield Fair area right in the line of sight? I'm trying to recall.
- 24 A. (Bradbury) You will have to pass under the

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         towers from several different directions.
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                                                      Ι
         can't remember what --
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                         MS. BRADBURY: Do you remember
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         whether it's north, south?
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                         MR. BERGLUND: From the north.
         (Bradbury) From the north. So you can't get
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    Α.
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         to the fair without traveling under the
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         towers as proposed.
    BY MR. WAY:
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         All right. And so when you're in the
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         fairgrounds, and I know there's part of it,
         having been there myself, a very good fair,
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         but there's an elevated portion. What's the
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         line of sight that you're seeing from the
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         fairgrounds?
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         (Bradbury) I don't know. Can I check with my
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17
         other witnesses, please?
                         MS. BRADBURY: I don't know.
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         Does anybody know that?
         (Bradbury) I'm not as familiar with the view
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    Α.
21
         from the fair as I am from the Thurston Pond
22
         dam.
23
    BY MR. WAY:
         So what you're saying is that there could be
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- an impact on not just the fair season, but
 the activities that occur in the fairgrounds
 because people would have to go under the
 poles to get to the fairgrounds?
- 5 Α. (Bradbury) Yes, that's right. I'm focusing on that. And I also focused on the Deerfield 6 7 Arts Tour, which is an annual event that brings people from all over to look at and 8 hopefully purchase some of the artwork 9 10 created locally by Deerfield artists. 11 the arts tour runs right through town, and it would have a major impact on getting to each 12 one of these artists' exhibits throughout 13 14 that weekend where they have the arts tour. 15 That's also part of it.
- 16 Q. Okay. But that's not the fairgrounds --
- 17 A. (Bradbury) No, no --
- 18 (Court Reporter interrupts.)
- 19 Q. That's in the town proper area.
- 20 A. (Bradbury) It's spread right through the town.
- Q. All right. I noticed that you said you had received a petition of 500 signatures.
- 24 A. (Bradbury) At the fair, yes.

Q. And did you get a sense of where those signatures were coming from? Are they from the in-town area? Or was there any feedback?

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- A. (Bradbury) I don't know the answer to that.

 I only know that that's the number they
 gathered at the fair, the petition-gathering
 people.
- Q. And then I was interested in the last part, that the select board had a differing opinion. And to me, it's quite a difference. You're saying there'd be a profound impact, and they're saying it's going to be negligible.
 - A. (Bradbury) Right. I do not believe that they gave enough attention to the question before they answered it. And it would not surprise me, although it would be speculation, it would not surprise me that now that we have learned everything we have learned, that answer might be different. But that's speculation. But I do disagree with them because I think that people who come to Deerfield, which is a beautiful rural, quaint town, would be very much put off by the

- introduction of industrial towers and lines
 for the purpose of a non-reliability project
 from Canada.
- Q. Okay. And then this is my last point, and
 I'm going to loop back to the Deerfield Fair
 and where we talk about going under the poles
 and going into the fairground. You're saying
 that would impact people going to the fair.

 What is your basis for saying that?
- (Bradbury) Just the conversations I've had 10 Α. 11 with people in town, the people who know Deerfield and know where the towers and lines 12 will be cutting across our entire town. 13 14 people I know that go to the fair are people 15 that live in Deerfield. And I'm trying to 16 think if I know anybody from Massachusetts 17 that comes up.
- Q. People that you know. Are you saying the
 Deerfield Fair are primarily just people in
 town?
- 21 A. (Bradbury) Not at all.
- 22 Q. I was going to say --
- 23 A. (Bradbury) People I happen to know personally 24 that go to the fair are from Deerfield.

- Q. But wouldn't your concern be more not the people that are in town on this particular point, but the people that are coming from away?
- 5 A. (Bradbury) I am concerned about people coming
 6 from away. Part of the experience of
 7 Deerfield is its beautiful rural character.
 8 And the Deerfield Fair is an agricultural
 9 fair. I presume you've been, so you're aware
 10 of the --
- 11 Q. I have.

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- 12 A. (Bradbury) So you're aware of the animals and
 13 the 4H and the kids that bring their animals
 14 that they raise to show and get ribbons and
 15 all that. This is an agricultural event.
 - Q. So is it safe for me to assume, though -- I hear what you're saying. But there has not been any sort of attempt to gather the opinions of people that are coming from outside of town to the fair itself to see if that would be an impact to them.
- 22 A. (Bradbury) I haven't done that gathering of information.
 - Q. All right. Thank you.

120 (Bradbury) There may be some out there. 1 Α. Ι just didn't do it. 2 Thank you very much. 3 Q. 4 CHAIRMAN HONIGBERG: Any other 5 questions from the Subcommittee? [No verbal response] 6 7 CHAIRMAN HONIGBERG: All right. 8 This is the opportunity for redirect. Since you don't have a lawyer, I'll ask you the question 9 I've asked other witnesses in this context. 10 11 Is there a question you were 12 asked yesterday or today on cross-examination that you feel you need to follow up on or 13 14 clarify? And it really does need to be 15 something that happened during the 16 questioning of the folks yesterday and today. 17 Ms. Menard. MS. MENARD: Yes, I just have one 18 19 question. And I apologize. Is it Attorney 20 Winkley? 21 MS. WALKLEY: Walkley. 22 MS. MENARD: Walkley. Excuse me. 23 Attorney Walkley asked me a question about the 24 price per acre. And I don't want to leave you

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1	with the impression that I never use a
2	price-per-acre analysis. It is a very important
3	analysis. But the reason why I wasn't feeling
4	that it was something of primary importance to
5	me is because my analysis is more on a lot
6	price, so I'm more concerned about the cost to
7	create the lot and the marketing of the lot.
8	Some lots are more or less acreage, so it's not
9	as primary as other factors in that kind of
10	assessment. So I just wanted to make sure I'm
11	not totally saying that's not an important
12	analysis. But in this case, it wasn't a primary
13	number that I would go on.
14	CHAIRMAN HONIGBERG: Anything
15	else?
16	[No verbal response]
17	CHAIRMAN HONIGBERG: All right.
18	Seeing nothing, thank you all.
19	MR. BERGLUND: Wait. Excuse me.
20	CHAIRMAN HONIGBERG: Oh, yes.
21	Mr. Berglund, you have something?
22	MR. BERGLUND: I'll just jump in
23	here. Turn the mic on.
24	I want to clarify my response

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to Attorney Walker about, I think the question had to do with the wetland and the permitted impact as determined by Normandeau Associates. And I talked about how a wetland is a system, and we can't just look at the impact in the right-of-way. It's going to be the entire wetland system, the wetland that's affected. Now, certainly in the right-of-way would be most impacted. But then, because of the way things work, animals move in and out, habitats are here and there and they move, the determination in coming up with a specific number seems a stretch to me. wanted to make it clear to the Committee that this is very important in looking at a wetland. You can't just look at the right-of-way. It's the entire system. that even goes beyond the wetland itself because there are drainages coming out. mentioned in my testimony, Lamprey River, which is just beyond Mountain Road, received some of that drainage. So it's a huge question, and I'd love to see the analysis done to come up with a specific number for

1 permanent impact.

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2 CHAIRMAN HONIGBERG: Ms.

Bradbury, I understand you have something?

4 MS. BRADBURY: Yes. I'm just

refreshing my recollection. In my prefiled, I

6 didn't mention that the fairgrounds are more

7 than just the annual fair that happens every

fall. We use those fairgrounds for the Dog

9 Agility Trials, the NEAR Fest, which is the New

10 England Amateur Radio Fest -- that's ham radio

11 operators -- fireworks shows, the New Hampshire

Horse and Trail Horse Show, the Sheep and Wool

13 Festival. All these are separate events that

14 take place. The Granite State Disc Dogs,

15 Quarter Horse Association Show, Happy Trails for

16 Forgotten Tails, and a number of other things.

There's a lot that goes on through the year.

18 It's not just once that they come in. And

19 everyone has to get there. And I now see that I

20 noted that coming from east, west or north, you

will have to pass under the towers to get there.

22 So, from... yeah -- no, you wouldn't pass under

23 the towers coming from the south.

Q. All right.

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                         CHAIRMAN HONIGBERG: All right.
         Anything else from the panel?
2
                [No verbal response]
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                         CHAIRMAN HONIGBERG: All right.
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         Now, thank you all. You can return to your
         seats. Let's go off the record.
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                (Discussion off the record.)
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                         CHAIRMAN HONIGBERG: All right.
         We have our next witnesses in place.
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                (WHEREUPON, R. ANDREW ROBERTSON AND
11
               KATE HARTNETT were duly sworn and
               cautioned by the Court Reporter.)
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                         CHAIRMAN HONIGBERG: Mr. Whitley.
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                         MR. WHITLEY: Thank you, Mr.
         Chair.
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                      DIRECT EXAMINATION
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    BY MR. WHITLEY:
         Good afternoon. Could you both introduce
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    Q.
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         yourselves for the record, starting with you,
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         Mr. Robertson.
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         (Robertson) Sure. I'm R. Andrew, also known
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         as "Andy" Robertson, and I'm here as a
23
         Deerfield, New Hampshire Selectman.
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    Q.
         Thank you.
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- A. (Hartnett) My name is Kate Hartnett, and I am on the conservation commission and the planning board in Deerfield.
- Q. Thank you. I'm going to ask you now to pull out the written submissions that you made to the SEC because I'm going to have you confirm for the record and for the SEC what they are and whether there are any corrections. Mr.
- You filed written testimony in

 November 2016 that has been marked as Joint

 Muni 152; is that correct?

Robertson, we'll start with you.

- 13 A. (Robertson) That's correct.
- 14 Q. Do you have any changes to that testimony?
- 15 A. (Robertson) I do not.
- Q. Okay. And that's the only testimony you filed; correct?
- 18 A. (Robertson) That is true.
- Q. Do you swear to and adopt that testimony
 before the SEC today?
- 21 A. (Robertson) I do.
- 22 Q. Thank you.

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Ms. Hartnett, you filed testimony in
November 2016 that's been marked as Joint

- 1 Muni 153; is that correct?
- 2 A. (Hartnett) Yes. It is on orderly
- 3 development.
- 4 Q. And you also filed testimony in December 2016
- 5 that's marked as Joint Muni 154; is that
- 6 correct?
- 7 A. (Hartnett) Yes, I did. That was on behalf of
- the conservation commission and planning
- 9 board.
- 10 Q. And then you also filed testimony in
- 11 April 2017 that's marked as Joint Muni 155;
- is that correct?
- 13 A. (Hartnett) I actually believe it's 155
- 14 through 158 because of the exhibits.
- 15 Q. Correct. Yeah, I was just going to -- thank
- 16 you. And those exhibits, Exhibits 1 through
- 17 4, are Joint Muni 156; is that correct?
- 18 A. (Hartnett) Yes.
- 19 Q. Okay. And Exhibits 5 through 9 are Joint
- 20 Muni 157?
- 21 A. (Hartnett) Yes.
- 22 Q. And then Exhibits 10 through 15 are Joint
- 23 Muni 158.
- 24 A. (Hartnett) That's right.

- Q. Okay. Great. Do you have any changes to any of those testimonies?
- A. (Hartnett) Just on 153, there was some

 confusion about the master plan. In fact, it

 is the final, even though the header says

 "Final Draft" and the footer says "2008," but
- Q. Okay. And I believe you're referencing one of the exhibits to your November testimony;
 correct? That's Joint Muni 153?
- 11 A. (Hartnett) That's right.

in fact it's 2009.

- Q. Okay. And also in that written testimony,
 was there not a correction on Page 1 of that
 written testimony? Let's take a look
 together. Page 1, Line No. 9.
- 16 A. (Hartnett) Oh, you mean where it says I
 17 served the Town of Pembroke?
- 18 Q. Yes.

- A. (Hartnett) Yeah, I'm a very busy person.

 There were a number of changes in that

 paragraph, Lines 9 through 16. And I thought
- they were corrected in the submission that
- came in under 154 under my background from --
- and I think you're right.

- 1 Q. And I'm just asking if you want to change the
- word "Pembroke" to read "Deerfield" on Line
- 3 No. 9.
- 4 A. (Hartnett) Yeah. There are a number of
- 5 corrections there that are reflected on
- 6 Page 1 of the 154, the corrected exhibit.
- 7 Q. Okay. And in the April 2017 testimony, did
- you have any changes? I'm thinking of
- 9 Pages 2 and 3.
- 10 A. (Hartnett) You were referring to New Hampton?
- 11 Q. Yes.
- 12 A. (Hartnett) See how busy I am? Yes, that's
- 13 right. Yes, changing "New Hampton" to
- 14 "Deerfield."
- 15 Q. And where was that in your April testimony,
- 16 those two changes from --
- 17 A. (Hartnett) Yeah, it was on Page 2, on
- 18 Line 13.
- 19 Q. Okay.
- 20 A. (Hartnett) And on Page 3, Lines 7 and 8.
- 21 Q. Okay. I'm sorry?
- 22 A. (Hartnett) Let me just check. I think there
- is a Line 7. Yeah, it poked up again on
- Page 7, Line 15. I want to come back to

- 1 Deerfield, not in New Hampton.
- Q. Okay. Any other changes to your April 2017
- 3 testimony?
- 4 A. (Hartnett) No.
- 5 Q. Okay. With those changes in mind, do you
- adopt and swear to all of the testimonies
- 7 that you've prepared, as well as the
- 8 exhibits?
- 9 A. (Hartnett) Yes, I do.
- 10 Q. Thank you.
- I want to start now and ask you some
- more substantive questions. Just give me a
- second to grab my computer here.
- 14 (Pause)
- 15 Q. I'm going to start with you, Ms. Hartnett.
- Are you aware of Mr. Varney's opinion
- 17 that the Project is consistent with
- 18 Deerfield's Master Plan?
- 19 A. (Hartnett) Yes, I am.
- 20 Q. And during his testimony before the SEC, he
- 21 provided an additional explanation for that
- opinion, and I'm going to pull up a page of
- the transcript there to show you. What's up
- on the screen here is from Day 37 in the

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morning, A.M., and we're looking at Pages 51
into 52. Do you see that on the screen there
before you?
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A. (Hartnett) I do.

Q. Okay. I'm paraphrasing, but his explanation was that the Project is consistent with the master plan because Deerfield's Master Plan doesn't specifically address transmission lines. And it's a planning document, so it's not intended to be applied to a specific project.

Do you agree with Mr. Varney's explanation for why the Project is consistent with the master plan?

- 15 A. (Hartnett) No, I don't.
- 16 Q. And why not?
 - A. (Hartnett) Well, the view of the planning board is that, just because there's no HVTL explicitly addressed, all the other elements that we talked about in the vision and the goals and the guiding principles depict a rural community character. Certainly we did not mention HVTLs, primarily because we never imagined such a dominant use and industrial

character. We never contemplated that coming through Deerfield. And I thought about it, and I thought it's true; there's no mention of casinos or nuclear waste dumps or federal prisons either. We just didn't think of those as things that we didn't want. But in addition, through our approach to master planning and our zoning and land use regulations, we very much wanted to integrate an approach to what we did want, which is truly the rural character.

Q. Thank you. And when you interpret the master plan or think of what its intent is, do you read it so that it only applies to specifically mentioned projects or types of development?

MR. NEEDLEMAN: Mr. Chair, I'm going to object. This is all covered specifically in Ms. Hartnett's testimony, including responding directly to Mr. Varney. Just because he elaborated a bit in live testimony doesn't change the fact this has already been addressed.

CHAIRMAN HONIGBERG: Mr. Whitley.

MR. WHITLEY: I do think Mr. 1 Varney's live testimony added to what he 2 submitted in writing. And the other witnesses, 3 the other municipalities have been allowed to 4 answer this question, and so I don't understand 5 why Deerfield is not allowed to answer this 6 7 question. 8 CHAIRMAN HONIGBERG: I can't speak to what other municipal witnesses have 9 been allowed to answer specifically. 10 I don't 11 recall whether that particular question has been But is there something -- she's already 12 testified to it in her prefiled testimony. What 13 14 else do you expect her to say at this point? 15 MR. WHITLEY: I'd just -- like I 16 asked her, I wanted her to respond to the 17 additional explanation that Mr. Varney provided before the Committee in live testimony. 18 CHAIRMAN HONIGBERG: 19 Sustained. 20 Wait. Let me reconsider that. Is there a 21 specific statement in Mr. Varney's testimony 22 that you want her to respond to, or is it the 23 general statements that he made that are consistent with his prefiled testimony? 24

- MR. WHITLEY: No, Mr. Chair. I
- think it is consistent with what's in his
- 3 written testimony. So I'll move on.
- 4 CHAIRMAN HONIGBERG: Okay.
- 5 BY MR. WHITLEY:
- 6 Q. Ms. Hartnett, I want to ask you now about a
- 7 report that Mr. Varney did as part of his
- 8 April 2017 supplemental testimony. And have
- 9 you reviewed that April 2017 supplemental
- 10 testimony?
- 11 A. (Hartnett) Yes, I have.
- 12 Q. Okay. And you're aware, then, he prepared a
- 13 report that was attached to it. And he
- examined the impacts of the HVTL line in
- 15 Bedford, Londonderry an Concord. Does that
- 16 sound familiar?
- 17 A. (Hartnett) Yes.
- 18 Q. And do you understand that Mr. Varney used
- 19 those three communities to support his
- 20 conclusion that the Project would not be
- inconsistent with the orderly development of
- the host communities?
- 23 A. (Hartnett) Yes.
- 24 Q. Okay. And I want to put up before you now a

- portion of his April 2017 written testimony.
- 2 And this is Applicant's 96. And we're going
- 3 to be looking at Page 3, Lines 14 through 19.
- 4 Do you see that on the screen there?
- 5 A. (Hartnett) Yes.
- 6 Q. Okay. Do you think that the three
- 7 communities that he examined are good
- 8 comparison points for the Town of Deerfield?
- 9 A. (Hartnett) I do not.
- 10 Q. And why not?
- 11 A. (Hartnett) Because it's an apples-and-oranges
- 12 comparison, or actually maybe apples and --
- well, it's not a comparison that works.
- 14 Londonderry is a large town, very different,
- very close to build-out, primarily
- 16 low-density residential with strict
- 17 commercial areas. Bedford is also a large
- 18 town, three separate land use zones -- the
- 19 101 corridor, the river corridor -- which is
- a primary mix of big box, business parks and
- 21 office/industrial/retail along with suburban
- 22 residential. In contrast, Concord is a city.
- 23 And as we heard previously in testimony, the
- 24 staff and representatives have clearly

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described their vision to move away from the 20th Century land use regulations that they use that generated things like the Loudon Road/Concord Heights development. moving actively now away from that 20th Century approach to something such as the downtown traffic calming, which has been very successful protection of neighborhoods and villages and urban growth boundary, and trying to concentrate housing services, and also actively protecting their conservation and viewshed areas. That's called "new urbanism." Very much in contrast to what happened in Londonderry and Bedford. And I would think that Deerfield is kind of a "new ruralist" community, if you will.

One of the things that I thought was quite significant about the review of the master plan and zoning in that April supplemental testimony is that it didn't really make the analysis that Deerfield has linked the vision, guiding principles and goals of rural character with our zoning, our subdivision and our site plan reviews. And

so we have an integrated approach to grow in a way that won't result in the kind of large town outcomes that Londonderry and Bedford have accomplished. Deerfield doesn't want to grow to become those things. So the economic engine that Mr. Varney cited around the HVTL are really not relevant to the Town of Deerfield, and I would add, almost all the towns in the 31-town corridor.

10 Q. Thank you.

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Mr. Robertson, I want to turn now to you for a second. Are you aware that Dr. Shapiro has touted the benefits of the Project, including how tax revenues could reduce property taxes in the Town of Deerfield?

- 16 A. (Robertson) Yes, I'm generally aware. Okay.
- Q. I want to show you now an attachment to Dr.
 Shapiro's April 2017 testimony. And that's
 Applicant's 103. Do you see that on the
- 20 screen there?

(Robertson) I do.

Q. And I've highlighted there the estimated tax savings in Deerfield per \$100,000 of assessment if the tax revenues are used to

lower the tax rate.

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With these estimated tax savings, do you still believe that the negative impacts outweigh the positive ones?

(Robertson) Yeah, I do. And I will say, speaking as a selectman, the board of selectmen take their marching orders from the 2013 warrant articles that were passed in Deerfield, and another warrant article again in 2017. The community has made it very clear that they are opposed to the Project as it's presented now. And there has been little discussion of increased tax revenue offsetting their concern. We've had a number of public meetings in Deerfield. We've had literally hundreds of people show up at these meetings to voice their opposition, irregardless of tax revenue. To my mind, we have had three individuals speak favorably of the Project at a meeting or public session.

I would note that Deerfield's tax rate in the last 25 or 30 years fluctuated from a low of \$17.51 to a high of \$38.14. When you look at these revenues, certainly as a

selectman, it's always nice to consider the ability to lower a tax rate by two or three dollars. But given the history up and down, and some of those ups have certainly been as a result of valuation challenges to the town by utility companies, in the long run I would say that increased tax revenue does not offset the concern that the community has represented to the board of selectmen.

- Q. Other than the public sentiment that you describe, does the board have any other concerns that you used in coming to your conclusion?
- A. (Robertson) Sure. I think the board is generally concerned about increased abatement requests. These are onerous, cost us money, can result in loss of revenue. We are obviously concerned about a potential decrease in property valuation.

Another concern is certainly the historic town center. I know the photo simulations that were presented to us, and I assume everybody else here, show a view from basically the steps of our town hall that

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make it appear as if the power lines would be completely invisible from our historic center. And in that exact spot, I think it's likely that they will not be too visible. But as you approach our historic center from either the northeast on State Highway 107, known as North Road in Deerfield, or on Church Street from the northwest, you are immediately going to be presented with wide open space, full view of multiple towers and these power lines. And our historic center is not just the town hall. That's certainly the center of it. But as you approach on North Road, you come by the historic Odd Fellows Home. There is what used to be an inn that is now an apartment building on the corner. These are very much in view of the proposed towers and lines.

Q. Thank you. And a slightly different subject,
Mr. Robertson. I want to ask you now about
the MOUs that the Project has been
communicating with host communities about.

Are you aware of their outreach to communities to engage and enter into MOUs?

- A. (Robertson) We are to some extent. I've

 actually seen some of the boiler plate MOU --
- Q. Hold on. I'll put one up just to confirm
 that what you're thinking about is what
 you've seen.

So this is from Mr. Quinlan's
supplemental testimony, Attachment H. Is
that the document you were just referring to?

A. (Robertson) Yeah, I believe so.

- Q. Okay. Did the Deerfield Board of Selectmen
 ever discuss possibly signing one of these
 documents?
 - A. (Robertson) We've had no serious talks about signing these documents. I guess, to my mind as a selectman, it seemed premature given the status of the Project. It also seems sort of vague. We weren't sure what could actually be nailed down in the Memo of Understanding that would have meaningful benefit and value for the Town of Deerfield. And when weighing that against what was clearly, you know, ground swell of public opposition to the Project, we didn't feel it prudent.
 - Q. I want to turn back to you now, Ms. Hartnett.

- 1 Are you aware that in August 2017,
- Northern Pass submitted some design changes
- 3 to the Committee?
- 4 A. (Hartnett) Yes.
- 5 Q. And I'm going to show you the letter that
- 6 introduced those changes and point you in the
- 7 direction of Items 7 and 8 in that letter.
- 8 MR. WHITLEY: And just for the
- 9 record, this letter's already been marked as
- Joint Muni 303.
- 11 BY MR. WHITLEY:
- 12 Q. Do you see that on your screen there?
- 13 A. (Hartnett) Yes.
- 14 Q. And those two items, they relate to vernal
- pools in Deerfield; correct?
- 16 A. (Hartnett) Yes.
- 17 Q. And you've seen this letter before; correct?
- 18 A. (Hartnett) I have.
- 19 Q. Okay. And to your recollection, are there
- 20 any other design changes noted in the letter
- in Deerfield?
- 22 A. (Hartnett) Not that I could find.
- 23 Q. Okay. One of the vernal pools that's
- 24 mentioned there is on Wetland Sheet 658. So

- let me put that up for you now. And this is
- from Applicant's Exhibit 199. Is that the
- vernal pool in question, Ms. Hartnett?
- 4 A. (Hartnett) Yes, it is.
- 5 Q. Okay. Is your microphone on, by the way?
- 6 A. (Hartnett) Is that better now? Thank you.
- 7 Sorry. Dyslexia. I thought I was turning it
- 8 off --
- 9 Q. That's okay. So as that letter described, in
- this design change the Applicant has moved
- 11 the tower structure and construction pad to
- 12 avoid the buffer. Is that your
- 13 understanding?
- 14 A. (Hartnett) Yes.
- 15 Q. And just for the benefit of the Committee,
- 16 I'm going to put up the older version just to
- 17 compare here. And this is from
- 18 Applicant's 1, Appendix 47. And this is also
- 19 Wetland sheet 658. And that's the original
- 20 design; is that correct?
- 21 A. (Hartnett) Yes, it is.
- 22 Q. Okay. So they took that tower structure and
- construction pad, and they moved it outside
- of the buffer; is that correct?

- 1 A. (Hartnett) Looks like they moved the pad east.
- Q. Okay. But the access road remains in the buffer; is that correct?
- 5 A. (Hartnett) Yes.
- Q. Okay. Do you still have concerns for the impact on this vernal pool?
- 8 A. (Hartnett) I do. Should I relate them?
- 9 Q. Yes, please.

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10 A. (Hartnett) Okay. I just want to remind the

SEC that you actually heard peepers and wood

frogs from this vernal pool back in the

spring. That was the vernal pool we talked

about. I think Ms. Bradbury played a

recording of it. That's this site.

My first point is that the 100-foot buffer is a measure based on a variety of considerations, but not including kind of the ecological health of the vernal pool system. The best science, and I happen to have the book here, shows that a minimum of 300 feet is really needed to be able to protect the ecological health. So, certainly large construction activity up and down,

immediately adjacent, and filling activity just 100 feet away is not going to add to the health of it.

Secondly, and I think more importantly to my mind, I think, from my point of view and my background, the original design indicates that there may have been some disconnect in the project planing between the environmental work and the construction teams to site initially that pad right smack, bull's eye in the center of one of the highest quality vernal pools in the top three in the 192-mile corridor. So --

Q. I'm sorry. Go ahead.

- A. (Hartnett) And then the third thing is when I listen to the findings from Concord, and certainly the work we've submitted for Deerfield in our testimony, in my mind I have concerns for other towns who haven't had the opportunity to perhaps dedicate as much time as we have to this study. But specifically for this vernal pool, it's that it's too close still.
 - Q. Thank you. And you mentioned your opinion

1		that a 300 buffer is more appropriate. And
2		from your review of this plan, I take it you
3		believe the access road and the relocated
4		structure and pad are not 300 feet away from
5		that vernal pool?
6	A.	(Hartnett) Well, you can see the 100-foot
7		lavender buffer dotted on the map.
8	Q.	Okay. Thank you.
9		Also on that same plan, do you notice
LO		the aprons added to the road that's shown
L1		there?
L2	A.	(Hartnett) Yes, I see those flared aprons.

Q. And what do you interpret those aprons to mean?

A. (Hartnett) I don't know. But I know that the previous plan seemed to go straight across the Thurston Pond Road, which is that area, that diagonal gray there. And it's a Class VI road. So, previous plans seemed to go straight across.

As a planning board member, when I see a flare like that, I think turning radius, which makes me think access and egress.

Q. And in your role on the conservation

- 1 commission and the planning board, it sounds
- like you've looked at construction plans that
- may have aprons to indicate access. Is that
- 4 fair?
- 5 A. (Hartnett) Yes.
- 6 Q. And you already named -- actually, strike
- 7 that.
- 8 MR. WHITLEY: Just again for the
- 9 Committee's benefit, I want to show the older
- version of this wetland sheet. And again, this
- is Applicant's 1, Appendix 47.
- 12 BY MR. WHITLEY:
- 13 Q. And Ms. Hartnett, would you describe what the
- 14 corridor -- or what the access road does in
- the vicinity of Thurston Pond Road?
- 16 A. (Hartnett) It goes straight across.
- 17 Q. Okay. Thank you.
- 18 And you stated it already, but the road
- 19 that's shown on both these plans is Thurston
- 20 Pond Road; is that correct?
- 21 A. (Hartnett) Yes, it is.
- 22 Q. Okay. What's the status of that road?
- 23 A. (Hartnett) Thurston Pond Road is a Class VI
- 24 road laid out before the American Revolution

- 1 in 1772.
- 2 Q. And how are you familiar with that road?
- 3 A. (Hartnett) I've been living on it since 1992.
- 4 Q. Okay. And is that road privately maintained?
- 5 A. (Hartnett) It is a Class VI road privately
- 6 maintained by two residents, and we have an
- 7 agreement with the town select board to do
- 8 so.
- 9 Q. And are you one of the residents that
- 10 maintains that road?
- 11 A. (Hartnett) Oh, yes.
- 12 Q. Okay. And do you have concerns about the
- 13 Project's potential use of the road to access
- the right-of-way?
- MR. NEEDLEMAN: Objection, Mr.
- 16 Chair. I think it mischaracterizes the record
- for the same reasons I've indicated previously.
- 18 There's nothing in the record to indicate we've
- 19 changed use of access roads from what we've
- already represented to the Committee.
- 21 CHAIRMAN HONIGBERG: Can you
- clarify, Mr. Needleman, what those flares are on
- 23 the second of the two maps, the one with the
- 24 brighter green on it?

1	MR. NEEDLEMAN: Yeah, my
2	understanding is that when the engineers re-drew
3	these maps for the more recent submittal, for
4	some reason they chose to just do it that way
5	rather than a continuous road. But it was not
6	intended in any way to change the access roads
7	that were used, which are actually listed in the
8	Application right now.
9	CHAIRMAN HONIGBERG: Mr. Whitley,
10	would you show us the two maps again, one after
11	the other?
12	MR. WHITLEY: Yes, Mr. Chair.
13	This is the older one, and this is the
14	August 2017, more recent one.
15	CHAIRMAN HONIGBERG: Mr. Needle-
16	man, there's something else going on, because
17	it's not just that they re-drew the flare versus
18	the straight-across. To the right of the road
19	it has a different entry point on the road. It

information on that? I was going to say

makes a turn down toward the bottom of the map

before it then turns right. Something else is

seen these flares. Can you come up with more

going on here, and it's not the first time we've

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something snide, but I pulled it back at the
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         last minute. Can you come up with a little bit
         more on that? Because I know your position is
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         there's been no change, but it sure looks like a
4
         change. So I think someone looking at it would
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         say, gee, that looks like a change. And that's
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7
         why Mr. Whitley is asking these questions.
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                        MR. NEEDLEMAN: Understood.
                                                      Ι'd
         be happy to do that.
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                         CHAIRMAN HONIGBERG:
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                                              So I'm going
         to overrule the objection. And I'm sure no one
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12
         remembers the question you asked now, so why
         don't you repeat it, Mr. Whitley.
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                        MR. WHITLEY:
                                       I assume no one
15
         remembers it, so I am going to ask it again.
16
         Thank you, Mr. Chair.
    BY MR. WHITLEY:
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- 18 Ms. Hartnett, my question was: Do you have 19 concerns regarding the Project's potential 20 use of the road to access the right-of-way?
- 21 Α. (Hartnett) Yes.
- 22 And could you tell us what those concerns 0. 23 are.
 - (Hartnett) Yeah. It's a small road, only Α.

- serves two homes. Lots of people use it. 1 People come from all over town to walk their 2 dogs, let their kids run, ride their 3 bicycles, ride their horses. 4 essentially no traffic on it. 5 It is used a lot by people all over town for recreation 6 7 and having a safe place to go walk a road without traffic. So my concern is a project 8 of this magnitude would totally change the 9 character of that road for a substantial 10 11 amount of time.
- 12 Q. Thank you. And did Northern Pass contact you
 13 in your role on the planning board or
 14 conservation commission, or as one of the
 15 individuals that maintains this road, about
 16 this change?
- 17 A. (Hartnett) No contact.
- Q. Thank you. The other revision regarding
 vernal pools that's mentioned in that
 August 25th letter is on Wetland Sheet 689.
 And I want to put that up on the screen here
 for you to confirm. This is also from
 Applicant's 199. Is this the vernal pool in
 question?

- 1 A. (Hartnett) Yes.
- Q. Okay. And here the change was they moved the
- access road to avoid the vernal pool; is that
- 4 correct?
- 5 A. (Hartnett) Yes.
- 6 Q. Okay. And I don't want to have you repeat
- 7 the same concerns, just for efficiency's
- 8 sake, but is it fair to say that the concerns
- you had for the vernal pool on Sheet 658, you
- 10 have the same concerns for this one as well?
- 11 A. (Hartnett) Yes.
- 12 Q. Okay. Thank you.
- Now, Ms. Hartnett, I want to ask you
- about Mr. DeWan and his visual impact work on
- behalf of the Applicant. And I'm going to
- 16 put up for you now a page from Mr. DeWan's
- 17 Supplemental VIA. And this is Applicant's
- 18 93. And I'm showing you Page 21 from that
- document. Can you see the highlighted
- 20 portion on the screen there?
- 21 A. (Hartnett) Yes.
- 22 Q. Okay. You see that he's explaining that
- Thurston Pond was considered in his initial
- visual impact assessment as part of the Alvah

152 Chase Town Forest? 1 2 Α. (Hartnett) Yes. I want to put up now that original Visual 3 Q. Impact Assessment. And this is the page 4 reference that Mr. DeWan provided. So this 5 is Page 6-21 of the October 2015 Visual 6 7 Impact Assessment, which is Applicant's 1, Appendix 17. And you see there that Alvah 8 Chase is listed as one of the scenic 9 10 resources in the town of Deerfield? 11 (Hartnett) Yes. Α. And are you familiar with this area? 12 Q. (Hartnett) Yes. 13 Α. And how are you familiar? Why are you 14 Q. familiar with it? 15 16 (Hartnett) It's my neighborhood. Α. 17 0. And your "neighborhood" meaning, a little more specifically? 18 19 Α. (Hartnett) I live on a parcel that's 20 immediately west of Thurston Pond. 21 Q. Okay. And let me turn back to the 22 Supplemental VIA here. 23 Do you agree that Thurston Pond Road is 24 part of the Alvah Chase Town Forest? Or

1 excuse me. Let me restate that.

Do you agree that Thurston Pond is part of the Alvah Chase Town Forest?

- A. (Hartnett) I do not agree. But I also want to correct. That was another dyslexia. I live east of Thurston Pond. Sorry about that.
- 8 Q. Thank you for correcting that.

A. (Hartnett) Of all the mistakes for a geographer to make. I apologize. Late in the day for me.

So, about Thurston Pond. Thurston Pond was never part of the Alvah Chase Town

Forest. There's an error which was explained to me by -- well, on Google Maps, Alvah Chase Town Forest is shown going across Thurston

Pond. People in Deerfield know we clarified a while ago the status of that town forest.

It's just a small parcel, completely landlocked. The access to Thurston Pond is across the Class VI Thurston Pond Road. And one reason so many come and walk the mile up and down the road or come in from Middle or Ridge Roads is because Thurston Pond is right

- there. It's a beautiful pond. And it's an access, scenic destination for people in town. Never part of the town forest.
- Q. Thank you. So I think it was in your response just now, but I want to have you clarify. It sounds like you disagree with Mr. DeWan about public access to the pond, that you believe there is public access to the pond.
- 10 A. (Hartnett) I know there's public access.
- Q. Okay. And how and what is that public access to the pond, if you could just clarify?
- 13 A. (Hartnett) It is via Thurston Pond Road.
- Q. Okay. And do you believe there will be views of the Project from Thurston Pond?
- 16 A. (Hartnett) I do.
- Q. And do you believe that the views of the
 Project will detract from the -- strike that.
- Do you think the views of the Project
 will be an unreasonably adverse impact on
 Thurston Pond?
- 22 A. (Hartnett) Well, having sat through so many 23 proceedings, I know that I'm not a VIA 24 expert. So let me just say that currently

- the work that Joanne Bradbury did pointed out
 that there's one teeny pole that you can see
 to the west from the existing right-of-way
 and that, were the towers to be built, there
 would be much more visibility of both the
 conductors and probably some towers.
- 7 Q. Okay.

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- 8 A. (Hartnett) But I don't think there's been any
 9 VIA officially done there.
- 10 Q. Okay. If the Project had contacted the town,
 11 would it have been easy for them to find out
 12 about the status of Thurston Pond not being
 13 part of the Alvah Chase Town Forest?
 - A. (Hartnett) You know, when I looked at the highlighted area, there's a phrase there that says that it was not included in the 2011 Deerfield Trail Inventory and Plan. And that would have been a sign that there was something amiss in the Alvah Chase listing. So, people in town and just talking to conservation commission or the planning board, we could have easily clarified that.
 - Q. Okay. And similar question about whether there's -- whether or not there is public

- 1 access to Thurston Pond.
- 2 A. (Hartnett) Same answer.
- 3 Q. Okay. So in your mind, is this a scenic
- 4 resource that Mr. DeWan missed in his
- 5 analysis?
- 6 A. (Hartnett) A very strong yes.
- 7 Q. Okay. And if Mr. DeWan missed this one, does
- 8 that make you think that others were missed
- because of the lack of dialogue with the town
- or local residents about scenic resources in
- 11 Deerfield?
- 12 A. (Hartnett) I can refer to the supplemental
- 13 testimony of the select board, planning board
- and conservation commission. When we sat
- together, we came up with 7, just off the
- tops of our heads for consideration.
- 17 Q. I didn't mean to interrupt you. That
- 18 supplemental testimony you're referring to is
- 19 your April 2017 testimony; correct?
- 20 A. (Hartnett) Yes.
- 21 MR. WHITLEY: Okay. That's all I
- have, Mr. Chair.
- 23 CHAIRMAN HONIGBERG: Mr. Pappas.

1	CROSS-EXAMINATION
_	CROSS-EXAMINATION

- 2 BY MR. PAPPAS:
- 3 Q. Good afternoon, folks. I'm Tom Pappas. I
- 4 represent Counsel for the Public.
- 5 Mr. Robertson, let me start with you.
- 6 A. (Robertson) Sure.
- 7 Q. And what I want to ask you first is some
- questions about your testimony regarding the
- 9 impact of the Project on town infrastructure,
- and specifically roads.
- 11 A. (Robertson) Certainly.
- 12 Q. Do you have something on the screen in front
- of you?
- 14 A. (Robertson) I do.
- 15 Q. Okay. This is Bates Stamp 67697 from
- Applicant's Exhibit 200. And it is the
- 17 Alteration of Terrain Permit application
- 18 plans. And this is where it starts in
- 19 Deerfield. Do you see the
- 20 Deerfield-Allenstown line?
- 21 A. (Robertson) I do.
- 22 Q. And the first road here that is in Deerfield
- is the Mount Delight Road. Do you see that?
- 24 A. (Robertson) I do.

- Q. And it's showing access, two access points
 from Mount Delight Road in Deerfield. Do you
 see that?
- 4 A. (Robertson) I do.
- 5 Q. What kind of road is Mount Deerfield Road.
- 6 Is that a town road?
- 7 A. (Robertson) Mount Delight Road is a town
 8 road, a fairly bumpy town road in fairly poor
 9 condition. Unlined, basic rural road.
- 10 Q. Okay. Approximately how wide is the road?
- 11 A. (Robertson) Oh, I would say it's probably a
- two-rod road. I don't know the exact width.
- And depending which sections were done by
- which road agent, there's probably some
- 15 variation.
- Q. Do you know the width and the area where the access points are located on this map?
- 18 A. (Robertson) I do not know the exact width. I
- would say that two cars can comfortably pass.
- 20 A large truck and a car might have some
- 21 difficulty.
- 22 Q. Okay. Do you know whether currently there is
- any kind of access to the right-of-way at the
- location where it's shown on the map?

- 1 A. (Robertson) There are probably some ATV wheel
- 2 marks, maybe some dirt bike wheel marks.
- That's a very hard scrabble, ledgy area with
- 4 some low-growing brush there.
- 5 Q. Okay. So would I be correct in saying that
- if the Project were going to use this area to
- 7 access the right-of-way with large
- 8 construction vehicles, such as cranes and
- 9 Redimix trucks, bulldozers and so forth,
- they're going to need to create access?
- 11 A. (Robertson) There would need to be
- considerable work done. I'm certainly not an
- engineer, but I am familiar with that area.
- 14 And right now that's probably best accessed
- by four-wheel-drive, ATV-type vehicles.
- 16 Q. Okay. What's on the screen now is Bates
- 17 Stamp 67701 from Applicant's Exhibit 200.
- 18 And this is, I believe, Thurston Pond Road
- 19 that Ms. Hartnett was recently talking about;
- is that correct?
- 21 A. (Robertson) That appears to me to be Thurston
- 22 Pond Road, yes.
- 23 Q. Okay. And Ms. Hartnett, do you know the
- 24 proximate width of the road where the Project

- is showing two access points off this road?
- 2 A. (Hartnett) I do. The best image is if one
 3 car is coming, another car needs to pull over
 4 if it's in the other direction.
- Q. And currently -- well, let me ask this
 question: What's the topography like where
 the road meets the right-of-way on either
 side of this road?
- 9 A. (Hartnett) It's very flat.

- 10 Q. Okay. And currently, is there access to the
 11 right-of-way? In other words, is there any
 12 road in that location going on the
 13 right-of-way, either side of the road?
 - A. (Hartnett) To the west there's a gate, and that's because there used to be uncontrolled ATV access. In a pitched battle over about eight years, that ATV access stopped, through a combination of adding rocks to the wall and replacing the gate once when it was broken in. So now there is no more access road there. The area that's all in yellow was completely disturbed by the ATV traffic and has completely changed the character of the wet in that area.

- 1 Q. What's on the screen now is Bates Stamp
- 2 677027, Applicant's Exhibit 200. And it
- 3 shows Haynes Road. Do you see that?
- 4 A. (Robertson) I do.
- 5 Q. And again we see two access points to the
- f right-of-way proposed in this area. Do you
- 7 see that?
- 8 A. (Robertson) I do.
- 9 Q. Is Haynes Road a town road?
- 10 A. (Robertson) Haynes Road is a town road.
- 11 Q. What kind of road is Haynes Road? Describe
- 12 it.
- 13 A. (Robertson) Well, I live on Haynes Road. And
- it's very narrow. It's paved, but a small
- 15 country road, again unlined. Two passenger
- 16 vehicles can pass on the road. But it's
- 17 quite narrow with, as mentioned, no lines, in
- 18 relatively bumpy, cracked asphalt shape.
- 19 Q. And how about the topography of the
- 20 right-of-way in the area shown to potential
- 21 access?
- 22 A. (Robertson) Right at roadside it's flat. It
- becomes rolling probably within a hundred
- yards on each side of the road.

- 1 Q. Okay. What's on the screen now is Bates
- 2 Stamp 67703 of Applicant's Exhibit 200. And
- 3 this is Lang Road. Do you see that?
- 4 A. (Robertson) I do.
- 5 Q. And is that a town road?
- 6 A. (Robertson) It is a town road that becomes
- 7 discontinued at a certain point.
- 8 Q. Okay. And again you see potentially two
- 9 access points?
- 10 A. (Robertson) Yes.
- 11 Q. Describe the town road for us in the area of
- the access points.
- 13 A. (Robertson) The town road has been
- 14 discontinued by the access points. Trying to
- get my bearing here. Yeah, on the south
- 16 side, the right-of-way falls away downhill at
- a fairly steep angle. There's not as much
- slope certainly on the opposing side.
- 19 Q. Now, you said the town road was discontinued.
- Is it discontinued before it gets to the
- 21 right-of-way?
- 22 A. (Robertson) It is. In fact, if you look at
- this residence that you can see sort of
- slightly right of center, you can see a long

- dirt driveway.
- 2 Q. Yes.
- 3 A. (Robertson) The road pretty much discontinues
- 4 after that driveway. It's still used heavily
- as a recreational route. People hunt, hike,
- fish, walk their dogs there.
- 7 Q. But they don't drive their cars down the
- 8 discontinued road?
- 9 A. (Robertson) They cannot. There is a bridge
- that I believe has a plank or two across it
- for the benefit of snowmobiles, but it
- certainly would not support a vehicle of any
- 13 sort.
- 14 Q. Okay. What's on the screen now is Bates
- 15 Stamp 677057 of Applicant's Exhibit 200. And
- this shows Church Street. Do you see that?
- 17 A. (Robertson) I do.
- 18 Q. And Church Street is a town road?
- 19 A. (Robertson) It is.
- 20 Q. And that's the town road that goes through
- the center of town; correct?
- 22 A. (Robertson) That goes through what we
- consider the historic center of town, yes.
- 24 Q. And I think the Committee has gone down it a

- few times, so they know the condition of that road.
- Now, here on the screen is Bates Stamp

 67706 that shows Route 43. Do you see that?
- 5 A. (Robertson) I do.
- 6 Q. Now, that's a state highway; is that correct?
- 7 A. (Robertson) That is a state highway referred to as "North Road" in Deerfield.
- 9 Q. Okay. What's on the screen now is Bates
 10 Stamp 67707 which shows Mountain Road. Do
 11 you see that?
- 12 A. (Robertson) I do.
- 13 Q. Is Mountain Road a town road?
- 14 A. (Robertson) Mountain Road is a town road.
- Q. And describe that road for us in the area
 where it's showing a potential access point
 to the right-of-way.
- A. (Robertson) That is a paved residential

 street, unlined, very narrow, the same size

 dimensions as I've referenced for previous

 roads.
- Q. All right. What's on the screen now is Bates
 Stamp 67709 of Applicant's Exhibit 200. And
 this shows Nottingham Road. Do you see that?

- (Robertson) I do. 1 Α.
- 2 0. And is Nottingham Road a town road?
- (Robertson) It is. 3 Α.

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And the Committee has gone down Nottingham 4 0. Road because this was on one of the site 5 visits to look across that pond. 6 So I think the Committee's familiar with that road.

Is this a fairly heavily traveled road in town?

- (Robertson) Well, it's more heavily traveled 10 Α. 11 than you might expect, because as the name implies, it connects Deerfield to Nottingham. 12
- Folks that commute to the seacoast, to 13 14 Durham, that area, which there are quite a 15 number of in Deerfield, use this road
 - Q. And you can see there are two potential access points, one of which is close to the pond, and the other one's across the street. Do you see that?

certainly as a commuting road to cut east.

- 21 Α. (Robertson) I do.
- 22 Okay. What's on the screen now is Bates 0. 23 Stamp 67710 of Applicant's Exhibit 200. 24 shows Cate Road. Do you see that?

- 1 A. (Robertson) I do.
- 2 Q. Is Cate Road a town road?
- 3 A. (Robertson) Cate Road is a town road.
- Q. And it's shown with two potential access points. Do you see that?
- 6 A. (Robertson) I do.

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- Q. Can you describe Cate Road in the area of the access points for us?
- 9 A. (Robertson) Sure. It is a paved road there.

 10 Cate Road is essentially a paved road until

 11 it approaches the substation that the lines

 12 plug into, and then it becomes a dirt road.

CHAIRMAN HONIGBERG: Mr. Pappas, couple things. What exactly are we doing here? What is the endpoint of these questions about the map which we can look at and you're asking them to describe?

MR. PAPPAS: His testimony related to potential damage to town roads and impact on town infrastructure roads. I'm having him identify all the town roads and the condition of the roads, and then I'm going to circle back and ask him about his concerns about damage to the roads in these areas. So I

	167
1	thought it would be helpful for the Committee to
2	know what town roads we're talking about and the
3	current condition of the town roads.
4	CHAIRMAN HONIGBERG: How many
5	more are there?
6	MR. PAPPAS: Three, four. You
7	want me to do it in a summary manner? There are
8	four more.
9	CHAIRMAN HONIGBERG: Sure. Ask
10	him about the roads in one question.
11	How much more questioning do
12	you have for these witnesses? We're trying
13	to plan some other things now.
14	MR. PAPPAS: Probably about maybe
15	40 minutes, at most.
16	CHAIRMAN HONIGBERG: All right.
17	So do the wrap-up question on this topic, come
18	to break point on topics, then we're going to
19	take a break and we'll talk about the schedule
20	for the rest of the day.
21	MR. PAPPAS: Okay.
22	BY MR. PAPPAS:
23	Q. So, Mr. Robertson, let me just ask you.
24	There's another access point on Nottingham

- 1 Road which you just talked about. There's an
- access point on Mountain Road. Is that a
- 3 town road?
- 4 A. (Robertson) Yes, it is.
- 5 Q. And just briefly tell us the condition of
- 6 Mountain Road.
- 7 A. (Robertson) Depending which section you're
- 8 on, I believe in that section Mountain Road
- 9 is paved. Mountain Road is a paved, small
- 10 country road that becomes gravel at a certain
- point and actually dead ends in a swamp.
- 12 Q. And the last road is Reservation Road. Are
- you familiar with that road?
- 14 A. (Robertson) I am familiar with Reservation
- Road.
- 16 Q. Is that a town road?
- 17 A. (Robertson) It is a town road, yes.
- 18 Q. What's the condition of that road?
- 19 A. (Robertson) Again, it's a small paved road
- that eventually becomes dirt. That is a
- 21 direct access to the Deerfield end of
- 22 Pawtuckaway State Park. It also provides
- access to a federal learning facility.
- 24 Q. Okay. So we've now reviewed nine town roads

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where the Project has proposed to have
1
2
         access, and we've seen -- or I'll represent
         to you there are 20 access points. We saw a
3
         lot of them. We didn't see the last couple.
4
         And there's been testimony, and you can see
5
         it on the maps that there will be over 80
6
         towers constructed in Deerfield, and there
7
         will be a similar number of towers relocated.
8
         And there's been lots of testimony about the
9
         types of construction vehicles that will go
10
11
         on and off the right-of-way. You were
12
         concerned about damage to town roads.
         let me just -- before I get there, I want to
13
         do two other things that relate to this.
14
15
              What's on the screen now is Counsel for
16
         the Public Exhibit 649. Do you see that?
17
    Α.
         (Robertson) I do.
         That's the Deerfield Driveway-Road Cut
18
19
         Regulations; correct?
20
         (Robertson) Yes.
    Α.
         Now, would I be correct in saying that
21
    Q.
22
         Deerfield -- that if the Project had to come
23
         to Deerfield, for all those 20 access points
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they would have to comply with these

- 1 regulations?
- 2 A. (Robertson) I would certainly hope they would.
- Q. And Deerfield has a process for which someone applies for a permit for a driveway cut; correct?
- 7 A. (Robertson) They do.
- 8 Q. And on the screen now is Counsel for the 9 Public Exhibit 650. This is a copy of the 10 Permanent Driveway Application. Do you see 11 that?
- 12 A. (Robertson) I do.
- 13 Q. Now, would the -- whether the access point is
 14 a temporary access point or a permanent
 15 access point, would the Town prefer that the
 16 Project go through the permit process so that
 17 the town can review the proposed access for
 18 safety and the other things the Town reviews
 19 it for?
- 20 A. (Robertson) In my opinion, the Town would
 21 prefer that.
- Q. So, with respect to the driveway regulations and the permit process, if the Subcommittee were to grant the Project a permit, would the

L	Town like to see a condition that would
2	require the Project to go through the
3	Deerfield driveway application process and
4	get the 20 access points reviewed by the
5	Town's engineer and whatever the Town does to
5	ensure safety and the other items?

- A. (Robertson) Yeah, this is not a question that my board has taken up formally. But as a selectman in Deerfield, I would certainly think that we would appreciate that.
- Q. Yup. Now, your testimony described potential damage to town roads and the concern of damage to town roads. The Committee's already heard testimony about potential damage, and particularly damage at access points, so I don't need to review that again. I think they understand what your concern is.

So my question is simple: If the Project were to receive a permit, would Deerfield like to see a condition that requires the Project to restore any damage to any town roads to a condition that is satisfactory to the Town?

A. (Robertson) I think obviously the Town would

(Robertson) Another concern that's not being

172

- 1 favor that. Can I mention one other?
- 2 Q. You may.

3

19

Α.

mentioned here, that is a concern to the 4 Deerfield Board of selectmen because we've 5 been through it a couple times before, it's 6 not just the access points to the line. 7 are also concerned about the substation. 8 When components are brought into the 9 substation, they're extremely large, 10 11 extremely heavy. And they travel at least initially on state roads, but they do 12 eventually end up on Deerfield town roads. 13 We've been advised that there will be a 14 15 large, heavy component arriving for the 16 substation in 2018, which I don't believe has 17 anything to do with NPT. But there's certainly an expansion plan for the 18

gone through this process before, typically
the components for the substation that we've
seen, transformers, move at a very slow rate

of speed, tie up the center of town for

23 Of Speed, the up the tenter of town for

hours, if not days, and certainly have the

substation as a result of NPT. When we have

- potential to wreak havoc on old, fragile
 roads. And that is a concern of the Town of
 Deerfield, as well as access points to the
 line for construction.
- Q. That segues into my final questioning on this topic, which is your testimony about significant disruption of travel for residents. Do you recall that part of your testimony?
- 10 A. (Robertson) I do.

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- Now, we reviewed the nine town roads, and you 11 0. described most of them as pretty narrow 12 roads, some extremely narrow roads. 13 14 there's going to be very large construction 15 vehicles traveling on those roads and 16 certainly going on and off the right-of-way. 17 Just very briefly tell us, based on your experience, the concern for traffic in town. 18 What is your concern? 19
 - A. (Robertson) Well, depending where you live in Deerfield, there may not be a road that allows you to detour easily around a road shutdown, or heavy work that causes large delays. Mount Delight Road and Nottingham

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Road in particular are heavily used by
1
         commuters in the morning for both work and
2
         for school. Mount Delight Road is the major
3
         access point that students in Deerfield use
4
5
         to get to Concord, which is our high school
         of choice. And as I mentioned, Nottingham
6
7
         Road is used heavily by commuters in the
         morning headed towards the seacoast as well.
8
         And significant -- you know, any shutdown or
9
         blockage of those roads at particular times
10
11
         during the day could certainly cause a
         hardship for our population.
12
                         MR. PAPPAS: This is probably a
13
14
         good time for a break.
15
                         CHAIRMAN HONIGBERG:
                                               So we're
16
         going to take a ten-minute break. Go off the
17
         record.
                (Discussion off the record)
18
19
                         CHAIRMAN HONIGBERG:
                                              All right.
20
                         Mr. Pappas, whenever you're
21
         ready.
22
                         MR. PAPPAS:
                                      Thank you, Mr.
23
         Chairman.
    BY MR. PAPPAS:
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- Q. Mr. Robertson, let me just ask you a couple questions on your testimony regarding orderly development of the region.
 - Now, in your prefiled testimony you stated that the Northern Pass Project will have an undue influence on the orderly development of Deerfield. Do you recall that?
- 9 A. (Robertson) I do.

- Q. Did anyone on behalf of the Project meet with the Deerfield Board of Selectmen to discuss the Board of Selectmen's view about the Project's impact on orderly development?
 - A. (Robertson) I don't remember a specific meeting to address that question. But in all fairness, I can say that I know there has been contact with our legal representation and that we've received some correspondence.
 - Q. But apart from contact with your legal representation, I want to know whether or not -- well, let me ask it this way first:

 Did anybody from the Project ever approach you to ask about your view of the Project's impact on orderly development?

- A. (Robertson) To the best of my knowledge, the
 Board of Selectmen was not approached
 physically, no, with that question.
- Q. Okay. And was the board of selectmen ever asked to provide in written form, from the board to the Project, the board of selectmen's view on whether the Project would interfere with orderly development?
- 9 A. (Robertson) Again, I don't remember that
 10 question being physically put to us at a
 11 meeting. But that may well have been
 12 conveyed through our attorney or through
 13 written material.

- Q. Well, I'm not talking about in this proceeding. I'm talking about outside this proceeding. So am I correct that you're not aware of the Project asking the board of selectmen for its view on orderly development?
- A. (Robertson) And fully understanding that this is outside this proceeding, I don't recall that physical request coming up at a selectmen's meeting. But I wouldn't rule out that even outside of this proceeding our

- legal representation may have received some communication.
- Q. Okay. Earlier this afternoon there was a -
 I believe it was earlier this afternoon -
 there was an exhibit that indicated a board

 of selectmen discussion in a 2016 meeting

 regarding the Project's potential impact on

 tourism. Do you recall that exhibit?
- 9 A. (Robertson) I recall the exhibit, although I
 10 don't know that it was specific to tourism.
 11 I think it was more along the lines of
 12 economic impact.
- 13 Q. Okay. Were you on the board in 2016?

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- 14 A. (Robertson) Oh, yes. I've been on the board
 15 forever.
- Q. Let me ask it this way: Has the board
 discussed since 2016 -- well, let me back up.

In 2016, did the board specifically discuss the Project's potential impact on tourism, or was it a broader discussion about economics?

A. (Robertson) I believe the discussion arose over the prefiled testimony and economic impact to the town.

Q. And has the board taken, as a board, a position on that issue, whether or not the Project would have any impact on tourism or economics in the town?

A. (Robertson) We certainly didn't make a motion and adopt a statement for the board. But I can give a little bit of rationale behind our reasoning there. And right from the get-go, I would exclude real estate. I think the board has clearly recognized that there could be an impact on residential home sales and property sales in the real estate market, particularly for property, you know, bordering or well within site of the proposed line.

In regard to tourism, when the board looked at economic impact, we looked at basically what Deerfield has for retail offerings and tourist offerings. Deerfield is a very small town. We have a store with a gas pump, we have a store without a gas pump. We've got a couple places you can buy lunch. We've got some gravel pits. We don't have hotels, motels. We used to have a

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campground; we don't anymore. The board was looking at the general economic nature of the town and not seeing an immediate economic impact with regard to retail primarily. And again, I would note that we did recognize that there would likely be some sort of impact with regard to real estate sales.
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Q. Okay. Thank you.

Ms. Hartnett, let me ask you a few questions, and first start with the issue of orderly development. Now, your testimony indicates the Deerfield Planning Board believes that the Northern Pass Project would unduly interfere with the orderly development in Deerfield; correct?

- A. (Hartnett) Yes, and I think it was also reflected in the supplemental, which included the conservation commission and select board.
- Q. What is the prevailing land use in Deerfield,
 or what is the prevailing development in
 Deerfield?
- 22 A. (Hartnett) Can you rephrase the question?
 - Q. Sure. On the subject of whether it interferes in the orderly development of

- Deerfield, I want to know what is the current development of Deerfield. What is the current prevailing development that would be interfered with, if you will?
- 5 A. (Hartnett) I'm going to put my planning board hat on to answer that question.
- 7 Q. Sure.

A. (Hartnett) And let me just say I've been on the planning board for 26 years and on the conservation commission for 30. None of this stuff happens fast.

The master plan focus on rural character will only get implemented by the way we do our zoning. We have one agricultural-residential zone in 52 square miles. That's it. The whole town is zoned agricultural-residential. Unlike other towns that have different zones you've seen in different places -- I mentioned in Bedford and Londonderry, they have, you know, commercial, industrial, that kind of thing -- we don't have that. We have a very unusual approach guided by the master plan. And so we have that agricultural-residential zone.

We have four resource protection overlays that apply across the whole town. And that has -- if you want to know, I can tell you, but you may not care. And three overlays for the built environment: Business, senior housing and wireless. We have mandatory open space, subdivision requirements for anything over four acres, which is a major subdivision. So, anything big that's built has to be built in a much smaller area and connect the open space around it, connect it to a larger town-wide vision, which is our open space network that connects those three state parks east, west and north of us.

So, the other thing that is very distinctive is that I think we qualify as a rural town because we've got a mix of land uses. We don't put everything, all residential in one place, all commercial someplace else. It's all mixed up because of those overlays. We have mixed incomes, we have mixed ages. Deerfield has not really gone the route of some towns to the south where things have gone much more into little

- pockets. We're still very integrated as a
 town. So you can have a residential
 subdivision next to an individual home, and
 you can have a business right next to that,
 as long as it meets the overlay requirements.
- Does that help get to your answer?

 Now, earlier this afternoon
 - Q. Yeah. Now, earlier this afternoon you testified that Deerfield has linked all of its land use regulations and planning documents to maintain a rural character.
- 11 A. (Hartnett) Yes.

- Q. And so that rural character, is that the type of overall development that Deerfield looks to promote?
 - A. (Hartnett) Yeah. And it's in the guiding principles, our vision, our goals. I can site specific pages. It's examples of things like controlling growth and development to keep it in line with existing character.

 That's our guiding principle on Page 6. In the Deerfield Open Space Plan on Page IX, which is Page 9, sustaining rural character where homes, businesses, services and recreation are set within a functioning

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network of wildland, managed forests and
1
2
         working farms. Open spaces is a significant
         component. We're fitting development into a
3
         larger natural environment, and that is our
4
5
         50-year vision in our open space plan.
         Okay. Well, let me ask you just a couple
6
    Q.
7
         questions about that open space plan.
              So on the screen now is Counsel for the
8
         Public's Exhibit 651, which is the cover page
9
         to the Town of Deerfield's Open Space Plan,
10
11
         dated August 2010. I assume you're familiar
         with this document.
12
         (Hartnett) I am.
13
    Α.
         Okay. What's on the screen now is Map 4,
14
    Q.
15
         entitled "Deerfield Open Space Plan" from
16
         that larger document. Do you see that?
17
    Α.
         (Hartnett) Yes.
         Okay. Now, as I understand it, this shows
18
    Q.
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A. (Hartnett) Conservation is in dark green.

The stuff in light green is our 50-year plan to connect Bear Brook, Pawtuckaway, North

Woodstock Meadows.

conservation land in Deerfield; is that

right? Conservation is shown on that map?

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Q. Okay. So, in your testimony, when you talk about the "green infrastructure," is that what you were referring to, the plan to connect all these things as shown in the light green?

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- A. (Hartnett) Yeah. Open space network is kind of a skeleton of natural lands. And our goal is to fit development within that skeleton.
- Q. So does this map show what Deerfield seeks to do in terms of orderly development, as you said, over your 50-year plan in the context of the rural character you've described?
- 13 A. (Hartnett) That's our goal. And our tools

 14 are the zoning, subdivision, site plan

 15 review.
- 16 Q. I take it that its your view that the
 17 Northern Pass Project would unduly interfere
 18 with your goals in what you seek to do with
 19 the orderly development in the next umpteen
 20 years.
 - A. (Hartnett) Yes, because right now the natural landscape is the dominant character in Deerfield. And for many reasons already discussed, major infrastructure would make

- the built infrastructure, the built presence
 much more dominant in town.
- Q. Okay. Now, did Mr. Varney come and meet with the Deerfield Planning Board to discuss the Planning Board's view of the Project?
- 6 A. (Hartnett) He did not.
- 7 Q. Did Mr. Varney come and meet with the
 8 Deerfield Planning Board to discuss your open
 9 space plan and your vision for orderly
 10 development in Deerfield over the next 20,
 11 30, 50 years?
- 12 A. (Hartnett) He did not. And may I add, very
 13 respectfully, that the review of the master
 14 plan and the zoning was more an inventory of
 15 what we have rather an analysis of how we use
 16 it.
- 17 Q. You're referring to Mr. Varney's inventory?
- 18 A. (Hartnett) Yes.
- Q. Did anybody from the Project meet with the
 Deerfield Planning Board to discuss the
 Project's impact on the orderly development
 in Deerfield?
- 23 A. (Hartnett) Well, there was one meeting with
 24 Northern Pass representatives in 2012, I

believe, in May, which the planning board had it on the agenda to discuss Northern Pass at that time. And one of the residents in town who was an employee asked to be included in that, and ultimately when we met in May brought some representatives from Northern However, when you review the minutes of that meeting, they didn't really ask any questions. And the questions we asked them, mostly they said they'd get back to us, and never did. Similarly, we invited Northern Pass to a conservation commission meeting in January 2016. Kind of the same thing. was really around how impossible the Application was to access, to understand what we're looking at.

Q. Thank you. Let me ask you a few questions about your environmental concerns that you talk about in your prefiled testimony.

Now, you testified that the Project only assessed the impacts to wetlands within the right-of-way; correct?

A. (Hartnett) Correct.

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Q. And you also testified that the Northern Pass

- Project will impact wetlands outside of the right-of-way; correct?
 - A. (Hartnett) We believe so.
- Q. And we heard testimony earlier this afternoon about the wetlands being a system beyond the right-of-way boundaries. Did you hear that testimony?
- 8 A. (Hartnett) Correct.

- 9 Q. Do you know the amount of wetlands, either in
 10 terms of acreage or some quantification,
 11 outside the right-of-way that will be
 12 adversely impacted by the Project?
- A. (Hartnett) I don't think there's any way to

 make that calculation right now. It's

 dependent on a lot of other things about the

 practices and work within the right-of-way.
- Q. Okay. By that, do you mean it's dependent on how the construction is done and whatever

 Best Management Practices are employed?
- 20 A. (Hartnett) In terms of surface water impacts,
 21 yes. In terms of ecological impacts, it's a
 22 much broader question.
- Q. Okay. Can you give us some sense of the magnitude, if you will, or some sense of what

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the impacts might be outside of the right-of-way, whether it's to wetlands or to habitats outside it? I want to get some sense of impact outside the right-of-way because you and others have testified that there will be impacts outside of the right-of-way.
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A. (Hartnett) Right. Well, certainly we have both the substation and the right-of-way.

And as someone who looks at things as integrated systems, I certainly know that that level of activity, no question, will influence the wildlife.

I can tell you that on December 4th I found a painted turtle hatchling moving from its nest to water, just a few weeks ago. And I saw a painted turtle swimming in a beaver pond on November 26th. I think the discussions of BMPs and restrictions don't imagine that level of activity by species that could include Blanding's and wood turtles. We heard the recording from the vernal pool of wood frogs and spring peepers. The level of activity in that area could

- certainly interrupt that. Surface water
 quality issues, we've seen some examples both
 within the right-of-way and outside, based on
 previous work by a utility in Deerfield. Is
 that the kind of thing you're meaning?
- 6 Q. Yes.

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- 7 A. (Hartnett) Okay.
- 15 A. (Hartnett) I do.
 - Q. And we've heard earlier testimony about the number of towers and the number of relocated towers and, you know, the existence of wetlands and vernal pools and steep slopes and access points and so forth. Do you have -- and the potential for multiple crews to be working at the same time.

Do you have any sense or view in terms of how many environmental monitors would be

- necessary to even adequately or properly
 monitor Deerfield, let alone the rest of the
 Project?
- (Hartnett) I've thought about that a lot. 4 Α. I don't have any way at this point of 5 calculating it. I'm extremely uncomfortable 6 with the concept given the stretched 7 8 resources of DES, given the testimony you've heard from others, including Ray Lobdell and 9 Rick Van de Poll, about the realities about 10 11 how hard things are in the field. I can't imagine a project of this scale not causing 12 significant ecological damage to both 13 wildlife and natural resources. We just 14 15 aren't scaled up to do this.
 - Q. Do you believe that the Deerfield

 Conservation Commission should be involved if
 the Project were to receive a permit and move
 forward with construction? And I mean to be
 involved in either monitoring or somehow -the monitoring or protecting, if you will,
 the various environmental issues in
 Deerfield?

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A. (Hartnett) You know what? That's a question

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no one's ever asked. So this is right off
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2
         the top of my head. Haven't talked to the
         conservation commission. I think we would be
3
         way out of our league. From my understanding
4
         in talking to Ray Lobdell and other
5
         environmental monitors, it's a specialized
6
7
         field.
                 It needs expertise. What Jeanne
8
         Menard mentioned about what happens if you
         find a species, there's a whole set of
9
         protocols. This is a very difficult area.
10
11
         It's not for amateurs.
         Okay. Finally, let me just ask you some
12
         questions about one of the Deerfield case
13
14
         studies that's in your last prefiled
15
         testimony, and it's Case Study No. 4
16
         regarding the North Road area near the
17
         right-of-way. Do you recall that case study?
```

19 O. Sure.

Α.

18

20 A. (Hartnett) Give me a minute. I'm on case
21 No. 5. Do you have the page number for that?
22 Oh, I found it, Case Study No. 4.

(Hartnett) Let me pull it up, please.

Q. Thank you. Now, that is in the North Road area; is that right?

- 1 A. (Hartnett) Yes.
- Q. And that's near the right-of-way?
- 3 A. (Hartnett) It's actually crossed by the
- 4 right-of-way.
- 5 Q. Okay. Do you know what that parcel was used
- for most recently? Your testimony talks
- about a complaint about a two and a half to
- 8 three acres being disturbed earlier this
- 9 year, and that's discussed in your case
- 10 study.
- 11 A. (Hartnett) Right.
- 12 Q. And it talks about storing 2,000 to 7,000
- timber mats.
- 14 A. (Hartnett) Right.
- 15 Q. Are you aware of any project in the Deerfield
- 16 area currently going on that would require
- 17 this number of timber mats?
- 18 A. (Hartnett) Well, actually, that's a curious
- 19 question. As I understand it, not related to
- 20 Northern Pass, there's an Eversource utility
- 21 maintenance project happening immediately
- adjacent to the substation. But I think the
- timber mats for that are coming from
- 24 Massachusetts.

- Q. Your prefiled testimony was filed in April of this year, and it describes what was observed on this site. Are you aware today of any
- 4 additional activity on this site since April
- of 2017?
- 6 A. (Hartnett) No.
- 7 Q. Has anything been submitted to the Deerfield
- 8 Planning Board regarding activity on this
- 9 site?
- 10 A. (Hartnett) No.
- 11 Q. Has anything been submitted to the Deerfield
- 12 Conservation Commission regarding activity on
- 13 this site?
- 14 A. (Hartnett) No.
- 15 Q. Mr. Robertson, has anything been submitted to
- 16 the board of selectmen regarding activity on
- 17 this site?
- 18 A. (Robertson) No, not that I'm aware of.
- 19 Q. Do either of you know what the activity on
- this site relates to, other than what's in
- 21 the prefiled testimony, which is two and a
- half to three acres was disturbed and there
- are a lot of timber mats being stored?
- 24 A. (Robertson) I do not.

194 (Hartnett) No. 1 Α. 2 Q. Okay. 3 MR. PAPPAS: Thank you. I have no other questions. 4 CHAIRMAN HONIGBERG: 5 And we previously established that there was no other 6 7 intervenor group that had questions for this 8 panel; correct? 9 MS. HARTNETT: Excuse me, Mr. Chair. 10 11 CHAIRMAN HONIGBERG: Yes, Ms. 12 Hartnett. MS. HARTNETT: 13 I'm sorry to 14 interrupt you. I just remembered something I 15 wanted to add in response to Mr. Pappas. May I 16 do that now? 17 CHAIRMAN HONIGBERG: Oh, why not. MS. HARTNETT: I'll be brief. 18 19 When you showed the open space plan, that is 20 work we've been working on for a long time. 21 very proud of it. I neglected to mention that 22 as part of this process in relation to a data 23 request, I did get letters from six residents of 24 Deerfield who have been involved in

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195
         conservation, who said that if this project
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         comes through, they're a lot less interested
2
         because the character of that open space network
3
         is severely compromised. That's in the data
4
         request. I don't know if it's in the record.
5
                                                          I
         don't know how to find it. But I could get
6
7
         those letters if you need. I thought it should
8
         fit within that. I'm sorry I forgot it.
                         MR. PAPPAS: Well, thank you for
9
         that addition.
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11
                         CHAIRMAN HONIGBERG:
                                              Mr.
         Dumville.
12
13
                       CROSS-EXAMINATION
    BY MR. DUMVILLE:
14
15
         Good afternoon.
    0.
16
         (Robertson) Good afternoon.
    Α.
17
    0.
         Good afternoon. My name's Adam Dumville, and
         I represent the Applicants. I believe we've
18
         all met at the technical session the last
19
20
         time.
21
              Mr. Robertson, you've been a member of
22
         the board of selectmen since approximately
23
         2000; is that correct?
         (Robertson) Yeah, that's about right.
24
    Α.
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- Q. So you've been a member of the board since the Project's inception?
- 3 A. (Robertson) Yes.
- MR. DUMVILLE: Okay. Dawn, can
 you please pull up Applicant's Exhibit 470,
 please.
- 7 BY MR. DUMVILLE:

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- Q. Applicant's Exhibit 470 is a summary of theoutreach that the Applicants have conducted.
- Ms. Hartnett, Mr. Pappas was just asking
 you if Mr. Varney had reached out to the
 planning board, and you said that he had not;
 is that correct?
- A. (Hartnett) That's correct. I think there was
 one letter or memo that he described a
 telephone conversation. And then in our
 supplemental testimony there are two letters,
 one from Mr. McGarry and one from Mr. Coogan,
 addressing that memo.
 - Q. So you would agree, then, that on August 24, 2015, on Page 2 over here, "Project Representative made phone call to town officials," would it surprise you that that was actually, in fact, Mr. Varney reaching

[WITNESS PANEL: ROBERTSON|HARTNETT] 197 1 out to Mr. Coogan and Mr. McGarry, the planning board chair? 2 (Hartnett) It would. 3 Α. MR. DUMVILLE: Okay. Dawn, may I 4 5 have the ELMO, please? BY MR. DUMVILLE: 6 7 I'm pulling up Applicant's Exhibit 477, which 8 is a memo written by Mr. Varney. And as you can see here, this is regarding a phone call 9 that Mr. Varney had with Mr. Coogan and Mr. 10 11 McGarry discussing land use planning in the town of Deerfield. 12 (Hartnett) Oh, yeah, I'm familiar with this 13 Α. 14 I didn't realize that's what you were memo. 15 talking about. 16 Okay. So you're aware Mr. Varney had sought 17 input from the town of Deerfield. Ms. Hartnett, you also said that you had 18 invited Northern Pass to meet with the 19 conservation commission to discuss the 20 21 Application in January of 2016. Do you 22 recall saying that? 23 (Hartnett) I do. But may I follow-up on

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this?

- Q. You can certainly do so on redirect. But I'm asking you about your invitation to meet with the conservation commission in January of 2016.
- 5 A. (Hartnett) Right.

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- Q. And you said Northern Pass had not followed up on that meeting to Mr. Pappas a minute ago?
- (Hartnett) What happened was that -- let's 9 Α. 10 There was a phone call with somebody 11 from Burns & McDonnell with me to give me some information on wetlands impacts. 12 then, much later, I don't know, maybe in the 13 14 summer, we got a letter from Normandeau 15 describing how to read the wetland 16 application.
- MR. DUMVILLE: Dawn, can you

 please go back to Applicant's Exhibit 470?

 BY MR. DUMVILLE:
 - Q. At the top of the right page here,

 "January 11, 2016, meeting with conservation

 commission to discuss the project wetlands

 application." Were you aware of that

 meeting?

- A. (Hartnett) Yes, I was there. In fact, I think we invited him to that one.
- Q. So I'm confused. You said that you had invited Northern Pass to a meeting and they declined to attend to discuss the wetlands application.

A. (Hartnett) No, no. I said we invited them -there was one meeting with the conservation
commission. I'm sorry. If there was -- if I
caused confusion. I could have
misrepresented what I was trying to say.

But let me restate that in January of 2016, several representatives -- and I could look them up for you if I have a moment -- attended the conservation commission meeting. We also had representatives there from the Lamprey River Advisory Committee. We had an extensive discussion about the difficulty of accessing the wetlands information. I got a call from Mr. Tinnus, that's who it was, who sent me, I think it was him, sent me a one-page summary of wetlands impacts.

Q. Okay. I just wanted to make sure we were on the same page about --

- 1 A. (Hartnett) Yeah, I'm sorry about the
- 2 confusion on that.
- 3 Q. That's okay. And I apologize if that was my
- 4 mistake.
- 5 A. (Hartnett) No, there's a lot of --
- 6 A. (Robertson) She's trying to --
- 7 CHAIRMAN HONIGBERG: Take turns
- 8 apologizing to each other.
- 9 MS. HARTNETT: Sorry. I saw your
- 10 hand.
- 11 BY MR. DUMVILLE:
- 12 Q. So, also, Ms. Hartnett, in your testimony you
- had also cited some e-mails provided by Mr.
- 14 Coogan and Mr. McGarry that had stated that
- there was not a follow-up after the
- 16 August 24, 2015 meeting where they had sought
- 17 to discuss impacts of the substation. Do you
- 18 recall those e-mails?
- 19 A. (Hartnett) Well, I guess, yeah. The
- 20 confusion is that I thought the memo was from
- November of 2016. And in our supplemental we
- have two e-mails, one from Mr. Coogan and one
- from Mr. McGarry from March of 2017.
- 24 Q. Okay. In those e-mails it was represented

- that the Northern Pass Project did not follow
 up to discuss the substation expansion. Do
 you recall that?
 - A. (Hartnett) Well, the subject of those e-mails was more about the nature of the memo that you showed me previously.
 - Q. Okay. So we also see here on this outreach here, May 16, 2016, there was a meeting with the Deerfield Board of Selectmen specifically to discuss the Project substation expansion and address the board's question.

So you would agree with me this meeting was held after that memo that we were just discussing earlier; correct?

15 A. (Hartnett) Just give me a minute.

(Witness reviews document.)

A. (Hartnett) So the memo I have in my

possession for the Deerfield Planning and

Land Use conference call was from November 4,

2016, and I think what you showed me was

April. So that's the -- I'm still confused

from back there. I've got November 4th,

2016.

Q. Okay. The one I showed you a little while

- ago was from August 24, 2017, and now I'm
- asking you about the May 16, 2016 meeting.
- Were you aware that there was a meeting held
- 4 with the board of selectmen to discuss the
- 5 substation expansion?
- 6 Mr. Robertson, I believe you were at
- 7 that meeting; correct?
- 8 A. (Robertson) The May 16th meeting?
- 9 Q. Yes.
- 10 A. (Robertson) Yes, I remember that meeting
- well.
- 12 MR. DUMVILLE: And Dawn, can we
- 13 pull up Applicant's Exhibit 468, please.
- 14 BY MR. DUMVILLE:
- 15 Q. And Mr. Robertson, the topic of that meeting
- 16 was mostly to address questions about the
- 17 substation expansion; correct?
- 18 A. (Robertson) Yeah. The board of selectmen had
- 19 some concerns about the substation expansion.
- 20 We also had some concerns about a piece of
- 21 property that had been purchased along the
- lines. At one point, I believe it was at an
- 23 informational hearing at Deerfield
- 24 Fairgrounds earlier, a Project representative

had said that Public Service did not own property in that vicinity. We knew they did and were concerned that maybe there was some other proposed project we were not aware of for that piece of property.

We were also concerned about the substation. I believe an engineer came to our meeting under public pressure, to some extent. We made that meeting public. It was very well attended. I'm going to say there was probably in excess of 140 people there who, for the most part, voiced their opposition to the Project and offered supplemental questions to what the board of selectmen was interested in knowing.

- Q. And so there was some follow-up questions from that meeting; right?
- 18 A. (Robertson) That I don't recall. I'm
 19 assuming it's quite likely there were.
 - Q. Okay. I'm representing here that Applicant's Exhibit 468 is enclosing follow-up answers to questions that came about from that meeting.

 Do you recall that? And addressed to the chair as well.

- 1 A. (Robertson) I don't recall this specific
- 2 letter. But it looks quite likely it was in
- our correspondence file.
- 4 Q. Okay. And there's three extra pages in this.
- 5 MR. DUMVILLE: But Dawn, can we
- 6 just show those quickly?
- 7 BY MR. DUMVILLE:
- 8 Q. And those are responses to your questions?
- 9 A. (Robertson) Hmm-hmm.
- 10 MR. DUMVILLE: Dawn, can we GO
- 11 back quickly to Applicant's 470, please?
- 12 BY MR. DUMVILLE:
- 13 Q. Mr. Robertson, last topic I wanted to cover
- on the outreach summary is, as you see on the
- 15 left page here, on March 14, 2017, the
- 16 Applicant sent a letter offering to meet with
- 17 you to discuss the MOU. And you touched on
- 18 those issues with Attorney Whitley. Do you
- 19 recall that?
- 20 A. (Robertson) Yes, I do have some recollection
- of that.
- 22 Q. Okay. So I believe you testified, Mr.
- Robertson, that you had seen a boiler plate
- 24 MOU; correct?

- 1 A. (Robertson) Yeah, I have some familiarity
 2 with the boiler plate MOU.
- Q. Right. And it seemed vague. My question is:

 If there were specific concerns that the Town
 had, why didn't you address those or actually
 red-line the MOU and send it back to the
 Applicants?
- 8 A. (Robertson) Well, I guess this isn't
 9 particularly flattering, but I'll explain a
 10 little bit about being a selectman in a small
 11 town.

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Our community is very much opposed to the Project. For lack of a better explanation, I would say that the board of selectmen did not wish to be seen colluding or collaborating, for lack of better terms, with the Project and decided that it was not in our best interest to continue with a Memo of Understanding at that point in time.

- Q. And you're aware that the Memorandum of Understanding does not contain any requirement that the Town support the Project; is that correct?
- A. (Robertson) Vaguely aware of that. But

- again, I think the atmosphere that we were
 operating in, and operating in at the time,
 led us to believe that it was not in our best
 interest to look into a Memo of
 Understanding.
- Q. And you raised or discussed with Mr. Pappas
 some specific issues about road restoration.
 And he asked you if you would support a
 condition about having the Applicants restore
 local roads. That would have been also one
 of the topics in a Memo of Understanding that
 could have been addressed; correct?
- 13 A. (Robertson) That I don't know.
- Q. Okay. Well, that was actually in the boiler plate MOU that you referred to. Are you aware of that?
- 17 A. (Robertson) I don't have a distinct 18 recollection of that.

- Q. Okay. And so you have not actually red-lined the Memorandum of Understanding at all and sent that back to the Applicants; correct?
- 22 A. (Robertson) At this point in time, the board 23 of selectmen has not.
 - Q. Is the Town still interested in working with

- the Applicant if a certificate is granted to the Applicants?
- 3 A. (Robertson) I wouldn't rule out an interest.
- But I couldn't commit further than that.
- 5 Q. Okay. Ms. Hartnett, switching gears for one
- 6 second. I believe you were here for the
- 7 majority of the cross-examination of the
- 8 Applicant's construction panel; is that
- 9 correct?
- 10 A. (Hartnett) I was here for a lot of
- 11 construction, yeah.
- 12 Q. Were you here when the Deerfield Abutters had
- the opportunity to question the construction
- 14 panel?
- 15 A. (Hartnett) I don't remember. Can you ask the
- 16 next question?
- 17 Q. So Attorney Whitley had asked you some
- 18 questions about relocating construction pads
- and access roads around those vernal pools.
- 20 Do you recall that?
- 21 A. (Hartnett) I do.
- 22 Q. And you're aware that Ms. Bradbury had
- 23 specifically requested that the Applicants
- 24 modify those crane pads and access roads.

- 1 Are you aware of that?
- 2 A. (Hartnett) Yes, I am.
- Q. And do you have any reason to -- or why do you think -- strike that.
- 5 MR. DUMVILLE: So, Dawn, could we bring up Joint Muni Exhibit 152?
- 7 BY MR. DUMVILLE:
- 8 Q. Mr. Robertson, this is your original prefiled 9 testimony. And on Page 1, Lines 15 to 18, 10 you were asked a question about will the 11 Project have an undue influence on the 12 economy of the town and region.
- And you said that the board of selectmen
 do not feel there would be any significant,
 detrimental impact on the host community; is
 that correct?
- 17 A. (Robertson) That is.
- Q. Okay. And Mr. Whitley also asked you some questions about tax revenues.
- 20 MR. DUMVILLE: Dawn, could we pull up Applicant's 466, please?
- Q. Now, you received this letter in February of
 23 2017 indicating that the Applicant's
 24 first-year taxable investment by Northern

- Pass would be approximately \$122.9 million.
- Were you aware of that?
- 3 A. (Robertson) Yes.
- MR. DUMVILLE: And Dawn, could we pull up Applicant's 465, please.
- Q. And based on the current assessed values in the town of Deerfield, you're aware that

 Northern Pass would then become the number one, have the highest assessed value in the town; is that correct?
- 11 A. (Robertson) Yes. Public Service has long
 12 been the highest taxpayer, as illustrated
 13 here.
- Q. Okay. And you're aware that, based on the tax letter that we just saw, Northern Pass would pay approximately \$1.9 million in the first year of operation; is that right?
- 18 A. (Robertson) That's what the letter said, yes.
- MR. DUMVILLE: And Dawn, could we go to Applicant's 471, please, and Page 177.
- Q. And this is the Town of Deerfield's 2016
 Annual Report. And the following top ten
 highest taxpayers currently, as you said,
 also lists Public Service Company of New

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- 1 Hampshire. And so Northern Pass would again
- become the highest, top taxpayer in the town;
- 3 is that correct?
- 4 A. (Robertson) Based on that letter and the
- 5 estimate.
- 6 Q. Would it surprise you that, based on our
- 7 calculations, Northern Pass would make up
- 8 about 18 percent of the tax base for the town
- 9 of Deerfield?
- 10 A. (Robertson) It wouldn't surprise me.
- 11 Q. Okay. Ms. Hartnett, back to you for a
- 12 second.
- In your supplemental prefiled testimony,
- you discussed some concerns about visual
- impacts in the town of Deerfield.
- 16 MR. DUMVILLE: Dawn, can we
- 17 please pull up Applicant's Appendix 17, Page A57
- on one side and A58 on the other side?
- 19 Q. Ms. Hartnett, are you familiar with these
- 20 maps?
- 21 A. (Hartnett) Yes.
- 22 Q. So you're aware these are Mr. DeWan's
- visibility analysis maps; correct?
- 24 A. (Hartnett) Yes.

- 1 Q. And on the left side, which is APP 14757, the
- 2 purple indicates the current visibility of
- 3 structures in the town of Deerfield. Do you
- 4 see that?
- 5 A. (Hartnett) Yes, I do.
- 6 Q. And on the right side, 14758, it indicates
- 7 the proposed visibility with the new
- 8 structures; is that correct?
- 9 A. (Hartnett) Yes.
- 10 Q. Okay. So, based on these maps, you can see
- 11 how the computer generates theoretical
- visibility within the entire town; is that
- 13 right?
- 14 A. (Hartnett) I can see what the computer does
- 15 there, yes.
- 16 Q. Okay. And in your supplemental prefiled
- 17 testimony, you had listed out, and I believe
- 18 you also referenced it today during your
- 19 testimony, that there was some areas that you
- believe Mr. DeWan had missed; is that right?
- 21 A. (Hartnett) Yes.
- 22 Q. Okay. And first off, Mr. Whitley asked you
- some questions about Thurston Pond. And he
- considered that -- and Mr. DeWan considered

- that part of the Alvah Chase Town Forest;
 right?
- A. (Hartnett) He reported it was part of the forest. It's not true.
- MR. DUMVILLE: Okay. Dawn, can
 you pull up that Google map, please? What
 exhibit is it?
- 8 MS. GAGNON: 479.
- 9 MR. DUMVILLE: 479? Dawn, can we 10 just zoom in on this Google map for a second?
- Q. And so this is just a Google map search that

 I did just while we were sitting here. And
- the Alvah Chase Town Forest actually shows
- 14 Thurston Pond in the middle of it; correct?
- 15 A. (Hartnett) It certainly does.
- 16 Q. Okay.
- 17 A. (Hartnett) And that was the source of the
- confusion for Mr. DeWan and Ms. Kimball.
- 19 Q. And do you have any evidence that would
- 20 support a conclusion that Thurston Pond is a
- 21 tourist destination?
- 22 A. (Hartnett) Yes, my own experience.
- 23 Q. And what are you basing that on?
- 24 A. (Hartnett) Living there since 1992.

- Q. Are there any guide books that say Thurston
 Pond is a heavily visited tourist area?
- 3 A. (Hartnett) No.
- Q. Okay. Back to the couple places that you said that you had noted Mr. DeWan had missed.
- You had listed off, for example, Mount
- 7 Delight Road, North Road, Middle Road,
- 8 Reservation Road, Thurston Pond Road. Am I
- 9 correct that the Town has not designated any
- of those as locally scenic roads?
- 11 A. (Hartnett) That's correct. I just want to
- correct one thing. That testimony is from
- 13 the select board, conservation commission and
- 14 planning board working together. It's not my
- 15 testimony. It was filed and says that on the
- 16 first page as a result of us working
- together.
- 18 Q. I understand. But those roads have not been
- 19 locally designated; correct?
- 20 A. (Hartnett) No, they're not scenic roads.
- 21 Q. Okay. And two other spots that are in your
- 22 prefiled testimony that you mentioned was the
- junction of 43 and 107, which is actually the
- junction of Raymond Road and Stage Road; is

- 1 that right?
- 2 A. (Hartnett) Yup.
- 3 Q. And that's on the Lamprey River Scenic Byway?
- 4 Does that sound familiar?
- 5 A. (Hartnett) Yes.
- 6 Q. And you're aware that Mr. DeWan thoroughly
- 7 assessed the impacts of the Project to the
- 8 Lamprey Scenic Byway; correct?
- 9 A. (Hartnett) Yes.
- 10 Q. Okay. And Whittier Road is a locally
- designated road; correct?
- 12 A. (Hartnett) Yes.
- 13 Q. Okay. And you're aware that Mr. DeWan did,
- in fact, assess that resource on Page 6-21 of
- 15 his Visual Impact Assessment?
- 16 A. (Hartnett) Yes.
- 17 Q. And the Town has not performed any visual
- impact assessment for this project; is that
- 19 right?
- 20 A. (Hartnett) That's correct.
- 21 Q. Now, Attorney Whitley asked you, before
- starting off, he'd asked you about changing
- your testimony and references to Pembroke and
- New Hampton. Did you have to make those

- changes because you were working off stock
- 2 testimony?
- 3 MR. WHITLEY: Objection. Calls
- 4 for speculation.
- 5 CHAIRMAN HONIGBERG: Overruled.
- 6 You can answer.
- 7 A. (Hartnett) I really have no idea.
- 8 Q. Okay. So in your prefiled testimony, Ms.
- 9 Hartnett, you also raised some concerns about
- 10 wetlands. And Deerfield Conservation
- 11 Commission had filed specific comments with
- the New Hampshire DES twice, once on May 15,
- 13 2016, and again on September 15, 2016; is
- 14 that right?
- 15 A. (Hartnett) I don't have the dates in my mind,
- 16 but I'm sure you do.
- 17 Q. But fair to say that you had conversations
- 18 with DES and submitted your specific concerns
- 19 to the agency; right?
- 20 A. (Hartnett) We as a conservation commission,
- 21 yes, put concerns in writing.
- 22 Q. Okay. And the Applicants had responded to
- those concerns in turn; correct?
- 24 A. (Hartnett) We got letters from Lee Carbonneau

- of Normandeau.
- Q. And DES issued its final permit conditions on March 1, 2017; correct?
- 4 A. (Hartnett) Yes.
- Q. So DES had the benefit of receiving and reviewing your comments and the conservation commission's comments prior to issuing its final decision; correct?
- 9 A. (Hartnett) Oh, yes.

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- 10 Q. Okay. But my understanding is that you are
 11 unsatisfied with the ultimate outcome that
 12 New Hampshire DES has reached; is that right?
 13 (Pause)
 - A. (Hartnett) Let me say that, I think as background, I actually worked at DES as a contractor for a number of years. I know a lot of people who still work there. I have very high regard for the expertise and knowledge and dedication of the people at DES. I also have some understanding of the resource constraints and the personnel constraints of that agency. And so any concern that you see from the conservation commission is based on our informed opinion

that, regardless of what is in writing in a permit, the actions on the ground will be very hard to monitor to ensure compliance and to follow up afterwards. And that's based both on my experience on the conservation commission for 30 years and my previous work experience on linear projects.

- Q. So your main concern is that it will be hard to monitor and enforce compliance. So in your view, then, DES did not get anything wrong in issuing a permit to the Applicants; is that correct?
- A. (Hartnett) I can't really comment on that. I think it's... in terms of the process, most of the conditions are boiler plate, standard conditions. This is not a boiler plate, standard project. I'll just leave it at that.
- Q. I specifically asked you at the tech session if there were any other specific Best

 Management Practices that you thought were missed in the DES conditions. And those were the draft conditions at the time. And you couldn't identify any specific BMPs; is that

correct?

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- (Hartnett) At that time, that's true. 2 think the hard work from the Deerfield 3 Abutters and some of the research they've 4 5 done specifically and some of the work I've done on the realities of trying to monitor 6 7 for species, especially the ones we've talked at great length about, indicates to me 8 there's a real gap between what is hoped for 9 and promised and written and what in fact 10 11 will happen in the field. I just think that Best Management Practices don't guarantee no 12 impact; they try to minimize impact. 13
 - Q. Ms. Hartnett, the last topic I'd like to cover is in your supplemental prefiled testimony you attached a few letters from residents that had conveyed concerns about lights and noise of the substation. Do you recall that?
 - A. (Hartnett) I do.
 - Q. Okay. And you're aware that the Applicants have committed to keeping the sound level at the substation at 29 decibels at any of the occupied residential properties in the near

- vicinity; correct?
- 2 A. (Hartnett) I'm aware of that.
- Q. Okay. And while this doesn't necessarily
 apply here, as a point of reference, the town
 zoning ordinances provide that the applicable
 level for primary residential areas is 55 dBA
 from 7:00 a.m. to 10:00 p.m., and 45 dBA from
 10:00 p.m. to 7:00 a.m. Were you aware of
- 10 A. (Hartnett) Oh, yes. Very definitely. I
 11 remember those hearings.
- MR. DUMVILLE: Thank you very much.
- 14 CHAIRMAN HONIGBERG: Members of
 15 the Committee, who has questions for the panel?
 16 Commissioner Bailey.
- 17 QUESTIONS BY SUBCOMMITTEE MEMBERS AND SEC COUNSEL:
- 18 BY COMMISSIONER BAILEY:

that?

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- 19 Q. Mr. Robertson, you testified that, I think I
 20 heard you say that the great majority of
 21 residents in town oppose the Project, but you
 22 knew of three people who were supporting it.
 23 Did I hear that right?
 - A. (Robertson) And that would be with regard to

public appearance. When we have had meetings where Northern Pass issues have been discussed, we have typically had in excess, well in excess of 100 residents or more show up to express opposition and urge the board of selectmen to oppose the Project, which we've sometimes been reticent, at least with the fervor that they have. And to the best of my recollection, we have had three people speak publicly at a selectmen's meeting or public meeting in favor of the Project.

- Q. We've had people speak in favor of the Project from Deerfield, and they're very memorable people. I don't know if we're talking about the same people or not. But there's a sign that looks like it was stenciled, that's a small billboard on somebody's front lawn that I happened to see one day. It's on a road off Route 4 that says "Support Northern Pass." I guess I'm just wondering how sure you are that it's such limited -- that the support is as limited to three people?
- A. (Robertson) I'll be quite honest. I suspect

that we have more than three lineman and their families that live in town. Clearly there's folks on both sides of the aisle that don't come to select board meetings or don't come to public meetings. That said, I mentioned early on in my testimony that the board has basically used as its walking orders the warrant articles that the town has passed, in 2013 in particular, expressing their direct opposition to the Project. And in quite rough numbers, there were two warrant articles in 2013. Both of them were very close to 800 in favor of opposing the Project, 400 just in favor of the Project, and a similar result in 2017.

- Q. Four hundred in favor, 800 opposed?
- A. (Robertson) Eight hundred opposed to the

 Project, 400 -- the warrant article didn't

 say, "Are you in favor?" It said, "Do you

 oppose the Project as it's presented?" I can

 read you the exact language if you'd like.

 "To see if the Town of Deerfield shall state

 its opposition to the Northern Pass

 Transmission Project as currently proposed"

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- is the first line of that. And the vote was

 800 were in favor of that warrant article,

 400 were not. So you could extrapolate that

 the 400 might be in favor of the Project.
- 5 Q. Okay. Thank you.
- 6 CHAIRMAN HONIGBERG: Mr.
- 7 Oldenburg.

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- 8 QUESTIONS BY MR. OLDENBURG:
- 9 Q. Direct follow-up on that because that was 10 going to be one of my questions. In reading 11 that warrant article, it was a petition warrant article. Does that mean that a 12 citizen or citizens group brought that 13 forward? That wasn't -- didn't come from the 14 select board? 15
 - A. (Robertson) That did not come from the select board. A group of citizens brought it forward. If you're not familiar with small town government, petition warrant articles are based upon a percentage of your electorate who are registered voters have to sign that petition. In Deerfield, typically if you're in excess of 25 signatures, your petition is good to go.

- 1 Q. And the warrant article is posted as is? The
 2 select board -- you don't change it?
- A. (Robertson) We don't. If there's something
 particularly egregious in the warrant article
 that leads us to believe that it might lead
 to something unenforceable or illegal, we
 might certainly advise the petitioners of
 that.
- 9 Q. Because I read it. And you read the first line, and to me it's very leading.
- 11 A. (Robertson) Hmm-hmm.

So you see, "If the town of Deerfield shall 12 Q. state its opposition of Northern Pass." It's 13 14 not whether or not you're favor of it. 15 you're opposed to it. And then it basically 16 lists everything that people see wrong with 17 Height of the towers, resulting impairment and Deerfield's a rural small 18 town, degradation of its scenic vistas, 19 20 inconsistent with the master plan, 21 diminishing of the property values. 22 listed basically everything that people --23 and I'm sure the opposition sees it as

negative with the Project; yet, you still got

36 percent of the people to say, "I don't oppose it."

So I guess that's my question. The 36 percent of the people, the 443 that voted against this warrant article, are they just people that vote against everything the town's in favor of? Or do you have any sense of where those people are?

- A. (Robertson) As a selectman, I don't have any particular sense. And that is much the same in regard to any warrant article that you see as a selectman. We typically -- we look at the results. You're right. This was a petition article. It wasn't our warrant article. But that's a fairly strong statement. And at least for our town to see that kind of advantage, 800 to 400 vote, that's very significant. Lots of times issues are decided by 50 or 60 votes. And to see, you know, a two to one outcome meant something to the board of selectmen.
- 22 A. (Hartnett) May I follow-up on that?
- 23 Q. Sure.

24 A. (Hartnett) I know it's late and I don't want

to go on, but I think this is important.

In our supplemental prefiled testimony,
Joint Muni 156, Exhibit 1, there's actually
an excerpt from what's called a deliberative
session for the 2017 vote that gives you a
feeling for the process. There were petition
warrant articles there as well. And because
we're not a town meeting town, discussion of
what's on the warrant happens at a
deliberative session. So I won't take your
time now. I just wanted to call that out.
There is a discussion in that Exhibit 1 of
what happened.

And I would also like to reference back to an earlier comment about Deerfield being truly a rural town. We have a huge range of people, from contractors to, you know, estate owners with very high-end horses running around. We're not a homogeneous town. We have an extreme range of people and personalities and interests. So I think what Andy said is exactly right. It is a town where usually votes are decided by not that much of a margin. Quite a distinct

- difference to have this. I just wanted to
 put a larger context on it.
- 3 Q. Thank you.

- A. (Hartnett) Town government is not known if you don't live in a small town.
- Q. Thank you, because I was -- that was going to be one of my questions, was how do you -- do you do a deliberative session or -- thank you for clarifying that.

The other question I had was, you were questioned by Counsel for the Public, Mr.

Pappas, about the driveway regulations. And there were -- for the curb cuts for the access roads. We don't have those yet. And so all I saw was what was on the screen. So who in the town oversees those applications and approves those applications?

- A. (Robertson) The primary review of those applications is the highway agent in town.

 And he typically would do that in conjunction with the code officer and building inspector.

 But the primary yay or nay would be from the highway agent.
- Q. And is there -- so if exactly what Mr. Pappas

had laid out is if a condition approval was
that the Applicant had to comply with the
driveway regulations and had to be submitted,
is there an appeal process? So if they put
in something or they can't meet the
requirements in the driveway regulations, is
there a hardship waiver? Is there --

- A. (Robertson) That I'm not entirely familiar with. I know when you apply for a driveway cut permit, and some of this is much more in the planning board end of things, the speed limit on your road, the line of sight from the end of your driveway, all these things come into play. And Ms. Hartnett may be able to give you a more definitive answer than me with regard to that.
- Q. All right. Do you know, is there a waiver process, or is there a hardship if they can't comply?
 - A. (Hartnett) I don't think so. Here's the reason: That the main concern about locating driveways is around safety. So if it doesn't qualify under safety, we don't want to grant a hardship waiver.

- Well, I was thinking we had the discussion 1 Q. with the City of Concord about the width. 2 they have a standard width of access for 3 construction. And because --4 (Hartnett) We don't have those. 5 Α. -- of the size of the cranes or anything 6 0. 7 else -- it's hard not to see what was in the 8 documents, so... (Hartnett) No. In a more typical situation, 9 Α. 10 the planning board would be involved through 11 site plan review at a site-specific level. And we discuss all that as a planning board. 12 The driveway permit is kind of farther along 13 14 in the process once the Project has gone 15 through a bunch of other review by the 16 planning board. 17 Q. Okay. All right. (Hartnett) If that makes sense. 18 Α.
- 19 Q. Yeah, it does. Thank you very much.

MR. OLDENBURG: That's all.

21 CHAIRMAN HONIGBERG: Before we

continue, I want to go off the record for a

23 minute.

24 (Discussion off the record.)

[WITNESS PANEL: ROBERTSON|HARTNETT] 229 1 CHAIRMAN HONIGBERG: All right. We'll go back on the record. 2 Mr. Wright, do you have 3 questions? 4 5 MR. WRIGHT: Yes, sir. OUESTIONS BY DIR. WRIGHT: 6 7 I'm Craig Wright with DES. 8 Α. (Hartnett) Hi. Ms. Hartnett, you've expressed, obviously, in 9 10 your testimony and today also a lot of 11 concerns about environmental monitoring. (Hartnett) Yes. 12 Α. So I want to follow up on that. You 13 Q. 14 expressed concerns about the ability of state 15 agencies to get out in the field and 16 appropriately monitor the Project --17 Α. (Hartnett) Yes. -- including DES. And I'm assuming Fish & 18 19 Game, you have similar concerns there? 20 (Hartnett) Oh, yeah. Α. 21 There will also be third-party monitors hired Q. 22 by the Company out in the field, either by

{SEC 2015-06} [DAY 66 AFTERNOON ONLY SESSION]{12-12-17}

the Company or by the construction company.

I'm assuming that doesn't satisfy your

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concerns?

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- (Hartnett) You know, I don't want to give the 2 impression that I'm just thinking nothing's 3 going to make me happy. The opinions I'm 4 voicing are based on the experience that 5 we've had in Deerfield with utility 6 7 activities over the years, particularly because we do have the substation as well as 8 9 the right-of-way. And so this is not theoretical. I would say it's based on a 10 11 variety of situations that have arisen over 12 time realistically.
- I apologize for the very open nature of this 13 Q. 14 question, but I don't know how else to ask 15 you. What would it take for you to be 16 satisfied? If the Project were to move 17 forward, would you have any specific suggestions to us as a committee as to what 18 19 additional conditions could be placed in the 20 certificate regarding environmental 21 monitoring? And I know I'm putting you on 22 the spot.
 - A. (Hartnett) No, that's okay, because I've thought about that a lot. I've always

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considered myself not a NIMBY, "Not In My Back Yard, " person. I spent most of the years of my life working on an interface of planning and resource protection. So you're asking me a very key question. Though having thought about this a lot, I have to say that, and I don't know if I can even say this without a legal objection, but it seems to me when I look at other projects that have come along that have a different concept, whether it's, you know, Clean Power Link or the others we talked about, or the subterranean cables from the maritimes, those are 21st Century solutions to the need of transmission. And I just get the feeling that these towers are firmly in the 20th Century and that New Hampshire may be one of the last places where this kind of thing is going to happen. I don't know if that's exactly an answer to your question, but that's the best I can come up with. doesn't fit the character of either Deerfield or this state to have what I consider an old-fashioned solution to a new problem.

- 1 Q. Okay. Thank you.
- 2 A. (Hartnett) Sorry. That's the best I can do.
- 3 CHAIRMAN HONIGBERG: Ms.
- 4 Weathersby.

- 5 QUESTIONS BY MS. WEATHERSBY:
 - Q. Good afternoon -- actually, evening. Just to follow up on the town votes on the warrant articles, because I find it very interesting that there is as much support for the Project as there is in Deerfield. Obviously, more people are opposed. And I'm thinking to myself that Deerfield and, of course,

 Franklin are hosting the largest infrastructure for the Project and therefore will be having the most tax revenue.

Do you think that -- do you have a sense as to whether those who support, Deerfield residents who support the Project are doing so based on the effect on their taxes, or do you feel as though they are supporting the Project kind of on its merits, feeling like it's a good project?

A. (Robertson) Yeah, as I said, we have had very few people publicly come forward before the

board in favor of the Project. Those who
have, one in particular, has been very clear
and very vocal that her interest is in
increased tax revenue, and she sees the
Project as bringing that to town. Another
resident that I've heard from personally and
has appeared publicly, I think tax revenue
plays into it, but she's just in favor of the
Project. She sees it as a good thing to do
for the region. The third person I don't
recall giving any particular explanation.
But I think, you know, I speak for myself as
a selectman. But certainly, that's what has
stood out in our mind. Clearly, there are
members of the community that you know, we
don't go door to door after a vote or after a
public hearing and say, "We noticed you
weren't there, you know, what's your
opinion?" But when you have a couple hundred
people show up extremely passionate,
extremely vocal at your meeting, and then you
have one or two people on the other side, it
certainly makes an impression on the board.
Deerfield is a complicated place, as

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Kate has alluded to. For those of you familiar with utility construction company names, it puzzles me. I have actually seen in town an ICR truck in a driveway with a "Just Say No to Northern Pass" sign at the end. And maybe they butt heads night and day over it, but that sort of gives you an idea of how complicated the situation can be in town.
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10 Q. Thank you.

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- 11 CHAIRMAN HONIGBERG: Mr.
- 12 Iacopino.
- MR. IACOPINO: Just had one question for Mr. Robertson.
- 15 OUESTIONS BY MR. IACOPINO:
- 16 During cross-examination by Mr. Pappas, you 17 were asked if the Committee were to grant the certificate, would you want a condition that 18 19 the Applicant would be required to restore 20 roads, quote, "to a condition satisfactory to 21 the Town." And I guess my question is: 22 There's been a representation that the 23 Applicant, if a certificate is granted, would restore roads to a condition that is as good 24

letters?

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[WITNESS PANEL: ROBERTSON|HARTNETT]
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    Α.
          (Hartnett) I think it was actually December
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          '16 response to a data request.
         Well, let me point you to Joint Muni 156 --
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    Q.
4
    Α.
         (Hartnett) Yeah.
         -- Exhibit No. 2.
5
         (Hartnett) All right. Hold on for a second.
6
    Α.
7
                (Witness reviews document.)
                         MR. WHITLEY: And just for the
8
9
         record, while she's doing that, that's Bates
         stamp 6806 through 6811.
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11
         (Hartnett) You mean the ones on noise?
    Α.
         Well, I'd like you to take a look at those
12
    Q.
         letters and see if they address more than
13
14
         just noise.
15
         (Hartnett) Oh, okay. Sure.
    Α.
16
                (Witness reviews document.)
17
    Α.
         (Hartnett) Yes. Exhibit 2 or -- I got it.
         And more to the point, I think your exchange
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    Q.
         with Mr. Pappas, I think your response was
19
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         that there were letters from town residents
21
         that addressed how the Project could
22
         potentially undermine some of the goals of
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(Hartnett) Yes, that is right.

the master plan.

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Α.

- Q. And my question to you is -- you're correct that the cover page for those letters does mention noise. But my question to you is:

 Do those letters you've already provided to
- 5 the SEC also address that exchange you had
- 6 with Mr. Pappas as well?
- 7 A. (Hartnett) Yes, they're actually additional letters that address that. You're right.
- 9 Q. Okay. Thank you.
- MR. WHITLEY: And again for the record, that's Joint Muni 156.
- 12 BY MR. WHITLEY:
- Q. Mr. Robertson, I want to turn to you for a second now. You had an exchange with several parties about the 2013 warrant articles. Do you recall some of those exchanges?
- 17 A. (Robertson) I do.
- Q. Okay. And just for the record, the 2013
 warrant article is an exhibit to your
- testimony, which is Joint Muni 152. Does
 that sound correct?
- 22 A. (Robertson) Yes.
- Q. One of the points that was made was that the way that the warrant articles were written

- was kind of a leading question. Is that how you remember the exchange going?
- 3 A. (Robertson) I do remember that, yes.
- Q. Okay. Is it correct to say that, although
 the board of selectmen can't change the
 wording when they receive a petition, the
 voters at a town meeting can certainly amend
 a warrant article? Isn't that correct?
- 9 A. (Robertson) That is indeed correct.

- Q. So if there was a concern at town meeting that the warrant articles as proposed by petition were unfairly favoring one outcome or the other, town meeting has the power to amend those petition warrant articles.
 - A. (Robertson) That is indeed correct. And I could also add, as you are probably aware, we have had other petition warrant articles taking an opposing position that have basically gotten changed so they did not support the opposing position at our deliberative session, with the full support of those in attendance.

And just to give a little bit more of a degree of how the town feels, one of the

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things that occurred at our last deliberative session was the board of selectmen increased our legal line, anticipating that we would need legal representation as we went through the SEC process, that sort of thing. The town deliberative session actually voted to increase the legal line in the budget by more than the selectmen had increased it. when we subsequently expended what we had allocated for Northern Pass legal representation, various residents in Deerfield have raised literally thousands of dollars of private funds, which we put together a mechanism to use that money for legal representation for the town. I don't have the exact amount to date. But in the last year we've certainly cleared \$15,000 in donations to assist the Town in maintaining legal representation.

- Q. Thank you. I want you to look at those 2013 warrant articles now. And again, they're exhibits to your November testimony. Let me know when you get there.
- A. (Robertson) Just want to make sure I have the

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1 same ones.
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2 (Witness reviews document.)

- 3 A. (Robertson) I'm there.
- Q. Okay. And we're talking about Article 17 on
 Joint Muni 6616 and then Article 18 on Joint
 Muni 6617.
- 7 A. (Robertson) Right.
- Q. And I think you started to make this point earlier, but you read the first sentence or first line of both of those warrant articles. And could you just read it out loud, just the first line just again?
 - A. (Robertson) Sure. Starting with 17, "To see if the Town of Deerfield shall state its opposition to any new overhead development of alternating current and direct current, high-voltage transmission lines within its borders, and in turn manifest the Town's strong preference for burial of such lines in a manner consistent with state and federal requirements" --
- 22 O. Just the first line. That's all.
- 23 A. (Robertson) I just realized it was a fairly
 24 lengthy run-on sentence there.

- Q. Just the first line. Not the sentence, the first line.
- A. (Robertson) Okay. And Article 18 was, "To see if the Town of Deerfield shall state its opposition to the Northern Pass" --
- 6 CHAIRMAN HONIGBERG: Slow down,
 7 slow down.
- 8 A. (Robertson) Okay. I'll start over.
- 9 "To see if the Town of Deerfield shall

 10 state its opposition to the Northern Pass

 11 Transmission Project as currently proposed."
- 12 Q. Thank you. So, neither one of those warrant
 13 articles is a neutral question of do you
 14 support the Project or don't you support the
 15 Project. Is that a fair way to --
- 16 A. (Robertson) Yeah, I think that's a fair way
 17 to categorize it.
- Q. Okay. And so it's possible that someone may
 have voted against one or both of those
 warrant articles, but not necessarily be in
 favor of the Project.
- 22 A. (Robertson) True.
- MR. WHITLEY: That's all I have,

 Mr. Chair. Thank you.

242 1 CHAIRMAN HONIGBERG: Okay. 2 you very much for your time. You can return to 3 your seats. Off the record. 4 (Discussion off the record.) 5 (WHEREUPON, LISE MORAN was duly sworn 6 7 and cautioned by the Court Reporter.) 8 CHAIRMAN HONIGBERG: Ms. Fillmore. 9 10 MS. FILLMORE: Thank you. 11 DIRECT EXAMINATION BY MS. FILLMORE: 12

- 12 BY MS. FILLMORE:
- 13 Q. Ms. Moran, can you please introduce yourself
- to the Committee, and spell your last name
- 15 for the record.
- 16 A. My name is Lise Moran, M-O-R-A-N.
- 17 Q. And what position do you hold with the Town
- 18 of Whitefield?
- 19 A. I'm the president of the Whitefield
- 20 Historical Society.
- 21 Q. And you're here testifying today on behalf of
- 22 the Town?
- 23 A. Yes.
- 24 Q. You filed prefiled testimony with this

- Committee dated November 15, 2016; is that
- 2 correct?
- 3 A. Yes.
- 4 MS. FILLMORE: And for the
- record, that's identified as Joint Muni 94.
- 6 BY MS. FILLMORE:
- 7 Q. And you also filed supplemental prefiled
- 8 testimony dated April 17, 2017; is that
- 9 correct?
- 10 A. Yes, it is.
- 11 Q. And that's marked as Joint Muni 192.
- 12 Do you have any corrections to either of
- 13 those testimonies?
- 14 A. Yes, I do.
- 15 Q. Can we start with the November 2016
- 16 testimony, and you can explain what your
- 17 changes are.
- 18 A. Yes. I believe that testimony I was
- outlining what I did in New York City for the
- New York Landmarks Conservancy.
- 21 Q. Let me stop you there. I believe that's your
- 22 April 2017 --
- 23 A. Oh, okay. I have the April, but...
- 24 Q. Well, let's start with that.

- 1 A. Yeah. I have it out of order.
- 2 Q. All right. Which corrections do you have to
- 3 your April 2017 testimony?
- 4 A. Yes. On Page 2, on Line 16 through 20, I
- just wanted to add that I am now on the
- 6 Executive Committee of the New York Landmarks
- 7 Conservancy, Chairman of the Awards
- 8 Committee, and also I am on the Nominating
- 9 Committee.
- 10 Q. Thank you. Were there other corrections to
- 11 that testimony?
- 12 A. Not to that one.
- 13 Q. On Page 3 of that testimony?
- 14 A. Oh, yes. I'm so sorry. On Page 3, Line 4,
- the appendix is F, as in Frank.
- 16 Q. All right. And let's go back to your
- November 2016 testimony.
- 18 A. Yes, I have that November 16th, 2016 --
- 19 November 15, 2016, yes.
- 20 Q. I believe there was one.
- 21 A. Yes.
- 22 Q. On Page 4.
- 23 A. Okay. Thank you.
- 24 Q. Line 16.

- 1 A. Yes. Thank you so much. Yes. On Line 16,
 2 the property that was continually operated
 3 with the Dodge Family from 1866 until 1979.
- So please correct on Line 16, it is "1979."

 Thank you.
- Q. All right. And with those changes, do you hereby adopt and swear to that testimony, both sets of testimony today?
- 9 A. Yes, I do.
- 10 Q. Thank you. Just going to ask you a few questions.
- Have you read the Programmatic Agreement that's involved in this case?
- 14 A. Yes, I have.
- 15 Q. And what is your reaction to that agreement?
- 16 A. I feel the agreement does not sensitively
- 17 address the adverse effects of historic
- 18 properties or historic resources. I feel
- 19 that it doesn't outlay enough what to do in a
- 20 situation of finding either relics or being
- 21 close to a historic house and having
- something happen. In other words, it doesn't
- have the treatment plan that outlines what
- they would do, what the Northern Pass would

1 do.

that order.

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- Q. And do you see anything in that agreement about specific mitigation elements?
 - A. No. I believe the elements were -- in other words, avoidance should be the first element, minimizing should be the second, and mitigation should be the third resort, in
- And in connection with that, I'm going to 9 Q. 10 show you a transcript from earlier in these 11 hearings. What will be coming up on the screen shortly is the transcript of Day 41, 12 the Morning Session, the bottom of the 13 14 Page 24. And I'll represent to you that at 15 this point, Counsel for the Public was 16 cross-examining the Applicant's historic 17 resources expert, Ms. Widell. And can you just read at the top of -- do you have 18 19 something on your screen?
- 20 A. Yes, I do.
- Q. Okay. Can you read at the top of the screen, starting on Line 23 and continuing on to the next page, please.
- 24 A. "My question was, with respect to this

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         project, the Project that's before the Site
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         Evaluation Committee, that's subject to their
2
         review today, how does this Programmatic
3
         Agreement address those concerns of New
4
         Hampshire's historic resources?"
5
         And can you read the answer?
6
    Q.
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         Yes.
    Α.
               "In a number of ways, I'd be happy to
8
         illustrate a couple, and then I would be
9
         happy to go into further. I think the most
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11
         important one is what we just mentioned,
         which is the development of specific
12
         mitigations for specific adverse effects and
13
         the creation of a specific mitigation plan
14
         which will be documented and written in an
15
16
         Historic Properties Treatment Plan."
17
    Q.
         Can you continue to read right down to the
         bottom of what's showing right now?
18
19
    Α.
         Yes.
20
               "Okay, 'which will be.' It's not done
21
         yet, correct?"
22
               "Yes."
23
               "So it's not in front of the Committee.
24
         They can't look at that and say, 'Wow, I'm so
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         relieved. I don't have to worry about
2
         historic properties anymore. I know that
         there is a plan in place that's going to
3
         protect them.' Correct? They don't have
4
5
         that, right?"
               "No, they do not have it."
6
7
         And what's your reaction to that testimony?
    0.
         I think that's very poor management of
8
         historic resources because I think a
9
         treatment plan would outline any adverse
10
11
         effects, any mismanagement of properties.
                                                      I
12
         think it would be a very good thing to have a
         safe and comforting thing.
13
         Thank you, Ms. Moran.
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    Q.
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                         MS. FILLMORE:
                                        The witness is
16
         available for questioning.
17
                         CHAIRMAN HONIGBERG: We're going
         to have Ms. Moran come in and read everyone's
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19
         testimony when testimony needs to be read.
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                         MS. FILLMORE: I would have tried
21
         to summarize, but it would have been bad.
22
                         CHAIRMAN HONIGBERG:
                                              Mr. Pappas.
23
                         MR. PAPPAS:
                                      Thank you, Mr.
24
         Chair.
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1 CROSS-EXAMINATION

- 2 BY MR. PAPPAS:
- 3 Q. Good evening, Ms. Moran. I'm Tom Pappas. I
- 4 represent Counsel for the Public. I just
- 5 want to ask you a few questions about your
- testimony regarding orderly development.
- 7 Does the orderly development of
- 8 Whitefield depend on tourism and the history
- 9 of the town?
- 10 A. Yes, it does.
- 11 Q. And would I be correct in saying that
- 12 Whitefield's attractions include the historic
- town common with its bandstand and town
- 14 green?
- 15 A. Yes.
- 16 Q. It also includes the unique views -- let me
- 17 ask this: Is the Whitefield's town common
- 18 unique among North Country towns?
- 19 A. Yes. I even said that in my testimony, that
- 20 Whitefield has a round circle of a town
- common, and a lot of other towns in the North
- 22 Country have a two-way street -- Littleton
- 23 Lancaster. You know, that sort of --
- Jefferson. Those are the towns, that's their

- 1 format.
- Q. Okay. Do you have something on the screen in
- 3 front of you?
- 4 A. Yes, I do.
- 5 Q. What's on the screen is a copy of Joint Muni
- exhibit -- or actually, Joint Muni Bates
- 7 stamp 008048 and Joint Muni Exhibit 192.
- You're familiar with this map; are you not?
- 9 A. Yes, I am.
- 10 Q. And this map shows the three ways into
- 11 Whitefield to get to the Whitefield Common as
- either Route 142, Route 3 or Route 116; is
- 13 that correct?
- 14 A. Yes, it is.
- 15 Q. And would I be correct in saying that the
- 16 Northern Pass transmission line will pass
- over all three of those routes?
- 18 A. Definitely 116 and 3. And yes, because 142
- gets into -- yeah, 142 goes into -- so, yes,
- yes, absolutely.
- 21 Q. So would I be correct in saying every visitor
- to Whitefield, certainly the Whitefield
- Common, is going to go over -- go under the
- Northern Pass Project? Is that right?

- 1 A. Yes, it is.
- 2 Q. And would I also be correct in saying that
- 3 the Northern Pass towers will be visible from
- 4 the town common if they're erected?
- 5 A. I believe so.
- 6 Q. Okay. So do you believe that the negative
- 7 impact to the town common is the view of the
- Northern Pass towers either going to the
- 9 Common or seeing it from the Common?
- 10 A. Yes.
- 11 Q. Okay. Now, is tourism, in your view, the
- 12 primary driver of economic development in
- 13 Whitefield?
- 14 A. Yes. Also with the lumber operation, too.
- But I'd say tourism is very, very important.
- 16 Q. Does Whitefield itself promote tourism in the
- 17 development of the town?
- 18 A. Yes, they do.
- 19 Q. How does it promote tourism?
- 20 A. Because they have a brochure that they put
- out that shows campgrounds, inns. It shows
- 22 places to get a meal, gasoline. It's like a
- fold-over brochure.
- 24 Q. Okay. Is it your belief that anything that

- negatively impacts tourism in Whitefield will interfere with the orderly development of Whitefield?
- Yes, I do, because there's a big, big, big 4 Α. push for heritage tourism. And I believe a 5 lot of people who come to Whitefield are 6 7 there specifically to research their family's genealogical information. And perhaps they 8 bought a house and they want the house 9 histories. New people coming to town wanting 10 11 to know about their house is what I'm trying 12 to say.
- Q. So it's your view that the Project will
 negatively impact tourists because it's going
 to negatively impact as you just described.

 Is that --
- 17 A. Yes.
- Q. Has anyone from the Project met with the
 Whitefield Historical Society to get the
 Society's views on the Project's impact to
 orderly development?
- 22 A. No.
- Q. Are you aware of whether anybody from the
 Project has met with the Whitefield Board of

- 1 Selectmen or the Whitefield Planning Board to
- discuss the impact on orderly development to
- Whitefield by the Project?
- 4 A. No, I'm not aware.
- 5 Q. Okay.
- MR. PAPPAS: Thank you, Mr.
- 7 Chair. I have no other questions.
- 8 CHAIRMAN HONIGBERG: Any other
- 9 intervenor groups have questions for Ms. Moran?
- 10 [No verbal response]
- 11 CHAIRMAN HONIGBERG: Seeing none,
- 12 Mr. Walker.
- MR. WALKER: Thank you.
- 14 CROSS-EXAMINATION
- 15 BY MR. WALKER:
- 16 Q. Ms. Moran, good evening. And we met earlier.
- 17 I am counsel for the Applicant. Just a few
- 18 questions tonight.
- 19 From your prefiled testimony, you
- 20 obtained your degree in historic preservation
- in 2014; is that right?
- 22 A. Yes, it is.
- 23 Q. And since that time you've described how
- you've inventoried a couple of properties for

- purposes of determining eligibility on the
 National Register; is that right?
- 3 A. State register.

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4 Q. State register. Okay. Thank you.

You have not, though, in your

professional capacity, in any way performed

an analysis of effects of any project on

historic properties; correct?

- 9 A. Just what I've learned in graduate school.
- 10 Q. Okay. And you've expressed your concerns
 11 tonight and in your prefiled testimony on the
 12 impact of the Project to tourism.

You have not done any surveys or studies or anything like that for purposes of this project in Whitefield?

A. I've done them, I would say, with regard to
Donovan Rypkema -- you know, you've heard of
him. He's an economic -- let me put it this
way: He's an historic preservationist with
an economic bent. He teaches at the
University of Pennsylvania. And he has done
a survey of heritage tourism and how people
spend more money when they're going to a town
to do research and to go to historic sites

- 1 than the average tourist would. And all of 2 those things are documented. So I would say across the board, for every single state in 3 the union, heritage tourism is big. People 4 5 spend more time when they're researching and have a historical plug they want to get to. 6 7 They spend more money in restaurants, hotels, 8 buying things in stores --
- 9 Q. But Ms. Moran, sorry to interrupt you, my
 10 question to you was have you done any studies
 11 with regard to the impacts of tourism in
 12 Whitefield?
- 13 A. No, I've just seen it with my own eyes.
- Q. And as far as the historic sites in

 Whitefield, you describe in your prefiled

 testimony your general concerns about the

 impact of the Project visually on historic

 sites. But you've also referenced four

 particular sites in your prefiled testimony.

 The James/Joudin/Moran farm complex; correct?
- 21 A. Yes.
- 22 Q. Mountain View Grand Resort?
- 23 A. Yes.
- 24 Q. The Kings Square Historic District?

- 1 A. Yes.
- 2 Q. And the Major David Burns historic farmland.
- 3 A. Yes.
- 4 Q. And have you reviewed the Applicant's
- 5 consultants', so, Lynne Monroe, Preservation
- 6 Company's report that deals with each of
- 7 those particular sites?
- 8 A. Yes, I read that over.
- 9 Q. And you've read the analysis, and you've seen
- the photos and the photo simulations from
- some of those?
- 12 A. Yes, I have.
- 13 Q. Okay. And have you done any type of effects
- 14 tables for those four sites?
- 15 A. Not personally.
- 16 Q. When you say "not personally," has anyone
- done them on your behalf?
- 18 A. No, they haven't.
- 19 Q. And you know what I'm referring to, as far as
- 20 "effects tables" under the federal
- 21 regulation?
- 22 A. Yes, yes.
- 23 Q. One of the sites, and I'm not going through
- all four, but I do want to ask you about one,

- which was the Mountain View Grand Hotel.
- You've expressed some concern about tourism,
- and tourists or visitors to that hotel, is
- 4 that right --
- 5 A. Yes.
- 6 Q. -- as a result of the Project?
- 7 A. That's right.
- 8 Q. Are you suggesting that the view of the
- 9 proposed project from the Mountain View Grand
- 10 will drive visitors from that hotel?
- 11 A. Yes.
- 12 Q. Okay. Now, you're aware that the existing
- corridor is about a mile and a quarter from
- the hotel; correct?
- 15 A. Yes, I am.
- 16 Q. And you're aware that there is a wind turbine
- sitting right to the northwest of the hotel?
- 18 A. Yes, but it's to the northwest.
- 19 Q. Right. Do you know how tall that is?
- 20 A. The wind turbine? No.
- 21 Q. And you're also aware that there is a cell
- 22 tower that's visible from the front porch, so
- as you're looking out from the front of the
- 24 Mountain View Grand?

1 A. Yes.

18

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21

- Q. Have you reviewed the effects tables that

 were prepared by the Applicant's consultants

 with regard to Mountain View Grand?
- 5 A. Would that be part of Ms. Widell's testimony?
- Q. Well, it's actually part of the effects
 tables that were presented pursuant to the
 request of the DHR, the New Hampshire DHR,
 sometime this summer, and I can't recall the
 exact date.
- 11 A. I would say no, but I have seen the map,

 12 whatever maps. I have a copy in front of me.

 13 They're the maps that show the height of the

 14 towers that will go from Route 116 to Route 3

 15 that will be the southern view of the

 16 Mountain View Grand. That would be their

 17 viewpoint.
 - Q. But the effects tables that describe the -go through the federal regulation, you know,
 the 36 CFR 800, different criteria for an
 adverse effect, there's an effects table that
 was done by Ms. Widell. Have you seen that?
- 23 A. I've only read her testimony.
- MR. WALKER: Okay. Dawn, if you

could pull up --1

- BY MR. WALKER: 2
- Have you seen the photo simulations that have 3 Q. been prepared for the view from the Mountain 4 View Grand before and after? 5
- Yes, I have.

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Α.

- 7 Okay. And even reviewing those, you believe 0. that the view of the proposed project will 8 drive visitors from the Mountain View Grand? 9
- Yes, based on their advertising. 10 Α.
- 11 MR. IACOPINO: Can you repeat that, please? 12

MS. MORAN: Yes, based on the advertising they have right now, there are pictures that show an unimpeded view from the front porch. So as you are sitting, you will be looking south, and that's where the towers would be. And they have printed advertisements of two people in rocking chairs looking south, and there is nothing impeding their view. And they use that as their Internet advertising as well, that same picture. And thirdly, they have it in a room framed with the two people in the two Adirondack chairs.

1 MR. WALKER: So, Dawn, if you

could pull up, please, this is from Applicant's

- 3 Exhibit 1, Appendix 17.
- 4 Q. And these are the -- I think you said you did
- 5 see some photo simulations?
- 6 A. Yes.
- 7 MR. WALKER: Okay. I don't know
- if you can put those side by side, Dawn.
- 9 Q. So I'll represent to you, Ms. Moran, the
- 10 first one on the left is a view from the
- porch. And this was from the Applicant's
- 12 Visual Impact Assessment expert. And the
- second one is a photo simulation of the view
- 14 with the Project. And the one on the left is
- 15 existing conditions.
- 16 A. Yes.
- 17 Q. And you've seen these. You've compared the
- 18 view before and after?
- 19 A. Yes.
- 20 Q. And you believe that the view after will
- drive visitors, as a result of the change in
- 22 the view?
- CHAIRMAN HONIGBERG: Mr. Walker,
- can you do us a favor and have them done one at

- a time, and if it's possible, toggle back and forth, because these pictures are very small in
- 3 these screens.
- 4 MR. WALKER: Thank you. So first
- we'll show you the existing conditions.
- And Dawn, I don't know if
- 7 there's a way to blow it up even further so
- 8 that just the photo is blown up.
- 9 BY MR. WALKER:
- 10 Q. So, Ms. Moran, this is a photo of the
- 11 existing conditions. And you would agree
- with me it was taken on a pretty clear day;
- 13 correct?
- 14 A. Yes.
- 15 Q. Have you had a chance to look at that?
- 16 A. Yes, I am looking at it.
- 17 MR. WALKER: Now, Dawn, if you
- 18 could do the same with the photo simulation of
- 19 the Project.
- 20 CHAIRMAN HONIGBERG: Thank you,
- 21 Dawn.
- 22 A. Yes, I do see the line there.
- 23 BY MR. WALKER:
- 24 Q. It's your opinion that the change in the

- 1 view, after looking at this photo simulation, would drive visitors from the hotel? 2
- It is my opinion. 3 Α.
- MR. WALKER: I have nothing 4
- 5 further. Thank you.
- CHAIRMAN HONIGBERG: 6 Ouestions
- from the Subcommittee? Mr. Way. 7

QUESTIONS BY MR. WAY:

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- Good evening, now. I'm wrestling with that 9 Q. 10 last point of prominence with regards to 11 seeing those cell towers -- not the cell towers -- the transmission towers. The wind 12 turbine that's there, the cell tower that's 13 14 there, do you have any information whether 15 that has resulted in people not coming back
 - One thing I must make clear here about the wind turbine. That is a good thing because it's helping their electric bill. I mean, that's a positive. I mean, it's only one. It's positive. It's only one and it's
- 21

to the Mountain View Grand?

- 22 positive.
- 23 Cell tower? Q.
- The cell tower I do not agree with at all. 24

think it was -- and the Mountain View Grand,

I don't believe, and I'm pretty sure a

hundred percent they didn't want that in the
beginning.

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- Q. But what I'm trying to get to is whether the presence of that has resulted in people having a negative experience and not coming back to the Mountain View Grand.
- I think in this case that they're certainly 9 Α. 10 not going to like it. It's there. The 11 find -- you know, it's not like they did the research and said, "Oh, my God, is there 12 going to be something here?" I think that 13 14 they found it was there. And I mean, I 15 didn't go up to them and interview them, so I 16 can't ask.
 - Q. Because I think it's a big statement. You're saying that the presence of these towers will result in decreased visitorship to the Mountain View Grand, and I'm trying to get a sense of what's the basis for that. And I guess what I'm saying is, someone sitting on those Adirondack chairs that I like to sit on sometimes, you're looking out over the vista

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and at some point you're saying, "My God,
there's a tower there and I'm not coming
back." Is that what you're --
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- 4 No. There are blow-downs, too, you know. I Α. 5 mean, a lot of trees just have a way of -and also there's 90, 85 and 95. 6 Those were 7 the lengths -- those were the heights of the four towers that I believe will impact the 8 hotel. Those are higher. Right now you 9 don't see them. In the first picture you 10 11 didn't see them. But I saw them. Anything over -- I mean, it's definitely something 12 you're going to see, and it's not conducive 13 14 to the golf and the view, the unimpeded view 15 that has been advertised. "Unimpeded" and 16 "breathtaking." Those are their words, not 17 mine.
 - Q. Certainly. But are you speaking more for yourself, your opinion of just how you might view it, or what -- how can you speak for other people?
- 22 A. I'm speaking for the Whitefield Historical Society.
- 24 Q. Okay.

19

20

- 1 A. And residents of the town, and residents of
- the Mountain View Road as well. And guests.
- I'm a guest myself. I am a guest. I stay
- 4 there myself and have since I was nine years
- 5 old.
- 6 Q. All right. Thank you very much.
- 7 A. Welcome.
- 8 CHAIRMAN HONIGBERG: Other
- 9 questions for Ms. Moran?
- [No verbal response]
- 11 CHAIRMAN HONIGBERG: Ms.
- 12 Fillmore, do you have any redirect?
- 13 MS. FILLMORE: I have just one
- 14 question.
- 15 REDIRECT EXAMINATION
- 16 BY MS. FILLMORE:
- 17 Q. Ms. Moran, I'm over here. Apologize.
- 18 You said that you've stayed at the
- 19 Mountain View Grand often.
- 20 A. Yes.
- 21 Q. Would these towers affect your experience
- 22 there?
- 23 A. Yes.
- 24 Q. And on the basis of that and the other things

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266
         you know about the people who come to
1
         Whitefield, do you believe it would affect
2
         their experience?
3
         Yes, I do.
4
    Α.
         Thank you. That's all I have.
5
    Q.
6
                         CHAIRMAN HONIGBERG:
                                               Thank you,
7
                      Thank you for your patience.
         Ms. Moran.
8
                         MS. MORAN:
                                     Thank you.
                         CHAIRMAN HONIGBERG: All right.
9
         I don't think there's anything else we should
10
11
         try and do today. Ms. Crane, thank your group
         for being ready today, but things stretched out
12
         and it doesn't make sense to start anything now.
13
14
                         Mr. Needleman.
15
                         MR. NEEDLEMAN: You asked me
16
         earlier about the access road issue and the
17
                   I have more information about that.
                                                         Ι
         could share it now or I can wait until next
18
19
         time.
                         CHAIRMAN HONIGBERG:
20
                                               I think
         everybody would appreciate hearing it the next
21
22
         time we're together.
23
                         MR. NEEDLEMAN:
                                          Sounds good.
24
                         CHAIRMAN HONIGBERG:
                                               All right.
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[WITNESS: LISE MORAN]

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         With that, we'll adjourn and we'll be back on
1
          Thursday afternoon.
 2
                (Whereupon the Day 66 Afternoon
 3
                Session ONLY (no Morning Session)
 4
                was adjourned at 6:50 p.m., with
5
                the Day 67 hearing to resume
 6
 7
                on December 14, 2017
                commencing at 1:00 p.m.)
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